



Graduate Council


MEMORANDUM

To: Mr. Brad D. Smith, President
From: Dr. Richard Egleton, Graduate Council, Chair Richard Egleton *Richard Egleton*
Date: March 20th, 2026
Subject: **Review of Graduate Council Minutes: February 27, 2026**

Attached are the minutes of the recent Graduate Council meeting for your review. Approval of these minutes will also serve as approval of graduate faculty status, etc. The meeting was held in a hybrid format in MSC 2W16-B and via TEAMS.

Please advise me if you have any comments/concerns/questions.

Minutes approved.



Mr. Brad D. Smith
President, Marshall University

3/26/26
Date

Note to Cora Pyles, Executive Assistant to the President:

Please return the signed original to Dr. Richard Egleton egleton@marshall.edu with .pdf copies e-mailed to:

Dr. Conrae Lucas-Adkins, Secretary, Graduate Council, lucas26@marshall.edu

Dr. Robert Bookwalter, Provost, bookwalt@marshall.edu

Dr. Carl Mummert, Assistant Provost, mummert@marshall.edu

Dr. Karen McComas, Interim Associate Provost, mcomas@marshall.edu

Dr. Julia Spears, Asst Provost of Online Education, spearsj@marshall.edu

Dr. Jerry Ross, Chief Enrollment Officer and VP of Enrollment Management,
jerry.ross@marshall.edu

Dr. Sonja Cantrell, Registrar, cantrell1@marshall.edu

Dr. Allison Carey, Associate VP Assessment careya@marshall.edu

Dr. Susan Tusing, Chief University Accreditation Officer, tusings@marshall.edu

MU Graduate Council- February 27, 2026

Meeting Minutes

Hybrid Meeting – MSC 2w16-B + Teams

Members Present: Beard, Botes, Davis, Dillon, Egleton, Heaton, Lucas-Adkins, Meadows, Perkins, Sardahi, Simonton, Stroebel, Yuan

Members Absent: Kimble, Thompson

Ex-Officio Voting Members Present: Schulenberg

Ex-Officio Non-Voting Members Present: Mummert

Ex-Officio Non-Voting Members Absent: Bookwalter, Maher

Guests: A. Carey, D. Lockwood, M. Yeager-Armstead, K. Adkins, R. Jones, S. Tusing, V. Strocher, S. Cantrell-Johnson, R. Powell, G. McIlvain, A. Mummert, J. McIntosh, Z. Garrett, S. Konz

Agenda

Egleton	Welcome; Approval of the Agenda
Lucas-Adkins	Approval of January Minutes (Attachment #1)
Yuan	Credentiailling Report (Attachment #2) GC-26-2-01-CRC
Stroebel	Planning Committee Report (Attachment #3) GC-26-2-02-PC -- GC-26-2-15-PC
Perkins	Curriculum Committee Report (Attachment #4) GC-26-2-16-CC -- GC-26-2-18-CC
Meadows	Program Review Report (attachment #5) GC-26-2-19-PR—GC-26-2-32-PR Council
Egleton	Updates <ul style="list-style-type: none"> • Introduction of Appeals Policy before handover to planning committee for review (Attachment #6) • Reminder for faculty to review the proposed faculty conduct policy (Attachment #7) • Election for new graduate council reps
Mummert	Graduate Studies Report
Schulenberg	Faculty Senate Report
Egleton	Wrap up and adjournment

At this time, all meetings will be Hybrid.

March 27, 2026 (MSC 2w16b +Teams)

April 24, 2026 (MSC 2w16b + Teams)

Attachments

Attachment #	Description
1	January Minutes
2	Credentiailling Report
3	Planning Committee Report
4	Curriculum Committee Report – Curricular Items
5	2025-2026 program review report
6	Appeals Policy

Meeting Called to Order at 1:00 PM

WELCOME, INTRODUCTIONS, ANNOUNCEMENTS

MOTION TO APPROVE AGENDA

APPROVED

MOTION TO APPROVE January meeting minutes

APPROVED

(See Attachment #1)

CREDENTIALING COMMITTEE

(See Attachment #2)

Huanshu Yuan presented the report:

GC-26-02-01 CRC with edits

APPROVED

- Edits to the year (e.g. 1931 to 2031)
- Remove duplicated Aley El-Shazly entry; use the entry for Graduate Chair status

PLANNING COMMITTEE

(See Attachment #3)

Sandra Stroebel presented the report:

GC-26-2-02 – PC

LCOB, Business Analysis and Reporting Area of Emphasis, Effective Fall 26

APPROVED

GC 26-02-03-PC

LCOB, MS, Accountancy, Effective Fall 26

- Purpose is to add area of emphasis for students entering without an undergraduate degree in the field

APPROVED

GC 26-02-04-PC

LCOB, Strategic Business Accounting, Effective Fall 26

APPROVED

GC 26-02-05 PC

COEPD, EdD Leadership Studies, Effective Fall 26, dropping interview requirement and clarifying writing sample

APPROVED

GC 26-02-06 PC

COHP, DNP, Doctor of Nurs Prac Deg P (D.N.P)-Program Change Request, Effective Fall 26

APPROVED

GC 26-02-07 PC

COHP, DNP, Doctor of Nurs Prac Maj, Effective Fall 26

APPROVED

GC 26-02-08 PC

COHP, Nurse Administration (CERT-PM), program deletion, Effective Fall 26

APPROVED

GC 26-02-09 PC

COHP, Nursing Ed, Post-Masters CERT (CERT-PM), program deletion, Effective Fall 26

APPROVED

GC 26-02-10 PC

COLA, MA, Communication Studies-Program Change Request, Effective Fall 26

APPROVED

GC 26-02-11 PC

COLA, Health and Medical Communications area of emphasis, Effective Fall 26

APPROVED

GC 26-02-12 PC

COLA, Behavioral Statistics (CERT-GR) course updates, Effective Fall 26

- Some discussion about whether math department had been consulted. Dr. A. Mummert, COS Associate Dean, spoke on behalf of mathematics and expressed no concern for this being a duplication.

APPROVED

GC 26-02-13 PC

MS, Library Science, Effective Fall 26

APPROVED

GC 26-02-14 PC

COS, MS, Forensic Science, Effective Fall 26

APPROVED

GC 26-02-15 PC

COS, Digital Forensics, Effective Fall 26

APPROVED

CURRICULUM COMMITTEE

(See Attachment #4)

Wendy Perkins presented the report:

GC 26-02-16-CC

COB, Accountancy, New Course ACC 511

APPROVED

GC 26-02-17 CC

COLA, Geography, New Course GEO 551

COLA, Psychology, New Course PSY 603

APPROVED

GC 26-02-18 CC

COHP, Health Science, Course Update, HS 535

APPROVED

PROGRAM REVIEW COMMITTEE

(See Attachment #5)

Amanda Meadows presented the report:

GC 26-02-19 PR

BS to Professional MS in Athletic Training

Recommendation: Develop or Expand Program due to Demand

APPROVED

GC 26-02-20 PR

MA in English

Recommendation: Continue at current level

APPROVED

GC 26-02-21 PR

MS in Biomechanics

Recommendation: Improve program through advancements in efficiency, quality, productivity, and focus

APPROVED

GC 26-02-22 PR

MS in Computer Science

Recommendation: Continue at current level

APPROVED

GC 26-02-23 PR

MS in Criminal Justice

Recommendation: Continue at current level

APPROVED

GC 26-02-24 PR

MS in Cybersecurity

Recommendation: Improve program through advancements in efficiency, quality, productivity, and focus

APPROVED

GC 26-02-25 PR

MS in Data Science

Recommendation: Improve program through advancements in efficiency, quality, productivity, and focus

Tabled

* Dr. Carey will reach out to programs that may have missing pieces of their reviews before the final results are taken to BOG.

GC 26-02-26 PR

MS in Environmental Safety and Health

Recommendation: Continue at current level

APPROVED

GC 26-02-27 PR

MS in Exercise Science

Recommendation: Improve program through advancements in efficiency, quality, productivity, and focus

*Program Director, Robert Powell, shared updates about the program's data collection process

APPROVED

GC 26-02-28 PR

MS in Forensic Science

Recommendation: Continue at current level

APPROVED

GC 26-02-29 PR

MS in Natural Resources and the Environment

Recommendation: Continue at current level

APPROVED

GC 26-02-30 PR

Certificate in Digital Forensics

Recommendation: Discontinue program after all students have completed program

APPROVED

GC 26-02-31 PR

MS in Safety

Recommendation: Discontinue program after all students have completed program

Tabled

GC 26-02-32 PR

MS in Cyber Forensics and Security

Recommendation: Discontinue program after all students have completed program

APPROVED

UPDATES from CHAIR

(See Attachments #6 and #7)

Richard Egleton shared updates:

- By default, the Appeal Process meetings will take place virtually, and by request, the meetings will be in person
- Proposes that the chair not be a voting member in the appeal decisions, instead the chair will be the organizer of the meeting and 3 Graduate Council members will serve as the appeal board. This proposal is in alignment with the Appeal Process at the undergraduate level.
- Please send additional comments to the GC Planning Committee
- Shared the recommendation from the Faculty Personnel Committee
- Richard will send call to colleges for GC members since several current GC members' terms end in April 2026

GRADUATE STUDIES REPORT

Carl Mummert shared the following:

Update on National Trends and Conversations

Please see the accompanying slides for information about graduate education nationwide, based on sessions at the Council of Graduate Schools and Council of Southern Graduate Schools meetings this year.

HLC Accreditation Visit

The Higher Learning Commission will hold our 10-year site visit on March 30 and 31. There are several sessions over the two days that are open for anyone in the campus community to attend. Unless otherwise noted, these sessions are in the Drinko Atrium.

Monday, March 30

- 10:45-11:45 – Focus on Criterion 2 (Transparency, Integrity, Academic Freedom)
- 1:30-2:30 – Focus on Criterion 3 (Teaching and Learning, Assessment)
- 2:45-3:45 – Focus on Criterion 1 (University Mission) – Drinko 349
- 2:45-3:45 – Open Session (open topic)

Tuesday, March 31

- 8:30-9:30 – Focus on Criterion 4 (Planning, Governance)
- 11:00-12:00 – Open Session (open topic)

The reviewers want to hear broad perspectives regarding Marshall University in its entirety, and all faculty, staff, administrators, and students are encouraged to participate in this important process.

Mission statement

Marshall's mission will be central to the reviewers' findings. You are encouraged to review our mission before the site visit and then contribute your work and experience at Marshall to the discussions. Marshall's HLC webpage at

<https://www.marshall.edu/assessment/higher-learning-commission-hlc-information/>

includes helpful information about our accreditation review, including a link to a PDF of our Assurance Argument and links to possible discussion topics during the site visit.

Marshall's **graduate mission statement** is available at <https://www.marshall.edu/graduate/mission-of-the-graduate-college/>. For more information, contact Dr. Susan Tusing, Chief University Accreditation Officer, at tusings@marshall.edu.

FACULTY SENATE UPDATES

Shawn Schulenberg shared the following:

1. Given the number of severe weather events since the beginning of the semester, I have asked the BAPC to consider revisions to UPGA-2: Policy Regarding Weather-Related and/or Emergency Closings and Delays. At present, there is no formal option to transition temporarily to virtual instruction, an approach many universities use and one we implemented during COVID. The BAPC will begin preliminary discussions this spring, with the goal of recommending revisions in September, well before the next winter season. This will obviously impact staff too, so we are asking the BAPC to be sure our shared governance partners are a part of the process.
2. Last month, the Executive Committee received a new proposed BOG Rule on Faculty Conduct. We immediately tabled it for Senators to review it and propose changes by a deadline of 2/25. We received substantive feedback from eight faculty members, and the FPC incorporated this into a new draft that was released to me yesterday. Thank you to those who submitted feedback. Why are we considering this policy? Because while Marshall has policies outlining standards of conduct for faculty, we do not have any process governing discipline if a rule is alleged to have been violated. Classified and non-classified staff are covered under UPHR2; faculty are not. Faculty are currently the only employee group without a defined misconduct procedure. Under the current structure, serious disciplinary matters are handled administratively. There is no required faculty peer review before major sanctions, no formal role for faculty in reviewing evidence, and no established framework for progressive discipline. In short, those subject to the policy are not part of the process that governs it. This draft does not create new conduct rules, alter tenure protections, or supersede federally mandated processes such as Title IX. Its purpose is to establish a clear process that incorporates peer review, defined standards, progressive discipline, and procedural safeguards before serious sanctions are imposed. Clear process protects faculty, protects our students, protects academic freedom, and protects the institution at the same time. Ultimately, this is about whether faculty wish to have a defined role in serious disciplinary matters affecting their colleagues, or whether we are comfortable continuing without one and allowing the administration to unilaterally adjudicate. Most research universities treat discipline as a shared governance responsibility. This proposal moves us in that direction. The Executive Committee and Senate will review it at our March meetings.

