



2013-2014

Student Handbook

Produced by the Office of Student Affairs

2W38 Memorial Student Center

304/696-6422

studentaffairs@marshall.edu

www.marshall.edu/student-affairs

Student Handbook

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Mission of the University and Statement of Philosophy

While institutions of higher education differ in size and function, they share a common core of values; these help shape and guide their academic life. Marshall University is committed to seven basic principles.

1. The first and most basic commitment of Marshall University is to undergraduate education.
2. A second and major commitment of Marshall University is the enhancement of graduate education.
3. Third, Marshall University is committed to expanding the body of human knowledge and achievement through research and creative arts activities.
4. Marshall University's fourth tenet is its commitment to society through public service.
5. A fifth commitment of this university is diversity in its student body, its faculty and staff, and its educational programs.
6. A sixth commitment of Marshall University is to academic freedom and shared governance.
7. Finally, Marshall University is committed to assuring the integrity of the curriculum through the maintenance of rigorous standards and high expectations for student learning and performance.



The Department of Student Affairs provides a variety of developmental services, programs, and activities in support of the academic mission of the University. It is committed to excellence and an integration of curricular, co-curricular, and extra-curricular activities.

Guiding concepts of the department are those of human growth, development, and personal responsibility within an open and supportive environment. The integration of the cognitive and affective dimensions so essential for personal growth is central to all Student Affairs programs and activities. Please visit web pages at www.marshall.edu/student-affairs.

COUNSELING SERVICES

First Floor Prichard Hall

(304) 696-3111

The Counseling Services staff provides individual and small group counseling experiences, personal and emotional health seminars, and referral services. Support groups are available to help students resolve feelings on a variety of issues. Personality testing is available to assist the student in evaluating his/her characteristics. These resources can be used by students to help resolve educational, personal/social, or vocational questions. Psychiatric services are provided by referral of the staff.

All information discussed is confidential. For information or assistance, call or stop by the main office.

DEAN OF STUDENT AFFAIRS

2W38 Memorial Student Center

(304) 696-6422

The Dean of Student Affairs is involved in University matters pertaining to student welfare with primary involvement in matters outside the classroom. The Dean of Student Affairs provides leadership in assessing the learning and social needs of students, recommends ideas to make Marshall a more productive and pleasing environment for students, and participates with other University administrators in developing policies and making decisions that affect students.

GREEK AFFAIRS (Sororities & Fraternities)

2W31 Memorial Student Center

(304) 696-6770

Fraternity and sorority life at Marshall University offers numerous possibilities to enhance a student's college career. For information about Greek life, and for fall and spring Rush dates, contact the Office of Greek Affairs.

OFFICE OF STUDENT CONDUCT

2W38 Memorial Student Center

(304) 696-2495

The Director of Student Conduct is responsible for the campus-wide implementation of the Code of Student Rights and Responsibilities, a student-based judicial system.

Should a student be charged with a violation, he/she will be assured of due process, which includes the right to be heard before an impartial hearing body comprised of students and faculty members. The judicial body hears all evidence presented on both sides of a case, makes a determination of responsibility, and recommends sanctions.

The University's judicial procedure strives to assist students through mediation, counseling, and education. See page 31 of this document for the Code of Student Rights and Responsibilities.

OFFICE OF DISABILITY SERVICES**117 Prichard Hall****(304) 696-2271**

The Office of Disabled Student Services assists differently abled students with all aspects of campus living through learning programs and activities. The ultimate goal is for each student with a disability to function as independently as possible.

STUDENT ACTIVITIES**2W31 Memorial Student Center****(304) 696-6770**

A complete college experience involves the development of academic and professional pursuits, as well as the development of personal and interpersonal skills. Student Activities' programs are designed to help students develop knowledge and skills for continued growth. Part of the total experience is found in the excitement of working with other students on a programming committee. This not only develops interpersonal relationships and practical work experience, but also provides special training in leadership qualities important to students' future success.

The programs chosen and presented by the student committees help to develop a stimulating, creative, and enjoyable campus environment. The following committees are coordinated by the Student Activities Programming Board: Homecoming, Special Events, and Springfest.

The Student Activities staff and student leaders cooperate with all departments and divisions of the University community in programming to meet student interests as well as educational and informational needs.

For details about any of the committees and dates of upcoming events, contact the Office of Student Activities.

STUDENT GOVERNMENT ASSOCIATION**2W29B Memorial Student Center****(304) 696-6435**

The Marshall University Student Government Association is the representative body for all students at Marshall University. Members of SGA serve on all University standing committees and thus participate in the institutional governance process. SGA also serves as a resource for students who

seek to implement ideas for the improvement of the University, or who have areas of concern that they would like to address. SGA is also a source for funding a student organization in the accomplishment of activities or programs. SGA consists of three divisions: Executive, Legislative, and Judicial. Under the Constitution, Senate elections are held twice yearly, in November and March. Constituencies include representatives from the various academic colleges within the University. The Student Court, appointed by the Student Body President, is charged with two main functions: (1) the interpretation of the Student Government Constitution and (2) the exercise of judicial review over all actions of Student Government.

Students interested in Student Government should call or stop by the Student Government Office.

STUDENT HEALTH EDUCATION & SUBSTANCE ABUSE PREVENTION PROGRAMS

Campus Recreation Center

(304) 696-4800

Student Health Education Programs (SHEP) offers counseling and educational services which promote the wellness concept of a balanced lifestyle. SHEP provides: workshops, films, a resource library, counseling and referral for family planning, weight loss classes, smoking cessation classes, and education on a variety of health issues.

The Coordinator of the program teaches a class to provide training to volunteers whose objective is to educate other students about Acquired Immune Deficiency Syndrome (AIDS).

The Substance Abuse Education Prevention Program (SAEP) provides seminars, growth groups, and other programs to promote the responsible use of alcohol and to educate the campus community about the problems associated with the use of illegal drugs. Individual counseling and referral are an integral part of this service. Students are encouraged to contact the Coordinator for more information about BACCHUS and other services available.

For information or service, contact the office of Student Health Education Programs.

STUDENT ADVOCACY & PARENT PROGRAMS

2W40 Memorial Student Center

(304) 696-3395

The office of Student Advocacy & Parent Programs understands and negotiates the various policies and procedures within the University related to grade appeals, judicial board appeals, grievances, and mediation. The primary role of the Director is to help ensure fair and equitable treatment of students within all areas of the University and to insure that all students are afforded their rights of due process.

Attorney referrals and consultation may be available to students free-of-charge on a case-by-case basis. This includes counsel on all legal matters which concern students including lessor/tenant disputes, consumer rights, domestic relations, contracts, auto accidents, traffic tickets, criminal charges, employment, and civil rights.

For free and confidential advice call or stop by the office. Appointments are encouraged.

The Office of Community Engagement

2W23 Memorial Student Center

(304) 696-2285

The Office of Community Engagement serves as a clearinghouse and referral service for students and staff who are interested in community service. The program provides direct referrals and sponsors outreach programs. Groups and individuals can meet with the coordinator to discuss their interests, skills, and time commitments. Referrals are then made for local community agencies and schools. Special outreach programs are an important facet of the Volunteer Services office which provides students an opportunity to participate in short-term projects.

Students who provide service to the local community gain valuable hands-on work experience, meet new friends, and feel great about what they are doing for others.

To find out more about the Office of Volunteer Services, stop by MSC 2W38 or call 696-2495.

Additional information may be obtained by contacting the Coordinator of the service.

WOMEN'S PROGRAMS

143 Prichard Hall

(304) 696-3112

The Women's Programs/Women's Center strives to ensure a campus community in which women and men can live and work together in a mutually respectful and supportive environment where equality, responsibility, and personal empowerment are encouraged and fostered. The Women's Center is open weekdays and evenings and offers a quiet atmosphere where students can relax, collect themselves and study. Computers and typewriters are available for use at no cost.

EDUCATION RECORDS: RIGHTS OF PARENTS AND STUDENTS

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within forty five days of the day the University receives a request for access.
 - Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official.

1. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.
 - Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

- If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
2. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
 - One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
 - A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
 - Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.
 3. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Marshall University to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

The Marshall University office that coordinates FERPA issues is the Dean of Student Affairs, MSC 2W38, 696-6422.

BIRKE ART GALLERY**First Floor Smith Hall****(304) 696-2296**

The Birke Art Gallery is administered by the Art Department in the College of Fine Arts. A wide variety of programming is offered each year, including exhibitions of works by Marshall University and undergraduate and graduate students.

CHORAL ENSEMBLES**Music Department / 154-A Smith Music Hall****(304) 696-3117**

Marshall University has a highly active program of choral ensembles which are open to all University students. All ensembles can be taken for one credit hour and may be repeated for credit

DEBATE AND INDIVIDUAL EVENTS TEAMS**Communication Studies Department****270 Smith Hall****(304) 696-6786**

Any full-time student interested in intercollegiate competition in debate or individual events may contact the Director of Forensics for additional information.

INSTRUMENTAL ENSEMBLES**Department of Music, 154 Smith Music Hall****(304) 696-3117**

Marshall University offers a wide variety of instrumental groups, all of which are open to all University students. All ensembles can be taken for one credit hour and may be repeated for credit.

| | |
|---------------------------|----------|
| Flute | 696-2359 |
| Percussion | 696-2377 |
| Piano | 696-2337 |
| String | 696-6609 |
| Trombone | 696-3109 |
| Trumpet | 696-6437 |
| Tubonium (tuba/euphonium) | 696-3109 |

INTERCOLLEGIATE ATHLETICS**Athletic Department / 200 Shewey Building****(304) 696-5408****Athletic Ticket Office / Henderson Center****(304) 696-HERD (4373)**

A single Department of Intercollegiate Athletics at Marshall University serves the needs of both men and women. Programs and facilities are growing with larger numbers of student athletes receiving opportunities to compete.

Marshall's athletic teams are fully competitive and men's teams are supported in baseball, basketball, cross country, indoor track, football, outdoor track, golf, and soccer. All compete as part of Marshall University's commitment to the NCAA's Division I athletic program structure.

The growth of the women's program has been one of the marked accomplishments of the student athletes and coaches, not only in terms of quantity, but in quality. Marshall now boasts seven women's teams: volleyball, basketball, softball, tennis, cross country, indoor and outdoor track.

MARCHING BAND AND AUXILIARY UNITS

University Band Office, 146 Smith Music Hall

(304) 696-2317

Membership in the Marching Band is open to all University students. Credit is offered for participation in each group. The Band makes appearances at all home football games, local parades, and takes one expense-paid trip per year. Band camp is held on campus two weeks before the fall semester begins.

Auditions are necessary, and no fees are charged for the use of equipment or instruments.

Rehearsals: 3:30 - 5:30 P.M.

Monday-Wednesday-Friday

MARSHALL ARTISTS SERIES

Jomie Jazz Center

(304) 696-6656

Marshall Artists Series concerts, productions and movies are educational, cultural, entertaining and fun. Since 1936, the Artists Series has been bringing nationally, and often internationally, acclaimed attractions to the Marshall campus and the Tri-State Area. It is one of the oldest "town/gown" series in the United States and has developed a far-reaching reputation as one of the best University series available today. Major names and experimental acts in disciplines from Broadway, dance, music, comedy, opera, and film are presented throughout each semester.

Tickets for most events are free to all full-time Marshall University students with validated I.D. and are available to students three (3) weeks prior to each performance.

Full-time students: Receive ONE free ticket with valid MUID.

Part-time students: Receive ONE half-priced ticket with valid MUID.

Faculty, Staff: Receive TWO half-priced tickets with valid MUID.

Individuals with student tickets and faculty and staff with half-price tickets will be required to present their Marshall I.D. at the door of the show.

RECREATIONAL SPORTS AND FITNESS ACTIVITIES

Recreation Center

(304) 696-6477

Recreational Sports strives to make the collegiate experience for students fun and enjoyable while promoting fitness, wellness and overall well-being. Our goal is to provide a wide variety of facilities and activities that will meet the recreational needs of all students, staff and faculty at Marshall University.

The program creates an environment that promotes and encourages fitness activities. We wish to enhance the quality of life for the campus community. Our challenge is to provide quality opportunities and programming for recreation. We encourage all students, staff and faculty to get involved and experience Recreational Sports.

Intramural activities are open to students, staff and faculty. Events range from basketball to flag football and include volleyball and softball. All participants must have a valid Marshall I.D. For more information on manager's meetings for intramural activities please call (696)-6477 or (696)-4652.

CAMPUS ACTIVITIES BOARD

Student Activities

2W29A Memorial Student Center

(304) 696-2290

The Campus Activities Board (CAB) is the primary student organization on campus responsible for planning events for the entertainment of the University community. It is managed by student volunteers, and membership is open to all students at Marshall University.

While many useful leadership and interpersonal skills are gained through work with CAB, some of the most significant benefits include learning to work with people and seeing a project through from start to finish.

For more information about CAB or any of the events being planned, please contact the Office of Student Activities.

UNIVERSITY THEATRE

Fine and Performing Arts Center/Theatre

(304) 696-ARTS (2787)

University Theater, an all-university activity, is under the direction of the Department of Theatre/Dance. Four full-length plays are presented each year. In addition, several studio performances are staged annually. Students, faculty, and staff are eligible to audition for the fall and spring plays. All students, faculty, staff, and local residents are encouraged to audition.

All major productions will be presented in the Fine and Performing Arts Center/Theatre, located on Fifth Avenue directly across from the Memorial Student Center. Tickets are free to students paying the full activity fee. Tickets for part-time students are pro-rated. Call our box office 696-ARTS (2787) for more information.



Student Organizations

STUDENT ACTIVITIES AND ORGANIZATIONS

2W31 Memorial Student Center

(304) 696-6770

Marshall encourages the formation of organizations in which students may pursue specific academic and professional goals and/or interests. Over one hundred student organizations and clubs are officially recognized by the University. There is something for everyone whether interests are social, religious, special, professional, departmental or honorary.

Activities are welcomed and encouraged.

Relationship Statement

Marshall University recognizes the right of co-curricular and extra-curricular activities to exist, while also acknowledging the mutual benefit of these groups to students and the Marshall community.

The University, in the recognition processes set forth for student organizations, allows for the freedom of existence for such organizations and ensures that designated privileges and support are available equally to all groups that uphold the specified requirements. The University does not, however, automatically endorse the mission, goals, or purpose of any student organization. Use of the University's name does not denote or assume that the institution will be liable for matters such as debts incurred or contractual arrangements.

Non-Discrimination in Membership

Student organizations recognized by Marshall University are expected to be free to select its membership upon the basis of individual merit without regard to race, sex, religion, age, sexual orientation, or national origin. This stipulation also extends to those qualified individuals who may have a psychological or physical handicap.

Signature of the president and advisor verifies receipt and comprehension of the above statement. Marshall University reserves the right to consider withdrawal of recognition to any organization found, in due process, to be in violation of said policy.

Recognized groups are open to persons in the Marshall University community including students, faculty, staff, administrators, and spouses. Non-student membership is not to exceed forty-five percent (45%) of the total membership in registered organizations.

Criteria for membership may be implemented as long as it is applied objectively to all prospective members and can be verified to have an actual relationship to the mission, purpose, and goals of the organization and not subject to personal interpretation (i.e. "of good character" is difficult to define; suggest use of measurable terms such as "in good standing," "not on probation," etc.).

Recognition Process for Student Organizations

1. Group's representative meets with Director of Student Activities and Greek Affairs (or his/her designee) at which time the representative will receive:

- a. The President's Handbook.
 - b. Registration Form or Affiliation Form.
 - c. Consultation in regard to constitutional guidelines.
 - d. Outline of privileges granted to student organizations and orientation to services, resources, policies and procedures
 - e. Outline of student organization responsibilities.
2. Constitution and Registration form must be submitted to the Office of Student Activities for review. The organization will have provisional status until Student Activities makes its recommendation to the Student Court of Student Government in regard to the petitioning organization.
 3. Final validation as a registered student organization is complete when it has been determined by the Student Court that:
 - a. No violation(s) of existing local, state, or federal law, or University policy is/are contained or inferred in the submitted constitution.
 - b. The recognition form has been correctly completed.
 - c. The organization has certified that membership requirements are non-discriminatory.
 - d. The organization has certified that hazing is not incorporated into the membership process or activities.
 - e. A faculty or staff member has to agree to serve as the advisor to the organization (exceptions must be submitted and approved in writing with the Dean of Students, or his/her designee).
 - f. There are a minimum of seven (7) currently enrolled students in the organization. (Exceptions must be submitted and approved in writing with the Dean of Students, or his/her designee).
 - g. An undergraduate student seeking to hold an office either by election or appointment must have a minimum cumulative GPA of 2.2 (3.0 for graduate students).
 4. Each certified student organization will receive a Certification of Registration, renewable annually.
 5. Registration: All registered student organizations must renew their Certificate of Registration annually. In addition to completing the recognition form, a copy of the past year's budget and current financial statement should be submitted. Renewal must be completed by the last Friday in September of each academic year. Should that deadline not be met, all privileges accorded that organization shall be terminated. At such time, the organization will be required to follow the same procedures to be registered as any new organization.

Specific Conditions for Affiliation

Any group desiring recognition as a University organization that would like to carry the designation of Marshall University in the name of the group is required to complete the registration process and all officers must be activity fee paying students. Membership must be comprised of Marshall University students, faculty and staff.

Provisional Status

Upon submitting registration forms to Student Activities and Organizations for review, organizations will have provisional status entitling them to reserve rooms through Conferences and Facilities on campus, to use a mailbox in Student Activities, to post signs on campus, and to receive organizational support from the Student Activities Office. Provisional status does not allow organizations to use the Marshall name, apply for Student Government or Student Activity funds.

Leadership

1. Participation in organization leadership is restricted for three reasons: to encourage many students to assume positions of leadership; to encourage student leaders to focus their attention on a limited number of key responsibilities; and to help ensure that the responsibilities of leadership positions are executed as efficiently as possible.
2. An undergraduate student seeking to hold an office either by election or appointment must have a minimum cumulative GPA of 2.2 (3.0 for graduate students).
3. Organizations whose officer(s) does/do not meet the minimum GPA requirements will have one (1) month in which to replace him/her. The organization advisor will be notified by the Director of Student Activities and Greek Affairs. Subsequent changes must be reported to the Office of Student Activities within the one-month period.
4. Faculty and staff are eligible to hold up to forty-nine percent (49%) of the executive offices, except the office of President and the Office of Secretary/Treasurer, in a registered student organization.
5. Organizations not meeting the above requirements will forfeit their certification with the University.

Organizational Expectations

Maintain one (1) officer in the position of President and at least one (1) officer in the position of Treasurer/Secretary who are activity fee paying students.

1. Submit all changes of the constitution to the Office of Student Activities.
2. Maintain an on-campus address (a mail box is provided by the Office of Student Activities). The address should read:

(Organization's Name)
c/o Marshall University
Student Activities Office
400 Hal Greer Boulevard
Huntington, WV 25755-3208
3. Submit all officer updates after election/appointment within two (2) weeks of change(s) to the Office of Student Activities.

GREEK AFFAIRS

2W31 Memorial Student Center

(304) 696-6770

The Office of Greek Affairs is located at the Memorial Student Center in Suite 2W31. The Office of Greek Affairs serves students who are part of Marshall University's Greek System. The Greek System at Marshall University is composed of 14 fraternities and seven sororities. These groups work through the National Pan-Hellenic Council, The Interfraternity Council, and the National Panhellenic Council to enhance the ideals of brotherhood and sisterhood, and promote scholastic excellence and leadership skills, while also helping the University and community by organizing various service programs.

Membership recruitment (commonly referred to as "Rush" due to the hectic pace of the process) takes place throughout the year. For the National Panhellenic fraternities and sororities, membership intake will be announced by the prospective organizations.

Anyone interested in becoming part of the Greek system is encouraged to participate in Rush or Membership Intake. To learn more about the many benefits Greek life has to offer, please feel free to contact the Office of Greek Affairs.

The Mission

The Office of Greek Affairs will create an environment that will ensure that all students are comfortable with themselves, confident that the education they receive will be of the highest caliber possible, unrestrained to reach their intellectual peak, and challenged to fulfill their social responsibility. The Office of Greek Affairs will encompass this task by providing students within the Greek System programming that reflects academic excellence, leadership development, and a heightening of multicultural awareness. The office helps students establish a more visible and healthy relationship within the community, which includes students, faculty, and staff at Marshall University and the community at large.

