

5-12-2009

## SR-08-09-45 BAPC

Marshall University

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**BUDGET & ACADEMIC POLICY COMMITTEE  
RECOMMENDATION**

**SR-08-09-45 BAPC**

Recommends changes to the 2008-09 Marshall University Undergraduate Catalog, pages 98 through 125, be revised as follows with new language indicated in **bold** font and deleted language indicated as ~~strikethrough~~

**RATIONALE:**

This action removes any references to the Marshall Community and Technical College.

**FACULTY SENATE CHAIR:**

APPROVED BY THE  
FACULTY SENATE: Cam Brammer DATE: 5/13/09

DISAPPROVED BY THE  
FACULTY SENATE: \_\_\_\_\_ DATE: \_\_\_\_\_

**UNIVERSITY PRESIDENT:**

APPROVED:  DATE: 5/13/09

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

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## Academic Appeals

The intent of the appeals process is to treat all parties fairly, and to make all parties aware of the appeals procedure. *Please Note:* Notwithstanding any other provision in Marshall University catalogs or policy documents, only students who are or will be dismissed from a program or from the University as a direct and immediate consequence of any academic sanction administered by the University may, at their own discretion and expense, retain legal counsel for representation during all relevant administrative appeal proceedings.

### A. Student Appeals for Instructor Imposed Sanctions:

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

In those cases in which a student has received an instructor-imposed sanction, including a lower final grade in or failure of the course or exclusion from further participation in the class, the student shall follow the procedures outlined below:

1. The student should first attempt a resolution with the course instructor. This initial step must be taken within ten (10) days from the imposition of the sanction or, in the case of an appeal of a final grade in the course, within thirty (30) days of the beginning of the next regular term. The student who makes an appeal is responsible for submitting all applicable documentation. The course instructor is to respond to the student in writing within ten (10) days after the student has submitted the appeal documentation. If the course instructor does not respond to the student in the given time frame, the appeal process continues to the next level. If the instructor is unavailable for any reason, the process starts with the department chairperson or division head.

2. If the procedure in Step 1 does not have a mutually satisfactory result, the student may appeal in writing to the department chairperson or division head within ten (10) days after the action taken in Step 1, who will attempt to resolve the issue at the departmental level. The department chairperson or division head is to respond to the student in writing within ten (10) days after the student has submitted the appeal documentation. If the department chairperson or division head (or representative) does not respond to the student in the given time frame, the appeal process continues to the next level. When a student appeals a final grade, the faculty member must provide all criteria used for determining grades.

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3. Should the issue not be resolved at the departmental level, either the student or instructor may appeal in writing to the Dean of the college in which the course is offered within ten (10) days of the action taken in Step 2. ~~If the course is offered in the Marshall Community and Technical College, the appeal is to the Associate Dean of the Marshall Community & Technical College.~~ This person is to respond to the student or instructor in writing within ten (10) days after the student has submitted the appeal documentation and will attempt to achieve a mutually satisfactory resolution. If the person named above does not respond to the student in the given time frame, the appeal process continues to the next level. The Dean of the college in which the student is enrolled will be notified.

4. Should the issue not be resolved by the Dean of the college within which the course is offered ~~or the Associate Dean of the Marshall Community & Technical College,~~ either the student or instructor may appeal in writing

within ten (10) days of the action taken in Step 3 to the Budget and Academic Policy Committee which shall refer the matter to the University Academic Appeals Board which determines if an appeal hearing is justified. If the University Academic Appeals Board determines a hearing is justified, the Board will schedule the hearing. The University Academic Appeals Board has the right to seek additional documentation if necessary. The University Academic Appeals Board has thirty (30) days to convene the members of the Hearing Panel to hear the appeal (once the requested documentation is provided by the appellant student) and ten (10) days after the hearing to make notification of the determination to the student and instructor. It may not always be possible to meet the above conditions because many of these appeals occur at times when school is not in session. However every effort will be made to schedule appeal hearings in a timely and reasonable manner.

5. Should the student or the instructor be dissatisfied with the determination of the Academic Appeals Board then either party may file an appeal with the Provost and Senior Vice President for Academic Affairs ~~or, for students in the Marshall Community and Technical College to the Dean of Academic Affairs of the Marshall Community & Technical College~~, within thirty (30) days from receipt of the decision of the Board. This person has ten (10) days to respond in writing to the student or instructor. The decision of the Provost and Senior Vice President for Academic Affairs ~~or the Dean of Academic Affairs of the Marshall Community & Technical College~~ shall be final. Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the Provost and Senior Vice President for Academic Affairs or the V.P. for Health Sciences.