3. We have two Faculty Senate meetings left this academic year. Our next Executive Committee meeting is scheduled for March 9 for items to be taken up at the March 26 Faculty Senate meeting. All recommendations and resolutions are due at senate@marshall.edu today, February 27.
4. We will hold the Spring General Faculty Meeting the next day, April 9 at 4:00 PM in the Joan C. Edwards Playhouse.
5. Academic units will hold elections 2026-28 Faculty Senate in March, receiving guidance from the Faculty Senate office on Monday. The newly elected senators will have their first meeting on April 30 at 4:00 PM in MSC Don Morris Room to choose their officers and executive committee.

Meeting Adjourned 2:51 PM

Attachment #2

GC February 27, 2026

Credentialling Report Graduate Faculty Status Applicant

GC-26-2-01-CRC

Type	Faculty Member	E-mail	College/School	Department/Division	Graduate Faculty Level	Term Start	Term Expires
Add	Beeson, Eric	beeson@marshall.edu	COEPD	Counseling	Graduate Chair	1/12/2026	5/15/2031
Add	Bissett, William	bissett1@marshall.edu	COEPD	Leadership Studies	Associate	1/12/2026	5/15/2029
Add	Coakley, Rebecca	coakley@marshall.edu	COEPD	Special Education	Associate	1/12/2026	5/15/2029
Add	Curnutte, Emily	carper11@marshall.edu	COEPD	Special Education	Associate	1/12/2026	5/15/2029
Add	Fitzsimmons, Adrienne	BROWN342@marshall.edu	COLA	Psychology	Associate	1/12/2026	5/15/2029
Add	McCrackin, Sarah	mccrackin@marshall.edu	COLA	Psychology	Graduate	1/12/2026	5/15/2031
Add	Nicolau, Vincent	nicolau@marshall.edu	CECS	Mechanical and Industrial Engineering	Associate	1/12/2026	5/15/2029
Add	Trautwein, Sarah	canterbury73@marshall.edu	COLA	English	Associate	1/12/2026	5/15/2029
Add	Weaver, Cadence	weaver122@marshall.edu	CAM	School of Music	Associate	1/12/2026	5/15/2029
Add	Williams, Benjamin	williamsbe@marshall.edu	COLA	English	Graduate	1/12/2026	5/15/2031
Add	Yemba, Boniface	yemba@marshall.edu	COB	FIN/ECN/IB	Graduate Chair	8/18/2025	12/15/2030
Add	Yuan, Huanshu	yuanh@marshall.edu	COEPD	Curriculum and Instruction	Graduate Chair	1/12/2026	5/15/2031
edit	Adkins, Laura	adkinsl@marshall.edu	COS	Mathematics & Physics	Graduate	1/12/2026	5/15/1931
edit	Aftanas, Roxanne	kirkwoor@marshall.edu	COLA	English	Graduate	1/12/2026	5/15/1931
edit	El-Shazly, Aley	elshazly@marshall.edu	COS	Geology	Graduate	1/12/2026	5/15/1931
edit	El-Shazly, Aley	elshazly@marshall.edu	COS	Geology	Graduate Chair	1/12/2026	5/15/1931
edit	Fan, Xiaojuan	fan2@marshall.edu	COS	Mathematics & Physics	Graduate	1/12/2026	5/15/1931
edit	Gurung, Anil	gurung@marshall.edu	COB	Management, Marketing and MIS	Graduate Chair	1/12/2026	5/15/1931
edit	Kolling, Derrick	kolling@marshall.edu	COS	Forensic Science and Chemistry	Graduate	1/12/2026	5/15/1931
edit	Lawani, Uyi	lawani@marshall.edu	COB	MGT/HCA	Graduate Chair	1/12/2026	5/15/1931

edit	Lawrence, Angela	lawrence14@marshall.edu	COLA	English	Associate	1/12/2026	5/15/2029
edit	Levine, Lawrence	levine2@marshall.edu	COB	Managing and Marketing/MIS	Graduate	8/18/2025	12/15/1930
edit	Normandin, Daniel	normandin@marshall.edu	COLA	English	Graduate	1/12/2026	5/15/1931
edit	Sammons, John	sammons17@marshall.edu	COS	Cyber Forensics & Security	Graduate	1/12/2026	5/15/1931
edit	Starcher-Patton, Autumn	starcher29@marshall.edu	COS	Natural Resources & Earth Science	Associate	1/12/2026	5/15/2029

Attachment #3
Planning Committee Report
Graduate Council February 27, 2026

College of Business

GC-26-2-02-PC 772: Business Analysis and Reporting Area of Emphasis

Department: Accountancy and Legal Environment

Rationale: The addition of ACC 613 to the business analysis and reporting area of emphasis allows those in the Strategic Business Accounting track (for non-accounting undergraduates) to obtain an area of emphasis with two additional courses.

Effective Date: Fall 2026

Planning Committee Recommends Approval

GC-26-2-03-PC 141: MS, Accountancy

Department: Accountancy and Legal Environment

Rationale: One of the reasons to re-evaluate the Master of Science in Accountancy (MSA) program is the shift in the certification requirements for licensure as a certified public accountant. Nationwide, states are dropping the mandate of 150 hours for certification to other means. Some of the traditional demand for our MSA will drop due to the lack of a requirement for hours beyond a bachelor's degree. Students lost from the certification changes can be replaced with those possessing undergraduate degrees in fields other than accounting. Those prospective students would choose our MSA for broadened career opportunities.

Effective Date: Fall 2026

Planning Committee Recommends Approval

GC-26-2-04-PC 972: Strategic Business Accounting

Department: Accountancy and Legal Environment

Rationale: New area of emphasis based on new accounting licensure requirements allowing students with non-accounting undergraduate degrees to complete the MS in Accountancy.

Effective Date: Fall 2026

Planning Committee Recommends Approval

College of Education

GC-26-2-05-PC 175 : Ed.D. Leadership Studies

Department: Leadership Studies

Rationale: Proposed changes received temporary approval from Drs. Egleton and Mummert, for immediate implementation, during December 2025. Now submitting proposed changes for official approval through all required steps. They are dropping the interview requirement and clarifying the writing sample requirements.

Effective Date: Fall 2026

Planning Committee Recommends Approval

College of Health Professions

GC-26-2-06-PC 228 : DNP, Doctor of Nurs Prac Deg P (D.N.P)-Program Change Request

Department: Nursing

Rationale: Combined 4 courses into 2 courses

Decreased credit hours to 34 from 36

Effective Date: Fall 2026

Planning Committee Recommends Approval

GC-26-2-07-PC) 229 : DNP, Doctor of Nurs Prac Maj

Department: Nursing

Rationale: Combined 4 courses into 2 courses (Existing Courses: NUR 700 and NUR 714 will be combined in new course NUR 701; and existing courses NUR 800 and NUR 804 will be combined in new course NUR 801). Reduced total credit hours to 34.

Effective Date: Fall 2026

Planning Committee Recommends Approval

GC-26-2-08-PC 372: Nurse Administration (CERT-PM)

Department: Nursing

Rationale: Program Deletion Proposal because no current students are enrolled.

Effective Date: Fall 2026

Planning Committee Recommends Approval

GC-26-2-09-PC 373: Nursing Ed, Post-Masters CERT (CERT-PM)

Department: Nursing

Rationale: Program Deletion Proposal because no current students are enrolled.

Effective Date: Fall 2026

Planning Committee Recommends Approval

College of Liberal Arts

(GC-26-2-10-PC 231: MA, Communication Studies-Program Change Request

Department: Communication Studies

Rationale: These changes to the major reflect changes in our curriculum and adapt to the changing needs of students. We are also concurrently submitting a proposal for a new area of emphasis in Health and Medical Communication. The program changes noted here make reference to that new area of emphasis although the details are included in the separate proposal.

Effective Date: Fall 2026

Planning Committee Recommends approval

GC-26-2-11-PC 963: Health and Medical Communications

Department: Communication Studies

Rationale: This area of emphasis is to fulfill a desire and need to offer a curriculum for students interested in health communication.

This isn't a proposal for a new program however. The 15 hours of coursework in this area of emphasis come from courses that are already on the books or in the approval pipeline.

The AofE has been designed to work on a 4-year rotation for medical students as well as a standard 2-year rotation for full-time students. Students can also complete the program part-time. Although SOM students may take this program, it is not a Med School program.

Effective Date: Fall 2026

Planning Committee Recommends Approval

GC-26-2-12-PC 355: Behavioral Statistics (CERT-GR)

Department: Psychology

Rationale: The current certificate requires courses that are rarely offered (PSY 624, 651, 654) and does not include PSY 527: Computer Applications in Psychology, which will prepare students to use modern research technology. The proposed courses for the certificate will align better with the current Psychology Master's and upcoming Applied Research area of emphasis, while better preparing students for the modern job market that favors technology over the ability to conduct highly specialized and advanced statistical analyses rarely used in applied research (e.g., single subject analysis and multivariate analysis). There are also more electives for students to choose from.

Effective Date: Fall 2026

Planning Committee Recommends Approval

College: School of Library Science

GC-26-2-13-PC 902: MS, Library Science

Department: School of Library Science

Rationale: The Graduate Council and Graduate Admissions provided emergency approval effective Spring 2026, which was also approved by Carl Mummert. See additional documentation for the approval email. It is being submitted for formal approval for the 2026-27 catalog change. Changing from three letters of recommendation to one.

Effective Date: Fall 2026

Planning Committee Recommends Approval

College of Science

GC-26-2-14-PC 258: MS, Forensic Science

Department: Forensic Science

Rationale: The Forensic Science Graduate Program proposes waiving the GRE requirement for applicants with a strong undergraduate GPA (3.40 or higher). Data from the past five years show that these students typically meet recommended GRE scores, and GPA has proven to be a more reliable predictor of success in the program. Students with high GPAs but lower GRE scores have performed comparably to those meeting GRE benchmarks. Additionally, many applicants delay taking the GRE or opt for programs without the requirement. Removing the GRE for strong GPA applicants would enhance recruitment and allow the program to admit more qualified candidates.

Effective Date: Fall 2026

Planning Committee Recommends Approval

GC-26-2-15-PC 262: Digital Forensics

Department: Forensic Science

Rationale: With the reorganization of the College of Science into departments rather than schools. The Forensic Science Graduate Program is now within the Department of Criminal Justice, Criminology, and Forensic Sciences. Discussions at the University have noted a significant amount of overlap in the curriculum between the MSFS emphasis in digital forensics and the Cyber Forensics and Security (CFS) graduate courses. The FSC courses to cover the material needed for a student to earn the digital emphasis within the MSFS program are covered in the currently offered CFS courses.

Effective Date: Fall 2026

Planning Committee Recommends Approval

**Attachment # 4 Graduate Curriculum Committee Report
February 27 2026**

COB GC-26-2-16-CC

College	Business
Department	Accountancy
Course Number(s) and Title	ACC 511 Financial Accounting
Type of Change	New Course
Rationale for Change	Course needed to meet demand for students whose undergraduate degree is not in accounting
Committee Recommendation	Approve

COLA GC-26-2-17-CC

College	COLA
Department	Geography
Course Number(s) and Title	GEO 551 Digital Meteorology
Type of Change	New Course
Rationale for Change	Needed as an elective course for students
Committee Recommendation	Approve

College	COLA
Department	Psychology
Course Number(s) and Title	PSY 603 Ethics of Behavioral Research
Type of Change	New Course
Rationale for Change	Current ethics class does not address ethical issues in research; this class fills the gap for students who want to conduct research
Committee Recommendation	Approve

COHP GC-26-2-18-CC

College	Health Professions
Department	Health Science
Course Number(s) and Title	HS 535 Biomech Programs Applications
Type of Change	Course update, description change, add instructional type
Rationale for Change	Encourage students from all majors in the colleges to take the course

Committee Recommendation

Approve

Graduate Council – Program Review Committee
Program Review Committee Recommendations
February 2026
GC-26-2-19-PR through GC-26-2-32

In all, 14 graduate level programs/certificates were reviewed in the spring of 2026. Each program/certificate was assigned two reviewers from the Graduate Council. Each reviewer’s recommendation is below along with the final recommendation of the Graduate Council, notes, and any follow-up requests.