The Interfraternity Council

The Interfraternity Council at Marshall University serves as the governing body of the seven National Interfraternity Conference members. The Interfraternity Council promotes the ideas of men working together for personal development, scholarship, leadership, service, and friendship among the campus' fraternity members. For more information contact:

INTERFRATERNITY COUNCIL
c/o Student Activities
Marshall University
Huntington, WV 25755-3208
(304) 696-6770

The National Pan-Hellenic Council

The National Pan-Hellenic Council on Marshall University's campus is composed of five undergraduate chapters of the nine historically black Greek letter organizations. The National Pan-Hellenic Council provides the encouragement of scholarship, and enhancement of loyalty to the alma mater, along with the preservation of cultural heritage of the historically established community service Greek organizations. The National Pan-Hellenic Council also provides programs designed to

enhance the social and educational life of the non-majority community and the general college community at large. For more information, contact:

NATIONAL PAN-HELLENIC COUNCIL
c/o Student Activities
Marshall University
Huntington, WV 25755-3208
(304) 696-6770

The National Panhellenic Council

The National Panhellenic Council is the governing body for the five National Panhellenic Conference Sororities at Marshall University. The Panhellenic Council is an organization established to foster interfraternity relationships, to help collegiate chapters of the National Panhellenic Conference member groups, and to assist in maintaining the highest scholastic social standards. The council enables the sororities to work together more effectively on campus. For more information, contact:

PANHELLENIC COUNCIL
c/o Student Activities
Marshall University
Huntington, WV 25755-3208
(304) 696-6770

Recognition Process for Greek Organizations

Any Greek organization desiring recognition as a University organization is required to complete the following process by the last Friday in September of each academic year. All forms specific to the recognition process can be obtained in the Office of Greek Affairs.

ACADEMIC ADVISING CENTER**Laidley Hall First Floor****(304)696-3169**

The Academic Advising Center in University College is located on the first floor of Laidley Hall and included the University's Tutoring Program. The Advising Area advises all undecided students at Marshall and can assist with course selection during registration. No appointment is necessary to meet with an advisor.

The Tutoring Program offers tutoring to students who need extra help in their coursework. The Tutoring Program offers "drop-in" tutoring for courses that have high demand. Students may obtain a schedule for the drop-in tutoring from the secretary as the times and courses offered may change each semester. Students may also seek individual tutoring assistance for two of their courses each semester.

BOOKSTORE**Memorial Student Center****(304) 696-3622**

Marshall University's Bookstore operated by Follett College Stores is located adjacent to the main floor lobby of the Memorial Student Center. The spacious, modern store provides full browsing access and open stacks in textbooks.

Used textbooks are purchased year around at national market values. The best prices are paid for books which are needed for use again on campus. Because books change and depreciate quickly, it is generally best to sell books as soon as you have finished the course.

Other major departments include school and art supplies, engineering instruments, computer software, Marshall clothing and gift items, greeting cards, snack foods and soft drinks.

Bookstore Store Hours:

Mon.-Thurs. 8:00am - 6:30pm

Friday 8:00am - 5:00pm

Saturday 10:00am - 5:00pm

BUCK HARLESS STUDENT ATHLETE PROGRAM**210 Gullickson Hall****(304) 696-6628**

The Buck Harless Student Athlete Program is an academic support service specially designed to assist student athletes, to ensure academic success, and to offset any educational disadvantages incurred as a result of participation in an intercollegiate athletic program. The program staff assists in recruiting student athletes; coordinates and provides tutoring, and personal development programs; and maintains data on student athletes to ensure eligibility.

CAMPUS CHRISTIAN CENTER

Campus Christian Center Building

(304) 696-2444

The Campus Christian Center is a center of Christian ministry for the Marshall community of faculty, staff, and students. The ecumenical staff of the Center is responsive to the personal, academic, vocational, and spiritual needs on and around campus. The staff strives to create a model Christian community. Members of the Center become partners with local churches, city agencies, University departments and individuals, reflecting the love of God for the holistic need of people involved in the field of higher education and its many dimensions.

Participating denominations include: Presbyterian, United Methodist, American Baptist, Southern Baptist, Episcopal, Lutheran, Roman Catholic, and Churches of Christ and The Living Sanctuary.

For telephone numbers, please call the main number for the Campus Christian Center. (696)-2444.

CAREER SERVICES

Seventeenth Street & Fifth Avenue

(304) 696-2370

<http://career.marshall.edu>

All students and alumni are eligible to use the Career Services Center, a part of the Division of Student Affairs. Professional staff members are available to assist with any of the services outlined below:

- Deciding on a major and/or career:
- Career counseling and testing.
- Computers and printers exclusively for job search activities.
- Counseling and advice for all phases of the job search, i.e. resumes, cover letters, and interviewing skills.
- Job postings—full and part-time, summer jobs and internships.
- Create a personal credential file.
- Job Fairs (when employers come to campus to meet with students).

All students are encouraged to register and start a credential file any time during their college career. The credential file is the first step to begin a comprehensive job search or investigation of post-graduate degree options.

The job market is competitive for college graduates. The advantage always belongs to the student who plans early—an impressive academic record, a consistent employment record, and meaningful extracurricular activities.

The Center's staff welcomes all students to utilize its services to maximize future career success. Get more information about the Center's many services. Contact the Center or check out its web site.

CENTER FOR AFRICAN-AMERICAN STUDENTS PROGRAMS

1W25 Memorial Student Center

(304) 696-6705

This program addresses specific educational, cultural, and social needs of African-American students. Programs related to the understanding of the African-American political perspective, life style, social life, and professional advancement are offered by this office.

The program's goal is to provide an environment that permits students to grow as individuals, while aiding the Marshall community in its efforts to enrich cross-cultural and racial understanding.

For additional information, call or stop by the office.

CENTER FOR INTERNATIONAL PROGRAMS**Old Main 320****(304) 696-6265**

Administered by the Office of Multicultural and International Programs, the mission of the Center for International Programs is to globalize Marshall University through a variety of agendas. The Center offers administrative support for international students with advising on immigration, cultural, and academic matters.

COMMUTER MEAL PLAN

For students that choose to live off campus, there is a commuter meal plan available through the Campus ID office. For more information, please contact the Campus ID office at (304) 696-6843.

HEALTH INSURANCE**Prichard Hall, Room 155****(304) 696-3111**

Marshall University strongly encourages every student to be covered by a health insurance policy. The University has identified a student accident and sickness group insurance plan providing coverage for hospital and medical expenses. The plan provides annual coverage on campus and away from the University. For additional information, contact the Associate Dean of Student Affairs, (304) 696-2269.

MEMORIAL STUDENT CENTER**Memorial Student Center Building****Main Office 2W6****(304) 696-6472**

The Memorial Student Center serves as the focal point for recreation, meetings, dining and many other campus activities.

Student groups desiring to reserve a table in the lobby of the Center, or wishing to reserve space for meetings, programs or special events need to make arrangements and complete the necessary forms in the Facilities Scheduling Office, 2W17, Memorial Student Center, (696)-3125.

NEWMAN CENTER**1609 Fifth Avenue****(304) 525-4618**

The Marshall Newman Center is the home of the Marshall Catholic Community which consists of Catholic students, faculty, and staff of the University and their children.

The Center community provides students with Sunday, Holy Day, and weekday masses, adult initiation/convert instructions, student fellowship, retreats, marriage preparation, Bible studies, prayer meetings, one-on-one counseling and social gatherings.

The Center is also the residence of the Catholic chaplain. Anyone who would like to speak with the chaplain for any reason should feel free to call or drop in, and he will make every effort to be available. The Newman Center is located directly across from Corbly Hall.

PUBLIC SAFETY DEPARTMENT

1801 Fifth Avenue

(304) 696-HELP (4357)

Located across Fifth Avenue from Twin Towers, the Marshall University Police Department is a support service to the academic mission of Marshall University. The department has as its general mission a mandate to provide an environment free from the threat of physical harm, property loss or damage, and disruptive activity within the constraints of federal, state, and local laws and ordinances. As the protective and law enforcement agency directly responsible to the University community, the department provides all services on an around-the-clock basis.

For more information, see the section on **CAMPUS SAFETY AND SECURITY** in this edition of the Handbook. Remember, should any member of the campus community see anything suspicious, or need assistance at any time of the day or night, call (304) 696-HELP (4357).

REGISTRAR'S OFFICE

Room 106 Old Main

(304) 696-6410

The Registrar's Office maintains all official academic records of the University. Services provided by this office include academic record keeping, distribution of grade reports, official transcripts, enrollment verifications, veteran certifications, address changes, name changes, and certification of graduation. Official transcripts are prepared for a small fee.

For additional information, please visit the Registrar's Office web page at:

www.marshall.edu/registrar/.

SPEECH AND HEARING CENTER

143 Smith Hall

(304) 696-3640

Students having speech, voice, fluency or hearing concerns can get professional help at the Speech and Hearing Center. The Center offers professional diagnosis and treatment of communication problems for a reduced fee to full-time students and their immediate families (as space permits).

STUDENT HEALTH SERVICE

1600 Medical Center Drive, Suite 1500

(304) 691-1100

Student Health Service is provided by University Physicians and Surgeons Incorporated, an affiliate of the University's School of Medicine. The clinic is located at 1600 Medical Center Drive, Suite 1500, next to Cabell Huntington Hospital, and is open from 8:00 A.M. to 4:10 P.M. Monday through Friday. Summer hours vary. The clinic is closed on Saturday, Sunday, and University Holidays.

Student Health Service will be provided from the first day to the last day of each fall, spring, and summer class session to enrolled students, and to Marshall University students who present current validated identification cards. Part-time students may be required to pay fees for service. Students enrolled for 5 hours or less (regular term) are assessed a charge of \$15.00 per office visit, with no provision for Lab, X-Ray, or medication.

Services provided include: diagnosis and treatment by a physician, licensed practitioner or physician's assistant; limited routine laboratory procedures; routine physical therapy treatment; and injections for allergies (if vaccines and dosage directions are provided by the physician of the patient and approved by the staff physicians). Prescription medication is provided from a specified formulary, a \$5 co-payment is required.

Additional services provided include: limited care for chronic illness; routine physical examinations on an appointment-only basis; and health care for children under the age of eighteen (18) of any full-time student that. *Policies and fees are subject to change.

STUDENT RESOURCE CENTER

Memorial Student Center Room 2W16

(304) 696-58107

The Marshall University Student Resource Center (SRC), located on the second floor of the Memorial Student Center, is a one-stop shop for many of your questions. Our support specialists are trained to handle questions from a range of topics including basic academic advising, financial aid services, career services, and more.

Along with our support specialists, the SRC will be staffed on a regular basis by representatives from a variety of Marshall University offices who will be able to answer your more complicated problems. And if there is nobody on site who can immediately provide you the answers you need, we will know where you need to go to get those answers.

STUDENT SUPPORT SERVICES

Prichard Hall First Floor

(304) 696-3164

Student Support Services is a federally funded program that provides a wide range of academic and personal support services to disadvantaged students. The Study Skills Specialist provides activities allowing students to develop and improve reading, learning, and study skills. Counselors are also available to provide academic, personal, and career counseling to program students. For information or assistance, please call or stop by the office.

STUDY ABROAD PROGRAM

(304) 696-2465

Marshall University encourages students to study abroad for a summer, a semester, or a year to provide an understanding of other cultures. Regardless of major, opportunities exist for students to study in various countries, often at a very economical cost. Through cooperative agreements with universities in other countries, students can earn academic credit toward their Marshall degree.

THE PARTHENON

Journalism & Mass Communication Department

(304) 696-6696

The student newspaper, written and edited entirely by students, is published four times per week (Tuesday through Friday) during the fall and spring semesters, and every Thursday during summer terms. Financed through advertising revenue and student activity fees, the Parthenon is distributed free on campus to students, faculty, and staff.

For more information, contact the Parthenon adviser in Smith Hall room 315 or call (304) 696-2736.

UNIVERSITY LIBRARIES

Drinko Library (304) 696-2321

MU Graduate College Library (304) 746-8910

The Marshall University Libraries include the John Deaver Drinko, James E. Morrow, Graduate College, and Music libraries, and the Hoback Chemistry Collection. The School of Medicine supports the Health Science Library and its branch at the Veterans Administration Hospital. Visit www.marshall.edu/library for more information and access to our electronic resources, including the online catalog covering the more than 423,000-volume collections.

UPWARD BOUND

Prichard Hall Lobby

(304) 696-6846

The Upward Bound Program is funded by the U.S. Department of Education to provide academic and cultural enrichment as well as counseling services to identified high school youth in six target high schools in Wayne, Cabell, and Mingo counties. For more information, call or stop by the Director's office.

WMUL-FM RADIO STATION

Second Floor Communications Building

(304) 696-6640

Operating under the direction of the William Page Pitt School of Journalism and Mass

Communications, Marshall University's radio station, WMUL-FM, broadcasts on 88.1 MHz on the FM band seven days a week from 6:00am to 3:00am and is affiliated with the ABC-FM network.

WMUL-FM provides one major newscast at 5:00pm and local news briefs throughout the day. The station also broadcasts many Marshall sports events including football, men's and women's basketball, men's baseball, women's softball, and men's and women's soccer.

All students are invited to participate in the Marshall University radio station. For more information, contact the office.



Campus Safety and Security

Published in Compliance with the 1990 Federal Student Right-to-Know and Campus Security Acts.

At Marshall University, concern for the safety and well-being of students, faculty, and staff is always a top priority. With the support of personnel from other departments, hundreds of people are involved in maintaining a safe and secure campus. It is important to remember, however, that a truly safe campus can only be achieved through the efforts and cooperation of all students, faculty, and staff by accepting responsibility for their own security and the safety of others.

This published statement is part of the Marshall University Police Department's continuous effort to ensure that this collective endeavor is effective. Every member of the campus community is encouraged to read the following carefully and to use the information to aid in fostering a safe University environment.

PUBLIC SAFETY SERVICES

Campus Escort Service

An escort service is provided by University Police Officers for the safety of anyone walking alone on campus at night. By calling (304) 696-4357(HELP) from any University phone, or using any one of the distinctively marked emergency/service phones, an escort can be summoned to any location to accompany individuals to any parking lot, residence hall, or off campus dwelling located adjacent to campus. The Police Department urges members of the University community to take advantage of this very significant crime prevention service.

Emergency/Service Telephones

There are eleven outdoor, two-way voice communication, emergency/service telephones strategically located throughout the campus which are directly connected to the University Police. Six of these units are blue in color and mounted on buildings. Five are stand-alone units, green in color with a blue light attached which activates when used. All units provide the police dispatcher with an exact location of the caller and can be activated by pressing a single button.

Crime Prevention

One component of the University Police is the Crime Prevention Unit. The unit presents crime prevention programs to members of the University community at various times throughout the academic year. Some of the programs available through the department include: Sexual Assault Prevention, Burglary and Larceny Prevention, Alcohol and Drug Awareness, Operation I.D., Room Surveys and Office Security.

The Office of Public Safety publishes pamphlets on various topics of crime prevention which are available to all students, faculty, and staff members. Topics include: Public Safety Services, General Crime Prevention, Sexual Assault, Office Security, and Safety Tips for parents and students.

General information on safety and security is provided to the university community through newsletters, crime alert notices, criminal incident updates, the campus radio and television stations, the student newspaper and local press.

Safety Task Force

A Safety Task Force, consisting of representatives from Public Safety, Residence Services, Student Affairs, Student Government and Physical Plant, meets periodically to review policies and procedures and address campus safety concerns. Student, faculty, administration and staff representatives also periodically conduct walks of the entire campus to review lighting and other safety-related environmental concerns.

(304) 696-HELP(4357)

All emergencies, criminal complaints, general requests for service, and public safety concerns can be reported directly to the Police Department by any person in the University community. Dialing (304) 696-4357(HELP) from any University phone, or by using one of the emergency/service phones located throughout the campus (see locations listed in this section), will provide direct contact with the police dispatcher 24-hours-a-day.

POLICIES AND INFORMATION

Alcoholic Beverages

Marshall University has established policies and guidelines governing the sale, possession, and consumption of alcoholic beverages on the University campus that are consistent with West Virginia state law. State law prohibits the sale and consumption of all alcoholic beverages to persons under the age of twenty-one (21). Accordingly, possession and/or consumption of alcoholic beverages by underage persons is not permitted on property owned or controlled by the University. The sale, possession, and consumption of alcoholic beverages is limited to non-intoxicating beer and/or wine coolers and only at designated locations. Distilled liquor is not permitted on campus at any time.

For more information, please see the Substance Use and Abuse Policy within the UNIVERSITY POLICY section of this Handbook.

Crime Statistics for the University

The Marshall University Police Department submits a monthly Uniform Crime Report to the West Virginia Department of Public Safety (WV State Police), which includes criminal incidents and arrests occurring in the University jurisdiction.

Illegal Drugs

The University is in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The possession, use, manufacture, or distribution of any illegal drug is prohibited on property owned or controlled by the University. Members of the University community are responsible for knowing and complying with provisions of West Virginia and federal laws that prohibit the unlawful possession, sale, delivery, manufacture, or use of those drugs known as “controlled substances.”

For more information, please see the Substance Use and Abuse Policy within the UNIVERSITY POLICY section of this Handbook.

University Buildings

Except for residence halls, most University facilities are open to the public during the day and evening hours when classes are in session. During the time that the University is officially closed, buildings are generally locked and only faculty, staff, and students with proper authorization are admitted.

The Physical Plant Department maintains the University's academic and administrative buildings, and the campus grounds with a concern for the safety and security of the University community. Personnel inspect facilities regularly and respond to reports of potential safety and security hazards such as damaged doors, broken locks, and windows. Any member of the University community may call the Physical Plant, (696)-6680, to report any safety or security hazards.

Marshall University Procedural Guarantee for Cases of Sexual Assault

Sexual assaults, including date/acquaintance rape, are a very serious concern of this office. If you feel you are the victim of a sexual assault on campus, the Marshall University Police Department will GUARANTEE you the following:

1. We will meet with you privately at a place of your choice to take a report or to simply discuss your case, whichever is your preference.
2. WE WILL NOT release your name to the public or to the press.
3. Officers will not engage in pre-judging or victim blaming.
4. We will treat you and your particular case with the utmost courtesy, sensitivity, dignity, understanding and professionalism.
5. If you feel more comfortable talking with an officer of the same gender, we will accommodate your request whenever possible.
6. We will assist you in arranging for any hospital treatment or other medical needs.
7. We will assist you in privately contacting a counselor and any other available resource which may be of assistance to you.
8. We will fully investigate your case, and will help you to achieve the best possible outcome. You will be kept up-to-date on the overall progress of the case. In those instances where arrest and prosecution of the suspect appears likely, the Director, or Assistant Director, of Public Safety will discuss additional details of the case with you particularly those related to prosecution and other judicial procedures that are normally followed.
9. We will continue to be available for you to answer any questions you may have, to further explain the system and process involved if necessary, and to be a listening ear if you desire.
10. We will give your case full and serious consideration regardless of your gender, or the gender of the suspect. If you feel you are a victim of a sexual assault or sexual abuse, call University Police at (304) 696-4357(HELP), and say that you want to PRIVATELY make a sexual assault or sexual abuse complaint. You may call any time, day or night.

If you feel we have failed to achieve any part of the above guarantee, please contact the Director of Public Safety at (696)-4357. He/she will meet with you personally to address any problems you may have. One of our primary goals is to help you make the MU campus safe for students, faculty, staff, and visitors. Your cooperation and assistance in this very important endeavor is sincerely appreciated.

Sexual Assault

Victims of any sexual offense occurring on University owned or controlled properties should immediately report the incident to the Marshall University Police Department, 696-4357. In cases of sexual assault, it is critically important that victims:

- seek medical attention immediately
- do not bathe or douche
- preserve their clothing

These steps are essential in the preservation of evidence necessary to prove criminal sexual assault.

The Sexual Assault Education Awareness Program

The Sexual Assault Education Awareness program (SAEA), a joint effort on the part of Women's Programs and Police Department, performs services that include crisis intervention, educational programs for women and men, educational resources, support groups and court/hospital intervention. SAEA promotes awareness and educates the campus community regarding rape, acquaintance rape, sexual abuse and other sex offenses. For assistance, please call:

Marshall University Police Department

(304) 696-HELP(4357)

Women's Programs (PH 143)

(304) 696-3112

Counseling Services (Prichard Hall)

(304) 696-3111

Dean of Student Affairs (MSC 2W38)

(304) 696-6422

Victims of sexual assault or abuse may report incidents to the appropriate University authorities, including MUPD, equity programs, counseling center, women's center or student affairs/student judicial affairs office.