#### B. Appeals for Academic Dishonesty:

Only individual allegations of academic dishonesty may be appealed. If a previous offense was not appealed within the time limit, or was appealed unsuccessfully, then subsequent offenses will be counted as repeat offenses and additional sanctions will be levied by the Office of Academic Affairs as described in the section on "Sanctions" in this policy.

1. In those cases where the instructor imposes a sanction pursuant to part IV, A, only, of the section titled Academic Rights and Responsibilities of Students, and does not refer the matter to the department chairperson or division head

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for additional sanctions, the student may appeal the sanction in accordance with the procedures described in part V. Academic Appeals (A) of the section titled Rights and Responsibilities of Students.

2. In those cases where the matter is referred to the department chairperson or division head for additional sanctions, this action must occur within thirty (30) days of the alleged offense. The chairperson or division head shall bring together the student involved, and the faculty member, and/or other complainant within ten (10) days from the date of referral.

3. If the student denies guilt or disagrees with the sanction imposed, or if the faculty member, other complainant, or chairperson or division head thinks that the penalties are insufficient for the act complained of, the case shall be forwarded in writing by the chairperson or division head to the student's Academic Dean ~~or, for students in the Marshall Community and Technical College to the Associate Dean of the Marshall Community & Technical College~~, within ten (10) days from the date of the meeting. This person shall bring together the student, faculty member or other complainant, and the

department chairperson or division head to review the charges within ten (10) days from the date of referral. The student's Academic Dean ~~or the Associate Dean of the Marshall Community & Technical College~~ may impose any sanction permitted by this policy.

4. Should the student, faculty member, or other complainant be dissatisfied with the determination of the student's Academic Dean ~~or, for students in the Marshall Community and Technical College, to the Associate Dean of the Marshall Community & Technical College~~, the case may be appealed in writing within ten (10) days of the written decision to the Budget and Academic Policy Committee, who shall refer the case to the University Academic Appeals Board which determines if an appeal hearing is justified. If the University Academic Appeals Board determines a hearing is justified, the Board will schedule the hearing. The University Academic Appeals Board has the right to seek additional documentation if necessary. The University Academic Appeals Board has thirty (30) days to convene the members of the Hearing Panel to hear the appeal (once the requested documentation is provided by the appellant student) and ten (10) days after the hearing to make notification of the determination to the student and instructor. It may not always be possible to meet the above conditions because many of these appeals occur at times when school is not in session. However every effort will be made to schedule appeal hearings in a timely and reasonable manner.

5. Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Appeals Board or the Hearing Panel, then he/she may file an appeal with the Provost and Senior Vice President for Academic Affairs ~~or, for students in the Marshall Community and Technical College, to the Dean of Academic Affairs of the Marshall Community & Technical College~~, within thirty (30) days from the receipt of the written decision of the Board or Panel. Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the Provost and Senior Vice President for Academic Affairs or the V.P. for Health Sciences.

6. The decision of the Provost and Senior Vice President for Academic Affairs ~~or the Dean of Academic Affairs of the Marshall Community & Technical College~~ shall be final.

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C. Appeals for Academic Deficiencies:

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

a. The student is entitled to written notice; (1) of the nature of the deficiency or reason for denial of admission to a program; (2) of the methods, if any, by which the student may correct the deficiency, and; (3) of the penalty which may be imposed as a consequence of the deficiency.

b. The student shall be given the opportunity to meet with the person(s) who has judged his/her performance to be deficient, to discuss with this person(s) the information forming the basis of the judgment or opinion of his/her performance; to present information or evidence on his/her behalf; and to be accompanied at any such meeting by an advisor of his/her choice from the University (faculty, staff, or student). Such advisors may consult with, but may not speak on behalf of their advisees, or otherwise participate directly in the proceedings, unless given specific permission to do so

by the person conducting the meeting. The student is not entitled to an attorney in such meetings, and the formal rules of evidence are not applicable. The student must request such meeting in writing ten (10) days from receipt of the notice.

c. If the student is dissatisfied with the outcome of the meeting outlined in (b) above, the student may appeal the judgment to the Provost and Senior Vice President for Academic Affairs ~~or, for Marshall Community and Technical College students, to the Dean of Academic Affairs of the Marshall Community & Technical College,~~ within thirty (30) days after receipt of written notice of the judgment. Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the Provost and Senior Vice President for Academic Affairs or the V.P. for Health Sciences.

d. The decision of the Provost and Senior Vice President for Academic Affairs ~~or the Dean of Academic Affairs of the Marshall Community & Technical College~~ is final.