Program	Reviewer 1 Recommendation	Reviewer 2 Recommendation	Official GC Recommendation /Notes
BS to Professional MS in Athletic Training	Continue at Current Level	Develop or expand program due to demand	Develop or expand program due to demand Notes: The BS to Professional MS in Athletic Training program shows strong performance with minimal concerns. It maintains CAATE accreditation in good standing/compliant, demonstrates clear student demand (largest recent PMSAT cohort of 23 students and a reported 110% enrollment increase over five years), and reports excellent graduate outcomes (100% placement for BOC-pass graduates and 92% employed in the athletic training field over five years). Program finances indicate improved cost effectiveness (tuition revenue tripled with modest instructional cost growth), though expansion will require additional faculty capacity. Recommended minor updates include refreshing BLS projections to the current outlook and adding 2–3 concrete “assessment ? action” examples. Overall, the program is well-positioned to develop/expand due to demand.
MA English	Continue at Current Level	Continue at Current Level	Continue at Current Level
MS Biomechanics	Improve program through advancements in efficiency, quality, productivity, and focus	Improve program through advancements in efficiency, quality, productivity, and focus	Improve program through advancements in efficiency, quality, productivity, and focus Notes: The program provides strong academic value, service teaching, and applied research/lab impact, but enrollment, persistence, and course fill rates remain below desired levels and were previously flagged for corrective action. External workforce pathways connected to biomechanics remain

			strong; therefore, the program should continue with a focused improvement plan emphasizing measurable recruitment/enrollment targets, streamlined course scheduling, and clearer assessment-to-action documentation.
MS Computer Science	Continue at Current Level	Not Completed	Continue at Current Level
MS Criminal Justice	Continue at Current Level	Continue at Current Level	Continue at Current Level
MS Cybersecurity	Improve program through advancements in efficiency, quality, productivity, and focus	Not Completed	Improve program through advancements in efficiency, quality, productivity, and focus Notes: The program should continue with the caveat that an official assessment process must be in place to determine if student learning objectives are being met. The program also should build a network with its graduates to obtain informal feedback about the program and how it has helped alumni in their careers. A new 5-year-plan is essential to the program's continued success and should be completed sooner rather than later.
MS Data Science	Continue at Current Level	Improve program through advancements in efficiency, quality, productivity, and focus	Improve program through advancements in efficiency, quality, productivity, and focus Notes: The report lacks the data customary and depth of commentary of a graduate program review making it difficult to determine the true health of the program. The red ratings regarding student learning assessment are due to the lack of information in each section. Student learning assessments provide critical evidence to implement changes to curriculum, student satisfaction, emerging trends, and overall health of a program. The external demand and cost of delivery demonstrate a need for this program to continue. It is my hope that the coordinator or review writer can provide commentary – even if it is a statement as to why the information is not currently available and an actionable plan on how deficiencies will be addressed.

MS Environmental Safety and Health	Continue at Current Level	Continue at Current Level	Continue at Current Level
MS Exercise Science	Improve program through advancements in efficiency, quality, productivity, and focus	Continue at Current Level	Improve program through advancements in efficiency, quality, productivity, and focus Notes: The program provides needed services to the university and community, however, there needs to be a better data collection process in place to document the program's effectiveness. The program has outlined a new 5-year plan that sounds promising for growing the program. Support needs to be given to the program to assist them in obtaining another faculty member and improving the building where the program is housed.
MS Forensic Science	Continue at Current Level	Continue at Current Level	Continue at Current Level
MS Natural Resources and the Environment	Continue at Current Level	Not Completed	Continue at Current Level
Being Closed			
Certificate, Digital Forensics (grad)	Discontinue the program after all students have completed the program	Discontinue the program after all students have completed the program	Discontinue the program after all students have completed the program Notes: The program has not had any certificate completers since 2016 who were not also MSFS students completing the Digital Forensics emphasis. The program cannot award the certificate to these students. Discontinuation seems reasonable if there is no demand for the certificate outside of students already completing the Digital Forensics emphasis.
MS Safety	Discontinue the program after all students have completed the program	n/a	Discontinue the program after all students have completed the program Notes: The report is very confusing as to whether or not the program has been combined with another program (is this the new MS in Environmental, Health and Safety?/reported separately?) or if it is continuing. Report does not use consistent language. The Dean' recommendation states that the program should continue at the current level based on a cooperative agreement with MSHA, but enough data was not provided to support this.

<p>MS Cyber Forensics and Security</p>	<p>Discontinue the program after all students have completed the program</p>	<p>n/a</p>	<p>Discontinue the program after all students have completed the program Notes: The MS in Cyber Forensics & Security merged with the MS in Cyber Security through the College of Engineering and Computer Science. No new students were admitted after Spring 2024. All enrolled students graduated in AY25. Any remaining students who have not exceeded the 7-year requirement and wish to return to Marshall will be accommodated into the MS in Cyber Security program.</p>
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UNIVERSITY POLICY FOR ACADEMIC AFFAIRS

Policy No. UPAA-XX

ACADEMIC APPEAL POLICY

1. General Information

- 1.1. Scope: Academic policy regarding student appeals of course grades, dismissals, and other academic actions.
- 1.2. Authority: WV Code §18B-1-6
- 1.3. Passage Date: TBD
- 1.4. Effective Date: TBD
- 1.5. Controlling over: Marshall University
- 1.6. Related Rules and Policies: SA-1 Student Rights and Responsibilities, SA-2 Student Academic Rights, UPAA-1 Academic Dishonesty
- 1.7. History: First adopted: TBD.

2. Scope

- 2.1. This policy covers undergraduate and graduate students in all programs other than the M.D. Doctor of Medicine program. Students in the M.D. program should consult the most recent edition of the Joan C. Edwards School of Medicine *Academic Bulletin* for academic appeal policies.
- 2.2. This policy covers three kinds of appeals:
 - 2.2.1. **Course grade appeals**, which are appeals of the final grade in an academic course.
 - 2.2.2. **Academic dishonesty appeals**, which are appeals of a finding of academic dishonesty or a sanction related to a finding of academic dishonesty.
 - 2.2.3. **Performance appeals**, which are appeals of probation, suspension, or dismissal from an academic program, when that action is made by a program, department, college, school, or other subunit of Academic Affairs. This includes probation, suspension, or dismissal for any reason, including but not limited to GPA, progression, time to graduation, and professionalism.
- 2.3. **Other forums.** There are other concerns or appeals that a student may wish to make that are not in the scope and this policy. These include but are not limited to complaints and appeals related to the awarding of academic accommodations; student conduct appeals; residency appeals for tuition purposes; Title IX complaints;

and general complaints about an employee or academic program.

Complaints or appeals that do not fall into the scope of this policy may be reported through an appropriate office (e.g., the Title IX office, Office of Accessibility and Accommodations, Division of Student Affairs, or Marshall University Police Department). General complaints may be filed using the “Student Complaints” area of the Marshall website; see procedure STUDENT-7 “General University Reporting Procedure” for additional information.

For guidance about the correct forum for a particular complaint or appeal, please contact the [Office of Advocacy and Accountability in the Division of Student Affairs](https://www.marshall.edu/student-affairs/student-advocacy/) (<https://www.marshall.edu/student-affairs/student-advocacy/>).

3. Definitions

3.1. **Business day:** A day when Marshall University is open, even if classes are not meeting. Business days exclude weekends and days when the university is closed due to holidays or inclement weather.

3.2. **Instructional day:** A weekday when classes are in session, including the week of final exams each term. Instructional days do not include weekends, days when the academic calendar does not schedule classes, or days when classes are canceled.

3.3. **Written decision and date of receipt:** The written decision is the final decision from a particular level of the appeal process. The written decision will be sent by email to the student’s official Marshall email account and, optionally, may also be sent by postal mail. The date of receipt is the date when the email was sent. The written decision will be accompanied with a routing form available at the [Academic Affairs website](https://www.marshall.edu/academic-affairs/students/) (<https://www.marshall.edu/academic-affairs/students/>).

4. Course grade appeals

4.1. Only the final grade in a course may be appealed. Grades on individual assignments may not be appealed.

4.2. A student may initiate a course grade appeal only after the final grade for the course has been posted in Banner and appears on the student’s unofficial transcript.

4.3. A student may appeal a course grade only for the following reasons. The determinations made at each level of a course grade appeal are limited to these reasons as considerations. The student appellant must provide evidence that one or more of these reasons applies to the grade assigned for the course.

4.3.1. The grade reflects an error in calculation or reporting (e.g., a computational error, oversight of submitted materials, posting the wrong grade, or similar objective error).

4.3.2. The grade departed significantly from written policies or standards without reasonable notification.

4.3.3. The standards used to establish the grade were applied in an arbitrary or capricious manner.

5. General process and levels of review

5.1. The academic appeal process has five levels. These levels are described in individual sections below and summarized in the Appendix. The specific individual or committee responsible for each level depends on the kind of appeal and the level of the appeal (undergraduate or graduate).

5.2. Before beginning an appeal, the student is encouraged to contact the [Office of Student Advocacy and Accountability](https://www.marshall.edu/student-affairs/student-advocacy/) (https://www.marshall.edu/student-affairs/student-advocacy/) but is not required to do so. This office provides guidance about the appeal process and can provide information about the deadlines and individuals responsible for each level of review.

5.3. Appeals must be filed by email or in writing. Appeals must be accompanied by the academic appeal routing form and include all materials required by that form. The academic appeal routing form is available from the [Academic Affairs website](https://www.marshall.edu/academic-affairs/students/) (https://www.marshall.edu/academic-affairs/students/).

5.4. A student may be accompanied or represented by an advisor or legal counsel for any portion of an appeal at the student's own discretion and expense.

5.5. At each level, the analysis for an academic dishonesty or performance appeal will begin with an assumption that the student did not commit the act being appealed.

5.6. The decision at each level of appeal will be based on the following questions. These questions apply to all appeals included under this policy.

5.6.1. What is the evidence related to the grade assigned or the action(s) being appealed?

5.6.2. Was the interpretation of the evidence in keeping with a common understanding and published standards for assigning the grade or for the action(s) being appealed? Relevant policies may include, but are not limited to, syllabus policies, program policies, department/college policies, catalog policies, and university policies.

5.6.3. Was there evidence of capricious or prejudicial application of definitions or standards for the student?

5.6.4. Can the individual who is reviewing the appeal come to a reasonable conclusion that the evidence justifies the action or actions being appealed?

- 5.7. If a student's probation, suspension, or dismissal is related to a final course grade or to a finding of academic dishonesty, and the student wishes to appeal the course grade or academic dishonesty finding, the appeal for the course grade or academic dishonesty finding must be completed before the performance appeal is initiated. A student may not appeal a specific final course grade or academic dishonesty finding after an unsuccessful appeal of a suspension, probation, or dismissal based on that course grade or academic dishonesty finding.
- 5.8. The student may revise their argument and/or provide additional evidence or reasoning at each level of appeal.
- 5.9. Falsification, distortion, misrepresentation of information, or furnishing false information to any Marshall official, faculty member or office, is a violation of the Student Code of Conduct as described in BOG Rule SA-1 "Student Rights and Responsibilities".
- 5.10. At all levels after the Level 1 review, either the student or the faculty member may appeal a decision about a course grade or academic dishonesty to the next level. The student, department chair or program director may appeal a decision about probation, suspension, or dismissal to the next level.
- 5.11. At all levels of review, the designated individual or committee will send the written response to the student appellant and to all designated individuals or committees from previous levels of review.
- 5.12. **Continued participation during an appeal.** In most cases, a student should continue to fully participate in classes, clinical placements, and other academic and co-curricular activities during an appeal. The Academic Dean has the authority to temporarily restrict a student's participation in some or all academic, clinical, or co-curricular activities if the Dean determines the student's participation could pose a risk to students, faculty, patients, or other individuals, or when participation could significantly compromise the integrity or functioning of the program. The Dean will notify the student of any such restrictions in writing. These temporary restrictions will remain in place only as long as necessary while the appeal is underway.
6. **Level 1 Review.** This first level of appeal involves the individual or committee most directly responsible for the grade or decision being appealed.
- 6.1. **Designated individual.**
- 6.1.1. For course grade and academic dishonesty appeals, the Level 1 appeal is directed to the professor who assigned the grade or the individual or committee who made the formal accusation of academic dishonesty. If this professor, individual, or committee is not available, the appeal proceeds directly to Level 2.
- 6.1.2. For performance appeals, the Level 1 appeal is directed to the committee or process designated by the academic program to handle the appeal. Certain programs, especially professional programs, have a process described in their

program handbook involving a specific committee that recommends probation, suspension, or dismissal.