Victim's Rights

Victims of sexual assault or abuse occurring on property owned by Marshall University will be informed of their rights. These rights include the following:

1. The victim has the right to file criminal charges with the law enforcement of officials.
2. Local university authorities, at the request of the victim, will provide assistance in notifying the appropriate law enforcement officials and disciplinary authorities of any incident of sexual assault.
3. The campus police will provide complete and prompt assistance in obtaining, securing, and maintaining evidence in connection with an incident of sexual assault
4. University authorities will provide assistance to the sexual assault victim or complainant in preserving materials relevant to a campus disciplinary proceeding.
5. All reports of sexual assault or abuse filed with the Office of Judicial Affairs will be investigated by the appropriate campus authorities.
6. The victim may be accompanied in campus judicial proceedings by a support person of the victim's choice. The victim should notify the University at least 48 hours in advance of the hearing that a support person will be present. The support person is not entitled to

participate in judicial proceedings.

7. The victim will be informed in writing of the outcome of any campus disciplinary proceeding concerning a sexual assault or abuse complaint, consistent with federal and state reporting requirements.
8. At the request of the sexual assault victim, University authorities in cooperation with appropriate law enforcement authorities will provide assistance in shielding the victim from unwanted contact with the alleged assailant. Such assistance may include transferring the victim to alternative classes or alternative university-owned housing.
9. University authorities will inform sexual assault or abuse victims of their rights to assistance by university and community crisis intervention support and advocacy services and will provide assistance in obtaining these services



Financial Aid

Financial Aid Application Process

To apply for financial aid, you must file the [Free Application for Federal Student Aid \(FAFSA\)](#) by visiting www.fafsa.ed.gov.

Filing the [FAFSA](#) gives you access to federal grants, scholarships, loans and work-study. When you file the FAFSA, you are also being considered for state and institutional financial aid. However, for state aid programs, you may be required to complete additional forms. You must enter Marshall University's Federal School Code: **003815** in Section 5 – COLLEGES TO RECEIVE INFORMATION.

The **priority filing date for the FAFSA is March 1** prior to the academic year the student is attending for full consideration of all federal, state and institutional financial aid programs. You may file the [FAFSA](#) after this date, but keep in mind that if you wait until the last minute to apply, some financial aid programs may not be available to you and your financial aid awards may not be finalized by the billing due date.

For assistance completing the [FAFSA](#), you may call the Federal Student Aid Information Center at 1-800-4-FED-AID (1-800-433-3243).

If you wish to apply for financial aid for the summer, in addition to filing the FAFSA, you must also complete a [Summer Financial Aid Application](#). Summer is a non-standard term, which requires the Office of Student Financial Assistance to collect additional information, which is not provided on the FAFSA. Summer is also considered a trailer for financial aid awarding purposes, meaning that the summer follows the completed academic year. For example, to apply for financial aid for the 2010 summer terms, you must have a 2009-2010 FAFSA on file and complete a [2010 Summer Financial Aid Application](#). To obtain a Summer Financial Aid Application, go to www.marshall.edu/sfa; click on the [Forms & Applications](#) tab, and again on the [General Forms & Applications](#) tab.

WV residents may apply for West Virginia's need-based Higher Education Grant Programs by going to: www.wvapply.com. The **deadline to apply for WV scholarship and need-based grants is March 1** prior to the academic year the student is attending. Students applying for the WV Higher Education Grant Program must also file the [FAFSA](#) by March 1.

For assistance with completing the WV need-based Higher Education Grant application, you may call West Virginia Higher Education Policy Office of Financial Aid and Outreach Programs at 1-888-825-5707 or 1-304-558-4614.

For specific information on policies that are related to financial aid, please contact the Office of Student Financial Assistance at (304) 696-3162 or visit the comprehensive website at www.marshall.edu/sfa.



The Code of Student Rights and Responsibilities

The Code of Student Rights and Responsibilities – also referred to as the Code of Conduct – reflects the University community’s expectations and standards established for each of its members. The Code and student judicial system are founded on principles of fairness and due process, and a commitment to the educational development of students, and are designed to balance the interests of the University community as a whole with the protection of students’ individual liberties.

Disciplinary action on campus deals administratively and developmentally with prohibited or unacceptable student behavior in the University community. Any complainant may refer any student or organization to the Office of Judicial Affairs. Official University action will be taken when a student’s or student group’s behavior violates community standards, interferes either with the University’s educational purpose, or with its duty to protect and preserve individual health, welfare, and property. When the behavior is aggravated or presents a continuing danger to the University community, accused students are subject to separation from the institution.

Thus, the primary purpose of this Code is to serve the interests of both the Marshall community and the individual student by: (1) establishing the University’s authority to discipline students; (2) outlining the general rights and responsibilities of students; (3) asserting the specific standards of conduct expected of students; (4) describing actions which can be taken when misconduct occurs; (5) establishing procedures which ensure due process in the adjudication of complaints concerning students; and (6) imposing sanctions and/or providing conflict resolution in the University setting to protect, deter, and educate.

MARSHALL UNIVERSITY CREED

Inspired by the example of John Marshall, we, the students, faculty, and staff of Marshall University, pledge to pursue the development of our intellects and the expansion of knowledge, and to devote ourselves to defending individual rights and exercising civic responsibility. We strive to exemplify in our own lives the core values of John Marshall’s character: independence, initiative, achievement, ethical integrity, and commitment to community through association and service. As Marshall University, we form a community that promotes educational goals and that allows individuals maximum opportunity to pursue those goals.

We are:

- **An Educational Community** in which all members work together to promote and strengthen teaching and learning;
- **An Open Community** uncompromisingly protecting freedom of thought, belief and expression;
- **A Civil Community** treating all individuals and groups with consideration, decency, and respect, and expressing disagreements in rational ways;
- **A Responsible Community** accepting obligations and following behavioral guidelines designed to support the common good;

- **A Safe Community** respecting each other's rights, privacy and property;
- **A Well Community** respecting and promoting physical and emotional health;
- **An Ethical Community** reflecting honesty, integrity and fairness in both academic and extracurricular activities;
- **A Pluralistic Community** celebrating and learning from our diversity;
- **A Socially Conscious Community** acting as citizens of the world and seeking to contribute to the betterment of people and their environments;
- **A Judicious Community** remaining alert to the threats posed by hatred, intolerance and other injustices and ever-prepared to correct them.

AUTHORITY FOR STUDENT DISCIPLINE

The Marshall University Student Judicial System and The Code of Student Rights and Responsibilities are promulgated under the authority of the Board of Trustees of the University of West Virginia System. Board of Trustees' Policy Bulletin 57 sets forth policies, rules and regulations regarding student rights, responsibilities and conduct in West Virginia Universities and Colleges. Students should familiarize themselves with Policy Bulletin 57, which is printed in the Student Handbook.

By action of the Board of Trustees, the President of the University is responsible for all matters of student discipline, including the preservation of due process procedures. This responsibility is normally delegated to the Dean of Student Affairs and the Office of Judicial Affairs for the purpose of implementing approved policies and regulations. However, the President's ultimate authority in the regulation of student conduct, including direct intervention by the President when appropriate, is presumed by this Code.

The Code of Student Rights and Responsibilities and the Student Judicial System are subject to change and amendment. Marshall University's student-based system gives students maximum opportunities to participate in the formulation of policies concerning student conduct and in the adjudication of cases arising under that policy. Because maintenance of discipline and preservation of community standards are properly the concern of all students, faculty, staff, and administration, all members of the University community will be provided with appropriate opportunities for representation or involvement in the development, revision, and maintenance of the Code of Student Rights and Responsibilities. All changes made shall take effect immediately following approval by the Student Conduct and Welfare Committee, the Faculty Senate, and the President of the University.

STUDENT RIGHTS AND RESPONSIBILITIES

All students, undergraduate and graduate, as defined by the Board of Trustees and in this Code, are subject to the provisions of this Code. A student's application for admission to Marshall represents an optional and voluntary decision to partake of the University's program and privileges and to abide by the University's policies, rules and regulations. The University's approval of that application, in turn, represents the extension of a right or privilege to join the Marshall community and to remain a part of it so long as the student fulfills the academic and behavioral expectations set forth by Marshall University and its Board of Trustees. Upon

acceptance to the University, each student acquires rights and assumes responsibilities as an individual member of the University community. Therefore, students and student organizations are expected at all times to conduct themselves in accordance with University policies and regulations. The West Virginia Board of Trustees' Policy Bulletin 57 establishes and explains the following basic rights and responsibilities of students in West Virginia's state colleges and universities:

- Freedom of Expression and Assembly;
- Freedom of Association;
- Right to Privacy;
- Assumption of the Responsibilities of Citizenship;
- Fundamental Fairness in Disciplinary Proceedings.

Students charged with violating University regulations or standards are guaranteed fundamental fairness in the notification of charges, the conduct of hearings, the imposition of sanctions, and the routes of appeal. Marshall University pledges to uphold students' rights guaranteed under the United States Constitution and Federal and State statutes.

JURISDICTION: Because the primary purpose of this Code is to support the protection and advancement of the University community's particular educational interests, conduct proscribed and reviewed under the Code of Student Rights and Responsibilities will, in most cases, refer to behaviors that occur on or about University premises, at University-sponsored events, or that are engaged in by University-recognized student organizations. However, Marshall University retains the right to review, under the Student Judicial System, the off-campus conduct of students when such conduct is alleged to:

- Interfere with the Mission of the University; and/or
- Compromise the University's integrity in the granting of degrees or other certification; and/or
- Threaten the health or safety of members of the campus community; and/or
- Interfere with the orderly operation of the University.

Complaints about students' off-campus behavior will be considered on a case-by-case basis, following these guidelines, to determine whether they merit review within the Student Judicial System. Marshall University enjoys close and mutually supportive relationships with the communities in which its campuses are located and expects University students to abide by the laws of these communities. Marshall acknowledges the right and duty of these communities to prosecute and hold accountable any persons found in violation of their laws.

GROUP RESPONSIBILITY: The Code of Student Rights and Responsibilities applies to the behavior of recognized student organizations both on and off campus. Marshall University has established the following group responsibility policy to define organizations' responsibility for the actions of their members. This policy pertains, but is not limited, to incidents involving hazing, discrimination, vandalism, theft, alcohol or substance abuse, dishonesty, disorderly conduct, violence, misuse of organization or University funds and any other violations of the Code of Student Rights and Responsibilities.

Upon registration or recognition, or application for recognition by the University, each student organization becomes responsible for acting in accordance with the provisions of the Code of Student Rights and Responsibilities and all other applicable University and community policies and standards. Official University action will be taken when the behavior of the members of a student organization violates community standards and interferes either with the University's educational purpose, or with its duty to protect individual health, welfare, and property.

The degree to which an organization is responsible for the activity of its members is not necessarily dependent upon the number of members engaging in the activity, but depends upon whether the activity is related to the organization as described in the four categories listed below. Student organizations may be held responsible for the acts of individual members:

- when a member of an organization is violating local, state, or federal law or University regulations and other members present, by failing to discourage such activity, tacitly condone the behavior;
- when the acts grow out of or are directly related to the student organization's activities or an environment created by the organization;
- when the acts are those of guests of an organization, or persons authorized or permitted to represent themselves as connected with the organization;
- when an organization places prospective members in a subordinated status prior to achieving full membership, or imposes any kind of probationary period prior to full membership, and hazing occurs. In addition to the group being held culpable, members and officers may be cited and held responsible as individuals for their roles in any violations of the Code.

STUDENT BASED SYSTEM: Marshall University's student based system is designed in such a way as to give students a major role in the formulation of basic policy concerning student conduct and in the adjudication of cases arising under that policy.

Upon enrollment at the University, each student becomes responsible for acting in accordance with the provisions of the Code and all other applicable University and community standards. Official University action will be taken when a student's behavior violates these standards and interferes either with the University's educational purpose, or with its duty to protect health, welfare, and property. A student or organization suspected of misconduct may be referred by any member of the University community to the Office of Judicial Affairs. If there is sufficient evidence of a violation, the student will be given the opportunity to accept responsibility and have the case adjudicated informally by the Director of Judicial Programs. Or, the student may request that the case be heard by either a hearing panel or an administrative hearing examiner.

Regardless of the hearing option, in most cases, a student advocate will present the University's case, and the accused will have the right to student representation as well. Members of the Student Judiciary, including all student advocates, have studied and received extensive training regarding the procedures for University judicial hearings and the University Code.

JUDICIAL MEDIATION: Mediation is a method of resolving disputes and conflicts as an alternative to the formal judicial process. It is a voluntary process requiring the participation of a mediator who operates from an impartial base and whose primary role is to promote

agreement. The purpose of mediation is not to judge guilt or innocence, but to help parties get to the root of their problems and to devise their own solutions. Compromise is at the heart of a successfully mediated dispute and the end result of a mediation session is that there are neither winners nor losers, but rather, it is hoped, generally satisfied individuals. If a satisfactory agreement cannot be reached through mediation, the complainant may refer the complaint to the Office of Judicial Affairs for judicial action. In cases of sexual assault, conciliation or mediation will not be attempted.

EMERGENCY AUTHORITY: The President (or designee) may invoke emergency authority to impose the sanction, among other things, of suspension to a student or group of students whose conduct is non-peaceful or is disruptive or constitutes a danger to health, safety, or property, provided that a hearing is held within seventy-two (72) hours of the decision to suspend, subject to a forty-eight (48) hour extension at the option of the student. Emergency dismissals from University Housing and/or emergency suspensions or revocations of computing privileges resulting from violations of the Code of Student Rights and Responsibilities will be handled in the same manner as emergency suspensions.

COMPLAINTS: Any member of the University community may refer a student or student organization suspected of violating the Code of Student Rights and Responsibilities to the Office of Judicial Affairs. Complainants and other persons making judicial referrals are expected to cooperate with the Office of Judicial Affairs to provide all information relevant to handling and deciding the case. Complaints must be filed within twenty-one (21) days of the alleged violation, or within twenty-one (21) days from the date the complainant became aware of the violation. The Director of Judicial Programs in consultation with the Dean of Student Affairs and the President may waive this requirement in appropriate circumstances.

Students and employees who witness violations of the Code of Conduct are expected to cooperate in campus judicial proceedings. Under West Virginia Board of Trustees' policies, accused students have the right to know the identity of people who testify against them, and to ask questions about witnesses' testimony in campus judicial proceedings. By filing a formal, written complaint or Incident Report with the Office of Judicial Affairs, the complainant gives permission for his or her name to be so included in the disciplinary record of the accused student.

The Office of Judicial Affairs strives to respect and uphold the safety and privacy concerns of complainants and witnesses. The educational judicial records of all students are subject to complex regulations for confidentiality. Information about witnesses, complainants, and the accused is generally restricted to those persons directly involved in deciding the outcome of the case or who have a bona fide educational need to know. Complainants, witnesses, and members of the public are not usually entitled to information about a student's campus judicial proceedings and educational record. However, victims of sexual assault and/or violence are in most circumstances entitled to know the final outcome of judicial proceedings against their alleged attackers.

Complaints filed with the Office of Judicial Affairs are not criminal complaints and campus judicial proceedings are not offered as substitutes for criminal prosecution. Persons who

witness criminal acts by students should report those acts to the appropriate law enforcement agency.

CONCURRENT CRIMINAL PROCEEDINGS: Because students are also members of larger communities such as city, state and nation, their conduct may also be subject to review within another jurisdiction(s) when such conduct violates the laws of those jurisdictions. Criminal prosecution in the court system is designed to be punitive and to provide social consequences for convicted offenders. Therefore, disciplinary action under the Code of Student Rights and Responsibilities cannot substitute for judicial mechanisms of the larger community. Students charged under the University's Code of Student Rights and Responsibilities may also be held responsible for violating existing local, state, and federal law. Because the purposes and consequences of the two processes are so different, such concurrent reviews are mutually exclusive and do not create double jeopardy for charged students.

Disciplinary action at the University will in most cases proceed without regard to the status of criminal proceedings and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced. However, the University reserves the right to postpone campus disciplinary proceedings during the pendency of criminal proceedings when the conduct of such campus proceedings would interfere with the concurrent civil or criminal process. The decision to postpone on the grounds of interference will be made by the President or his/her designee upon the request of the accused student or of the prosecutor or complainant.

PENDING CHARGES: During the period in which Judicial charges are pending, a student under charges, unless suspended, or when his/her continued participation or presence would serve to disrupt the purpose of the University, shall continue to have the rights and privileges accorded other students. However, grades, records, transcripts, or diplomas may be withheld pending determination of the charges.

INTERPRETATION OF REGULATIONS: The purpose of publishing disciplinary regulations is to give students general notice of proscribed behavior. This Code is not written with the specificity of a criminal statute.

DEFINITIONS

Activity: All or any operations conducted, sponsored, promoted, operated or otherwise engaged in by Marshall University, including, by way of illustration and not as limitation of the foregoing, classroom and course activities, recreational and cultural programs, committee or other business activity, registration, advising, teaching, research, or service.

Administrative Hearing Examiner: A faculty or staff member versed in the judicial process who, as an alternative to a hearing panel, hears cases of alleged violations, renders decisions, and recommends sanctions.

Administrative Review Board: An interim review board to assist the Director in adjudicating complicated cases where a decision cannot be rendered based upon the weight of the

evidence. The board will consist of two faculty/staff members and one student who is currently part of the Faculty/Staff Board Members and the Student Justice/Advocate Society. This board will act as a decision making body to issue or not issue sanctions in accordance with the student code when a case is referred by the Director of Judicial Programs. Typically, this will be for cases where the Director is unable to render a sanction or dismissal based upon the weight of the evidence. This Review Board is not a replacement for the current Student Judicial Program which is structured for the accused to have the ability to appeal a sanction issued by the Director.

Due to the nature of the Student Code of Conduct, with regard to sexual misconduct and the evidence that may or may not exist, all cases of this nature will be referred to the Administrative Review Board to determine if a sanction is warranted. The Director will determine other cases to be referred to the board. As with decisions rendered by the Director all decisions rendered by the ARB may be appealed through the Student Judicial Process.

Advocate: A full-time student approved to provide, on a voluntary basis, advice, assistance and representation to students charged with violating the Code of Student Rights and Responsibilities; or to represent the University or assist or represent student complainants in presenting their cases at judicial hearings. Advocates must meet established criteria and complete University-sponsored training.

Advocate Society: An organization of students dedicated to the promotion and preservation of student rights and responsibilities at Marshall University.

Authorized: As used in this Code, the term refers to any behavior or activity that is specifically permitted by policy or by the express action of a University official who has the right to grant such permission.

Complainant: Any person who brings to a University official a complaint, whether written or oral, about the conduct of a student. This term may be synonymous with Member of the University Community, as defined below.

Day: The term “day” shall refer to calendar days unless otherwise specified.

Director of Judicial Programs: The staff member designated by Marshall University as responsible for administration of the Code of Student Rights and Responsibilities. The Director’s duties include but are not limited to investigating complaints, charging students with violations, imposing sanctions, and representing the University in hearings. The Director supervises the selection and training of student justices and advocates.

Due Process: Appropriate protection of the rights of an individual while determining his/her liability for wrongdoing and the applicability of sanctions.

Hearing Officer: Any Marshall University faculty or staff member, or experienced upper class or graduate student, well versed in the judicial process, appointed to preside over a student judicial hearing. The Hearing Officer’s function is to ensure that a hearing is conducted fairly

and in compliance with stated policy. A Hearing Officer provides “technical” advice to the hearing panel, but does not vote or participate in decision-making.

Hearing Panel: The three- or five-member group of student justices, or student and faculty or staff justices, assigned to hear a specific case.

Intent, Intentional, and Intentionally: These terms shall apply to conduct engaged in or committed by purposeful design or with reckless disregard for the consequences of the act.

Judicial Affairs: The division of the Department of Student Affairs responsible for the University-wide implementation of the Code of Student Rights and Responsibilities and the student judicial system.

Judiciary: The aggregate association of full-time students, faculty, and staff members from which are drawn members who serve on hearing panels and serve as hearing officers, hearing examiners, and advocates.

Justices: Full-time students and faculty and staff members who, on a voluntary basis, hear student judicial cases and recommend sanctions for students found in violation of the Code of Student Rights and Responsibilities. Justices must meet established criteria and complete University-supervised training.

Member of the University Community: Any officer, administrator, faculty member, staff member, employee, or student of Marshall University, as well as any person authorized to participate in an institutional activity at the time applicable.

President: The chief executive officer of Marshall University, whether responsible directly to the Board of Trustees or through some other officer to the Board of Trustees, and shall include all those acting for or on behalf of such chief executive officer, at or by his or her direction, or at or by the direction of the Board of Trustees.

Reasonable Care: That degree of care which would be exercised by the ordinarily prudent person under like or similar circumstances.

Relationship Violence Policy: Relationship violence will not be tolerated at Marshall University. Relationship violence means causing physical harm or abuse, and threats of physical harm or abuse, arising out of a personal relationship. Acts of relationship violence are criminal behaviors and considered violations of Marshall University’s Student Code of Conduct. As with all violations these acts will be investigated and will subject an individual to disciplinary action under the University student conduct code, separate from any criminal prosecution or action.