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

a. The student is entitled to written notice; (1) of the nature of the deficiency; (2) of the methods, if any, by which the student may correct the deficiency, and; (3) of the penalty which may be imposed as a consequence of the deficiency.

b. The student shall be given the opportunity to meet with the person(s) who judged his/her performance to be deficient. The student must request such meeting in writing within ten (10) days from receipt of the notice. The student shall be given the opportunity to discuss with this person(s) the information forming the basis of the judgment or opinion of his/her performance, to present information or evidence on his/her behalf, and to be accompanied

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at any such meeting by an advisor of his/her choice from the University (faculty, staff, or student). Such advisor may consult with but may not speak on behalf of his/her advisee, or otherwise participate directly in the proceedings, unless given specific permission to do so by the person conducting the meeting. The student is not entitled to an attorney in such meetings, and the formal rules of evidence are not applicable.

c. If the student is dissatisfied with the outcome of the meeting outlined in (b) above, the student may file an appeal in writing with the Chairperson of the Budget and Academic Policy Committee. The Chairperson of the Budget and Academic Policy Committee will refer the matter to the University Academic Appeals Board which determines if an appeal hearing is justified. If the University Academic Appeals Board determines a hearing is justified, the Board will schedule the hearing. The University Academic Appeals Board has the right to seek additional documentation if necessary. The University Academic Appeals Board has thirty (30) days to convene the members of the Hearing Panel to hear the appeal (once the requested documentation is provided by the appellant student) and ten (10) days after the hearing to make notification of the determination to the student and instructor. If the student is denied an appeal, he/she may appeal this decision to the Provost and Senior Vice President for Academic Affairs ~~or, for students in the Marshall Community and Technical College, to the Dean of~~

~~Academic Affairs of the Marshall Community & Technical College.~~ If the student is granted an appeal, the Chairperson of the Academic Appeals Board will appoint a Hearing Panel. At least two (2) of the faculty and student members of the Hearing Panel will, if possible, be chosen from the members of the Hearing Panel Pool appointed from the constituent college or school involved. It may not always be possible to meet the above conditions because many of these appeals occur at times when school is not in session. However every effort will be made to schedule appeal hearings in a timely and reasonable manner. The student's appeal must be filed within ten (10) days after receipt of written notice of the decision outlined in (b) above.

d. If the student, faculty member or other complainant is dissatisfied with the decision of the Hearing Panel, he or she may appeal the decision to the Provost and Senior Vice President for Academic Affairs ~~or, for students in the Marshall Community and Technical College, to the Dean of Academic Affairs of the Marshall Community & Technical College,~~ within thirty (30) days after receipt of written notice of the decision. Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the Provost and Senior Vice President for Academic Affairs or the V.P. for Health Sciences.

e. The decision of the Provost/Senior Vice President for Academic Affairs ~~or the Dean of Academic Affairs of the Marshall Community & Technical College~~ is final.

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## *II. Academic Appeals Board*

### *A. Description and Jurisdiction:*

The Academic Appeals Board is a permanent subcommittee of the Budget and Academic Policy Committee. It is composed of experienced Hearing Officers and is established to determine whether appeals arising from the following should result in a hearing:

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

### *B. Function:*

The University Academic Appeals Board collectively decides whether:

- a) The prior steps of the appeal process have been completed.
- b) The claim (if substantiated) would result in the overturning of the academic sanction. This means that some policy may have been violated in the application of the sanction, arbitrariness or capriciousness may have been a factor in the sanction, different standards may have been applied to the student or there may have been bad faith or ill will on the part of the instructor's applying of the sanction.
- c) Appropriate documentation of the claim needs to be provided in order to justify a hearing. It is the student's job to provide documentation for his/her claims. The Board may ask for additional documentation from either students or faculty in order to determine whether a hearing is justified.