6.1.2.1. If there is no such committee for the student's academic program, performance appeals begin at Level 2.

6.1.2.2. If the student is unsure of where to direct the appeal, they may file it with the Department Chair, who will either forward it to the appropriate committee for Level 1 review or initiate Level 2 review.

6.1.3. For appeals of actions imposed by an academic college office, the appeal begins at Level 3.

6.2. **Deadline to appeal.** The deadline to file the Level 1 appeal is the tenth instructional day of the next Fall or Spring term following the term when the grade was assigned. For Fall terms, this is the following Spring term; for Spring and Summer terms it is the following Fall term.

6.2.1. A student is not obligated to begin an appeal until this deadline but may file an appeal earlier. Once the appeal is initiated, all subsequent deadlines are measured in business days. Therefore, the student may choose when to begin the appeal before the initial deadline but must be available during the remainder of the appeal process.

6.3. **Deadline to respond.** The deadline for the designated individual to provide a written decision for the appeal is ten business days. The designated individual is expected to respond within the deadline, but a student who has not received a written decision after twelve business days may immediately appeal to Level 2 without receiving the Level 1 decision.

7. **Level 2 review.** The Level 2 appeal is directed to the department chair or other designated individual responsible for Level 2 appeals in the appropriate program.

7.1. **Designated individual.** The Level 2 appeal is directed to the department chair or the individual designated to handle Level 2 appeals for the academic program or for the department in which the course is being taught.

7.1.1. If the student is unsure of where to direct the appeal, they may file it with the Department Chair, who will either forward it to the appropriate individual or initiate Level 2 review.

7.2. **Scope.** The Level 2 review does not include a hearing. The designated individual may investigate the appeal by contacting the student and, optionally, other individuals. The designated individual may solicit and review evidence beyond that provided by the student.

7.3. **Deadline to appeal.** The deadline to file a Level 2 appeal is the tenth business day after receiving the written decision for the Level 1 appeal, or the 20th

business day after filing the Level 1 appeal if no written decision for the Level 1 appeal is received.

7.4. **Deadline to respond.** The deadline for the designated individual to provide a written decision for the appeal is ten business days. The designated individual is expected to respond within the deadline, but a student who has not received a written decision after twelve business days may immediately appeal to Level 3 without receiving the Level 2 decision.

8. **Level 3 review.** The Level 3 appeal is directed to a Dean or Assistant Provost.

8.1. **Designated individual.** At the undergraduate level, appeals are directed to the Dean of the academic college or their appointed designee. At the graduate level, appeals are directed to the Assistant Provost for Graduate Studies or their appointed designee. The Assistant Provost for Graduate Studies or designee will consult the Dean of the academic college while evaluating an appeal.

8.1.1. For course grade appeals, the academic college is the college in which the course was taught. For academic integrity appeals, the academic college is the college of the individual making a finding of academic dishonesty. For performance appeals, the academic college is the college in which the action being appealed was made.

8.2. **Scope.** The Level 3 review does not include a hearing. The designated individual may investigate the appeal by contacting the student and, optionally, other individuals. The designated individual may solicit and review evidence beyond that provided by the student.

8.3. **Deadline to appeal.** The deadline to file the Level 3 appeal is the tenth business day after receiving the written decision for the Level 2 appeal, or the 20th business day after filing the Level 2 appeal if no written decision is received.

8.4. **Deadline to respond.** The deadline for the designated individual to provide a written decision for the appeal is ten business days. The designated individual is expected to respond within the deadline, but a student who has not received a written decision after twelve business days may immediately appeal to Level 4 without receiving the Level 3 decision.

9. **Level 4 review.** The Level 4 appeal is directed at a faculty committee which is empowered to hold hearings.

9.1. **Designated committee.** At the undergraduate level, Level 4 appeals are directed to the Budget and Academic Policy Committee. At the graduate level, Level 4 appeals are directed to the Graduate Council.

9.2. **Deadline to appeal.** The deadline to file the Level 4 appeal is the tenth instructional business day after receiving the written decision for the Level 3 appeal.

9.3. **Pre-Hearing Panel.** The designated committee will promptly form a Pre-Hearing Panel to determine whether a hearing will be scheduled.

9.3.1. The Pre-Hearing Panel will decide, based on the evidence and arguments in the appeal filing, whether:

9.3.1.1. The prior steps of the appeal process have been completed, and

9.3.1.2. There is an issue which, if interpreted in the best light possible for the student, could lead to a change in the grade being appealed or a reversal of the academic action being appealed.

9.3.2. Appropriate written evidence must be provided in order to justify a hearing. It is the student’s responsibility to provide documentation for the claims in an appeal. The Pre-Hearing Panel may ask for additional documentation to determine whether a hearing is justified.

9.3.3. The Pre-Hearing Panel will issue a written determination to the student within ten business days of receiving the Level 4 appeal. If the Pre-Hearing Panel finds there is an issue warranting a hearing, the panel will recommend for a hearing to be scheduled. If the Pre-Hearing Panel finds there is no such issue, they will issue a written decision to the student, which ends the Level 4 review. The student may appeal this negative decision to Level 5.

9.4. **Hearing Panel.** If the pre-hearing panel recommends a hearing to be scheduled, the designated committee will convene a Hearing Panel. The hearing will follow the process outlined under “Hearing process” in this policy. The Hearing Panel will meet within 30 business days unless a continuance is granted as described in the hearing process. The Hearing Panel will issue a written decision within ten business days of the hearing.

10. **Level 5 review.** The Level 5 appeal is the final level of review.

10.1. **Designated individual.** The designated individual for Level 5 academic appeals is the Provost or their appointed designee.

10.2. **Scope.** The scope of the Level 5 review is limited to the following:

10.2.1. Substantive procedural errors during the appeal process.

10.2.2. Evidence not available at the time of the hearing which could materially influence the outcome of the hearing.

10.2.3. Insufficient evidence to support the findings of the Hearing Panel.

10.2.4. Misinterpretation of University policies and regulations.

10.2.5. A sanction disproportionate to the offense.

10.2.6. Lack of jurisdiction.

10.2.7. If applicable, whether the decision of the Pre-Hearing Panel was appropriate.

10.3. **Deadline to appeal.** The deadline to file the Level 5 appeal is the tenth business day after the written response for the Level 4 appeal is received.

10.4. **Deadline to respond.** The deadline for the designated individual to provide a written decision for the appeal is ten business days.

10.5. **Possible actions.** The designated individual for the Level 5 review may uphold the decision of the Pre-Hearing Panel or Hearing Panel or may remand the appeal to any earlier stage for further consideration. If the appeal is remanded to an earlier stage, the process restarts at that stage as if the student had filed the appeal at that stage in a timely manner and proceeds through the remainder of the appeal process.

10.6. **Final authority.** The decision at the end of Level 5 review is final. No additional appeal is possible.

11. Hearing Panels

11.1. Each Hearing Panel will consist of at least three members, one of whom is designated as the Hearing Officer. The purpose of the hearing panel is to hear arguments, evaluate evidence, and reach a decision. The Hearing Officer is responsible for running the hearing.

11.2. **Undergraduate-level hearing panels.** Undergraduate-level hearings are organized by the Academic Appeals Board, a subcommittee of the Budget and Academic Policy Committee.

11.2.1. **Faculty Members.** The Dean of each academic unit which offers undergraduate degrees will appoint five (5) faculty members from his/her unit to serve on a Hearing Panel Pool. These 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.

11.2.2. **Student Members.** The Student Government Association President will appoint three (3) students from each of the constituent colleges and schools of the University to serve on the Hearing Panel Pool. These students will be rising juniors, juniors, or seniors. Terms will run from May 15 to the following May 15.

11.2.3.3. **Hearing Officer pool.** The Budget and Academic Policy Committee will appoint a separate pool of two Hearing Officers each spring. It is desirable but not required that the Hearing Officers have served on a Hearing Panel.

11.2.4. **Selection of Members for an undergraduate hearing panel.** An undergraduate hearing panel is composed of two (2) faculty members, one (1) student member, and one (1) non-voting Hearing Officer. The members of the

Hearing Panel will be chosen randomly from the Hearing Panel Pool by the Chairperson of the Academic Appeals Board 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 Hearing Panel should be chosen from the Hearing Panel Pool members appointed from the constituent college or school involved.

11.3. **Graduate-level hearing panels.** The Chair of the Graduate Council will form hearing panels as necessary by appointing at least three members of the Graduate Council from distinct colleges to each hearing panel, one of whom will be appointed as the Hearing Officer. The Hearing Officer will be a voting member of graduate level Hearing Panels. The Chair of the Graduate Council may appoint themselves as a hearing panel member or Hearing Officer.

12. Hearing process

12.1. It is the intent of these procedures to ensure 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.

12.2. General principles

12.2.1. All information discussed or shared during a hearing is confidential. All written information presented to the Hearing Panel will be collected upon completion of the hearing. These materials will be held by the University for one year.

12.2.2. Hearings will be recorded when the hearing panel is not meeting in closed session. The University will maintain a copy of each hearing recording for one year.

12.2.3. The student and the respondents to the appeal each 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.

12.2.4. The student has the right to retain legal counsel at his or her own discretion and expense. In these cases, an attorney is allowed to fully represent and speak on behalf of the student.

12.2.5. Rules of evidence and other formal rules of courtroom procedure do not apply to academic appeal hearings. The Hearing Panel may admit as evidence any testimony, written documents, or demonstrative evidence which it believes is

relevant to a fair determination of the issues. The Hearing Officer will make a final decision about what is relevant and what is not relevant.

12.2.6. The student or other parties involved may petition the Hearing Officer to request for appropriate written information or documents. These petitions must be made by email or in writing.

12.2.7. The Hearing Panel will make a decision based on the evidence presented to them before and during the hearing.

12.2.8. All information presented to the Hearing Panel before the hearing must be submitted in writing or by email. Written evidence to be considered by the panelists should be received by the Hearing Officer at least five (5) business days prior to the hearing to be distributed to the panelists prior to the hearing. Exceptions to this five (5) day rule are at the discretion of the Hearing Officer, who may disallow long written documents or large numbers of documents from being introduced if the panelists will not have time to consider them fully.

12.3. **Scheduling of a hearing**

12.3.1. Hearings will be held virtually over the Internet (e.g. using software such as Microsoft Teams) unless the student requests by writing or email to the Hearing Officer for a face-to-face hearing to be scheduled.

12.3.2. Upon written request, the Hearing Officer may, at his/her discretion, grant a continuance to any party for good cause.

12.3.3. The Hearing Officer will notify the student and other appropriate parties in writing at least five (5) business days prior to the hearing, of the date, time, and manner or 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 respondent(s) in appropriate cases.

12.4. **Hearing sessions**

12.4.1. Academic hearings are closed to the public. Admission of any person to the hearing will be at the discretion of the Hearing Officer.

12.4.2. All persons to be called as witnesses, other than the student appellant and their advisor or counsel (if any) and the respondents and their advisors (if any), will be excluded from the hearing when not presenting testimony. Any person who remains in the hearing after the hearing has begun may be prohibited from appearing as a witness at the discretion of the Hearing Officer.

12.4.3. All parties at the hearing must address all questions and comments to the Hearing Officer. Parties may not directly speak to or question each other.