Respondent: In any given judicial case, the respondent is the student about whom a complaint has been made or against whom charges have been filed. Also referred to as “accused” or “charged” student.

Student: Any person who has been admitted to an institution to pursue a course of study, research or service, who is currently engaged in an institutional-sponsored activity, or who has

some right or privilege to be on campus or in the facilities of the institution, or who yet has some right or privilege to receive any benefit, service, or recognition or certification from the institution, under the rules, regulation, or policies of the Board of Trustees or the Institution. The term “student” when used in this code includes all persons taking courses at or from Marshall University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies and those who attend educational institutions other than Marshall University and who reside in Marshall University residence halls or utilize Marshall University facilities or services for the purpose of pursuing studies at those institutions. For the purposes of the Code of Student Rights and Responsibilities, persons who have been admitted to Marshall University, but are not officially registered for a particular term, and/or who have a right to, or expectation of, a continuing or future student relationship with Marshall University are considered “students.” A person shall be considered a student during any break or holiday period that occurs during a term in which that person is registered or between terms for which that person registers. A person shall be considered a student while suspended from the institution, or while the person is attending or participating in any activity preparatory to the beginning of a term, including, but not limited to, athletic training, orientation, placement testing, and residence hall check-in.

Student Organization: Any group of persons who have complied with formal requirements for provisional or full recognition as a student organization at Marshall University, including social fraternities and sororities, and organizations whose recognition has been suspended.

Unauthorized: An act or behavior not permitted by policy or by the express action of a University Official with the authority to grant such permission.

University: This term, where used in this document, refers to Marshall University, including all branch campuses and affiliated units and centers.

University Official: This term includes any person employed by Marshall University or the Board of Trustees of the WV state college and university system, performing assigned duties or professional responsibilities.

University Premises: All the land, buildings, facilities, and other property including intellectual and virtual property, owned, used, or controlled by Marshall University, including adjacent streets and sidewalks. This incorporates the Board of Trustees’ definitions for “property,” “facility,” and “campus.”

STANDARDS, PROSCRIBED CONDUCT AND SANCTIONS

The following standards and sanctions express the University’s expectations for student conduct, and are essential to the University’s educational mission. Participation by students in activities that violate the standards, including the proscribed behaviors listed under each standard, may result in referral to the Office of Judicial Affairs or to another University office responsible for examining and upholding standards of conduct, in accordance with the due process guarantees and procedures defined in this Code and in Board of Trustees’ Policy Bulletin 57. The maximum sanction applicable to each proscribed behavior is noted in parentheses following the description of the behavior: P = Probation; PS = Probationary Suspension; SP = Suspension; EX = Expulsion.

STANDARD 1: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS OBSERVE THE HIGHEST PRINCIPLES OF HONESTY AND INTEGRITY AND SUPPORT A CAMPUS ENVIRONMENT CONDUCIVE TO TRUST AND SCHOLARSHIP.

Violations of this standard include but are not limited to:

1.A. All forms of academic misconduct, wherever committed, as defined in the Statement of Student Academic Rights and Responsibilities. Such misconduct includes cheating, plagiarism, misrepresentation or falsification of data, or collaboration with others on an academic assignment unless specifically permitted by the instructor. Under West Virginia board of Trustees Policy Bulletin No. 60, disciplinary action for academic misconduct will, in most cases, be the responsibility of the academic unit in which the misconduct occurred. Sanctions and appeal routes for academic misconduct are described in the Statement of Student Academic Rights and Responsibilities. (EX)

1. B. Unauthorized taking or possession of academic records, University documents, academic documents, or the academic work of others. (EX)

1.C. Unauthorized alteration of academic records, University documents, academic documents, or the academic work of others. (EX)

1.D. Furnishing false information to the University by forgery, alteration, or misuse of documents with the intent to deceive. (EX)

1.E. Furnishing to a University office or official a written or oral statement known to be false. (EX)

1.F. Falsification, distortion, or misrepresentation of information before a University judicial officer, hearing panel, or grievance board. (EX)

1.G. Complicity with others in violation of this standard. (EX)

STANDARD 2: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS RESPECT AND PROMOTE THE HEALTH, SAFETY AND WELFARE OF ALL PERSONS, INCLUDING THEMSELVES.

Violations of this standard include but are not limited to:

2.A. Inflicting bodily harm or coercing or restraining any person. (EX)

2.B. Threatening to inflict bodily harm or to coerce or restrain any person. (EX)

2.C. Sexual assault, abuse, or misconduct, including any sexual acts committed without the legitimate consent of the victim and any other violation of University policies concerning sexual misconduct. (EX)

2.D. Brandishing of weapons. (EX)

2.E. Possession or storage of any weapon, dangerous devices or substances, including, but not limited to, any firearm, pellet gun, illegal knife, sling shot, ammunition, dangerous chemical, fireworks or explosive device, or other dangerous weapon. [See the weapons policy in the Student Handbook] (EX)

2.F. Fighting. (SP)

2.G. Intentionally initiating or causing to be initiated any false report, warning, or threat of impending fire, explosion, or any emergency. (EX)

2.H. Intentionally causing the evacuation of a University building for reasons known to be false. (EX)

2.I. Tampering with, misusing, abusing, or altering any safety equipment or devices, including but not limited to, fire extinguishers, emergency telephones. (EX)

2.J. Violation of the Board of Trustees or University policies concerning hazing. Hazing is defined in the Student Handbook. (SP)

2.K. Intimidation: Committing, conspiring to commit, or causing to be committed any act directed toward a specific person or persons with the intent and/or effect of stigmatizing, frightening, coercing, or demeaning that person. This includes retaliation or threatened retaliation against any person who files a complaint or testifies in a campus judicial case. (EX)

2.L. Stalking: engaging in an intentional course of behavior directed at a specific person or persons, which frightens, intimidates, or harasses, and which serves no legitimate purpose. (EX)

2.M. Operating a motor vehicle while under the influence of alcohol or other drugs. (SP)

2.N. Negligent Bodily Harm: Failure to exercise reasonable care, thereby causing bodily harm. (SP)

2.O. Throwing objects from or causing objects to fall from University buildings. (SP)

2.P. Interference with Emergency Services and procedures. This includes obstructing or hindering the maintenance, provision, or function of such emergency services as fire department, police department, security, first aid, or rescue; and obstructing or hindering emergency or practice evacuation or similar procedures announced for any building or facility. (EX)

2.Q. Violation of University policies regarding smoking and tobacco use on university property [refer to the smoking policy in the Student Handbook]. (P)

2.R. Complicity with others in violation of this standard. (EX)

STANDARD 3: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS RESPECT AND HONOR THE HUMAN RIGHTS AND DIGNITY OF OTHER PERSONS, GROUPS AND ORGANIZATIONS.

Violations of this standard include but are not limited to:

3.A. Harassment: Committing, conspiring to commit, or causing to be committed any act directed toward a specific person or persons with the intent and/or effect of causing physical or mental harm, injury, fear, stigma, disgrace, degradation, or embarrassment. This includes but is not limited to racial, sexual, or peer harassment. (EX)

3.A.1. Racial Harassment, as defined in the Student Handbook, includes acts exhibiting prejudice and/or racism and/or failure to follow University Policies concerning Acts of Intolerance.

3.A.2. Sexual Harassment includes failure to follow University Policies concerning Acts of Intolerance and/or violation of University policies concerning sexual harassment as defined in Section 3 of the Marshall University Sexual Harassment Policy in the Student Handbook.

3.B. Incivility or disrespect of persons. (PS)

3.C. Lewd, indecent, or obscene conduct or expression. (SP)

3.D. Unlawful discrimination on the basis of race, sex, color, national origin, religion, political affiliation, handicap, age, or sexual orientation. (EX)

3.E. Commitment of any violation in this code for the purposes of harassing and/or discriminating on the basis of race, sex, color, national origin, religion, political affiliation, handicap, age, or sexual orientation. (EX)

3.F. Complicity with others in violation of this standard. (EX)

STANDARD 4: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS UPHOLD THE MISSION OF THE UNIVERSITY BY PROTECTING AND PRESERVING A CAMPUS ENVIRONMENT CONSONANT WITH THE UNIVERSITY'S EDUCATIONAL AND ACADEMIC GOALS.

Violations of this standard include, but are not limited to:

4.A. Unauthorized possession or use of drugs or narcotics. This includes any drug for which the required prescription has not been validly obtained. (SP)

4.B. Unauthorized possession, use, or distribution of alcoholic beverages or beer, as defined by alcoholic beverage policies established by the University and its governing bodies. (SP)

- 4.C. Behavior that evinces underage consumption of alcoholic beverages or beer. (P)
- 4.D. Actual, attempted, or intended manufacture, cultivation, distribution and/or sale of drugs, narcotics or marijuana or other controlled substances. (EX)
- 4.E. Disruptive or disorderly behavior attributable to the use of alcohol or other controlled substance(s), including public intoxication. (SP)
- 4.F. Misbehavior at Sports Events, Concerts, or Social/Cultural Events. (SP) This includes, but is not limited to:
- 4.F.1. Throwing of any article into a crowd or onto a playing field, court or stage.
 - 4.F.2. Bringing bottles, coolers or other prohibited items into the stadium, Henderson Center, track, theatre, or to any University sponsored events unless permitted by the appropriate University officials.
 - 4.F.3. Displaying at any sports or cultural event any unauthorized or obscene, offensive, or obstructive banner or sign.
 - 4.F.4. Inappropriate yelling at or harassment of performers, athletes, spectators or event staff.
 - 4.F.5. Violations of the Conference USA code of spectator conduct as presented in the Student Handbook.
- 4.G. Unauthorized animals on campus or other violation of the University's Animal Policy as presented in the Student Handbook. (P)
- 4.H. Disruptive or disorderly conduct; disturbing the peace through noise, rowdiness, or pranks. (P)
- 4.I. Obstructing or interfering with the orderly conduct of University affairs including teaching, research, administrative and disciplinary procedures, University sponsored elections, or any University sponsored activity. (EX)
- 4.J. Obstructing the free flow of vehicular or pedestrian traffic on University premises. (PS)
- 4.K. Failure to comply with the lawful direction of University or other law enforcement officers, or University officials in the proper performance of their duties. (PS)
- 4.L. Complicity with others in violation of this standard. (SP)

STANDARD 5: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS RESPECT THE PROPERTY OF OTHERS, AND THE PROPERTY, FACILITIES AND RESOURCES OF THE UNIVERSITY.

Violations of this standard include, but are not limited to:

5.A. Defacement, damage, destruction, or interference with any property, property right, or service belonging to other persons, groups, or organizations. (EX)

5.B. Theft or unauthorized possession of, or misuse of property belonging to other persons, groups, or organizations. This includes possessing, receiving, or storing property known to have been wrongfully taken from the University or from any person or group. (EX)

5.C. Theft or unauthorized use of, or misuse of, or interference with, services provided by or for other persons, groups, or organizations. This includes but is not limited to telephone services, credit services, mail services, tutoring services, photocopying services. (EX)

5.D. Negligent Destruction or Impairment of Property or Services: Failure to exercise reasonable care, thereby causing damage, defacement, destruction, theft or loss of property belonging to the University or any person or group. (SP)

5.E. Negligent Risk of Destruction or Impairment of Property or Services: Failure to exercise reasonable care, thereby creating a risk of damage, defacement, destruction, theft or loss of property belonging to the University or any person or group. (PS)

5.F. Misuse of University Keys: The unauthorized duplication, attempted duplication, use, loan, or possession of any key to any building, room, property, or facility owned or controlled by the University. (SP)

5.G. Forcibly breaking into and/or entering, or attempting to break into, any building, room, locker, vehicle, or other facility. (EX)

5.H. Misuse of computing networks, services, systems, or equipment, including but not limited to, unauthorized accessing of accounts, sharing of passwords, and all other provisions of the university's usage and abuse policies for its information technology environment, as approved by the student conduct and welfare committee and set forth in the student handbook. This includes using computer services to violate or aid in the violation of any other provision of this code. (EX)

5.I. Unauthorized presence or trespassing in or use of any University building or facility. (SP)

5.J. Improper or unauthorized usage of any University building or facility. (PS)

5.K. Misuse of University telephones, including charging or causing to be charged any long distance or other toll telephone call to a University telephone without proper authorization. (SP)

5.L. Misuse of any University identification material, including loaning, transferring, altering, or borrowing. (SP)

5.M. Complicity with others in violation of this standard. (EX)

STANDARD 6: MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS UPHOLD THE MISSION OF THE UNIVERSITY BY BEING RESPONSIBLE CITIZENS. MARSHALL UNIVERSITY STUDENTS AND STUDENT GROUPS COMPLY WITH THE POLICIES, PROCEDURES AND PROGRAMS OF THE UNIVERSITY, THE WV UNIVERSITY SYSTEM, AND OBEY ALL FEDERAL, STATE AND LOCAL LAWS.

Violations of this standard include but are not limited to:

6.A. Gambling, including but not limited to participation in chain letters, games of chance, betting pools, and unauthorized raffles or lotteries (SP)

6.B. Scalping: selling tickets to University functions for any price higher than the price shown on the ticket or higher than the original price of the ticket. (SP)

6.C. Violation of the University's Policies for Fundraising, Sales and Solicitation. (PS)

6.D. Violation of the policies for demonstrations and mass gatherings. (PS)

6.E. Violation of University policies governing the posting of information. (P)

6.F. Violations of Residence Services policies and/or procedures as stated in University publications provided that these documents have been approved by the Student Conduct and Welfare Committee.

STANDARD 6F addresses policies specific to the operation of campus residence halls and includes, but is not limited to, policies concerning quiet hours, visitation, unauthorized moves, guest registration, defacement, pranks, pets, hygiene, smoking, appliances, and room key usage. Policies listed under Standard 6.F. are not generally adjudicated as Code violations. In most cases, review of alleged violations of these policies will be handled by Residence Services staff and will result in residence hall contract - based sanctions. Residence Services' conduct policies are discussed elsewhere in this Handbook and are described in full in the Residence Hall Guide. (P)

6.G. Violations of Student Center, Facilities Scheduling, and Food Services policies and procedures approved by the Student Conduct and Welfare Committee and/or the Student Center Governing Board. (P)

6.H. Passing worthless checks or failing to promptly redeem a worthless check submitted to any unit within the University. (SP)

6.I. Violation of Federal, State, local, city, county, or municipal laws or ordinances. To be charged under this section the student will, in most cases, have been found guilty or declined to contest charges in a court of law. (EX)

6.J. Violation of Board of Trustees' Policies not covered in this code. (EX)

6.K. Repeated or Multiple Violations, Violations of Probation or Mediation Agreements. This applies to students who have demonstrated a history of violating University regulations, and/or who commit any violation of the terms of any University-imposed sanction or mediation agreement, and/or who fail to comply with the terms and conditions of sanction(s) imposed under the Student Code. (EX)

6.L. Failure to report a change of address to the Registrar. (P)

6.M. Failure to comply with a directive or request issued by a duly constituted campus judicial or hearing body. (PS)

6.N. Failure to report to University officials a violation of university policies. (SP)

6.O. Complicity with others in violation of this standard. (EX)

SANCTIONS

The purpose of a sanction, in addition to protecting others, is primarily to educate an individual by increasing his/her awareness of the importance of responsibility to the University community for one's actions. This will ordinarily be the guiding force behind imposition of sanctions by the University judicial system. In some instances, however, the community's need to properly function outweighs the University's ability to so educate an individual. In such a case, for the benefit of both the student and the community, suspension from the University may result.

Normally, students facing suspension or expulsion from the institution will be entitled to a hearing prior to the imposition of the sanction. However, a student may be temporarily suspended pending final action on the charges when the student's continued presence on campus would constitute a potential for serious harm to himself/herself or to the safety of other members of the institutional community. Such temporary suspension shall be followed with speedy disciplinary proceedings consistent with these policies, rules and regulations. Also, a student who is expelled from one institution in the Board of Trustees' system may not be considered for admission to another institution in the system until one year has elapsed after the student has been expelled. In addition, all other stipulations as stated in the Board of Trustees' Policy Bulletin No. 57 shall apply.

The following sanctions may be imposed for violation of this code:

A. Expulsion:

Termination of all student status, including any remaining right or privilege to receive some benefit or recognition or certification. Conditions for re-admission may be established only through written appeal to the President no sooner than one complete calendar year from the date the expulsion was placed in effect. During the expulsion, the person is barred from coming onto or using University property and facilities. The action will appear on the student's official

transcript until such time as an appeal is made to and granted by the President to terminate the expulsion.

B. Suspension:

This action involves separation of the student from the University as specified by the Judicial Board of the Office of Judicial Affairs for a definite stated period of time up to one academic year. Condition on resumption of activities, if any, also may be imposed. Notification appears on the student's official transcript until the expiration of the sanction. A suspended student may apply for re-admission to the University through the Office of Judicial Affairs at the end of the suspension period specified by the judicial action. The Office of Judicial Affairs may deny re-admission in those instances where the suspended student fails to demonstrate a positive change in behavior which indicates that the suspended student is prepared to become again a responsible member of the University community. Numerous resource persons and agencies may be used to assist the student in identifying and clarifying experiences, goals, educational and career choices, and other personal objectives.

Two additional forms of suspension exist:

(1) Probationary Suspension:

Suspension is withheld pending careful evaluation of a student's behavior during a probationary period not to exceed one year. If the student is involved in any further offense, or if otherwise warranted, this suspension of disciplinary action may be revoked by the Dean of Student Affairs or his/her designee and the full sanction of suspension enforced subject to appeal to the Judicial Board. While a student is on Probationary Suspension, any of the conditions outlined under probation may be imposed.

(2) Deferred Suspension:

This is suspension which becomes effective at a specified future date. It is normally used near the end of a semester to avoid the financial penalty of immediate suspension. During this period of deferred suspension, probationary status as described in Probationary Suspension above will exist.

C. Probation:

This action involves a specified period of time, not to exceed one year, determined by the Judicial Board or the Judicial Affairs Office during which a student in violation of one or more University regulations is given an opportunity to prove that he or she can become a responsible and positive member of the University community. A student violating any University regulation or the terms of probation while on probation may be subject to disciplinary action as specified under this Code. When a student is placed on probation, the Office of Judicial Affairs will notify appropriate University offices of that action.

Probation may include one or more of the following:

(1) Loss of Participation:

The student may not represent the University in any extracurricular activities such as intercollegiate athletics, debate teams, University theater, band, etc.; however, the

student may participate in informal activities of a recreational nature sponsored by the University.

(2) Self Improvement:

A program of self development will be planned in conjunction with a faculty or staff person assigned to assist in a counseling/guidance capacity. Numerous resource persons and agencies may be used to assist the student in identifying and clarifying experiences, goals, educational and career choices, and other personal objectives.

(3) Surrender of Student Activity Privileges:

A student required under this section to relinquish Student Activity privileges paid for by the Student Activity Fee may not participate in, or attend, events for which the Activity Fee is required or provides a discount or privilege. Exceptions may be granted by the Judicial Affairs Office in those instances where attendance at such events is required by academic courses or programs.

(4) Loss of Privilege of Participation in Advanced Registration:

The student will relinquish his/her advanced registration privileges for one year and therefore will register at the end of advanced registration for currently enrolled students. Exceptions may be granted by the Office of Judicial Affairs in those instances where the student is in need of a required course in order to progress academically.

JUDICIAL APPEALS

The party being charged and any complainant other than employees of Marshall University acting in their official capacities may appeal the decision.

1. Appeals from decisions of the Director of Judicial Affairs or the Administrative Review Board will be directed to the Judicial Hearing Panel.
2. Appeals from recommendations of the Judicial Hearing Panel shall be directed to a) the Judicial Appeal Board or b) the President of Marshall University. Decisions of all appeals must be rendered within 10 days.
3. The Judicial Appeal Board shall consist of three voting members: the Dean of Student Affairs as Chair, a full time faculty member and a University student. The Chair of the Faculty Senate will select the faculty member. In consultation with the Dean of Student Affairs, the Student Government President will appoint the student member. Both appointments will be selected on a case by case basis, assuring that a panel representative is not affiliated with the accused student. At the discretion of the Chair, substitutes may be named when necessary.
4. The Judicial Appeal Board will address all appeals where the recommended sanction is formal warning, probation, probationary suspension, or other sanctions of less severity. In these cases the decision of the Judicial Appeal Board is final.

5. Appeals for cases wherein the sanction is Deferred Suspension, Suspension, or Expulsion shall be considered by the President or his/her designee, which may include the Judicial Appeal Board. Except in cases where the recommended sanction is expulsion, the decision of the President is final. In cases where the President has imposed a sanction of expulsion, an appeal may be filled with the Marshall University Board of Governors.

