

**PRINCIPLES AND BEST PRACTICES FOR APPEALS OF ACADEMIC DISHONESTY,  
DISMISSAL FROM A PROGRAM, OR BOTH.**

**PREAMBLE**

Students who enroll in Marshall University (Marshall) courses and degree programs assume the obligation for conduct that is compatible with Marshall's mission as an educational institution. Marshall requires all its student to be aware of, and abide by the behavior standards of the University and the academic program in which they are enrolled. Ignorance of acceptable boundaries of student behavior, as contained in the Academic Dishonesty policy and individual program policy is not a basis for excusing inappropriate behavior.

The Graduate College's policies regarding the appeal of a finding of student academic dishonesty, dismissal from a graduate program, or both, exist to provide the affected student ample due process to appeal and present evidence that punitive actions are unwarranted and thereby must be withdrawn. Refer to the *Marshall University Graduate Catalog*, specifically the sections covering *Academic Dishonesty*, and *Administrative Steps for Appealing a Final Grade or an Action Based on Academic Performance or Dishonesty*.

Marshall's appeals process is not analogous to, is not equivalent to, and does not conform to criminal law processes. The hearing is designed to determine responsibility, or lack thereof, for academic dishonesty violations only and determine the appropriateness of dismissal from an academic program. The academic appeal process shall be informal in nature so as to provide substantial justice, and it shall not be bound by legal jargon, court-like proceedings, or legal definitions.

**APPEAL PROCESS**

The appeal process includes many steps beginning with an informal meeting between the student and appropriate faculty or representatives of the department. Those matters that cannot be resolved at the informal level may be appealed to the Dean of the Graduate College. As necessary, the student may continue the appeal by requesting a hearing of members of the Graduate Council. The final arbiter in the process is the Senior Vice President for Academic Affairs and Provost.

During the appeal process, the student may seek the support of an advocate or legal counsel. The University provides a student advocate at no charge. A student seeking legal counsel may do so at his or her expense.

The advocate or counsel may advise the student during the appeal process. The advocate or counsel may also join the student but may not participate in any scheduled hearing.

Those reviewing the appeal shall assume that the student is not responsible for the conditions that lead to his or her dismissal, is not responsible for alleged academic dishonesty, or both.

Falsification, distortion, misrepresentation of information, or furnishing false information to any Marshall official, faculty member or office, including the Graduate Council, is a violation of the Student Code of Conduct.

## **MATTERS OF REVIEW**

At each level of review, the primary matters to be addressed include:

- 1) What is the evidence that led to the finding of an act of academic dishonesty, dismissal from an academic program, or both?
- 2) Was the interpretation of the evidence in keeping with a common understanding of published definitions of academic dishonesty, criteria for dismissal, or both?
- 3) Was there evidence of capricious or prejudicial application of these definitions for the student?
- 4) Can those reviewing the appeal come to a reasonable conclusion that the student did engage in academic dishonesty, met the criteria for dismissal, or both?

Those reviewing the student's appeal must either support or reject the appeal. Support of the appeal indicates that the student's dismissal from an academic program was not appropriate and that the student will be allowed to resume his or her completion of the degree, that the student did not engage in academic dishonesty and that all sanctions will be removed, or both. Rejection of the appeal indicates that the charge of academic dishonesty, dismissal from an academic program, or both were appropriate.

### **STEP 1: INFORMAL REVIEW**

Students dismissed from a program of study or found to have engaged in academic dishonesty must first attempt to resolve the matter informally within 10 days of receiving written notification of the action by contacting the department or unit head or director of graduate studies for the program.

### **STEP 2: THE DEAN OF THE GRADUATE COLLEGE REVIEW**

If the informal review does not resolve the matter, the student may, within 10 days, submit to The Dean of the Graduate College the Performance Appeal form and supplemental materials for review. The Dean may request additional information from the student and representatives of the department as needed. The Dean may also schedule a hearing if necessary. The Dean will respond within 10 days of receiving the materials or 10 days after a hearing, if convened.

### **STEP 3: THE GRADUATE COUNCIL REVIEW**

Within 10 days the student may appeal the Dean's decision by forwarding the Performance Appeal form to the Chair of the Graduate Council who will then schedule a hearing as specified by policy. The chair of the subcommittee shall oversee the order of the meeting.

Within 10 days of the hearing, the Graduate Council subcommittee will render a decision concerning the student's appeal of dismissal from an academic program, findings of academic dishonesty, or both. The decision requires a majority vote of the members of the subcommittee. The decision will be delivered to the student and the Dean of the Graduate College.

As stated in the Academic Hearing procedures, academic hearings are closed to the public. All information discussed/shared during the hearing is confidential. In addition, any written information, including binders, presented to the subcommittee will be collected upon

completion of the hearing. The materials may be held by the Dean of the Graduate College for one year.

Admission of any person to the hearing shall be at the discretion of the Chair of the panel. Please direct all questions to the Chair of the panel regarding the hearing.

During the hearing neither the faculty nor the student directly question each other. All questions are to be asked by members of the panel and answered by the person addressed.

**Step 4: The Vice President for Academic Affairs and Provost Review**

The student may appeal the finding of the subcommittee of the Graduate Council's decision within 10 days to the Senior Vice President for Academic Affairs and Provost. The Senior Vice President for Academic Affairs and Provost will respond within 10 days. This is the final review in the appeal process and may not be appealed further.