### III. *Hearing Panel*

The purpose of the Hearing Panel is to hear arguments, evaluate evidence, and reach a decision by voting in an Academic Hearing.

A. The Hearing Panel shall be composed of faculty and student members chosen in the following manner:

#### 1. Faculty Members:

The Dean of each of the constituent colleges and schools of the University ~~or the Associate Dean of the Marshall Community & Technical College~~ shall appoint five (5) faculty members from his/her unit to serve on the Hearing Panel Pool. Such appointments will be made annually in the spring semester with the understanding that some of these faculty members will be available to hear appeals during the summer terms and the week before the beginning of Spring semester. Terms will run from May 15 to the following May 15.

#### 2. Student Members:

The Student Government Association President shall appoint three (3) students from each of the constituent colleges and schools of the University to serve on the Hearing Panel Pool.

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#### 3. Hearing Officers:

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

### B. Selection of Members for an Individual Hearing Panel

An individual Hearing Panel shall be composed of two (2) faculty members, one (1) student member, and one (1) non-voting Hearing Officer. The members of the Hearing Panel shall 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.

### IV. *Hearing Procedures*

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

A. The time and place of the hearing is determined by the Hearing Officer. The hearing should be held within sixty (60) days of receiving the written request. Upon written request, the Hearing Officer may, at his/her discretion, grant a continuance to any party for good cause.

B. The Hearing Officer will notify the appellee, appellant, and other appropriate parties in writing at least five (5) days prior to the hearing, of the date, time, and place of the hearing. A statement of the facts and evidence to be presented in support of the student's grounds for appeal will be provided to the appellee in appropriate cases.

C. The appellant student and the appellee have the right to an advisor. Advisors must be members of the University community (faculty, staff, or student). Such advisors may consult with, but may not speak on behalf of their advisees or otherwise participate directly in the proceedings, unless they are given specific permission to do so by the Hearing Officer.



- D. The appellant student has the right, at his or her own discretion and expense, to retain legal counsel for representation only when he/she is or will be dismissed from a program or from the University as a direct and immediate consequence of any academic sanction administered by the University. In these cases an attorney is allowed to fully represent and speak on behalf of the appellant student. Rules of evidence and other formal rules of courtroom procedure do not apply. The Hearing Officer is authorized to decide what is relevant and what is not relevant.
- E. 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.
- F. The student with his/her advisor, if any, will be called before the Hearing Panel and the Hearing Officer will then restate the nature of the appeal and the issues to be decided.

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- G. The hearing shall be closed. All persons to be called as witnesses, other than the appellant, with his/her advisor, if any, and the appellee and his/her advisor, if any, will be excluded from the hearing room. Any person who remains in the room after the hearing has begun may be prohibited from appearing as a witness at the discretion of the Hearing Officer.
- H. Anyone disrupting the hearing may be excluded from the hearing room if, after due warning, he/she engages in conduct which substantially delays or disrupts the hearing, in which case the hearing shall continue and the Hearing Panel shall make a determination based on the evidence presented. If excluded, the person may be readmitted on the assurance of good behavior. Any person who refuses the 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.
- I. Except as provided in H and M herein, all evidence must be presented in the presence of the student.
- J. The student or other parties involved may petition the Hearing Officer for a subpoena or a request for appropriate written information or documents.
- K. The student will be given the opportunity to testify and present evidence and witnesses on his/her own behalf and to discuss with, and question, those persons against whom the appeal is filed. 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.
- L. 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. Formal rules of evidence shall not be applicable in academic appeal hearings.
- M. If the student appellant or the appellee fails to appear at a hearing and fails to make advance explanation for such absence which is satisfactory to the Hearing Panel, or if the student appellant or the appellee leaves 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.

N. Upon completion of the testimony and presentation of evidence, all persons, except Hearing Panel members will be required to leave the room. The Hearing Panel will then meet in closed session to review the evidence presented. The Hearing Panel shall make its findings based upon a preponderance of evidence. The Hearing Panel shall reach its determination by a majority vote. The results shall be recorded in writing and filed with the Chairperson of the Budget and Academic Policy Committee and the Provost and Senior Vice President of Academic Affairs ~~or, for cases in the Marshall Community and Technical College, with the Dean of Academic Affairs of the Marshall Community & Technical College.~~ If the Hearing Panel's decision includes the imposition of academic sanction, the sanction given and its duration must be specified for the record. A report of a dissenting opinion or opinions may be submitted to the Chairperson of