- 12.4.4. Prior to the scheduled hearing, the members of the Hearing Panel may convene in closed session to examine the content of the appeal, the specific issues to be considered, and all supporting documents.
- 12.4.5. The student, with advisor or counsel (if any), will be called before the Hearing Panel and the Hearing Officer will restate the nature of the appeal, the issues to be decided, and procedures of the hearing.
- 12.4.6. If the student or the respondent(s) fails to appear at a hearing and fails to make advance explanation for their absence which is satisfactory to the Hearing Panel, or if the student appellant or the respondent(s) leave before the conclusion of the hearing without permission of the Hearing Panel, the hearing may continue and the Hearing Panel may make a determination on the evidence presented at the hearing, or the Hearing Panel may, at its discretion, dismiss the appeal.
- 12.4.7. Anyone disrupting the hearing may be excluded from the hearing if, after due warning, they engage in conduct which substantially delays or disrupts the hearing, in which case the hearing will continue. If excluded, the person may be readmitted on the assurance of good behavior. Any person who refuses the Hearing Panel's order to leave the hearing room may be subject to appropriate disciplinary action pursuant to Marshall University policy. When a student appellant is excluded for disruptive behavior and does not have a recognized representative, the Hearing Officer will appoint one if possible, or may continue the hearing to a later date.
- 12.4.8. Except as provided in 12.4.7 and 12.4.10 herein, all evidence presented during the hearing must be presented in the presence of the student appellant.
- 12.4.9. The student appellant will be given the opportunity to testify and present evidence and witnesses on their own behalf and to pose questions for respondents and any witnesses provided by the respondents. Questions will be given to the Hearing Officer to ask; the parties to the appeal will not question each other directly.
- 12.4.10. After completion of the testimony and presentation of evidence, the Hearing Panel will meet in closed session to review the evidence presented. The Hearing Panel will make its findings based upon a preponderance of evidence and will reach its determination by a majority vote. The results will be recorded in writing and filed with the Chairperson of the Budget and Academic Policy Committee (for undergraduate appeals) or the Chair of the Graduate Council (for graduate appeals) as well as the Provost and Senior Vice President of Academic Affairs.
- 12.4.11. If the Hearing Panel's decision includes the imposition or confirmation 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 by any hearing panel member to the Chairperson of the Budget and

Academic Policy Committee (for undergraduate appeals) or the Chair of the Graduate Council (for graduate appeals) and to the Provost and Senior Vice President for Academic Affairs.

12.5. Decision

12.5.1. The student, Academic Dean, and all designated individuals from previous steps of the appeal process will be notified in writing of the findings and any sanction at the conclusion of the hearing.

12.5.2. A record of the hearing will be prepared by the Hearing Officer in the form of summary minutes and relevant attachments, which will be provided to the student upon request.

12.5.3. In an appeal related to a final grade, the Hearing Officer will notify the Academic Dean of any necessary grade changes. The Dean will complete any necessary change of grade forms and submit that information to the Office of the Registrar and the faculty member.

DRAFT

Appendix: Tables of appeal levels, individuals, and deadlines

Undergraduate Course Grade and Academic Dishonesty Appeals

Level	Designated Individual	Deadline to file appeal at this level	Deadline to receive response
Level 1	Professor assigning the grade or individual or committee making the finding or sanction for academic dishonesty	10 instructional days in the following Fall or Spring term.	10 business days
Level 2	Department chair or designee	10 business days from receiving written response	10 business days
Level 3	Academic Dean	10 business days from receiving written response	10 business days
Level 4	Budget and Academic Policy Committee	10 business days from receiving written response	10 business days for the pre-hearing panel to determine if a hearing will be held
Level 5	Provost	10 business days from receiving written response	10 business days

Graduate Course Grade and Academic Dishonesty Appeals

Level	Designated Individual	Deadline to file appeal at this level	Deadline to receive response
Level 1	Professor assigning the grade or individual or committee making the finding or sanction for academic dishonesty	10 instructional days in the following Fall or Spring term.	10 business days
Level 2	Department chair or program designee	10 business days from receiving written response	10 business days
Level 3	Assistant Provost for Graduate Studies	10 business days from receiving written response	10 business days
Level 4	Graduate Council	10 business days from receiving written response	10 business days for the pre-hearing panel to determine if a hearing will be held
Level 5	Provost	10 business days from receiving written response	10 business days

Undergraduate Performance Appeals (Probation, Suspension, Dismissal)

Level	Designated Individual	Deadline to file appeal at this level	Deadline to receive response
Level 1	Program-specific committee or process if there is one. Otherwise, proceed directly to Level 2	10 instructional days in the following Fall or Spring term.	10 business days
Level 2	Department chair or program designee	10 business days from receiving written response	10 business days
Level 3	Academic Dean	10 business days from receiving written response	10 business days
Level 4	Budget and Academic Policy Committee	10 business days from receiving written response	10 business days for the pre-hearing panel
Level 5	Provost	10 business days from receiving written response	10 business days

Graduate Performance Appeals (Probation, Suspension, Dismissal)

Level	Designated Individual	Deadline to file appeal at this level	Deadline to receive response
Level 1	Program-specific committee or process if there is one. Otherwise, proceed directly to Level 2	10 instructional days in the following Fall or Spring term.	10 business days
Level 2	Department chair or designee	10 business days from receiving written response	10 business days
Level 3	Assistant Provost for Graduate Studies	10 business days from receiving written response	10 business days
Level 4	Graduate Council	10 business days from receiving written response	10 business days for the pre-hearing panel
Level 5	Provost	10 business days from receiving written response	10 business days

Faculty Personnel Committee RECOMMENDATION

SR 25-26-19 FPC Recommends a new BOG Rule on Faculty Conduct and Disciplinary Procedures

Whereas, Marshall University Board of Governors Rule AA-16 (Professional Responsibility, Academic Responsibilities, and Academic Freedom) affirms both the high professional obligations of faculty members and their fundamental protections for academic freedom, extramural speech, and shared governance; and,

Whereas, AA-16 recognizes that faculty professionalism and academic freedom are complementary principles, requiring institutional mechanisms capable of distinguishing protected academic activity from conduct that substantially impairs professional fitness or institutional functioning; and,

Whereas, Marshall University maintains multiple Board of Governors rules and institutional policies defining faculty responsibilities and standards of conduct, yet does not currently have a unified, faculty-led disciplinary framework that operationalizes those standards in a manner consistent with AA-16; and

Whereas, in the absence of a comprehensive faculty misconduct process, responsibility for addressing serious conduct concerns has necessarily relied on existing administrative and human-resources procedures, which are not designed to provide faculty peer adjudication or to fully address academic freedom and professional fitness considerations; and

Whereas, faculty, administrators, and the Board of Governors share a common interest in clear, predictable, and transparent processes that promote professionalism, ensure fairness, and support timely and appropriate institutional action; and

Whereas, progressive discipline—emphasizing correction, remediation, and proportional response—is a widely recognized best practice in higher education governance and employment law, benefiting both individuals and institutions; and

Whereas, the Board of Governors has an institutional responsibility to ensure that faculty discipline is exercised in a manner consistent with Board rules, state law, AAUP standards, and principles of shared governance, while preserving the University’s capacity to uphold professional standards;

Therefore, Be It Resolved, that the Marshall University Faculty Senate recommends adoption of the proposed Board of Governors Rule on Faculty Conduct and Disciplinary Procedures, establishing a faculty-led, progressive, and due-process-centered framework for addressing faculty misconduct that gives practical effect to the principles of professionalism, academic freedom, and shared governance articulated in MUBOG Rule AA-16.

Faculty Personnel Committee RECOMMENDATION

SR 25-26-19 FPC Recommends a new BOG Rule on Faculty Conduct and Disciplinary Procedures

RATIONALE:

1. Implements AA-16 Through a Clear and Workable Process

While AA-16 articulates core principles of professional responsibility and academic freedom, it does not itself provide a procedural framework for resolving allegations of misconduct. The proposed rule supplies that structure, ensuring those principles are applied consistently and transparently.

2. Emphasizes Progressive Discipline and Remediation

The proposed framework is explicitly progressive in nature. It prioritizes corrective and educational responses where appropriate, reserving severe sanctions for serious or repeated misconduct. This approach supports faculty development, reduces unnecessary escalation, and aligns with best practices in higher education governance.

3. Preserves Academic Freedom While Enforcing Professional Standards

By requiring a demonstrated nexus between alleged conduct and impairment of professional fitness or institutional function, the rule ensures that protected teaching, scholarship, governance, and extramural speech are not subject to discipline, while still allowing the University to address genuine misconduct.

4. Clarifies Institutional Roles and Strengthens Shared Governance

The rule establishes clear responsibilities for faculty committees, administrators, and executive leadership. This clarity supports collaborative decision-making and ensures that academic judgment plays a central role in matters affecting faculty status and professional standing.

5. Improves Consistency, Fairness, and Institutional Defensibility

A defined, faculty-led disciplinary process produces more consistent outcomes, clearer records, and stronger procedural integrity. This benefits faculty by ensuring fairness and benefits the University and Board by reducing grievance risk and increasing confidence in final decisions.

6. Aligns Marshall with Contemporary Higher Education Practice

Public universities nationwide have moved toward formal faculty misconduct frameworks that integrate professionalism, due process, and shared governance. Adoption of this rule aligns Marshall University with those established governance norms.

**Faculty Personnel Committee
RECOMMENDATION**

SR 25-26-19 FPC Recommends a new BOG Rule on Faculty Conduct and Disciplinary Procedures

FACULTY SENATE CHAIR:

APPROVED BY THE
FACULTY SENATE: _____ DATE: _____

DISAPPROVED BY THE
FACULTY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED: _____ DATE: _____

DISAPPROVED: _____ DATE: _____

COMMENTS:

Marshall University Board of Governors Rule: Faculty Conduct and Disciplinary Procedures (MU BOG AA-XX)

I. Purpose

This policy establishes a comprehensive, fair, and academically sound framework for addressing faculty misconduct while protecting academic freedom, due process, and shared governance and ensuring accountability and professional conduct. The policy:

1. Ensures consistent procedures across the institution.
2. Provides faculty-led adjudication of serious sanctions.
3. Aligns Marshall University with AAUP Recommended Institutional Regulations, MUBOG AA-6 and AA-16, and W. Va. Code.

II. Scope and Authority

Applicability: This policy applies to all individuals holding faculty appointments (classifications) at Marshall University (including adjunct faculty, dual-credit instructors, tenured, tenure-track, clinical-track, teaching-track, librarian-track, and research-track faculty).

Relationship with Other Policies: Allegations governed by Title IX, discrimination/harassment, research misconduct, HIPAA/FERPA, or other mandated procedures will be investigated under those policies.

Once fact-finding is complete and a policy violation is substantiated, sanctioning and appeals proceed under those policies if applicable. The President (or designee) may at their discretion request that the faculty misconduct panel review those allegations and issue their own determination and sanctions. Any misconduct allegations governed by other policies (e.g., Title IX, discrimination/harassment, research misconduct, HIPAA/FERPA) that are substantiated and where sanctions involve the revocation of tenure and/or dismissal must be reviewed by the faculty misconduct panel.

Dual-Role Faculty (Faculty with Administrative Appointments): When an individual serves in both faculty and administrative capacities, jurisdiction is determined by whether the alleged conduct occurred primarily in the administrative role or the faculty role.

The Provost, Chief HR Officer, and General Counsel will jointly make this determination and issue a written routing memo to the faculty member and the University Faculty Senate Faculty Personnel Committee Chair.

No party may unilaterally select the forum.

Authority: This policy is authorized under W. Va. Code §18B-2A-4, MUBOG AA-6, MUBOG AA-16, and AAUP standards on academic freedom and tenure.

History:

III. Guiding Principles

1. **MUBOG Rule AA-16 (Professional Responsibility, Academic Responsibilities, and Academic Freedom):** Faculty shall not face discipline for protected teaching, scholarship, or governance, and they shall have the freedom to speak on any matter of social, political, economic, or other interest to the larger community, without institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that suggest disciplinary incompetence. Each faculty member is entitled to freedom in the classroom regarding discussion of the subject being taught. In addition, when faculty members and instructors speak or write as private citizens outside the institution and declare such private status, they shall be free from institutional censorship or discipline.
2. **Faculty-Led Adjudication:** Serious sanctions require an impartial hearing before a Faculty Personnel Committee (FPC) panel of tenured faculty.
3. **Due Process:** Faculty are entitled to written notice of charges, access to evidence, representation, cross-examination of witnesses, a verbatim hearing record, and a defined appeal consistent with W. Va. Code §6C-2-3.
4. **Neutrality:** HR coordinates logistics; investigators and FPC panelists must be impartial and free from conflicts of interest.
5. **Progressive, Educational Approach:** The University seeks to remediate whenever appropriate, emphasizing corrective actions, particularly for Minor Misconduct.
6. **Proportionality and Consistency:** Sanctions must be proportionate to misconduct and consistent with prior comparable cases.
7. **Timeliness with Flexibility:** Timelines are clearly defined but may be extended for good cause, with written explanation.
8. **Burden and Standard of Proof:** The University always bears the burden of proof. Serious sanctions require clear and convincing evidence.
9. **Shared Governance:** Peer faculty review is central, with the University Faculty Personnel Committee (FPC) hearing all serious cases and the Faculty Senate Executive Committee serving as appellate authority.