The request for appeal from a recommendation of the Director of Judicial Affairs, the Administrative Review Board, the Judicial Hearing Panel, or the Judicial Appeal Board must be submitted in writing on an Intent to Appeal Form to the Office of Judicial Affairs within forty-eight (48) hours (not including days the University is closed) from the conclusion of the Judicial Hearing or receipt of an official notification from all other decisions. The President or Dean of Student Affairs at his/her discretion may extend the deadline for filing an appeal upon the motion from either party.

The Judicial Appeal Board's findings regarding the charge(s) must be affirmed or remanded to the original hearing panel. The Judicial Appeal Board's recommendation regarding sanctions may be affirmed, modified, or remanded to the original hearing panel for further action as deemed appropriate. A written explanation of the grounds for appeal should be presented by the appellant within three (3) business days from the date of the appeal is filed. The scope of review shall be limited to the following:

1. Procedural errors.
2. Evidence not available at the time of the hearing.
3. Insufficient evidence to support the findings of the Judicial Board.
4. Misinterpretation of University policies and regulations by the Judicial Board.
5. A sanction or sanctions disproportionate to the offense.
6. Lack of jurisdiction.

All appeals to the Judicial Appeal Board of the President shall be considered upon the record of the original proceedings of the Judicial Hearing Panel. The President or Dean of Student Affairs, at his/her discretion, may defer the imposition of sanction pending final disposition of the appeal. In the case of expulsion, the President must defer the imposition of sanction when a student files an appropriate appeal with the Board of Trustees. A student desiring to appeal the sanction of expulsion must, within three (3) working days, indicate to the President, in writing, an intent to appeal the decision to the Board of Trustees. A written petition of appeal must be filed with the Chancellor of the Board of Trustees within fifteen (15) days of the institutional President's decision. If the Board of Trustees determines that the petition will not be heard, the decision of the President of the institution is affirmed and sanctions imposed therein shall be effective upon the President's receipt of the statement of denial.

Marshall University Code of Student Rights and Responsibilities **Grievance Procedure for Acts of Discrimination**

Marshall University has established the following Grievance Procedure to assist in the resolution of any actions or instances of discrimination related to race, color, age, sexual orientation, religious preference, national origin, sex, and/or handicap. Students who seek

action under this policy shall initiate such action with the Dean of Student Affairs, Memorial Student Center, room 2W38.

1. A complaint alleging discrimination carried out by employees, other students, or third parties on the campus may be made in writing to the address above or via email at student-affairs@marshall.edu, by means of a description of the event in as much detail as possible.
2. Upon receipt of this information, the University will conduct a thorough investigation, including taking statements from witnesses, reviewing any relevant written or electronic materials, and interviewing parties or units that can assist in the determination of facts. If a Marshall University employee is alleged to have committed an act of discrimination the Office of Equity Programs will be apprised and will guide the investigation and adjudication.
3. Such investigation shall be accomplished promptly and the complainant apprised of the status of the investigation throughout the process. The investigation shall commence within 5 days of the complaint being filed, with the goal that that the investigation be concluded within the next 10 days.
4. The complainant shall be informed of the final result of the investigation in relation to the specific act(s) that precipitated the issue.
5. The complainant will be assured that Marshall University will take steps to prevent the recurrence of any discrimination or harassment and will take action to correct any discriminatory effects on the complainant and others.
6. If acts of discrimination are identified, the Dean of Student Affairs will assure that good faith efforts will be made to remediate the effects of these to the extent possible.
7. No acts of retaliation toward the complainant will be permitted.

NOTIFICATION TO PARENTS

The Dean of Student Affairs has the authority to notify parents or guardians when students under the age of 21 are found to have committed violations of University policies related to the possession, use, or distribution of alcohol or drugs. The notification of parents is indicated when:

- (1) The violation involved harm or threat of harm to persons or property;
- (2) The violation involved an arrest in which the student was taken into custody;
- (3) The violation resulted in or could result in the student being suspended from the University and/or dismissed from residence halls;
- (4) The student has shown a pattern of violations - even if they are minor. Two or more violations associated with drug or alcohol use would be reasonable cause for notice; and/or
- (5) The student who committed the violation became physically ill and/or required medical intervention as a result of consumption of alcohol and/or drugs.

Nothing in these guidelines shall prevent University officials from notifying parents or guardians of health or safety emergencies, regardless of the judicial status of the student. Nothing in these guidelines shall prevent the University from notifying parents or guardians when students

under the age of twenty-one are involved in a group activity off campus, in which the students' organization is found to have violated University policy with respect to the use and/or consumption of alcohol or drugs. Whenever possible, students will be informed that parental notification is planned in advance of their parents' receiving the notice. The notification of parents is simply an act of notice and is not subject to Judicial Appeal.

RESIDENCE SERVICES POLICY AND CONTRACT VIOLATIONS

The Department of Residence Services establishes, with the approval of the Student Conduct and Welfare committee, rules, policies and enforcement structures necessary to maintain the orderly functioning of campus residence halls.

By signing the Residence Hall Contract, the student agrees to respect and adhere to all policies, regulations and procedures pertaining to University housing and food service as outlined in the Contract. If the student is found to be in violation of any University policies or regulations as specified in the contract, the University reserves the right to change the student's assignment or to consider the Contract terminated. When residency is terminated under these conditions, refunds will be made in accordance with the terms of the Contract.

All University students are expected to abide by Residence Services rules and policies when visiting residence Halls. Any University student who violates Residence Services Policies may be subject to loss or restriction of residence hall privileges.

Residence Services policies and procedures (referred to in Standard 6.F. of the Code of Student Rights and Responsibilities) are described in The Residence Hall Guide. Violations result in Residence Hall – based sanctions. Residence Hall incidents that involve suspected use or possession of drugs or alcohol, or any actions that could, under the Code, result in Suspension or Expulsion, must be referred to the Office of Judicial Affairs.

Residence Services Sanctions and Disciplinary Points: Each sanction carries a point value. An accumulation of 6 points in any academic year shall result in cancellation of the student's housing contract or, for non-residents, cancellation of visiting privileges, subject to appeal as defined below.

- Residence Services Written Warning — 1 point
- Residence Services Restrictions / Loss of Privileges – 2 points
- Disciplinary Room Change (may also include restrictions) – 2 points
- Residence Services Probation (may also include restrictions; room change) – 3 points
- Contract Cancellation/Cancellation of Non-Resident Privileges – 6 points

The Department of Residence Services may also assign points to students who are found to be in violation of the Code of Student Rights and Responsibilities as a result of acts committed in residence halls, or as a result of acts that affect or endanger persons, property, or services within the residence halls. The Office of Judicial Affairs notifies the Department of Residence Services of the final outcome of all disciplinary proceedings related to residence halls. Residence Services may assign 1 point for each Formal Warning and 2 points for Probation and

3 points for Probationary Suspension received as sanctions through the Office of Judicial Affairs. Resident contract cancellation or non-resident privilege cancellation by the Department of Residence Services for disciplinary reasons shall be recorded in the student's file in the Office of Judicial Affairs as a probationary-level violation of Standard 6 of the Code of Student Rights and Responsibilities. The Residence Services points system does not affect the University's authority to dismiss or ban a student from campus housing as a condition of a disciplinary sanction issued under the Code of Student Rights and Responsibilities. For information about disciplinary and appeals processes in Residence Halls, consult the Residence Hall Guide.

Resident contract cancellation or non-resident privilege cancellation by the Department of Residence Services for disciplinary reasons shall be recorded in the student's file in the Office of Judicial Affairs as a probationary-level violation of Standard 6 of the Code of Student Rights and Responsibilities. The Residence Services points system does not affect the University's authority to dismiss or ban a student from campus housing as a condition of a disciplinary sanction issued under the Code of Student Rights and Responsibilities. For information about disciplinary and appeals processes in Residence Halls, consult the Residence Hall Guide.



University Policies

The following are policies that directly affect all members of the campus community. It is important that all individuals involved in campus activities are familiar with these policies in order for Marshall University to function most efficiently as institutions of higher education.

While every attempt has been made to include the most current edition of each policy, the revision process is ongoing, and changes may have occurred since the publishing of this Handbook. Questions regarding these policies should be directed to the Student Legal Aid Center, 2W23 Memorial Student Center, (304) 696-2285.

ACTS OF INTOLERANCE

Marshall University provides more than an intellectual experience. It also provides the opportunity to further the social growth of students by maintaining an environment conducive to learning how to get along with peers and how to handle differences such as race, ethnicity, and gender. Respect for other individuals and the ability to treat others in a civil manner is a basic tenet on which our society is built. Accordingly, the University has an obligation to address behaviors within our environment that are unacceptable. Incidents based, for example, on racial or sexual prejudice are inconsistent with our educational mission and will not be tolerated.

It is a goal of Marshall University to provide an environment which is free from acts of harassment based on intolerance directed against individuals or groups. Harassment is a violation of University policy and will be subject to disciplinary sanctions, including dismissal from the University when appropriate.

ALCOHOL/BEER MARKETING

Alcohol/beer beverage marketing programs specifically targeted for students and/or held on campus should conform to the Student Code of Conduct of Marshall University, and should avoid demeaning sexual or discriminatory portrayal of individuals.

Promotion of beverage alcohol/beer should not encourage any form of alcohol abuse, nor should it place emphasis on quantity and frequency of use.

Beverage alcohol or beer (such as kegs or cases of beer) should not be provided as free prizes to individual students or campus organizations.

No uncontrolled sampling as part of campus marketing programs should be permitted, and no sampling or other promotional activities should include "drinking contests."

Where controlled sampling is allowed by law and the institutional policy, it should be limited as to time and quantity. Principles of good hosting should be observed, including availability of alternative beverages, food, and planned programs. The consumption of beer, wine, or distilled spirits, should not be the sole purpose of any promotional activity.

Promotional activities should not be associated with otherwise existing campus events or programs without the prior knowledge and consent of appropriate institutional officials.

Display of availability of promotional materials should be determined in consultation with appropriate institutional officials.

Informational marketing programs should have educational value and subscribe to the philosophy of responsible and legal use of the products represented.

Beverage alcohol/beer marketers should support campus alcohol education programs that encourage informed and responsible decisions about the use or non-use of beer, wine, or distilled spirits.

If permitted, beverage alcohol/beer advertising on campus or in institutional media, including that which promotes events as well as product advertising, should not portray drinking as a solution to personal or academic problems of students or necessary to social, sexual, or academic success.

Advertising and other promotional campus activities should not associate alcohol/beer beverage with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.

Local off-campus promotional activities, primarily directed to students, should be developed in consultation with appropriate institutional officials.

Endorsed by: the National Association of Student Personnel Administrators (NASPA), and the Association of College/University Housing Offices-I (ACUHO-I).

ANIMALS ON CAMPUS

All animals must be under the direct command of their owner or handler at all times; that is, on a leash of no more than six (6) feet in length in their owner's hands. No animals are allowed in University buildings except for animals assisting disabled persons.

APPEALS

Academic/Grade Appeals: Refer to MARSHALL UNIVERSITY ACADEMIC RIGHTS AND RESPONSIBILITIES OF STUDENTS, and the STUDENT ACADEMIC RIGHTS: WEST VIRGINIA BOARD OF TRUSTEES sections in this edition of the Handbook.

Disciplinary Appeals: Refer to the CODE OF STUDENT RIGHTS AND RESPONSIBILITIES section in this edition of the Handbook.

Grievances: Refer to the Grievance Procedure listed in the UNIVERSITY POLICIES section of the Handbook.

CHEATING/ACADEMIC DISHONESTY

For information, refer to the MARSHALL UNIVERSITY ACADEMIC RIGHTS AND RESPONSIBILITIES OF STUDENTS, and the STUDENT ACADEMIC RIGHTS: WEST VIRGINIA BOARD OF TRUSTEES sections in this edition of the Handbook.

COMPUTER ABUSE POLICIES

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

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 proceedings, faculty, staff or student disciplinary action, or legal action. Violations are subject to the appeal or grievance process.

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. 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 driver's license. Impersonating another individual, or allowing another to impersonate you 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 sanctions to enforce this policy. These sanctions 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 sanction 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 sanction is levied, the decision may be appealed through the appropriate channels.

EDUCATION RECORDS: PRIVACY RIGHTS OF PARENTS AND STUDENTS

(See Student Affairs Section)

MARSHALL UNIVERSITY DEFINITION OF DIRECTORY INFORMATION

The Family Education Rights and Privacy Act (Buckley Amendment) states that an educational institution may release without written consent those records identified as public or directory information for student who are currently enrolled provided that the institution informs the students of the categories defined as directory information and students are given an opportunity to refuse disclosure of any or all of the defined categories. Marshall University's policy statement defines directory information as follows: name, address, email addresses,

telephone numbers (permanent and campus), date and place of birth, major field of study, dates of attendance, degree and honors and awards received and classification.

EMERGENCY ACTION

Emergency action is an action by the President or his/her designee to impose the sanction, inter alia, of suspension to a student or group of students from school or from a residence hall who act or refuse to act, the result of which conduct is to interfere with the rights of others and which conduct is non-peaceful or is disruptive, or which conduct constitutes a danger to health, safety, or property of others or him/herself, provided that a hearing is held within seventy-two (72) hours of the decision.

FACILITY USE

Regulations for Use of University Facilities

The conduct of participants at an event sponsored by a recognized campus organization is the responsibility of the scheduling organization and its advisor.

Campus organizations are expected to use University property responsibly. Officers of the sponsoring organization as well as the individuals involved are responsible for any and all damages or violations of policy, except for expected ordinary wear and tear. Accordingly, officers of the group and/or Advisor(s) may request inspection of the premises by Public Safety personnel. During inspection, any damage or violation of policy noted will be reported to the Facilities Scheduling Office by Public Safety personnel. A complaint stating violation, damages, estimated cost of repair, etc., will be filed with the Director of Judicial Affairs.

Organizations sponsoring pool parties in the Henderson Center are required to hire one Marshall University Public Safety Officer. Organizations sponsoring events with an estimated attendance of 100 are required to hire two Marshall University Public Safety Officers. Exceptions to this policy may be granted if the organization's advisor, or approved designee, will be in attendance. One officer and the advisor/designee will be required in lieu of two officers. Arrangements and assignment of officers will be confirmed by the Assistant Director of Public Safety, (696)-4357.

Neither Marshall University nor the West Virginia Higher Education Policy Commission shall be responsible for any loss of or damage to equipment or property of the organization, its members, or patrons. Any equipment of the user remaining on the premises for more than ten (10) days shall be considered abandoned, and may be disposed of by the Manager of Facilities Scheduling as he/she deems advisable unless prior arrangements have been made in writing.

No signs are to be posted upon University premises without prior approval of the Facilities Scheduling Manager. Material such as nails, hooks, adhesive fasteners, tacks, or screws are prohibited. The Facilities Scheduling Manager has the right to refuse permission to use any materials, devices, or procedures which might cause injury or bodily harm.

The use of lighted tobacco is not permitted in any University building. Alcoholic beverages or

illegal substances are strictly forbidden.

Campus organizations using the University pools must hire a lifeguard, through the University: minimum of two (2) lifeguards for each fifteen (15) participants. Lifeguards may be hired by contacting the Recreational Sports & Fitness Activities Office. Lifeguards are paid by the organization at an hourly rate.

Persons running or crossing over the Marshall University Track shall wear regular track shoes with a spike less than one quarter inch. The only other shoes permitted on the track will be flat running shoes or standard basketball or tennis shoes. Joggers are required to run on the outside lanes of the track. Under no circumstances shall persons using the track eat, smoke, chew, or drink on the track surface.

No parties using Marshall University facilities shall discriminate against any citizen of the United States or any person within the jurisdiction thereof, on the grounds of race, color, sexual orientation, national origin, sex, or handicap.

Regulations for Use of University Facilities by Campus Organizations

Recognized campus organizations may reserve the following facilities by contacting the Facilities Scheduling Office, 2W17 Memorial Student Center (696)-3125:

GULLICKSON HALL
HENDERSON CENTER
OUTDOOR FACILITIES
MEMORIAL STUDENT CENTER
AUDITORIA
CLASSROOMS

To reserve one of the above facilities, a completed Facility Reservation Form signed by the organization's advisor and president must be submitted to the Facilities Scheduling Office prior to the desired date of use.

The Facilities Scheduling Manager will schedule the use of the facility and obtain other approvals as necessary (i.e., Security, Intramurals, etc.).

Late requests will be subject to the availability of the space and personnel.

Use of all campus facilities is governed by "Regulations for Use of University Facilities."

FUNDRAISING, SALES, AND SOLICITATION

The term "solicitation" is used to describe the sale of products or the seeking of funds, signatures, merchandise, services, or supplies.

Commercial-for-profit solicitation is not permitted on University property except by contract with the West Virginia Board of Trustees.

Recognized student organizations (or those in the certification process, at the discretion of the Student Activities Office) may solicit at reasonable times and places on University property, and under reasonable conditions imposed by University officials charged with control of the areas, provided such solicitations are not inconsistent with the educational purposes of the University.

In determining reasonableness of time, place, and manner of the solicitation activity planned, the Student Activities staff and University officials charged with the control of the areas where the activity is planned shall consider whether the proposed activity conflicts with regularly scheduled University activities

Other reasonable time, place, and manner conditions may be imposed as a pre-condition of conducting activity.

GRIEVANCE PROCEDURE FOR STUDENTS

Section I: Purpose

The purpose of this procedure is to provide all students with a systematic policy for the resolution of grievances which may arise with a functioning unit and/or policy of the University. This policy shall not be applicable to those cases covered by the Marshall University Code of Conduct, or the Marshall University Policy on Academic Rights and Responsibilities of Students. Procedures for student disciplinary and academic affairs are outlined in the Board of Trustees' Policy Bulletins 57 and 60. It is not the intent of this policy that any functioning unit adopts these procedures as part of their unit appeal process. Those functioning units which have students seeking appeals on a continuing basis must develop their own appeals process. The Grievance procedure undergoes review annually, and may be subject to change.

Section II: Rationale

Good student relations are maintained, effective services to students from all functioning campus units are enhanced, and all affected parties of the Marshall University community are better served when sincere efforts of students, faculty, and staff are exerted toward constructive solutions to problems that may occur. The intent of this procedure is to provide a simple and easily understood process for solving problems at the lowest possible administrative level, as fairly and as expeditiously as possible.

Section III: Definitions

A. Grievance - A formal statement from a student expressing a circumstance which he/she feels resulted in unjust or injurious treatment from a functioning unit and/or staff/faculty employed within said unit of Marshall University. Such circumstances may include, but are not limited to, a misapplication, or a misinterpretation of the statutes, policies, rules, regulations, or written agreements that are part of the functioning procedure of the University and/or behavior or actions of staff/faculty employed within a functioning unit of Marshall University.

B. Functioning Unit - The various administrative areas, departments, and/or offices and all non-classified staff/faculty employed within those areas, departments, and/or offices.

C. Jurisdiction - Refers to the areas of authority in relation to the student's right to be heard in the solution of problems in all matters except those cases covered by the Code of Student Rights and Responsibilities or the Marshall University Policy on Academic Rights and Procedures.

D. Grievance Panel - Permanent sub-committee of the Student Conduct and Welfare Committee composed of two faculty members (one of whom must be a member of the Student Conduct and Welfare Committee) and one student. Faculty members, students, and alternates shall be appointed by the Chair of the Student Conduct and Welfare Committee at the beginning of each academic year. Panel members and alternates serve one academic year. When a complaint has been filed against a member of the classified staff, the Director of Student Advocacy shall request the Chair of the Staff Council to appoint a staff member to serve on the Panel in place of one faculty member. When a complaint is against a non-classified staff member, the Director of Student Advocacy shall request the head of said unit to appoint one non-classified member in consultation with the individual(s) involved, to replace one faculty member.

E. Grievant - Any student who has a grievance as defined in Section III, Paragraph A.

F. Student - As defined under SCRR.

Section IV: Processing

A. Level I

1. Student fills out a formal grievance and submits to the Director of Student Advocacy in Room 2W40 of the Memorial Student Center (forms are available in office).
2. After the Director of Student Advocacy discusses the complaint with the student, the grievance is presented to the individual named in the complaint in an attempt at resolution. If not resolved, a copy of the grievance will be forwarded to the head of the unit in which the individual named in the complaint is employed. If the head of the unit is party to the complaint, the grievance shall be forwarded to the supervisor of the head of the unit. If a resolution is not possible at this point, the student may proceed to Level II.

The decision to proceed to Level II along with the written findings from the student must be presented to the Director of Student Advocacy within 21 days from the time the student receives formal notification that a resolution has not been reached. Likewise, the individual named in the complaint must also respond in writing to the Director of Student Advocacy within 21 days upon receipt of official notification that the student is proceeding to Level II. If the individual named in the complaint does not respond within 21 days, the complaint shall be forwarded to the supervisor of the head of the unit in which the individual is employed.