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the Budget and Academic Policy Committee and the Provost and Senior Vice President for Academic Affairs ~~or, for cases in the Marshall Community and Technical College, to the Dean of Academic Affairs of the Marshall Community & Technical College, by any Hearing Officer.~~

O. The findings of the Hearing Panel, and any sanction, shall be announced at the conclusion of the hearing. The student, faculty member, and the appropriate Academic Dean ~~or Associate Dean of the Marshall Community & Technical College~~ shall be notified in writing of the findings and any sanction at the conclusion of the hearing. A record of the hearing shall be prepared by the Hearing Officer in the form of summary minutes and relevant attachments and will be provided to the student upon request.

P. No one may tape the proceedings.

Q. In an appeal related to a final grade the Hearing Officer will complete any necessary change of grade forms and submit that information to the Registrar, the faculty member, and the appropriate Academic Dean ~~or, for cases in the Marshall Community and Technical College, to the Associate Dean of the Marshall Community & Technical College.~~

R. Within thirty (30) days following receipt of the Hearing Panel's decision, the student, faculty member or other complainant may file an appeal with the Provost and Senior Vice President for Academic Affairs ~~or, for cases in the Marshall Community and Technical College to the Dean of Academic Affairs of the Marshall Community & Technical College.~~ A written brief stating grounds for the appeal should be presented by the student, faculty member or other complainant to the Provost and Senior Vice President of Academic Affairs ~~or, for cases in the Marshall Community & Technical College, to the Dean of Academic Affairs of the Marshall Community & Technical College.~~ The scope of review shall be limited to the following:

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

The Provost and Senior Vice President of Academic Affairs, ~~or the Dean of Academic Affairs of the Marshall Community & Technical College,~~ may affirm or modify the panel's findings and sanctions, if any, or remand the case to the Academic Appeals Board for further action.

S. The decision of the Provost and Senior Vice President for Academic Affairs ~~or of the Dean of Academic Affairs of the Marshall Community & Technical College~~ is final. He/she will give written notification of the final decision to the student, the faculty member, the appropriate Academic Dean ~~or the Associate Dean of the Marshall Community & Technical College,~~ and as appropriate, the Registrar.

Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the

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Provost and Senior Vice President for Academic Affairs or the V.P. for Health Sciences.

*Approved by the Academic Standards*

*and Curricular Review Committee: October 28, 1988*

*Approved by the Budget and Academic Policy Committee,*

*October 21, 2004, March 4, 2005, April 17, 2009*

*Revised by Faculty Senate: March 19, 2002, February 27, 2003,*

*November 18, 2004, March 31, 2005, May 7, 2009*

## Academic Common Market Out-of-State Programs at Reduced Tuition

West Virginia residents can pursue academic programs not available within the state through the Academic Common Market (ACM) and through contract programs. Both programs enable West Virginians to enter out of state institutions at reduced tuition rates. Contract programs have been established for study in veterinary medicine, optometry, architecture, and podiatry; ACM provides access to both baccalaureate and graduate programs not otherwise available in West Virginia. The programs are restricted to West Virginia residents who have been accepted for admission to one of the specific programs at designated out of state institutions. For information please contact the Office of Academic Affairs, Old Main 110, (696-6690) or the Higher Education Policy Commission. Out-of-state students who have been granted Academic Common Market access to Marshall University should follow the Academic Common Market Procedures available at [www.marshall.edu/academic-affairs/studentresources.htm](http://www.marshall.edu/academic-affairs/studentresources.htm).

## Academic Dishonesty

### Introduction:

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

Academic Dishonesty is something that will not be tolerated as these actions are fundamentally opposed to “assuring the integrity of the curriculum through the maintenance of rigorous standards and high expectations for student learning and performance” as described in Marshall University’s Statement of Philosophy.

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

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

*2008-09 Undergraduate Catalog Academic Information 107***Definitions of Academic Dishonesty**

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

**Cheating:** Any action which if known to the instructor in the course of study would be prohibited. This includes:

- The unauthorized use of any materials, notes, sources of information, study aids or tools during an academic exercise.
- The unauthorized assistance of a person other than the course instructor during an academic exercise.
- The unauthorized viewing of another person's work during an academic exercise.
- The unauthorized securing of all or any part of assignments or examinations, in advance of submission by the instructor.