IV. Definitions

For purposes of this policy:

1. **Adequate Cause:** Substantial reason demonstrably related to professional fitness or performance of institutional responsibilities, such that continued appointment is inconsistent with the institution's mission and obligations.
2. **Minor Misconduct:** Low-impact, isolated, or first-time behavior that is readily remediable and does not warrant formal disciplinary sanction.
3. **Serious Misconduct:** Repeated, willful, or significant breaches of professional responsibility that materially disrupt institutional operations, compromise trust, or harm students, colleagues, staff, or the University's interests.
4. **Grave Misconduct:** Willful, egregious, or fitness-impairing conduct (e.g., serious research misconduct, exploitation, violence, major fraud) that may warrant suspension, revocation of tenure, or dismissal for cause.
5. **Neglect of Duty:** Persistent failure or refusal to perform assigned academic or institutional responsibilities after written notice and an opportunity to improve.
6. **Unfitness to Serve:** Clear and convincing evidence that conduct, neglect, or incompetence substantially impairs effectiveness as a teacher, scholar, or community member.
7. **Corrective Action:** Non-disciplinary interventions aimed at remediation and improvement (e.g., coaching, mentoring, Faculty Development Plans).
8. **Disciplinary Action:** Formal sanctions imposed in response to substantiated misconduct (e.g., written reprimand, salary reduction, suspension, demotion, revocation of tenure, dismissal).
9. **Serious Sanction:** Any sanction altering pay, rank, tenure status, or fundamental faculty privileges (e.g., suspension without pay, demotion, salary reduction, loss of tenure, dismissal).
10. **Interim Measure:** Temporary, non-punitive action (typically with pay) used to protect safety, prevent disruption, or preserve investigation integrity while allegations are pending.
11. **Clear and Convincing Evidence:** Evidence that produces a firm belief in the truth of the allegations; higher than a preponderance of the evidence but lower than beyond a reasonable doubt. The University bears this burden for all serious sanctions.

V. Academic Freedom and Nexus Requirement

1. Faculty have the rights and responsibilities described in MUBOG AA-16 and AAUP's statements on academic freedom and tenure.
2. No disciplinary action may be imposed for:
 - Protected teaching or research content; or
 - Participation in shared governance; or
 - Extramural speech as a private citizen, unless there is a demonstrated nexus between the conduct and substantial impairment of professional fitness or institutional functioning.
3. Disagreement with viewpoints, scholarship, or criticism of the University is not misconduct.
4. When expression is implicated, decision-makers must explicitly analyze and document the nexus between the conduct and alleged impairment of fitness.

VI. Roles and Responsibilities

Department Chair/Director: First-level intervention, coaching, and documentation.

Dean: May issue minor discipline (reprimand, warning); refers serious cases to University Faculty Personnel Committee (FPC).

University Faculty Personnel Committee (FPC): Conducts hearings in all serious cases; makes findings of fact and recommends sanctions. The FPC issues a written findings and recommendations decision. A faculty member may appeal the FPC's findings and recommendation decision to the Faculty Senate Executive Committee in accordance with this policy.

Faculty Senate Executive Committee: Serves as the final faculty-level appellate body. The Faculty Senate Executive Committee reviews appeals from FPC decisions and may affirm, reverse, or remand the FPC's findings and determination in accordance with this policy. The Executive Committee issues a written appellate decision.

President (or designee): Issues the final institutional determination on faculty misconduct matters. The President holds ultimate authority over faculty misconduct allegations and may affirm, reverse, or remand a decision issued by the Faculty Senate Executive Committee and/or the FPC. The President may not impose determinations and/or sanctions in a capricious manner. If the President reverses or remands the findings/determination of the Faculty Senate Executive Committee or the FPC, the President shall provide a written rationale explaining the basis for the decision. A faculty member may grieve any determination or sanction issued by the President consistent with W. Va. Code §6C-2-3.

VII. Misconduct Classification and Illustrative Behaviors by Tier

An illustrative list of potential misconduct behaviors is listed in Appendix A.

The following examples are illustrative, not exhaustive. Classification depends on the nature of the conduct, intent, pattern, impact, and context.

A. Tier 1 (Minor Misconduct): Generally handled at the Chair/Dean level with corrective actions.

Examples:

- Isolated failures to hold or post office hours after reminder.
- Single instance of unprofessional behavior.
- Minor syllabus or assessment irregularities without material impact on student grades or progression.
- First-time late submission of grades or required administrative materials.
- Non-willful administrative or communication errors (e.g., confusion about deadlines or forms).
- Isolated minor collegial conduct issues remediable through coaching or a Faculty Development Plan (FDP).

B. Tier 2 (Serious Misconduct): Requires formal referral; serious sanctions cannot be imposed without an FPC hearing.

Examples:

- Repeated unprofessional or hostile conduct after written notice and coaching.
- Documented FERPA or confidentiality breaches with potential or actual harm.
- Retaliation against students, faculty, or staff for reporting concerns or participating in a process.
- Significant grading irregularities or misuse of academic authority (e.g., grading motivated by personal animus rather than academic performance).
- Failure to adhere to required safety protocols or research compliance obligations after notice and training.
- Discriminatory or harassing behaviors not rising to Tier 3 but demonstrating serious misconduct.
- Persistent neglect of duty following an unsuccessful FDP.

C. Tier 3 (Grave Misconduct): Requires expedited FPC hearing; may warrant revocation of tenure or dismissal.

Examples:

- Fabrication, falsification, or serious plagiarism in research or scholarship as substantiated by the University's research misconduct process.
- Serious harassment, stalking, coercion, or exploitation of students, colleagues, or staff.

- Violence or credible threats of violence; dangerous behavior that endangers others.
- Fraudulent conduct such as falsifying University records, significant financial misconduct, or misappropriation of funds.
- Severe abuse of authority, such as coercive relationships with students or supervisees or quid-pro-quo demands.
- Criminal acts that directly impact the faculty member's fitness to serve or the University's safety or integrity.

VIII. Routing and Gatekeeping

1. **Initial Classification** – The Department Chair makes a preliminary classification (Tier 1, 2, or 3) based on available information and consults with the Dean.
2. **Dean Confirmation** – The Dean reviews the Chair's classification and either affirms or reclassifies, documenting reasons.
3. **Disputed Classification** – If the faculty member or Dean disputes the classification, the FPC Chair issues a threshold ruling within five (5) business days. This ruling determines whether the matter must follow the Tier 2/3 formal process.
4. **Routing for Dual-Role Cases** – As described in Section II, jurisdiction for faculty with administrative appointments is set through a written routing memo.

IX. Procedures and Timelines: All time periods are “business days” unless otherwise specified.

A. Step 1 – Intake, Documentation, and Preliminary Assessment (≤ 5 days)

1. **Incident Identification and Documentation**
 - Chair/Dean records date, source, and nature of the concern and preserves any initial evidence.
2. **Informal Fact-Gathering**
 - Chair may clarify factual issues with the reporting party and review relevant materials but should not conduct a full investigation or make formal credibility findings.
3. **Preliminary Classification**
 - Chair proposes Tier 1, 2, or 3; Dean confirms or modifies.
4. **Notification to Faculty Member**
 - Faculty are notified in writing that a concern has been raised, the preliminary classification, and provided a copy of this policy, unless notification would compromise an external investigation or create a safety risk.

B. Step 2 – Formal Referral (Tier 2 or 3) (≤ 10 days after Step 1)

For Serious or Grave Misconduct:

1. Dean's Referral Packet sent to the Provost, HR (for logistics), and FPC Chair, including:
 - Alleged conduct (bullet points).
 - Dates, locations, involved individuals.
 - Preliminary evidence (e.g., emails, syllabi, reports).
 - Tier classification and rationale.
 - Policies potentially violated.
 - Any request for interim measures.
2. Copy to Faculty Member
 - The faculty member receives the same referral packet on the same day it is transmitted.

C. Step 3 – Notice of Charges (≤ 5 days from referral)

1. HR issues a formal (electronic) Notice of Charges that includes:
 - Specific allegations and conduct at issue.
 - Policy sections allegedly violated.
 - Summary of available evidence.
 - Statement of rights (representation, evidence access, hearing, appeal).
 - Timelines for response and subsequent steps.
 - Non-retaliation statement.
2. Faculty acknowledge receipt in writing (electronically).

D. Step 4 – Investigation (target ≤ 15 days)

1. **Appointment of Neutral Investigator**
 - The Provost (or designee) appoints a neutral investigator, who may be internal or external, and is not an HR decision-maker in the case.
2. **Scope of Investigation**

The investigator:

 - Interviews complainants, the faculty respondent, and relevant witnesses.
 - Reviews documents, digital records, LMS content, and other evidence.
 - Maintains confidentiality to the extent possible.
 - Offers the faculty respondent the opportunity for a full interview before completion of the report.
3. **Investigative Summary**
 - The investigator produces a written summary of the facts and evidence collected.
 - The summary does not recommend sanctions.
 - All exculpatory evidence must be disclosed.

4. Distribution

- The Investigative Summary is provided simultaneously to the faculty member, the University's presenting party, and the FPC Chair.

E. Step 5 – Faculty Response (≤ 15 days after Investigative Summary)

The faculty member may submit:

- A written narrative or rebuttal.
- Exhibits or documents.
- A list of witnesses.
- A statement of desired outcome.
- Objections to procedural issues thus far.

Extensions may be granted for good cause.

F. Step 6 – Pre-Hearing Evidence Exchange (≥ 10 days before hearing)

Both parties must exchange:

- All exhibits they intend to introduce.
- Witness lists with brief descriptions of testimony.
- Any stipulations of fact.
- Objections to proposed evidence (relevance, prejudice, redundancy).
- Requests for witness sequestration.

The FPC Panel Chair rules on pre-hearing objections and motions in writing.

G. Step 7 – Scheduling and Panel Formation (Hearing within ≤ 30 days after Step 5)

1. Panel Formation
 - FPC Chair selects a five-member panel from the Misconduct Hearing Pool.
 - At least one member is from the faculty member's Academic Unit when feasible.
 - Parties may request recusals for conflict of interest; rulings are made by the FPC Chair.
2. Hearing Scheduling
 - HR coordinates date, time, and location (or secure virtual platform).
 - Scheduling reasonably accommodates the faculty member and key witnesses.

H. Step 8 – FPC Hearing

The hearing is conducted in accordance with Section X below.

I. Step 9 – Findings and Recommendations (≤ 15 days after hearing)

The panel issues a written decision that includes:

- Findings of fact (numbered).
- Conclusions as to each allegation (sustained or not sustained).
- Policy provisions violated, if any.
- Aggravating and mitigating factors considered.
- Recommended sanction(s) with proportionality rationale.

The decision is provided to:

- The faculty member.
- Chair and Dean.
- Provost.
- Faculty Senate Chair.
- HR (logistics).
- President.

J. Step 10 – Appeal to Faculty Senate Executive Committee (≤ 20 days)

The faculty member may file a written appeal to the Faculty Senate Executive Committee on one or more of the following grounds:

1. Material procedural error that likely affected the outcome.
2. New evidence not reasonably available at the time of the hearing.
3. Sanction is clearly disproportionate to the substantiated misconduct.

The Senate Executive Committee reviews the record and may:

- Affirm the FPC decision.
- Modify the sanction.
- Remand to FPC with instructions for further proceedings.

The decision is issued in writing.

K. Step 11 – Final Institutional Determination / Action (≤ 10 days after appeal decision)

The President (or designee):

1. Reviews the FPC and Senate Executive Committee decisions.
2. Issues written notice of final institutional determination and action.
3. For revocation of tenure and dismissal for cause, submits a notice to the Board of Governors.

X. Hearing Procedures (Expanded)

1. Pre-Hearing Conference

The Panel Chair may hold a pre-hearing conference to:

- Confirm witness lists and exhibits.
- Address outstanding motions.
- Clarify the order of proof and logistics.

2. Opening the Record

At the start of the hearing, the Panel Chair:

- Identifies the case, panel members, and parties.
- Confirms the hearing is being recorded verbatim.
- States the standard of proof (clear and convincing).
- States that the University bears the burden of proof.