B. Level II

1. Student requests the Director of Student Advocacy to present his/her grievance to a Grievance Panel for disposition. Neither the student nor the individual named in the grievance is present at the Panel meeting. The Panel shall have 21 days from the time the grievance is presented to them to refer their findings to the Director of Student Advocacy.

2. After the Director of Student Advocacy presents all the information submitted by the student and the individual named in the grievance, the Grievance Panel does one of the following:
 - a. If the Panel finds in favor of the student, a recommendation for resolution of the grievance shall be forwarded to the head of the unit in which the individual named in the complaint is employed. If the head of the unit is party to the complaint, the recommendation shall be forwarded to the supervisor of the head of the unit.
 - b. If the Panel finds that the student did not receive unjust or injurious treatment, the student shall be advised that the Panel supports the decision/action(s) of the individual(s) named in the grievance.
 - c. If the Grievance Panel deems it necessary to obtain additional information, the Panel shall request the Director of Student Advocacy to invite the student and the individual named in the complaint to meet separately or together (at the discretion of the Panel) with the Panel. After said meeting, the Panel shall choose to act upon (a) or (b) listed above.

C. Level III

1. The Director of Student Advocacy shall refer the findings of the Grievance Panel on a Panel Response Form to the head of the unit in which the individual named in the complaint is employed. If the head of the unit is party to the complaint, the findings shall be forwarded to the supervisor of the head of the unit. The head of the unit shall indicate on the Panel Response Form acceptance or rejection of the recommendation of the Panel. The form shall be returned to the Director of Student Advocacy within five (5) working days after its receipt.
2. The Director of Student Advocacy submits the recommendation of the Panel to the head of the unit and to the student.
 - a. If the student is dissatisfied with the decision of the Grievance Panel, he/she may file a written appeal to the President of the University with the Director of Student Advocacy within five (5) working days after receipt of notification.
 - b. If the head of the unit rejects the recommendation of the Panel, the student may file a written appeal to the President of the University with the Director of Student Advocacy within five (5) working days after receipt of notification.
 - c. Within ten (10) working days, the President or his/her designee should respond to the appeal. If no response is received by the Director of Student Advocacy within that time, the recommendation of the Grievance Panel will be deemed accepted.

HAZING

According to the policies of Marshall University, the National Interfraternity Council, the National Panhellenic Conference, and all other national organizations represented on our campus, hazing is not permitted and has no place in student organizations. All acts of hazing by any organization, members, or alumnus are specifically forbidden. Hazing is defined as: "Any action taken or situation created intentionally, whether on or off campus, to produce mental, emotional, or physical discomfort, embarrassment, harassment, or ridicule. Such activities and situations may include paddling in any form; creation of excessive fatigue, i.e., any activity

which deprives a student of at least six continuous hours of sleep; physical and psychological shocks; inappropriate quests, i.e., stealing of items; treasure hunts, scavenger hunts, road trips, or any other such inappropriate activities carried on either on or off campus, or in a Greek House; wearing publicly any apparel which is conspicuous and not normally in good taste, as defined by the proper hearing bodies; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; late work sessions which interfere with scholastic activities; any other activities which are not consistent with fraternal law, ritual, or policies or regulation; any act which would degrade or otherwise compromise the dignity of the individual, including forced use and abuse of alcohol and drugs.”

Procedure for Filing a Complaint

All complaints and/or requests for definition of hazing are to be filed with Director of Judicial Affairs.

LIABILITY

Marshall University, as a state agency, cannot assume responsibility for loss of or damage to the personal property of students. Furthermore, the University cannot assume responsibility for personal injury to students.

Students and/or their parents are strongly urged to make certain that such matters are covered by their personal insurance.

NON-DISCRIMINATION POLICY STATEMENT

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, handicap, national origin, or sexual orientation.

This non-discrimination 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 undergraduate 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.

Marshall University neither affiliates with nor grants recognition to any individual, group, or organization having policies that discriminate on the basis of race, color, sex, religion, age, sexual orientation, handicap, or national origin.

Information on the implementation of the policy and/or the Title IX Amendment should be addressed to:

Equity Officer
207 Old Main
Marshall University

POSTING OF INFORMATION

A. Posting on Bulletin Boards

1. Student Activity bulletin boards are reserved for use by recognized student organizations, Marshall Artists Series, Student Programming Board, and University offices. Any poster which fulfills the following requirements may be considered approved and then posted for the specified period of time.
 - a. The name of the recognized student organization sponsoring the poster must be clearly visible.
 - b. The date of the event advertised or a date at which the poster is considered to have fulfilled the function must be included. Any poster not fulfilling these requirements will be removed from the bulletin board by a member of the staff.
 - c. Legitimate posters are to be removed the day following the event by the person or persons who put up the poster.

Failure to comply with regulations will result in loss of posting privileges.

2. In residence halls, in order to put up posters, permission must be received from the Resident Director of the hall, and the rules and regulations of that hall must be observed.
3. Departmental boards are clearly marked as such and no material is to be posted thereon except at the direction of the chair of the department concerned.
4. In order to maintain the natural beauty of the campus and to preserve the quality of the buildings, trees, and shrubs, there shall be no posting of notices on any buildings, telephone poles on the campus, or sidewalks. Posting on trees is acceptable only if string or tape is used (no nails).
5. Posting is not permitted on woodwork, doors, windows, walls, or bulletin board frames or painted surfaces.
6. In accordance with the State Fire Marshall's regulations, all posting within thirty (30) inches from any light fixture must be of fireproof materials. For this reason, no poster, promotional materials, or decorations may be suspended from any light fixture.
7. There shall be no signs or promotional materials stretched across the corridors of buildings, on the outside of buildings, or between structures unless by special permission, arranged through the Student Activities Office.
8. Special provisions can be made for displaying posters during Student Government elections or other all-campus referenda through the Student Activities Office.
9. Courtesy and respect for the freedom of expression by others dictate that posters are not to be marked on, destroyed, or removed. Anyone discovered defacing posters will be subject to disciplinary action under The Student Code of Rights and Responsibilities.

10. Off campus groups must receive permission from the Facilities Scheduling Office before posting any signs or posters on campus. If approval is not received, such material will be removed.
11. Masking tape may only be used on unpainted cement or metal surfaces, because it damages wooden and painted surfaces.

B. Banners

Student Activities Committees and the Marshall Artists Series have blanket permission to post banners on the Memorial Student Center campus side balcony. Other groups may request permission for posting banners on the 5th Avenue side through the Facilities Scheduling Office.

C. Newspapers, Handbills, Flyers & Printed Materials

1. Handbills or flyers may not be placed on car windshields, buildings, lamp post and trees.
2. The University reserves the right to regulate locations on campus where handbills and flyers may be distributed. In general, they may NOT be distributed:
 - a. Outside buildings where normal traffic flow may be impeded.
 - b. Inside buildings and offices, except from reserved tables.
3. Individuals or groups distributing handbills or flyers are responsible for their content.
4. The sponsoring individual or group must be clearly identified on the flyer or handbill.
5. Any off campus group that wishes to distribute handbills or flyers on campus must register forty-eight (48) hours in advance with the Student Center Operations in 2W6 Memorial Student Center. Campus Security will be notified of approval.
6. Materials may not be stuffed in residence hall mail boxes, nor may they be distributed in the residence halls without approval of Residence Services.

PUBLIC COMMUNICATIONS

Demonstrations & Mass Gatherings

The following special provisions apply to all rallies and/or demonstrations (subject to approval/revision by appropriate University committees):

1. Registration of a mass gathering must be made forty-eight (48) hours prior to the event in office of Student Activities or with the Dean of Student Affairs. The appropriate form must be filled out at that time. The purpose of the proposed rally or demonstration and the route of all moving demonstrations, rallies, or parades must be discussed and approved in advance by the Dean of Students, or his/her designee.
2. Reservations for space use must be confirmed with the appropriate University Department.
3. University Police must be notified forty-eight (48) hours in advance.
4. Rallies may not obstruct or disrupt any legitimate function of the University. These include research, teaching, administrative, public service, or other authorized functions, activities, or programs.
5. Rallies may not obstruct the free flow of pedestrian or vehicular traffic.
6. In all instances, those holding rallies and demonstrations are responsible for making the necessary provisions to maintain the peaceful demeanor of the rally.
7. The student officer in charge will be responsible for making the necessary arrangements

with other officers and personnel on campus as directed by the Dean of Students or his/her designee.

8. Individuals participating in demonstrations are reminded that they are responsible to local, state, and federal laws as well as University regulations concerning demonstrations and assembly.
9. Unlawful conduct may warrant strict disciplinary actions as described in the Marshall University Code of Student Rights and Responsibilities.
10. Any demonstrations or mass gatherings off campus must go through appropriate municipal offices.

RESIDENCY STATUS

Students must complete the West Virginia Residency Application available in the Office of the Registrar.

SEXUAL ASSAULT AND ABUSE POLICY

Acts of sexual violence, assault or abuse, such as rape, acquaintance rape, and other forms of non-consensual sexual activity will not be tolerated at Marshall University. Such acts are criminal behaviors and create an environment contrary to the goals and mission of the University. These acts will be swiftly investigated and will subject an individual to disciplinary action under the University student conduct code, separate from any criminal prosecution or action.

SEXUAL HARASSMENT

Marshall University's Policy Statement of Sexual Harassment for Faculty, Staff, and Students.

Section 1. GENERAL

- 1.1 Scope. This policy defines sexual harassment, provides guidelines for the filing and processing of complaints, provides for disciplinary action and administrative remedy in case of sexual harassment and outlines educational programs aimed at prevention and/or eradication of sexual harassment.
- 1.2 Authority. Policy Bulletin No. 9 issued by the West Virginia Board of Regents on May 17, 1987.
- 1.3 Coverage. This policy applies to situations where the alleged harasser is an applicant for employment, an employee, a guest, invitee or licensee, or a contractor of the University and where the complainant is an applicant to an educational program, a student, an applicant for employment, an employee, guest, invitee or licensee, or a contractor of the University.

It does not apply to situations where the alleged harasser is a Marshall student; such situations are covered by The Code of Student Rights and Responsibilities.
- 1.4 This policy shall be construed in a manner consistent with academic freedom, as well as the rights to free speech, privacy, and association.
- 1.5 Effective date: May 10, 1993

Section 2. POLICY STATEMENT

- 2.1 Sexual harassment is prohibited by federal and state legislation. In the employment context, it is prohibited by Title VII of the Civil Rights Act of 1964; in the education context, it is prohibited by Title IX of the Education Amendments of 1972; and it is prohibited in both employment and public accommodation contexts by the West Virginia Human Rights Act of 1961, as amended. Sexual harassment in any manner or form is expressly prohibited by the University. The University is committed to the prevention and/or eradication of sexual harassment. It is the responsibility of students, employees and contractors of the University to maintain a work and educational environment free from sexual harassment. It is the responsibility of all academic and administrative supervisory employees to provide educational opportunities to foster such environment; it is also their responsibility to take immediate action whenever sexual harassment is reported or becomes known.

Section 3. DEFINITION

- 3.1 Sexual harassment is a form of sex discrimination. For the purpose of this policy, it is defined in conformity with the guidelines published by the U.S. Department of Education and the U.S. Equal Employment Opportunity Commission.

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 3.1.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- 3.1.2 Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or when
- 3.1.3 Such conduct has the purpose or effect of:
 - 3.1.3.1 Unreasonably interfering with an individual's academic or work performance, or
 - 3.1.3.2 Creating an intimidating, hostile or offensive working educational environment.
- 3.2 Examples of acts that may, in the work or educational environment, rise to the level of sexual harassment include, but are not limited to:
 - 3.2.1 Display of sexual suggestive or derogatory materials;
 - 3.2.2 Inquiries about a person's sex life by her/his instructor or supervisor;
 - 3.2.3 Hazing, slurs, or jokes which convey insulting, degrading, demeaning and offensive sexist attitudes;
 - 3.2.4 Unwelcome brushes, touches or other physical contacts of a sexual nature.
- 3.3 In determining whether alleged conduct constitutes sexual harassment, the University will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances, the context, the relative status of the parties, the frequency or seriousness of the alleged incidents reported by each complainant. The determination of the legality of a particular action will be made from the facts, on a case by case basis.
- 3.4 Examples of acts that constitute sexual harassment include, but are not limited

to:

- 3.4.1 Sexual coercion, threats or insinuations that granting of employment or education rights will be a function of submission to request for sexual favors;
- 3.4.2 Insinuations that refusal to grant sexual favors may result in reprisal;
- 3.4.3 Sexual assault.

Section 4. FILING AND PROCESSING OF COMPLAINTS

- 4.1 Any student, employee, applicant, guest, invitee, licensee, or contractor of the University who believes s/he has been sexually harassed must follow the Sexual Harassment Complaint Procedures published by the Office of Equity Programs. The procedures may be obtained from deans, directors, academic chairpersons, area coordinators (hereafter referred to as academic and administrative supervisors), members of the Equal Opportunity Grievance Panel, or the Office of Equity Programs.
- 4.2 Complaints of sexual harassment must be filed within one hundred and sixty working days (160) of the alleged incident. The time period for filing may be extended by the Office of Equity Programs, for good cause.
- 4.3 A third party may file a complaint under this policy when sexual harassment of another person has the effect of:
 - 4.3.1 Unreasonably interfering with that third party's academic or work performance, or
 - 4.3.2 Creating an intimidating, hostile or offensive working or education environment for the third party.
- 4.4 The University reserves its right to assume the role of a complainant and investigate sexual harassment incidents whenever it deems appropriate.
- 4.5 The Sexual Harassment Complaint Procedures, published by the Office of Equity Programs of the University, will be used to process sexual harassment complaints.
- 4.6 Deans, directors, department chairpersons, area coordinators and supervisory employees shall receive training in the processing of informal complaints.
- 4.7 Members of the Equal Opportunity Grievance Panel shall receive training in the processing of informal and formal complaints.
- 4.8 Nothing in this policy shall affect the right of the complainant to file his/her complaint with external law enforcement agencies. Complaints may be filed concurrently with external agencies, to meet state and federal agency deadlines without jeopardizing complainant's rights to an investigation by the University.

Section 5. DISCIPLINARY ACTIONS & ADMINISTRATIVE REMEDIES

- 5.1 At the discretion of the President, appropriate corrective and/or disciplinary actions, ranging from a warning up to and including termination, will be taken against:
 - 5.1.2 Any academic or administrative supervisor who fails to take corrective action when there is probable cause to believe that s/he should have known, that one of the persons protected by this policy was being or had been subjected to sexual harassment by one of his/her guests, employees, or contractors.
 - 5.1.3 Any applicant, guest, invitee, licensee, contractor or employee of the University when there is probable cause to believe that s/he had sexually

- harassed any person protected by this policy;
- 5.1.4 Any employee who breached the confidentiality of matters pertaining to a sexual harassment;
- 5.1.5 Any complainant found to have been dishonest in making an allegation of sexual harassment; and
- 5.1.6 Any person who retaliated against an individual because that individual complained of sexual harassment, testified on behalf of someone who filed a complaint, or assisted in the implementation of this policy.
- 5.2 The nature of the corrective and/or disciplinary actions must be commensurate with the nature of the violation of the policy.

Section 6. RECORD KEEPING

- 6.1 All files pertaining to formal complaints of sexual harassment will be kept, in strict confidence, in the Office of Equity Programs. Copies of informal complaints will be forwarded to the alleged harasser, but not kept on file.
- 6.2 Copy of the final decision of the President and of all appeal decisions will be filed in the personnel folder of the alleged harasser.
- 6.3 All formal complaints and all paperwork associated with such complaints will be destroyed after three (3) years unless there is compelling evidence that there is a pattern of activities on the part of the named individual. The Director of Equity Programs will have the responsibility to notify the named individual whether the files are being destroyed or retained within 30 days of the third anniversary of the complaint. If the files are retained, the named individual has the right to file additional comments relative to the complaint. Files that are retained will be reviewed after an additional three (3) years to determine whether the pattern of activities still exists and, if not, the files will be destroyed. The named individual will be notified of the disposition of the files in accordance with the guidelines set down in this section.

Section 7. DISSEMINATION AND IMPLEMENTATION

- 7.1 The Office of Equity Programs is, hereby, charged with the responsibility of developing and monitoring a program for the dissemination and implementation of this policy. The program should include, but should not be limited to:
- 7.1.1 Dissemination of this policy to employees and students by directors, academic chairpersons, area coordinators, supervisory employees, and the Department of Human Resources;
- 7.1.2 Educational programs organized by the Office of Equity Programs upon requests of vice-presidents, deans and directors;
- 7.1.3 Establishment and administration of standard operating procedures for responding to sexual harassment complaints;
- 7.1.4 Workshops on the processing of informal complaints of sexual harassment organized by the Office of Equity Programs upon request of vice-presidents, deans and directors; and
- 7.1.5 Workshops on the processing of formal and informal complaints organized by the Office of Equity Programs for the members of the Equal Opportunity Grievance Panel.

Section 8. NON-RETALIATION

- 8.1 Retaliatory action of any kind taken against someone because s/he has filed a complaint under this policy, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy, is prohibited. Said retaliatory action shall be regarded as a separate and distinct grievable manner.

COMPLAINT PROCEDURES

Section 1. GENERAL

- 1.1 Purpose. These procedures are to be used in the implementation of the Sexual Harassment Policy of the University.
- 1.2 Authority. Policy Bulletin No. 9 issued by the West Virginia Board of Regents on May 17, 1987.

Section 2. GRIEVANCE PROCEDURES

The complainant may choose to use the informal procedure or the formal procedure described below; or s/he may use the informal procedure first and then, if not satisfied, the formal procedure.

2.1 INFORMAL PROCEDURE

2.1.1 Informal complaints need not be in writing but must be filed within one hundred and sixty (160) working days of the alleged incident. They may be resolved in consultation with an agent of the University, as described below:

2.1.1.1 Any applicant to an educational program, or person seeking employment with the University, who feels that s/he has been sexually harassed should contact the Office of Equity Programs for counseling and other appropriate actions;

2.1.1.2 Any employee who feels that s/he has been sexually harassed should contact his/her supervisor for counseling, or a member of the Equal Opportunity Grievance Panel, or the Office of Equity Programs for counseling and other appropriate actions;

2.1.1.3 Any student who feels that s/he has been sexually harassed should contact the chairperson of his/her department, or the dean of his/her college, or a member of the Equal Opportunity Grievance Panel, or the Office of Equity Programs for counseling and other appropriate actions;

2.1.1.4 Any person who feels that s/he has been sexually harassed should contact the Office of Equity Programs for counseling and other appropriate actions.

2.1.1.5 The agent of the University should attempt an informal resolution of the situation within thirty (30) working days.

2.1.1.6 If the complainant(s) wish(es) to remain anonymous, the agent of the University should counsel the complainant(s) and discuss with him/her/them ways to remedy the situation without confronting the alleged harasser. The agent of the University shall forward all records to the Office of Equity Programs. The Office of Equity Programs will inform

the alleged harasser that a complaint has been filed and provide the alleged harasser with a copy of the complaint with all data that could be used to identify the complainant(s) removed. No file of informal complaints will be kept at any level.

2.1.1.7 If the complainant(s) choose(s) to reveal his/her/their identity, the agent of the University shall refer the matter to the Office of Equity Programs for further action. An agent of the Office of Equity Programs shall meet with any parties and attempt to arrive at a mutually satisfactory solution. Such solutions may include dropping the charges, signing a consent decree, or reaching a no-fault settlement agreement. If any party is not satisfied with the results of this process, he/she may request that the incident be reviewed as a formal complaint.

2.2 FORMAL PROCEDURE

The formal procedure is invoked by the filing of a written complaint with the Director of Equity Programs. The complaint shall be filed upon forms available from the Office of the Equity Programs.

2.2.1 Formal complaints must be filed within one hundred and sixty (160) working days of the alleged incident. The time period for filing may be extended by the Director of Equity Programs. The complaint shall be filed upon forms available from the Office of Equity Programs.

2.2.2 Upon acceptance of a complaint, the Director of Equity Programs shall select two (2) or more members of the Equal Opportunity Grievance Panel to constitute the Committee that will investigate the complaint.

2.2.3 Within five (5) working days of acceptance of the complaint, the Director of Equity Programs Officer will notify the alleged harasser of the allegations made by the complainant. In the notification letter, the Equity Programs Officer will request the alleged harasser's response to the allegations; and provide him/her with the names of the members of the Sexual Harassment Committee that will investigate the complaint. The Equity Programs Officer will also provide the complainant with a copy of the notification letter. Within three (3) working days of said notification, either the complainant or the alleged harasser may request that any member of the Committee be excused for good cause.