**Fabrication/Falsification:** The unauthorized invention or alteration of any information, citation, data or means of verification in an academic exercise, official correspondence or a university record.

**Plagiarism:** Submitting as one's own work or creation any material or an idea wholly or in part created by another.

This includes:

- Oral, written and graphical material.
- Both published and unpublished work

It is the student's responsibility to clearly distinguish his/her own work from that created by others. This includes the proper use of quotation marks, paraphrase and the citation of the original source. Students are responsible for both intentional and unintentional acts of plagiarism.

**Bribes/Favors/Threats:** Attempting to unfairly influence a course grade or the satisfaction of degree requirements through any of these actions.

**Complicity:** Helping or attempting to help someone commit an act of academic dishonesty.

**Sanctions**

Sanctions for academic dishonesty may be imposed by the instructor of the course, the department chairperson, or the Academic Dean. Sanctions for academic dishonesty may be imposed even if a student withdraws from an individual course or from the university entirely.

The instructor may impose the following sanctions:

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

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

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

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

the Office of Judicial Affairs.

A student will be informed in writing by the instructor or person making the charge of any charges and subsequent sanctions imposed for academic dishonesty (See "Reporting" below). Written notification of academic dishonesty charges (and the inclusion of confirmed charges/sanctions in a student's records) is designed to inform a student of the potential repercussions of repeat offenses and his/her rights of appeal.

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

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

- A student's record of academic dishonesty offenses will be maintained throughout his/her enrollment at Marshall University, and the period of time between offenses will have no impact on sanctions for repeated offenses.

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

- A student with a third academic dishonesty offense during his/her enrollment at Marshall University will be dismissed from the university.

#### Reporting:

Any time an accusation of academic dishonesty is made, and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of Academic Affairs within ten (10) days of the accusation.

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

The "Academic Dishonesty Report Form" will include:

Instructor's Name

Course Information (Term, Number, Section)

Student's Name

Student's University Identification Number

Brief Description of the Charge

Date of Accusation

Brief Description of the Sanction

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

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A copy of the report will go into the student's college file.

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

#### Recording:

The Office of Academic Affairs will maintain a file of academic dishonesty incidents.

These will be reported in summary form (no student or faculty names will be included) to the Academic Deans and the Faculty Senate at the end of each academic year.

**Appeals Process:**

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

If allegations of academic dishonesty are referred to the department chairperson for additional sanctions, it must be within thirty (30) days from the date of the alleged offense. This process starts with the dean if there is no department chairperson.

- a. The department chairperson shall bring together the student involved, and the faculty member, and/or other complainant within ten (10) days from the date of referral.
- b. If the student denies guilt or disagrees with the sanction imposed, or if the faculty member, other complainant, or chairperson feels that the penalties are insufficient for the act complained of, the case shall be ~~forwarded~~ **forwarded** in writing by the chairperson to the student's Academic Dean within ten (10) days from the date of the meeting. The Academic Dean shall bring together the student, faculty member or other complainant, and the department chairperson to review the charges within ten (10) days from the date of referral. The Academic Dean may impose any sanction permitted by this policy.
- c. Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Dean, the case may be appealed in writing within ten (10) days of the Dean's written decision to the Budget and Academic Policy Committee, who shall refer the case to the University Academic Appeals Board for resolution.
- d. Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Appeals Board, then he/she may file an appeal with the Provost and Senior Vice President for Academic Affairs within thirty (30) days from the receipt of the written decision of the Board. The decision of the Provost and Senior Vice President for Academic Affairs shall be final.

Only individual allegations of academic dishonesty may be appealed. If a previous offense was not appealed within the time limit, or was appealed unsuccessfully then subsequent offenses will be counted as repeat offenses and additional sanctions will be levied by the Office of Academic Affairs as described under the section on "Sanctions."  
*Approved by Faculty Senate, February 27, 2003*

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**Academic Dismissal**

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

**Academic Forgiveness**

The academic forgiveness policy allows forgiveness of *D* and *F* grades for purposes of calculating the Grade Point Average (GPA) required for graduation. This policy is designed

to help students who left college with low grades. It will be implemented, provided certain conditions are satisfied, where the *D* and *F* repeat rule is not applicable:

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

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

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

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

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

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## Academic Probation and Suspension

### 1. For Academic Deficiencies:

#### a. Academic Probation

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

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

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

#### b. Academic Suspension

Academic Suspension is defined as a period in which a student cannot enroll in

courses at Marshall University. A student who has pre-registered and is subsequently suspended will have his/her registration automatically canceled.