3. Opening Statements

- University representative may present an opening statement.
- Faculty member (or counsel) may present an opening or reserve until their case.

4. University Case-in-Chief

- University presents witnesses and exhibits.
- Each witness is subject to direct examination, cross-examination by the faculty member or counsel, and questions from the panel.

5. Faculty Case-in-Chief

- Faculty member presents testimony, witnesses, and exhibits.
- University may cross-examine; panel may question.

6. Rebuttal/Surrebuttal

Limited to new issues raised.

7. Closing Statements

- Both parties have the opportunity to summarize the evidence and apply the standard of proof.

8. Evidence Rules

- Formal rules of evidence do not apply; relevance, reliability, and fairness govern.
- The panel may exclude irrelevant, cumulative, or unduly prejudicial evidence.
- Anonymous complaints may not be the basis for a finding.

9. Sequestration of Witnesses

- At the request of either party or on the panel's initiative, witnesses (other than the faculty member and the University representative) may be excluded from the virtual or physical hearing space except while testifying.

10. Counsel and Advisors

- Each party may be advised or represented by counsel or another advisor at their own expense.
- The Panel Chair may set reasonable limits to ensure order and efficiency.

11. Deliberation and Decision

- After closing statements, the panel deliberates in private without HR or non-panel participants present.
- Decisions are by majority vote.
- A written Findings and Recommendations document is prepared and signed by panel members.

XI. Interim Measures

1. Interim measures are **non-punitive**, typically with full pay and benefits, and may include reassignment of duties or temporary removal from teaching or specific environments.
2. Interim measures may be imposed only when:
 - Continued duties pose an immediate and serious risk to safety or operations, or
 - Continued duties would seriously impede the investigation.
3. The FPC Panel Chair (or designee) reviews any interim measure within five (5) business days of implementation and may affirm, modify, or lift it.
4. Interim measures are not evidence of misconduct and must be clearly labeled as such in all communications.

XII. Sanctions and Collateral Consequences

1. Corrective (Non-Disciplinary) Actions

- Coaching and mentoring.
- Faculty Development Plan (FDP).
- Classroom observations and feedback.

2. Disciplinary Actions (Non-Serious Sanctions)

- Written reprimand.
- Final written warning.
- Monitored probation.
- Targeted training requirements.
- Temporary limitation of certain duties or roles (e.g., committee chairing).

3. Serious Sanctions (require FPC hearing and Senate appeal opportunity)

- Prospective salary reduction.
- Suspension without pay for a defined period.
- Demotion in rank or removal from specific roles.
- Revocation of tenure.
- Dismissal for cause.

4. Collateral Consequences

- May include temporary removal of graduate faculty status, PI eligibility, overload teaching, or leadership roles.
- Collateral consequences must be explicitly stated, time-limited, and include conditions for reinstatement.

5. Proportionality

- Sanctions must be proportional to the nature and severity of the misconduct and consider intent, pattern, harm, remediation, and consistency with prior cases.

XIII. Non-Retaliation and Reporter Protections

1. Marshall University strictly prohibits retaliation against any person who:
 - Makes a good-faith report of misconduct or concern.
 - Participates in an investigation or hearing.
 - Serves as a witness or panel member.
2. Retaliation includes:
 - Adverse employment actions (e.g., negative evaluations, workload changes, loss of opportunities) motivated by the report or participation.
 - Threats, intimidation, or coercion.
 - Actions that would reasonably deter a person from reporting or participating.
3. Retaliation as Misconduct
 - Proven retaliation constitutes at least Serious Misconduct and may be treated as Grave Misconduct depending on severity.
4. Reporting Retaliation
 - Retaliation concerns may be reported to the Chair, Dean, FPC Chair, Provost, Title IX Office, or other designated reporting offices.
5. Supportive Measures
 - The University may implement supportive measures for reporters and participants, such as changes in supervision, workspace, or schedule, as appropriate.

XIV. Relationship to Grievance Procedures

1. This policy governs the investigation, adjudication, and sanctioning of alleged faculty misconduct.
2. The faculty grievance process remains available for:
 - Claims of unfair treatment not addressed in a misconduct process.
 - Disputes over workload, resource allocation, or other employment conditions unrelated to a misconduct finding.
 - Alleged retaliation, which may also trigger a misconduct proceeding.
3. Limitations
 - The grievance process may not be used to re-litigate facts or misconduct findings already decided through an FPC hearing and Senate appeal.
 - Grievance officers or committees may not overturn or modify sanctions imposed through this policy.

- Grievances related to issues intertwined with misconduct allegations will normally be held in abeyance until the misconduct process is complete.

XV. Revocation of Tenure

1. Tenure may be revoked only for adequate cause, following:

- An FPC hearing under this policy.
- A clear and convincing evidence standard.
- An appeal opportunity to the Faculty Senate Executive Committee.
- Presidential review and action.
- Where applicable, Board of Governors notification.

2. Revocation of tenure may:

- Be coupled with dismissal for cause, or
- Result in continued employment on a fixed-term appointment with explicit expectations and monitoring, in rare and carefully justified cases.

XVI. Dismissal for Cause

1. Dismissal for cause of a tenured faculty member, or of a non-tenured faculty member prior to the expiration of their appointment, must comply with:

- This policy's procedural requirements.
- AA-6 provisions on dismissal for cause.
- W. Va. Code

2. Dismissal for cause requires:

- An FPC hearing and written findings of adequate cause.
- Opportunity for Senate Executive Committee appeal.
- Presidential action and Board of Governors notification.

XVII. Records, Reporting, and Expungement

1. Records

- HR and Academic Affairs maintain official records of formal disciplinary actions and related hearing documents.

2. Access

- Access to records is limited to individuals with a legitimate institutional need, consistent with law and University policy.

3. Expungement of Minor Discipline

- Minor (Tier 1) disciplinary records shall be expunged from personnel files after three (3) consecutive years of satisfactory performance with no related misconduct.

4. Annual Reporting

- An anonymized annual report summarizing numbers and types of cases, sanctions, and resolution times will be provided to the University Faculty Personnel Committee.

XVIII. Training and Implementation

1. Annual training on this policy is required for:

- Department Chairs and School Directors.

- Deans and Associate Deans.
 - FPC members and panelists.
 - Investigators and relevant HR staff.
2. Training addresses:
- Academic freedom and the nexus test.
 - Due process and impartial adjudication.
 - Evidence handling and confidentiality.
 - Recognition of bias and conflict of interest.
 - Appropriate use of corrective vs. disciplinary sanctions.

XIX. Review and Revision

This policy will be reviewed at least every five (5) years by the Faculty Personnel Committee, Faculty Senate, and Academic Affairs to ensure continued alignment with law, AAUP standards, and institutional needs. Proposed revisions follow shared governance processes and require appropriate approvals.

Appendix A
Illustrative Misconduct Examples by Tier

(Non-exhaustive; classification depends on severity, impact, intent, pattern, and context.)

TIER 1 — MINOR MISCONDUCT

Generally isolated, low-impact, or first-time issues that are readily remediable through coaching, feedback, or a Faculty Development Plan.

Examples may include:

A. Professionalism and Collegiality

- Single instance of unprofessional behavior with colleagues, staff, or students.
- Minor display of frustration or discourtesy without hostility or pattern.
- Failure to respond to routine emails in a timely manner.

B. Teaching and Course Management

- First-time late submission of grades.
- Minor syllabus or assignment irregularities that do **not** affect student academic progress.
- Failure to post or hold office hours after a reminder.
- Incorrect or outdated information on syllabi without material impact.

C. Administrative Responsibilities

- Occasional missed internal deadlines (assessment reports, schedules, updates).
- Minor errors in paperwork or recordkeeping without harm or pattern.

D. Student Interaction

- Unclear communication causing minor confusion.
- Minor boundary concerns that are not inappropriate but require clarity or professional reinforcement.

E. Research/Compliance

- Minor IRB or compliance oversight (e.g., late submission for continuing review with no impact).
- Failure to complete required training on time (e.g., FERPA, Title IX) after a reminder.
- Accidental or unintentional plagiarism that does not materially misrepresent scholarship or research results, and where intent to deceive is absent.

TIER 2: SERIOUS MISCONDUCT

Behavior that is repeated, willful, significantly harmful, violates important obligations, or reflects disregard for professional responsibilities. Tier 2 requires a formal referral and FPC hearing before any serious sanction.

Examples may include:

A. Professionalism and Conduct

- Repeated unprofessional, disrespectful, or hostile interactions following documented notice from supervisor.

- Behavior that creates a disruptive or unhealthy working environment.
- Inappropriate comments or conduct that do **not** rise to Tier 3 harassment but are concerning.

B. Teaching and Student Impact

- Significant grading irregularities or violations of academic policies.
- Failure to follow required accommodations (e.g., ADA) after notice.
- Ignoring safety protocols in labs, clinics, or fieldwork after prior instruction/reminder.

C. Confidentiality and Data Security

- FERPA violations with potential or actual harm to students.
- Mishandling sensitive student information.

D. Retaliation (Non-Severe)

- Lowering grades, limiting opportunities, or altering workload in apparent response to a student or colleague raising concerns.
- Excluding a colleague from routine departmental functions due to their participation in a complaint.

E. Research/Compliance

- Failure to follow IRB protocol requirements after notice.
- Misuse of University resources or research property (not rising to fraud or criminal misuse).
- Significant or repeated plagiarism arising from negligent scholarship or disregard for professional standards, without evidence of intent to deceive

F. Neglect of Duty

- Persistent failure to meet contractual expectations (teaching, advising, research, service) after documented intervention.
- Repeated refusal to carry out reasonable assignments or departmental responsibilities.

TIER 3: GRAVE MISCONDUCT

Egregious, harmful, unethical, or illegal behavior that may warrant suspension, revocation of tenure, or dismissal. Requires expedited investigation, FPC hearing, and Board approval for dismissal.

Examples may include:

A. Research Misconduct (Confirmed by RIO/ORI Process)

- Fabrication or falsification of research data.
- Serious plagiarism in published work or grant submissions. Plagiarism cases must be intentional (deliberate appropriation of another person's ideas, data, or language without attribution, with intent to deceive, or substantial plagiarism constituting research misconduct.)
- Manipulation/mechanical removal of data to produce false findings.

B. Exploitation, Harassment, and Abuse

- Sexual harassment, stalking, coercion, or exploitation of students or supervisees.
- Quid-pro-quo relationships or abuse of power.
- Physical intimidation, threats, or credible threats of violence.

- Harassment, including filing false allegations, frivolous grievances, harassment of a colleague's friends or family, intimidation of a faculty member outside of the university context (i.e., through social media or in contexts unrelated to Marshall University).

C. Criminal or Dangerous Acts

- Criminal conduct that impacts fitness to serve (e.g., assault, threats, fraud, identity theft).
- Possession or misuse of weapons or dangerous materials in violation of law or policy.

D. Severe Breaches of Integrity

- Intentional falsification of University records, timesheets, financial documents.
- Significant misuse or misappropriation of University funds or property.
- Intentional destruction of evidence or obstruction of institutional processes.

E. Severe Retaliation

- Threatening or harming individuals for participating in a complaint, investigation, or hearing.
- Direct interference with witnesses or evidence.

F. Gross Neglect of Duty / Unfitness to Serve

- Complete abandonment of teaching responsibilities.
- Conduct that demonstrably undermines student safety or welfare.
- Severe or repeated violations that demonstrate unfitness for the faculty role.