2.2.4 The complaint shall be investigated within the sixty (60) working days following notification of the alleged harasser; in the event of extenuating circumstances, this period may be extended by the Director of Equity Programs with authorization from the complainant.

2.2.5 The complainant may withdraw his/her complaint at any time. A no-fault settlement may be offered and accepted by either party, at any time, but the University reserves the right to conduct its investigation.

2.2.6 During the course of the investigation, the Committee shall interview the parties, hear testimony from some of the witnesses offered by the parties, and gather evidence from any other appropriate source. The Committee shall conduct predetermination conferences with the complainant, the alleged harasser, and the Director of Equity Programs.

2.2.7 Within the ten (10) working days following the predetermination conference with the Equity Programs Officer, the Committee shall submit its

report to the Director of Equity Programs. The report should include the complaint, a summary of the relevant evidence, an analysis of the evidence, and a brief conclusion or determination.

2.2.8 Upon receipt of the report of the Sexual Harassment Committee, the Director of Equity Programs will notify both parties of the determination of the Committee and invite them to a conciliation meeting. In cases of sexual assault, conciliation or mediation will not be attempted.

2.2.9 Should the parties agree to conciliate, the Director of Equity Programs will draft a Conciliation Agreement for signature of the parties; if any party does not agree to conciliate, the Director of Equity Programs will ask the party to submit his/her reasons in writing, within three (3) working days.

2.2.10 Within the ten (10) working days following the invitation to conciliate, the Director of Equity Programs shall submit the report of the Committee, and his/her recommendations to the President through the Vice-President for Executive Affairs and General Counsel. The Director of Equity Programs shall inform both parties of his/her recommendations.

2.2.11 Within the ten (10) working days following notification of the recommendations of the Equity Programs Officer, either party not satisfied with the recommendations may appeal to the President or his/her designee. The President may establish a committee to review the complaint and decide on the appeal. The decision of the President will be rendered within the twenty (20) working days following the appeal deadline. The decision of the President shall be the final decision of the University.

2.2.12 However, the complainant will have the right to file the same complaint with the appropriate local, state or federal agency; and the alleged harasser will have the right to appeal the decision of the President to the Board of Trustees.

Section 3. CONFIDENTIALITY

- 3.1 All students and employees of the University will treat as confidential, to the extent permitted by law, the information that is disclosed to them in sexual harassment proceedings.
- 3.2 This provision does not apply to disclosures by investigator(s) to charging party, alleged harasser, or witness when disclosure is deemed necessary for securing appropriate information.
- 3.3 The Equity Programs Officer is authorized to provide the alleged harasser with a copy of the charges, and copies of all written statements submitted by the complainant; s/he is also authorized to provide the complainant with copies of all statements submitted by the alleged harasser.
- 3.4 The Sexual Harassment Committee, and the Equity Programs Officer are authorized to discuss their findings, conclusions, recommendations, and/or reports with the complainant and the respondent; only the President or his/her designee can authorize release of the above mentioned reports.
- 3.5 Upon written authorization of the President, or of his/her designee, records of sexual harassment cases may be made available for confidential review by persons involved in grievances arising out of the same incident.
- 3.6 Breach of confidentiality by the Equity Programs Officer, by staff of the Office of Equity Programs, by members of the Equal Opportunity Grievance Panel, or by

any person entrusted with records of sexual harassment complaints is subject to appropriate sanctions, as provided for in the Sexual Harassment Policy of the University.

SMOKING POLICY

Consistent with West Virginia policy, smoking is not allowed in any University building.

Conference USA CODE OF SPECTATOR CONDUCT

Conference USA and (institution) promotes good sportsmanship by its student-athletes, coaches and fans. We request your cooperation by supporting the participants and officials in a positive manner. Profanity, racial or sexist comments, or other intimidating actions directed at officials, players, coaches or team representatives will not be tolerated and are grounds for removal from this arena. Also, the throwing of any objects onto the playing floor is prohibited.

Artificial Noisemakers

Artificial noisemakers, air horns, and “electric amplifiers” are not permissible in arenas or stadiums except for those amplifiers that are part of the official pep band. Such instruments will be removed from the facility when discovered inside.

The only exception to the electronic amplifiers will be for use of cheerleaders using them to give instructions to the crowd, and not using them toward area of competition.

Bands-PA Announcers

Bands or any component thereof (including drums), organs, and PA announcers are not allowed to play/speak while the game is in progress and bands will be seated where designated.

Explosive Devices, Live Mascots, and Motorized Vehicles

The Home Team’s Athletic Director decides the policy regarding use of explosive devices (cannons, rifles, shot guns, rocket launchers, etc), live mascots (horses, buffalos, etc.), and motorized vehicles in the school’s facilities. Visiting Team Athletic Director needs to request permission for the use of such at least two (2) weeks in advance of contest and approval or disapproval should be furnished at once by home team’s Athletic Director.

Institutional Heads

Before the first football game each year, or as soon after that game as practical, each Institutional Head will hold a meeting for the purpose of discussing sportsmanship and crowd behavior at football and basketball games. (At his/her discretion, the institutional head may hold another meeting before the first basketball game.) This meeting will be attended by the following persons: Institutional Head, Dean of Students (or the equivalent officer), Faculty Athletic Chair, Athletic Director, all coaches (football and basketball), cheerleaders, band director, band leaders, student body leaders, student newspaper reporters, public address announcer, and security personnel. Guidelines for the discussion will be supplied by the Commissioner. The Athletic Director and coaches will inform the players and other squad personnel of their responsibilities. The institutional head will certify, on a form supplied by the Commissioner, that such a meeting has been conducted. This form will be filed with the Commissioner not later than October 1.

SPEAKER BANS

Students should be allowed to invite and to hear any person of their choosing. Routine procedures required by the University before a guest speaker is invited to appear on campus are designed only to ensure that there is orderly scheduling of facilities, adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution. The responsibility for the content and proper conduct of such meetings lies with the respective organization and its advisors.

1. Speakers are encouraged at Marshall University regardless of subjects to be discussed, background, or past association of the speaker. Although the Student Affairs staff and the staff of Public Safety encourage a wide variety of issues and topics, they reserve the right to intercede if a topic may be of such a volatile nature as to interfere with the goals and the nature of the University. If requested, groups must be provided equal time for opposing points of view.
2. An outside speaker must be sponsored by a recognized student organization or University Department.
3. A recognized student organization which sponsors a speaker must:
 - a. Submit a request form to the Office of the Dean of Student Affairs at least two (2) weeks in advance. The form is to be signed by both the President and advisor of the group.
 - b. Speakers must be accompanied by representatives of the sponsoring group at all sponsored activities.
 - c. If an outside agency or speaker is being sponsored at a table in the Student Center or Residence Halls, members of that sponsoring group must be present at the table.

SUBSTANCE USE AND ABUSE POLICY

I. Introduction

The purpose of this policy is to serve as a guide for the campus community in the use and abuse of controlled substances. Alcohol abuse or the use of illegal drugs is incompatible with the educational mission of Marshall University. The role of the University in pursuit, creation, and dissemination of knowledge requires that all members of the University community function at their optimal level. The illegal use or abuse of drugs and/or alcohol has a clear and adverse effect on the educational environment. Accordingly, Marshall University is committed to promoting the responsible use of alcohol and preventing the use of illegal drugs.

Consistent with its mission, Marshall University will utilize educational strategies as the primary approach to substance abuse. However, all members of the University community should know that any violations of local, state, or federal laws will be subject to prosecution to the fullest extent of the law and of University policy.

Those persons who are currently involved in the abuse of alcohol or the use of illegal drugs and who seek assistance in overcoming these addictions through a viable and recognized treatment program will be supported in these efforts.

II. Definitions

Alcoholic beverages include those beverages defined under the State of West Virginia Code, Section 60-7-12a, as non-intoxicating beer, and under 60-8-20a as wine and other alcoholic liquors. This means beer, wine, wine coolers, and all other liquors.

Illegal drugs include those substances defined under Schedule I of the West Virginia Uniform Controlled Substances Act (60A-2-204). These include any opiates, opiate derivatives, and hallucinogens such as marijuana and LSD. Also included are substances listed under Schedule II of the Act which have a high potential for abuse, but which may have a recognized medical use.

III. Alcohol

West Virginia state law prohibits the purchase of alcoholic beverages by persons under the age of 21, and also prohibits any person not related by blood or marriage from providing alcoholic beverages to persons under age 21. In order to stand consistent with this statute, the University is compelled to carefully monitor and control the use of legal alcoholic beverages on campus or by organizations under the support of Marshall University. All organizations affiliated with the University must take positive action to ensure that minors are not served alcohol.

Many campus-based constituencies include persons who are legally able to purchase and consume alcoholic beverages. These include faculty, staff, students, alumni, visitors to campus, community groups, conference or workshop participants, or others here for purposes related to University functions. For these groups, the responsible use of alcohol must be the guiding principle.

State law also prevents the sale and consumption of alcoholic beverages on campus, except in specifically designated locations. For this reason and others, many campus affiliated organizations choose to hold social functions at off campus locations. Again, for these organizations, positive actions must be taken to promote the responsible use of alcohol. These actions are required:

- Positive actions to ensure that no persons under age 21 are served alcoholic beverages.
- No social event shall include any form of “drinking game.”
- Alcohol should not be used as an inducement to participate in a campus event. Promotional materials for any event shall not make references to the amount of alcoholic beverages (such as number of kegs) available.
- Direct access to alcoholic beverages should be limited to those persons designated as servers.
- Alternative non-alcoholic beverages must be available.
- Food as well as drink must be served.
- Early cut-off of drinks must be observed, *preferably one (1) hour prior to the end of the event.
- No alcohol should be served to those persons obviously intoxicated. (*) Alcohol beverages (beer and wine coolers) may be legally sold and consumed with the approval

of the President in designated and licensed areas of the Marshall University campus.

IV. Illegal Drugs

Consistent with its educational mission, the University will utilize educational strategies as the primary activity aimed at preventing drug abuse and the use of illegal drugs. A strong program focusing on drug abuse will be conducted with the intent of informing all members of the University community of the resources available to help resolve abuse problems. Those members of the University community who voluntarily seek assistance for abuse concerns or drug addiction through a recognized treatment program, either through the services of Marshall University or through community resources, will be assured that applicable standards of confidentiality will be maintained. Students who voluntarily seek such treatment may be eligible for a medical withdrawal from the University without academic penalty.

Members of the Marshall University community are responsible for knowing and complying with provisions of West Virginia law that define as crimes the possession, sale, delivery, or manufacture of those drugs known as “controlled substances.” Any member of the University community who violates that law is subject both to prosecution and punishment by civil authorities and by the University.

Sanctions will be imposed by the University consistent with procedural safeguards applicable to disciplinary actions against the involved parties. Penalties imposed may range from written warnings with probationary status to expulsions from enrollment and/or termination of employment.

V. Governing Policies for Specific Communities

Students: The Marshall University Code of Student Rights and Responsibilities, as administered by the University Judicial System, governs the procedures to be followed in case of violation of this policy by enrolled students.

Faculty: Violations of University policy and/or state laws committed by members of the University faculty shall be adjudicated within the guidelines of WV Board of Trustees Policy Bulletin 36.

Staff and Administrative Personnel: Violations of University policy and/or state laws committed by members of the University staff or administration shall be subject to sanctions as outlined above. Procedures for adjudicating such violations shall be consistent with WV Board of Trustees Policy Bulletin 52, and the Classified Employees Handbook, Section 10.

Alumni and Other Groups: Alumni of the University, when gathered at a University-sponsored, sanctioned, organized, or affiliated event should be subject to the same standards of behavior as students and staff of the institution. The University will make every effort to ensure compliance with these guidelines. Affiliated groups, including visitors to campus, participants in seminars benefitting from University affairs or services will also be expected to conform to these standards.

WEAPONS POLICY

Concealed and unconcealed possession or storage of any firearm, pellet gun, illegal knife, sling shot, ammunition, dangerous chemical, fireworks or explosive device, or other dangerous weapon, device, or substance of any kind by any individual on or about the University premises is prohibited and is a violation of Marshall University's policy. A violation of this nature is considered a gross misconduct, and may constitute a violation of state or federal law. Any individual who is found to be in violation of this policy shall be subject to removal from the premises and possible arrest by the Marshall University Police Department. Marshall University employees, whether faculty or administrative staff, who violate this policy shall be subject to disciplinary action which could lead to immediate dismissal.

WEATHER STATEMENT

Generally, it is Marshall University's policy to maintain its normal schedule, even when conditions are inclement. However, this is not always possible. 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 general public, as expeditiously and as comprehensively as possible in the following ways:

1. Television stations in Huntington and Charleston will be notified.
2. Radio stations in Huntington and Charleston will be asked to announce the delay or closing.
3. Time permitting, newspapers in Huntington and Charleston will be notified. Often, however, decisions must be made after the deadlines of newspapers.
4. The Vice President for Communications will communicate the specific details of the closing as follows:
 - a. To the Office of Public Safety and (696)-HELP.
 - b. To the AUDIX of the manager of Telecommunications at (696)-3335 and to the manager of telecommunications at his home.
5. The Manager of Telecommunications will place the closing message on the entire university AUDIX system as well as the university response number (696)-3170.

Definitions:

University Closed: All classes suspended and offices closed.

Classes Canceled: Classes suspended; office open.

Delay: A delay in the beginning of activities, usually in the range of one to two hours. For example, since normal operations of the university begin at 8:00am, a two hour delay would mean functions would begin at 10:00am. As a result, Monday, Wednesday, or Friday classes beginning at 8:00am would be canceled; 10:00am classes would meet. Tuesday or Thursday classes beginning at 8:00am would be canceled; those scheduled for 9:30am would begin instead at 10:00am in an abbreviated session. In most instances, delays on Tuesday or Thursday will be 90 minutes, enabling 9:30 classes to begin on schedule.

Clarification: Since announcements in the mass media are subject to individual distortion, incompleteness or misunderstanding, clarification may be obtained by telephoning Marshall

University (696)-3170.

Staff and Administrative Personnel: The University will completely close 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, although classes may be canceled, 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 work or temporarily reside on campus to ensure human safety and preservation of university property and/or facilities.

Individual employees may, in their best judgment, determine the risk of travel to be too great and elect to remain at home. Those who do so should contact their respective supervisor and indicate they are:

1. Taking annual leave that day, or
2. Taking compensatory time, in the event compensatory time is owed them.

In the event a building, or a section of a building is closed (because of heat loss, power outage, etc.), employees working in the 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/or work stations are open to employees at all times when those employees are expected to be at work, including inclement weather situations and other disruptive situations.

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

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



Academic Rights and Responsibilities

Marshall University's policies in regard to the rights and responsibilities of students are in keeping with the Board of Policy Bulletin Number 60, which is reproduced in its entirety in this Handbook. Academic Rights and Responsibilities of students policy statement provides details with respect to student rights and procedures on these and similar matters relating to appeals.

This policy statement implementing Board of Policy Bulletin Number 60 (July 11, 1986) supersedes previous policies which concern grade appeals, academic and any other procedures relating to academic appeals.

ACADEMIC DISHONESTY POLICY

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 something that will not be tolerated as these actions are fundamentally opposed to "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.

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, practicums 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 their own work from that created by others. This includes the proper use of quotation marks, paraphrase 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, or the Academic Dean. Sanctions for academic dishonesty may be imposed even if a student withdraws from an individual course or from the university entirely.

The instructor may impose the following sanctions:

- A lower or failing project/paper/test grade
- A lower final grade,
- Failure of the course
- Exclusion from further participation in the class (including laboratories or clinical experiences)

The following sanctions may be recommended by the instructor but will need to be imposed by the department chair, academic dean or the Office of Academic Affairs:

- Exclusion from an academic program
- Academic probation for up to 1 year
- Academic suspension for up to 1 year
- Dismissal from the university.

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 Judicial Affairs.

A student will be informed in writing by the instructor or responsible office, of any charges and subsequent sanctions imposed for academic dishonesty (See “Reporting” below). Written

notification of academic dishonesty charges (and the inclusion of confirmed charges/sanctions in a student's records) is designed to inform a student of the potential repercussions of repeat offenses and his/her rights of appeal.

If a student believes that charges of academic dishonesty have been erroneously levied, he/she should appeal such charges in accordance with the process outlined below (See "Appeals Process").

Sanctions for repeated academic dishonesty offenses will be imposed by the Office of Academic Affairs after consultation with the appropriate department chairs and deans.

- A student's record of academic dishonesty offenses will be maintained throughout their enrollment at Marshall University, and the period of time between offenses may have no impact on sanctions for repeated offenses.
- 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).
- A student with a third academic dishonesty offense during his/her enrollment at Marshall University will be dismissed from the university.

Reporting: 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 ten (10) 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" (described below).

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.

Any subsequent actions taken (additional sanctions imposed, the lessening of sanctions, the withdrawal of accusations, the results of appeals, etc.) should be reported to the Office of Academic Affairs within ten (10) days of the action.

Recording: 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.

Appeals 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 section V. Academic Appeals p. 94 of 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 thirty (30) days from the date of the alleged offense. This process starts with the dean if there is no department chairperson

- a. The department chairperson shall bring together the student involved, and the faculty member, and/or other complainant within ten (10) days from the date of referral.
- b. 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 shall be forwarded in writing by the chairperson to the student’s Academic Dean within ten (10) days from the date of the meeting. The Academic Dean shall bring together the student, faculty member or other complainant, and the department chairperson to review the charges within ten (10) days from the date of referral. The Academic Dean may impose any sanction permitted by this policy.
- c. 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 ten (10) days of the Dean’s written decision to the Budget and Academic Policy Committee, who shall refer the case to the University Academic Appeals Board for resolution.
- d. Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Appeals Board, then he/she may file an appeal with the Provost/Vice President of Academic Affairs within thirty (30) days from the receipt of the written decision of the Board. The decision of the Provost/V.P. Academic Affairs 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.”

Approved by Faculty Senate, February 27, 2003

I. Statement of Philosophy

Marshall University is an academic community and as such must promulgate and uphold various academic standards. Failure of a student to abide by such standards may result in the imposition of sanctions pursuant to Policy Bulletin Number 60 of the West Virginia Board of Trustees. 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 fulfill course work and degree, or certification requirements, and to know and meet criteria for satisfactory academic progress and completion of the program.

II. Definitions

- A. Academic Dean: the chief academic officer also serves in an advisory capacity to the student. The student is encouraged to contact his/her academic dean for guidance on appeal procedures.
- B. Academic Deficiency: failure to maintain the academic requirements and standards as established by Marshall University and its constituent colleges and schools other than those relating to academic dishonesty. This shall include but is not limited to the criteria for maintenance of satisfactory academic progress, i.e. quality point average, special program requirements, professional standards, etc.
- C. Academic Dishonesty: any act of a dishonorable nature which gives the student engaged in it an unfair advantage over others engaged in the same or similar course of study and which, if known to the classroom instructor in such course of study, would be prohibited.

This shall include, but is not limited to, the following: securing or giving unfair assistance during examinations or required work of any type; the improper use of books, notes, or other sources of information; submitting as one's own work or creation any oral, graphic, or written material wholly or in part created by another; securing all, or any part of assignments or examinations, in advance of their submission to the class by the instructor; altering of any grade or other academic record; and any other type of misconduct or activity which manifests dishonesty or unfairness in academic work. Each classroom instructor may modify the general definition of academic dishonesty to fit the immediate academic needs of a particular class, provided the instructor defines, in writing, the details of any such departure from the general definition.

Academic dishonesty also includes conspiring with or knowingly helping or encouraging a student to engage in academic dishonesty.

- D. Day: shall refer to a calendar day.
- E. Limited Enrollment Program: any academic program which imposes admissions requirements in addition to general admissions to the University.
- F. Student: any undergraduate student who has been admitted to, and is currently enrolled in, a course or in a certificate or degree program at Marshall University, or for whom the institutional appeal period has not expired. Students enrolled in the undergraduate Nursing Program will follow these procedures.
- G. University Community: faculty, staff, or students at Marshall University.
- H. President's Designee: Chief Academic Officer.
- I. V.P. Academic Affairs: refers to the Chief Academic Officer.
- J. Appeal Deadlines: the time allowed for each level of appeal. There will be no time extensions unless granted by the Academic Appeals Board for good cause. If the appeals do not meet the established deadlines, the issue is no longer

appealable.