Students who earn less than a 2.0 semester GPA while on Academic Probation or who accumulate or exceed the Quality Point Deficit for their GPA Hours (see

Table One) will be suspended for one regular semester (the summer terms do not count as a term of suspension).

*Table One – Suspension QPD*

GPA Hours 0-25 26-57 58-89 90 or more

Quality Point Deficit 20 15 12 9

When a student returns to Marshall after any suspension, the student will be placed on probation and must follow all of the requirements of his/her Academic Improvement Plan. Failure to meet all of the requirements of the Academic Improvement Plan or exceeding the Quality Point Deficits listed in Table 1 will result in suspension. A second suspension will be for a period of one calendar year. Third and subsequent suspensions will be for a period of two calendar years each.

Note that this suspension policy does not apply to conditionally admitted students; they are governed by the regulations of University College.

*(continued)*

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c. Petition for Reinstatement after a Second or Subsequent Suspension

Reinstatement after a second or subsequent suspension is only by written petition to the Dean of a student's College, School, or Program. The petition must be in writing and provide evidence that the student can meet the requirements of his or her Academic Improvement Plan. The written petition for readmission must be submitted at least 30 days prior to the beginning of the semester for which readmission is sought.

2. For Academic Dishonesty:

a. Probation:

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

b. Suspension:

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

3. Appeal of Academic Probation and Suspension

See section on "Academic Appeals," B and C.

*(Approved by Faculty Senate, May 9, 2002, to go into effect Fall 2003)*

## Academic Rights and Responsibilities of Students

Marshall University's policies in regard to the academic rights and responsibilities of students reflect Board of Governors Policy Number 60.

### I. Statement of Philosophy

Marshall University is an academic community and as such must promulgate and uphold various academic standards. Failure of a student to abide by such standards may result in the imposition of sanctions pursuant to University Policy Number 60. A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by Marshall University, accepts the academic requirements and criteria of the institution. It is the student's responsibility to fulfill coursework and



degree, or certification requirements, and to know and meet criteria for satisfactory academic progress and completion of the program.

## II. Definitions

A. Academic Dean: the chief academic officer of a college or school. The dean also serves in an advisory capacity to the student. The student is encouraged to contact his/her academic dean for guidance on appeal procedures.

B. Academic Deficiency: failure to maintain the academic requirements and standards as established by Marshall University and its constituent colleges and schools other than those relating to academic dishonesty. This shall include but is not limited to the criteria for maintenance of satisfactory academic progress, i.e. Grade Point Average, special program requirements, professional standards, etc.

C. Academic Dishonesty: Academic dishonesty is conduct on an academic exercise that falls into one or more of the following categories: cheating, fabrication/

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falsification, plagiarism, bribes/favors/threats, and complicity. These categories and "academic exercise" are defined in detail in the section on Academic Dishonesty in this catalog. Each instructor may modify the general definition of academic dishonesty to fit the immediate academic needs within that particular course of study, provided the instructor defines, in writing and preferably in the course syllabus, the details of any departure from the general definition.

D. Day: shall refer to a calendar day.

E. Limited Enrollment Program: any academic program which imposes admissions requirements in addition to general admissions to the University.

F. Student: any undergraduate student who has been admitted to, and is currently enrolled in, a course or in a certificate or degree program at Marshall University, or for whom the institutional appeal period has not expired. Students enrolled in the undergraduate Nursing Program will follow these procedures.

G. University Community: faculty, staff, or students at Marshall University.

H. President's Designee: Chief Academic Officer.

I. Provost and Senior Vice President for Academic Affairs: refers to the Chief Academic Officer.

J. Appeal Deadlines: the time allowed for each level of appeal. There will be no time extensions unless granted by the Academic Appeals Board for good cause. If the appeals do not meet the established deadlines, the issue is no longer appealable.

## III. Student Academic Rights:

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

A. The student shall be graded or have his/her performance evaluated solely upon performance in the coursework as measured against academic standards.

B. The student shall not be evaluated prejudicially, capriciously, or arbitrarily.

C. The student shall not be graded nor shall his/her performance be evaluated on the basis of his/her race, color, creed, sex, sexual orientation, or national origin.