Appendix B

Consequence Ladder

Consequence	When it's used	Prerequisites / Process	Typical Terms	Collateral Effects
Advisory Conversation (Documented Coaching) <i>(non-disciplinary)</i>	First, low-level issues; misunderstandings; performance drift	Chair/Director discussion; emailed summary to faculty; improvement checkpoints	1–3 months follow-up	Not placed in personnel file as discipline; may be referenced if issues persist
Faculty Development Plan (FDP) <i>(non-disciplinary)</i>	Performance gaps likely correctable (teaching, service, timeliness)	Written goals, supports, timeline (3–12 months), check-ins	Milestones; classroom observations; mentoring	FDP completion (pass/extend/fail) informs later steps
Written Reprimand	Policy breach or failure to meet FDP goals	Dean issues after review; faculty response opportunity	Specifies conduct, expectations, monitoring window	In personnel file; may affect merit for that cycle
Final Written Warning (last-chance)	Repeated or more serious breach after reprimand	Dean issues; states that further breach may trigger serious sanctions	6–12 months monitoring; may pair with targeted training	Eligibility limits (e.g., merit raise, overloads) during period

Consequence	When it's used	Prerequisites / Process	Typical Terms	Collateral Effects
<p>Loss/Restriction of Specific Privileges (e.g., graduate faculty status, PI eligibility, chairing committees, independent study supervision)</p>	<p>Misconduct impacting supervision, safety, or integrity but not rising to severe sanction</p>	<p>FPC not required unless contested or severe; written notice with reasons and review window</p>	<p>1–3 years or until conditions met; periodic review</p>	<p>May affect stipend, course assignments, student load; report to Sponsored Programs if PI limits apply</p>
<p>Restitution / Financial Remedy</p>	<p>Verified misuse or loss to the University</p>	<p>Determination of amount; repayment schedule</p>	<p>Lump sum or installments; failure may escalate</p>	<p>May combine with other sanctions; reported as required</p>
<p>Mandatory Training / Monitored Probation</p>	<p>Correctable conduct or climate issues</p>	<p>Plan defines training, mentor, probation length</p>	<p>6–12 months</p>	<p>Non-completion escalates sanction</p>
<p>Salary Reduction (Prospective) — Serious Sanction</p>	<p>Sustained misconduct where continued employment is appropriate but deterrence warranted</p>	<p>FPC hearing → Senate appeal → Presidential action</p>	<p>Prospective only; amount and duration defined (e.g., 5–10% for 1–2 years)</p>	<p>Adjusts base going forward; cannot be retroactive</p>

Consequence	When it's used	Prerequisites / Process	Typical Terms	Collateral Effects
Suspension With Pay (Interim) (<i>not a sanction</i>)	Safety/disruption risk pending outcome	Admin action; must be reported to FPC within 5 business days	Short, limited; reviewed every 30 days	No loss of pay/benefits; not a finding
Suspension Without Pay — Serious Sanction	Significant misconduct; strong deterrence needed short of separation	FPC hearing → Senate appeal → Presidential action	Time-limited (e.g., up to one semester); terms to return	No pay during period; may limit access to campus; may impact future merit/sabbatical eligibility per policy
Demotion in Rank or Role — Serious Sanction	Proven unfitness for current rank/responsibilities but continued service possible	FPC → Senate → Presidential action	Permanent or time-limited with re-review	Title/rank change; possible pay band change; duties reassigned
Revocation of Tenure — Serious Sanction	Adequate cause shown: gross misconduct, persistent neglect after notice/opportunity to improve, severe policy/law breach, or unfitness for continued service	FPC hearing (clear and convincing) → Senate appeal → Presidential action	See details below	Removes continuing-appointment presumption; may pair with dismissal or rare fixed-term continuation

Consequence	When it's used	Prerequisites / Process	Typical Terms	Collateral Effects
Dismissal for Cause — Serious Sanction	Adequate cause proven; separation is necessary to protect the University, students, or the integrity of the academic enterprise	FPC hearing → Senate appeal → Presidential action	Immediate separation upon decision; final pay/benefits per law	Loss of position; potential loss of emeritus eligibility; campus access may be restricted

Appendix C

Faculty Misconduct: Sanction Ladder Matrix

Marshall University (Benchmark-aligned). Use this matrix to map substantiated misconduct to proportional consequences. Serious sanctions (salary reduction, suspension without pay, demotion, revocation of tenure, dismissal) require FPC hearing, clear-and-convincing standard, Faculty Senate Executive Committee appeal, and presidential implementation. Specialized matters (Title IX, research misconduct/ORI, IRB/IACUC, HIPAA/FERPA) follow controlling policies for investigation; this matrix guides sanction selection and collateral terms.

Category	Example Misconduct	Default Tier	Typical Sanctions (starting point)	Escalate To (if pattern/egregious)	Routing / Notes
Teaching and Student	Unjustified no-shows/cancellations; failure to meet class obligations	Tier 1	Advisory + FDP; Written reprimand	Tier 2: Final warning; monitored probation; loss of overload eligibility; Tier 3 for chronic abandonment	Academic Affairs routing; document attendance/coverage
Teaching and Student	Arbitrary/capricious or discriminatory grading	Tier 2	Final warning; grade audit/redo; mandatory training; probation	Tier 3: suspension without pay; demotion in role; dismissal if willful and persistent	Coordinate with Registrar/EO; consider independent regrade
Teaching and Student	Significant intrusion of irrelevant/inappropriate content	Tier 1–2	Reprimand; syllabus remediation; observation; training	Tier 3 if pattern after notice	Academic freedom review to ensure protected content not penalized

Teaching and Student	FERPA breach of student records	Tier 2	Training; probation; access restrictions	Tier 3 if willful/widespread harm	Route through Registrar/Privacy Officer
Research and Scholarly	Research misconduct (FFP: fabrication/falsification/plagiarism)	Tier 3	Revocation of tenure + dismissal for cause (default); sponsor notifications	—	ORI/Research Misconduct policy controls fact-finding; this matrix sets sanctions
Research and Scholarly	IRB/IACUC/biosafety noncompliance (conduct outside approved protocol)	Tier 2	Removal of PI status; study hold; training; probation	Tier 3 if risk/harm/default: suspension without pay; dismissal	Route via IRB/IACUC/IBC; notify sponsors/regulators
Research and Scholarly	Data mismanagement; failure to maintain records; undisclosed selective reporting	Tier 2	Reprimand; probation; recordkeeping plan; PI restrictions	Tier 3 for willful deception or sponsor impact: salary reduction; suspension	Coordinate with Sponsored Programs
Research and Scholarly	Misrepresentation of credentials/contributions; coercive authorship	Tier 2	Reprimand; probation; correction/retraction; removal from committees	Tier 3 if material fraud: suspension or dismissal	Notify publishers as required
Professional and Collegial	Persistent neglect of duties after FDP	Tier 2	Final warning; monitored probation; workload adjustment	Tier 3: demotion; salary reduction; dismissal	Document FDP outcomes; ensure supports provided
Professional and Collegial	Interference with governance/retaliation	Tier 2–3	Suspension of committee	Tier 3: suspension without	EEO/HR consult; protect

	on against colleagues		roles; probation; training	pay; dismissal	complaints
Professional and Collegial	Dishonesty in reviews/committees; falsifying deliberations	Tier 2	Reprimand; removal from roles; probation	Tier 3 if consequential fraud: suspension; dismissal	Senate/Provost notified for governance integrity
Discrimination /Harassment	Harassment or discrimination (protected classes)	Tier 2-3	Suspension; pay reduction; role restrictions; mandatory training	Tier 3: demotion; dismissal for egregious conduct	Title IX/EEO investigations; discipline follows findings
Discrimination /Harassment	Retaliation against complainant/witnesses	Tier 3	Suspension without pay; dismissal for cause	—	Zero-tolerance; interim measures to prevent further harm
Conflict-of-Interest (COI)/ Commitment	Undisclosed financial COI; improper influence in research/procurement	Tier 2	Management plan; restitution if applicable; PI/role restrictions	Tier 3 if willful/benefit gained: salary reduction; suspension; dismissal	Follow COI policy; disclose to sponsors
Financial and Resource	Misuse/misappropriation of funds, P-card/grant/travel fraud	Tier 3	Restitution; suspension without pay; dismissal; possible criminal referral	—	Notify sponsors; audit; legal counsel
Financial and Resource	Unauthorized personal use of facilities/equipment/staff	Tier 2	Reprimand; restitution; access limits; probation	Tier 3 if significant value/pattern: salary reduction; suspension	Facilities/HR coordination
Information and Data	HIPAA/FERPA/Confidential data breach (negligent)	Tier 2	Training; probation; access	Tier 3 if willful/widespread:	Privacy/Security Office

			limits; incident remediatio n	suspension; dismissal	leads investigati on
Information and Data	Unauthorized system access; credential sharing	Tier 2	Reprimand; access revocation; probation	Tier 3 if intentional/i mpactful: suspension; dismissal	CISO involveme nt; reportable incident review
Safety and Compliance	Serious lab/field safety breach creating risk/harm	Tier 3	Suspension without pay; demotion; dismissal	—	EHS leads; regulator notificatio n
Safety and Compliance	Failure to report/correct known hazards; repeated PPE violations	Tier 2	Reprimand; training; lab restrictions; probation	Tier 3 for pattern/defi ance: suspension	EHS corrective action plan
Administration and Service	Falsification of official records (minutes, rosters, evaluations)	Tier 2–3	Reprimand; removal from admin roles; probation	Tier 3 if material impact: salary reduction; dismissal	Notify governanc e leadership
Administration and Service	Abuse of authority in admin roles (coercion, retaliation)	Tier 2–3	Role removal; probation; training	Tier 3 for grave misuse: suspension; dismissal	HR/Genera l Counsel consult
Legal and Criminal	Criminal conviction impacting fitness/safety (fraud, violence, exploitation)	Tier 3	Dismissal for cause (often) or suspension without pay pending outcome	—	Backgroun d, legal counsel; consider interim leave
Legal and Criminal	Misuse of university title/status in unlawful activity	Tier 3	Suspension without pay; dismissal	—	Public affairs/lega l coordinatio n
Other	Knowingly false or malicious	Tier 2	Reprimand; probation;	Tier 3 if severe	Safeguard against

	complaints; abuse of process		process training	harm: suspension	chilling legitimate reports
Other	Misuse of university name/logo; reputational harm unrelated to protected speech	Tier 1-2	Cease-and-desist; reprimand; training	Tier 3 for willful commercial misuse: suspension	Coordination with Marketing/ Legal

Graduate Education: National Trends and Conversations

February 27, 2026



**GRADUATE
STUDIES**

National News and Trends

Summary of key topics from the **Council of Graduate Schools**
and **Council of Southern Graduate Schools** meetings



**Federal
Financial Aid &
Policy Changes**



**Career &
Professional
Development**



**Enrollment,
Demographics,
& International
Students**



**National
Statistics &
Comparisons**



Financial Aid

- **Upcoming financial aid changes (July 1):**
 - Ending the Grad PLUS program
 - Limits on annual & total federal borrowing
 - Data is becoming available about specific majors that will be impacted
 - Our Financial Aid office continues to provide the best options possible
- **Earnings Premium Test**
 - A new way of linking federal financial aid to the earnings of graduate students
 - Student earnings need to match a comparison group of students without the corresponding degree
 - In practice, this will be the key metric for aid eligibility of programs



Policy Changes on the Horizon

- **Negotiated rulemaking on accreditation**
 - National / university-level accreditation changes
 - Professional accreditors, especially medicine & law
- **Continued developments related to DEI**
 - Federal DOJ handling investigation & enforcement actions
 - Recent free-speech decision in the 5th circuit
- **Federal “Compact for Academic Excellence in Higher Education”**
 - Will continue to be discussed nationally
 - Would add voluntary rules on tuition, international students, and other areas
- **Continued discussion on funding & indirect cost rates**



Career & Professional Development

- **Context: most graduate students will not work in academia**
 - The model developed in the mid-20th century of professors training students to be more professors is not the typical path any longer
- **The US job market is not strong for graduates in 2026**
 - Unemployment is low because of low firing, but there is also low hiring, especially outside the health sector
- **Support for graduate students is vital**
 - Nationwide, most graduate colleges are looking at how to complement academic training with non-academic professional development
 - Marshall's strong student focus is an asset we can sustain and nurture



Enrollment trends

- **Graduate enrollment**

- Overall increase in the last 20 years, especially in health-related and online programs
- Since 2010, nationwide undergraduate enrollment is down 15%, graduate enrollment is up 10%
- The demographic cliff is more like a slow leak than a bursting dam

- **International enrollment**

- Graduate international enrollment was down 12% in Fall 2025, undergraduate international enrollment was up 2%.
- The tightening of H1-B visas will have a cascade effect on international graduate admissions



National Statistics & Comparisons

- **Economy and Budgets**
 - Nationwide, state funding for higher education is up 36% since 2021
 - The economy continues to be in a low-hiring, low-firing middle ground
 - Over 60% of public universities have RCM type models in 2023
- **Artificial Intelligence and Academia**
 - Most universities have some kind of AI policy, but often very general (like Marshall's policies)
 - Marshall is comparable to other schools in AI uptake & policies
 - Computer Science enrollment was down 14% nationally in 2025. Students appear to be interested in AI-specific degrees