III. Student Academic Rights

Concomitant with other academic standards and responsibilities established by Marshall University and its constituent colleges and schools, each student shall have the following academic rights:

- A. The student shall be graded or have his/her performance evaluated solely upon performance in the course work as measured against academic standards.
- B. The student shall not be evaluated prejudicially, capriciously, or arbitrarily.
- C. The student shall not be graded nor shall his/her performance be evaluated on the basis of his/her race, color, creed, sex, sexual orientation, or national origin.
- D. Each student shall have the right to have any academic penalty, as set forth herein, reviewed pursuant to the procedures in Section V. Except in those cases where a specific time is provided, this review shall occur within a reasonable time after the request for such review is made.
- E. Each student shall have access to a copy of a University catalog or program brochure in which current academic program requirements are described (e.g., required courses, total credit requirements, time in residence standards, minimum grade point average, probation standards, professional standards, etc.).
- F. Each student shall receive from the instructor written descriptions of content and requirements for any course in which he/she is enrolled (e.g., attendance expectations, special requirements, laboratory requirements including time, field trips and cost, grading criteria, standards and procedures, professional standards, etc.).
- G. The instructor of each course is responsible for assigning grades to the students enrolled in the course consistent with the academic rights set out in the preceding sections.
- H. Marshall University and its constituent colleges and schools are responsible for defining and promulgating:
 - 1. The academic requirements for admission to the institution, for admission to limited enrollment programs, and for admission to professional and graduate degree programs;
 - 2. The criteria for maintenance of satisfactory academic progress, for the successful completion of the program, for the award of a degree or certification, for graduation;
 - 3. The requirements or criteria for any other academic endeavor, and the requirements for student academic honesty, consistent with the Policies, Rules, and Regulations of the Board of Trustees and with the fundamentals of due process; and
 - 4. Probation, suspension, and dismissal standards and requirements.
- I. Normally, a student has the right to finish a program of study according to the requirements under which he/she was admitted to the program. Requirements, however, are subject to change at any time, provided that reasonable notice is given to any student affected by the change.

IV. Academic Sanctions

A student who fails to meet the academic requirements or standards, or who fails to abide by the University policy on academic dishonesty, as defined by Marshall University and its constituent colleges and schools may be subject to one or more of the following academic sanctions:

- A. A lower final grade in or a failure of the course or exclusion from further participation in the class (including laboratories or clinical experiences, any or all of which may be imposed by the instructor of the course involved).
- B. Academic Probation
 - 1. For Academic Deficiency:

- a. Undergraduate Students

- Any student who has less than a 2.0 grade point average on course work attempted at Marshall University and/or any approved course work transferred from another institution shall be placed on academic probation. Normally, the student will be permitted to enroll in no more than fourteen (14) hours.

- In addition, a student placed on academic probation shall abide by such further conditions or restrictions imposed upon him/her pursuant to policies promulgated by the college or school in which he/she is enrolled as provided in Section III, H of this policy.

- b. Graduate Students

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

- c. Medical Students

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

- 2. For Academic Dishonesty

- In those cases in which a student has been found guilty of academic dishonesty he/she may be placed on academic probation for a period of time not to exceed one academic year. During this period the student is given an opportunity to prove that he/she can become a responsible and positive member of the University community. Conditions and restrictions for probation may be imposed, as deemed appropriate, including but not limited to:

- a. Exclusion from representation of the University in any extracurricular activities such as intercollegiate athletics, debate teams, University theater, band, etc.; however, the student may participate in informal activities of a recreational nature sponsored by the University.

- b. Self-Improvement: A program of self-development will be planned in conjunction with a faculty or staff person assigned in a

counseling/guidance capacity.

c. Surrender of Student Activity Privileges: Upon request, the Student Activity Fee Privilege is to be voided by the Chief Academic Officer and all rights and privileges pertaining thereto forfeited for a specified period of time not to exceed one academic year.

C. Academic Suspension

1. For Academic Deficiency

a. Undergraduate Students:

A student who has a deficit of twenty (20) or more quality points and who does not receive better than a 2.0 average on all work attempted during the semester in which the student last enrolled may be suspended and may not enroll during the next regular academic semester. Individual colleges and schools may impose additional suspension requirements pursuant to policies promulgated in accordance with Section III, H of this policy.

b. Graduate Students

Graduate students should consult college and program publications for a description of the conditions under which academic suspension may be imposed for academic deficiency.

c. Medical Students

Medical School students should consult Medical School publications for a description of the conditions under which academic suspension may be imposed for academic deficiency.

2. For Academic Dishonesty

In those cases in which a student has been found guilty of academic dishonesty he/she may be academically suspended for a period of time not to exceed one academic year. During such period the student may not enroll in any course or program offered by Marshall University or any of its constituent colleges or schools. A student violating any term of academic suspension while on suspension will be subject to further academic suspension up to, and including, academic dismissal from the University.

D. Academic Dismissal

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.

V. Academic Appeals

In cases where a student is appealing a grade, the grade appealed shall remain in effect until the appeal procedure is completed, or the problem resolved.

- A. Student Appeals for Instructor Imposed Sanctions:
The intent of the appeals process is to treat all parties fairly, and to make all parties aware of the appeals procedure.

In those cases in which a student has received an instructor-imposed sanction, the student shall follow the procedures outlined below:

1. Undergraduate Students

- a. The student should first attempt a resolution with the course instructor. This initial step must be taken within ten (10) days from the imposition of the sanction or, in the case of an appeal of a final grade in the course, within thirty (30) days of the beginning of the next regular term. The appeal should be in written format with all supporting documentation and submitted to the instructor, or the department chair in cases where the instructor is not available. The student who makes an appeal is responsible for submitting all applicable documentation. If the instructor is unavailable for any reason, the process starts with the department chairperson. The instructor, or the department chairperson, must respond in writing to the student within ten (10) days of receipt of the appeal.
- b. If the procedure in Step 1 (a) does not have a mutually satisfactory result, the student may appeal in writing to the department chairperson within ten (10) days after the action taken in Step 1 (a), who will attempt to resolve the issue at the departmental level. The department chairperson will respond in writing within ten (10) days to the student and the instructor involved. When a student appeals a final grade, the faculty member must provide all criteria used for determining grades.
- c. Should the issue not be resolved at the departmental level, either the student or instructor may appeal in writing to the Dean of the college in which the course is offered within ten (10) days of the action taken in Step 2 (b). The Dean will attempt to achieve a mutually satisfactory resolution. The Dean of the college will respond in writing within ten (10) days to the student and the instructor involved. The Dean of the college in which the student is enrolled will be notified.
- d. Should the issue not be resolved by the Dean, either the student or instructor may appeal in writing within ten (10) days of the action taken in Step 3 (c) to the Budget and Academic Policy Committee who shall refer the matter to the University Academic Appeals Board for resolution. The hearing panel has the right to seek additional documentation if necessary.
- e. Should the student or the instructor be dissatisfied with the

determination of the Academic Appeals Board then either party may file an appeal with the V.P. Academic Affairs within thirty (30) days from receipt of the decision of the Board. The decision of the Vice President shall be final. Those students in the School of Nursing dissatisfied with the determination should file an appeal within thirty (30) days to either the V.P. for Academic Affairs or the V.P. for Health Services.

2. Graduate Students

Graduate students who desire to appeal an instructor-imposed sanction should consult the appropriate Graduate School publication for the proper procedures to follow.

3. Medical School Students

Medical School students who desire to appeal an instructor-imposed sanction should consult the appropriate Medical School publications for the proper procedures to follow.

B. Appeals for Academic Dishonesty:

Primary responsibility for the sanctioning for academic dishonesty shall lie with the individual instructor in whose class or course the offense occurred; however, charges of academic dishonesty may be filed by any member of the University community. Cases of academic dishonesty may be referred to the office of Judicial Affairs located in 2W38 MSC.

Sanctions for academic dishonesty may range from an instructor-imposed sanction, pursuant to Section IV, A herein, to dismissal from the institution.

1. In those cases where the instructor imposes a sanction pursuant to Section IV, A only, 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 in Section V, A.
2. Where the offense is particularly flagrant or other aggravating circumstances are present, such as a repeat violation, the instructor may refer the matter to the department chairperson for additional sanctions as permitted by this policy. In addition, any member of the University community may refer a case of academic dishonesty to the chairperson of the department in which the course involved is being offered. Allegations of academic dishonesty must be referred to the department chairperson within thirty (30) days from the date of the alleged offense. This process starts with the Dean if there is no department chairperson.

In those cases where the matter is referred to the department chairperson the following procedures are applicable:

- a. The department chairperson shall bring together the student involved, and the faculty member, and/or other complainant within ten (10) days from the date of referral. A written admission of guilt at this level may be resolved with a maximum penalty of "F" in the course.

b. If the student denies guilt or disagrees with the sanction imposed, or if the faculty member, other complainant, or chairperson feels that the penalties in Step V (a) are insufficient for the act complained of, the case shall be forwarded in writing by the chairperson to the student's Academic Dean within ten (10) days from the date of the meeting. The Academic Dean shall bring together the student, faculty member or other complainant, and the department chairperson to review the charges within ten (10) days from the date of referral. The Academic Dean may impose any sanction permitted by Section IV of this policy.

c. 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 ten (10) days of the Dean's written decision to the Budget and Academic Policy Committee, who shall refer the case to the University Academic Appeals Board for resolution.

d. Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Appeals Board, then he/she may file an appeal with the Vice President within thirty (30) days from the receipt of the written decision of the Board. The decision of the V.P. Academic Affairs shall be final (The appeals process is currently under revision and may result in policy changes.)

C. Appeals for Academic Deficiencies:

1. In those cases in which an undergraduate student has been denied admission to a program, has been or may be placed on academic probation or academic suspension for academic deficiencies, the following procedures are applicable:

- a. The student is entitled to written notice;
 - (1) of the nature of the deficiency or reason for denial of admission to a program;
 - (2) of the methods, if any, by which the student may correct the deficiency, and;
 - (3) of the penalty which may be imposed as a consequence of the deficiency.
- b. The student shall be given the opportunity to meet with the person(s) who has judged his/her performance to be deficient, to discuss with this person(s) the information forming the basis of the judgment or opinion of his/her performance; to present information or evidence on his/her behalf; and to be accompanied at any such meeting by an advisor of his/her choice from the University (faculty, staff, or student). Such advisors may

consult with, but may not speak on behalf of their advisees, or otherwise participate directly in the proceedings, unless given specific permission to do so by the person conducting the meeting. The student is not entitled to an attorney in such meetings, and the formal rules of evidence are not applicable. The student must request such meeting in writing ten (10) days from receipt of the notice.

c. If the student is dissatisfied with the outcome of the meeting outlined in (b) above, the student may appeal the judgment to the V.P. Academic Affairs within thirty (30) days after receipt of written notice of the judgment.

d. The decision of the V.P. Academic Affairs is final.

2. In those cases in which a student has been or may be dismissed from an undergraduate academic program, or has been or may be dismissed from the institution for academic deficiencies, the following procedures are applicable:

a. The student is entitled to written notice:

- (1) of the nature of the deficiency;
- (2) of the methods, if any, by which the student may correct the deficiency, and;
- (3) of the penalty which may be imposed as a consequence of the deficiency.

b. The student shall be given the opportunity to meet with the person(s) who have judged his/her performance to be deficient. The student must request such meeting in writing within ten (10) days from receipt of the notice. The student shall be given the opportunity to discuss with this person (s) the information forming the basis of the judgment or opinion of his/her performance, to present information or evidence on his/her behalf, and to be accompanied at any such meeting by an advisor of his/her choice from the University (faculty, staff, or student). Such advisor may consult with but may not speak on behalf of his/her advisee, or otherwise participate directly in the proceedings, unless given specific permission to do so by the person conducting the meeting. The student is not entitled to an attorney in such meetings, and the formal rules of evidence are not applicable.

c. If the student is dissatisfied with the outcome of the meeting outlined in (b) above, the student may file an appeal in writing with the Chair of the Budget and Academic Policy Committee. The Chair of the Budget and Academic Policy Committee will appoint a hearing panel, which will determine whether the student has grounds for an appeal. If the student is denied an appeal, he/she may appeal this decision to the Vice President of Academic Affairs. If the student is granted an appeal, at least two (2) of the faculty and student members of the hearing panel will, if

possible, be chosen from board members appointed from the constituent college or school involved. Since many of these appeals occur at times when school is not in session it may not always be possible to meet the above condition, but every effort will be made to hear appeals in a timely and reasonable manner. The student's appeal must be filed within ten (10) days after receipt of written notice of the decision outlined in (b) above.

d. If the student is dissatisfied with the decision of the Academic Appeals Board, the student may appeal the decision to the UP Academic Affairs within thirty (30) days after receipt of written notice of the decision.

e. The decision of the Chief Academic Officer is final.

3. Graduate Students

In those cases in which a Graduate student has been or may be placed on academic probation, or academic suspension, or has been dismissed from Graduate School for academic deficiencies, he/she should consult the appropriate Graduate School publications for the proper procedure to follow.

4. Medical Students

In those cases in which a Medical student has been or may be placed on academic probation, or academic suspension, or has been or may be dismissed from Medical School for academic deficiencies, he/she should consult the appropriate Medical School publications for the proper procedures to be followed.

VI. Undergraduate Academic Appeals Board

A. Description and Jurisdiction:

The Undergraduate Academic Appeals Board is a permanent subcommittee of the Budget and Academic Policy Committee. It is established to hear all appeals arising from the following:

1. Instructor-imposed sanctions, including: lowering of final course grade, failure of course, or exclusion from further participation in the class.
2. Final course grades.
3. Sanctions imposed for academic dishonesty.
4. Dismissal from an academic program.
5. Dismissal from the University.
6. Such other cases as may be referred to the Board.

B. Composition of the Board:

The Academic Appeals Board shall be composed of faculty and student members chosen in the following manner:

1. Faculty Members: The Dean of each of the constituent colleges and schools of the university shall appoint five (5) faculty members from his/her unit to serve on the board. Such appointments will be made annually in the spring semester with the understanding that some of these faculty members will be available to hear appeals during the summer terms and the week before the beginning of Spring semester.

- Terms will run from May 15 to the following May 15. (Service on this board can be listed as service to the university on annual reports.)
2. Student Members: The President of Student Government shall appoint three (3) students from each of the constituent colleges and schools of the university.
 3. Hearing Officers: The Budget and Academic Policy Committee will call for volunteers and appoint two Hearing Officers each spring. It is desirable but not required that the Hearing Officers have served on the Hearing Board. (Service as a Hearing Officer can be listed as service to the university on annual reports.)
- C. Selection of Members for an Individual Hearing:
An individual Hearing Panel shall be composed of two (2) faculty members, one (1) student members, and one (1) non-voting Hearing Officer. The members of the Hearing Panel shall be chosen randomly by the Chairperson of the Budget and Academic Policy Committee or his/her designee. In appeals arising from dismissal from an academic program, if possible, at least two (2) of the faculty and student members of the panel should be chosen from the Board members appointed from the constituent college or school involved.

VII. Hearing Procedures

It is the intent of these procedures to insure that Marshall University students receive appropriate due process in academic matters. This includes fundamental fairness, just sanctions, and all rights in accordance with the belief that academic appeal hearings at an institution of higher education such as Marshall University should have an educational objective. Academic appeals, pursuant to these procedures, are informal and not adversarial in nature.

- A. The time and place of the hearing are determined by the Hearing Officer. The hearing should be held within sixty (60) days of the date the Hearing Officer receives the written request. Upon written request, the Hearing Officer may, at his/her discretion, grant a continuance to any party for good cause.
- B. The Hearing Officer will notify the appellee, appellant, and other appropriate parties in writing at least five (5) days prior to the hearing, of the date, time, and place of the hearing. A statement of the facts and evidence to be presented in support of the student's grounds for appeal will be provided to the appellee in appropriate cases.
- C. The appellant student and the appellee have the right to an advisor. Advisors must be members of the University community (faculty, staff, or student). Such advisors may consult with, but may not speak on behalf of their advisees or otherwise participate directly in the proceedings, unless they are given specific permission to do so by the Hearing Officer. Attorneys are not permitted to appear on behalf of any appellant or appellee.
- D. Prior to the scheduled hearing, the members of the Board may convene in closed session to examine the content of the appeal, the specific issues to be considered, and all supporting documents.

- E. The student with his/her advisor if any, will be called before the Board and the Hearing Officer will then restate the nature of the appeal and the issues to be decided.
- F. The appellee and his or her advisor, if any, will be called before the Board and the Hearing Officer will then restate the nature of the appeal and the issues to be decided.
- G. The hearing shall be closed. All persons to be called as witnesses, other than the appellant, with his/her advisor, if any, and the appellee and his/her advisor, if any, will be excluded from the hearing room. Any person who remains in the room after the hearing has begun will be prohibited from appearing as a witness at the discretion of the Hearing Officer.
- H. Anyone disrupting the hearing may be excluded from the hearing room if, after due warning, he/she engages in conduct which substantially delays or disrupts the hearing, in which case the hearing shall continue and the Board shall make a determination based on the evidence presented. If excluded, the person may be readmitted on the assurance of good behavior. Any person who refuses the Board's order to leave the hearing room may be subject to appropriate disciplinary action pursuant to Marshall University policy. When a student is ejected for disruptive behavior and does not have a recognized representative, the hearing officer will appoint one.
- I. Except as provided in H and I herein, all evidence must be presented in the presence of the student.
- J. The student, appellee, or other parties involved may petition the Hearing Officer for a subpoena or a request for appropriate written information or documents.
- K. The student and appellee will be given the opportunity to testify and present evidence and witnesses on his/her own behalf and to discuss with, and question, those persons against whom the appeal is filed.
- L. The Board may admit as evidence any testimony, written documents, or demonstrative evidence which it believes is relevant to a fair determination of the issues. Formal rules of evidence shall not be applicable in academic appeal hearings.
- M. If the student appellant or the appellee fails to appear at a hearing and fails to make advance explanation for such absence which is satisfactory to the Board, or if the student appellant or the appellee leaves before the conclusion of the hearing without permission of the Board, the hearing may continue and the Board may make a determination on the evidence presented at the hearing, or the Board may, at its discretion, dismiss the appeal.
- N. Upon completion of the testimony and presentation of evidence, all persons, except Board members will be required to leave the room. The Board will then meet in

closed session to review the evidence presented. The Board shall make its findings based upon a preponderance of evidence. The Board shall reach its determination by a majority vote. The results shall be recorded in writing and filed with the Chairperson of the Budget Academic Policy Committee and the UP Academic Affairs. If the Board's decision includes the imposition of academic sanction, the sanction given and its duration must be specified for the record. A report of a dissenting opinion or opinions may be submitted to the Chairperson of the Budget and Academic Policy Committee and the V.P. Academic Affairs by any Hearing Officer.

O. The findings of the Board, and any sanction, shall be announced at the conclusion of the hearing. The student, faculty member, and the appropriate Academic Dean shall be notified in writing of the findings and any sanction at the conclusion of the hearing. A record of the hearing shall be prepared in the form of summary minutes and relevant attachments and will be provided to the student upon request.

P. No one may tape the proceedings.

Q. In an appeal related to a final grade the appeals board will complete the change of grade forms and submit that information to the Registrar, the faculty member, and the appropriate Academic Dean.

R. Within thirty (30) days following receipt of the Board's decision, the student may file an appeal with the V.P. Academic Affairs who shall review the facts of the case and take such action as deemed appropriate under all the circumstances. The Board's findings and sanction, if any, may be affirmed, modified, or remanded to the original Hearing Board for further action as deemed appropriate by the V.P. A written brief stating grounds for the appeal should be presented by the student to the V.P. with the appeal. The scope of review shall be limited to the following:

1. Procedural errors.
2. Evidence not available at the time of the hearing.
3. Insufficient evidence to support the findings of the Board.
4. Misinterpretation of University policies and regulations by the Board.
5. A sanction disproportionate to the offense.
6. Lack of jurisdiction.

S. The decision of the V.P. of Academic Affairs is final. The student, the faculty member, the appropriate Academic Dean, and the Registrar shall be notified in writing of the Provost's decision.

Approved by the Academic Standards and Curricular Review Committee, October 28, 1988.

SCHOOL OF MEDICINE GRADE APPEAL

All School of Medicine grade appeals must be made in accordance with University Systems Board of Trustees Policy Bulletin Number 60. Copies of the Policy may be found in the Marshall University Student Handbook or from the School of Medicine Office of Student Affairs.

Actions of the Budget and Academic Standards Committee: A student may appeal actions of the Marshall University School of Medicine Academic Standards Committee, which have been approved by the dean. Within 30 days following notification of such action, the student must notify the academic dean in writing of his or her intent to appeal. An opportunity to submit statements and to appear before the Committee will be scheduled.

The Committee will act upon the appeal. The student will be notified of this action and will have an opportunity to further appeal to the Dean's Advisory Committee. The Dean's Advisory Committee will consider the appeal and make a recommendation to the dean, who will then decide upon the appeal.

A Final Appeal may be made to the President of Marshall University.