D. Each student shall have the right to have any academic penalty, as set forth herein, reviewed pursuant to the procedures in Section V. Except in those cases where a specific time is provided, this review shall occur within a reasonable time

after the request for such review is made.

E. Each student shall have access to a copy of a University catalog or program brochure in which current academic program requirements are described (e.g., required courses, total credit requirements, time in residence standards, minimum Grade Point Average, probation standards, professional standards, etc.).

F. Each student shall receive from the instructor written descriptions of content and requirements for any course in which he/she is enrolled (e.g., attendance expectations, special requirements, laboratory requirements including time, field trips and cost, grading criteria, standards and procedures, professional standards, etc.).

G. The instructor of each course is responsible for assigning grades to the students enrolled in the course consistent with the academic rights set out in the preceding sections.

*(continued)*

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H. Marshall University and its constituent colleges and schools are responsible for defining and promulgating:

1. The academic requirements for admission to the institution, for admission to limited enrollment programs, and for admission to professional and graduate degree programs;
2. The criteria for maintenance of satisfactory academic progress, for the successful completion of the program, for the award of a degree or certification, for graduation;
3. The requirements or criteria for any other academic endeavor, and the requirements for student academic honesty, consistent with the Policies, Rules, and Regulations of the Higher Education Policy Commission and with the fundamentals of due process; and
4. Probation, suspension, and dismissal standards and requirements.

I. Normally, a student has the right to finish a program of study according to the requirements under which he/she was admitted to the program. Requirements, however, are subject to change at any time, provided that reasonable notice is given to any student affected by the change.

*IV. Academic Sanctions: Undergraduate Students (Graduate and Medical Students Should Consult the Graduate Catalog.)*

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

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

B. Academic Probation

1. For Academic Deficiency:

Any student who has less than a 2.0 Grade Point Average on coursework attempted at Marshall University and/or any approved coursework transferred from another institution shall be placed on academic probation. All probation students are subject to the following restrictions:

- Meet with the Associate/Assistant Dean of their college before registering for classes to develop an Academic Improvement Plan to achieve good academic standing. This plan will be binding on the student.
- Take a maximum of 14 hours and should repeat courses under

the D/F Repeat Rule to reduce deficiencies.

- Earn a 2.0 GPA or higher during every semester they are on probation. Failure to achieve a 2.0 semester GPA or higher while on probation will result in suspension.
- May not register by myMU.
- Must participate in their College's retention program.
- Other requirements may be imposed in the Academic Improvement Plan

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## 2. For Academic Dishonesty

Sanctions for academic dishonesty may be imposed by the instructor of the course, the department chairperson, or the Academic Dean. Sanctions for academic dishonesty may be imposed even if a student withdraws from an individual course or from the university entirely.

a. The instructor may impose the following sanctions:

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

b. The instructor may also refer the matter to his/her department chairperson for additional sanctions. If allegations are referred to the department chairperson, it must be within thirty (30) days from the date of the alleged offense. This process starts with the dean if there is no department chairperson. The following sanctions may be recommended by the instructor but will need to be imposed by the department chair, academic dean or the Office of Academic Affairs:

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

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

d. A student will be informed in writing by the instructor or responsible office of any charges and subsequent sanctions imposed for academic dishonesty. Written notification of academic dishonesty charges (and the inclusion of confirmed charges/sanctions in the student's records) is designed to inform a student of the potential repercussions of repeat offenses and his/her rights of appeal.

e. Any time an accusation of academic dishonesty is made, and a sanction imposed (or a sanction will be imposed with the submission of final grades), a notice should be sent to the Office of Academic Affairs within ten (10) days of the accusation. The notice of an act of academic dishonesty will be reported to the Office of Academic Affairs through the completion of an "Academic Dishonesty Report Form." Instructors are encouraged to give a copy of the "Academic Dishonesty Form" to a student accused of an offense. However, the Office of Academic Affairs will inform the student and the student's dean of the accusations made, the sanctions prescribed, the repercussions of repeat offenses, and his/her right of appeal. A copy of the report will go into the student's college file. Any subsequent actions taken (additional sanctions imposed, the lessening of sanctions, the withdrawal of accusations, the results of appeals, etc.) should be reported to the Office of Academic Affairs within ten (10) days.

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

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

- A student's record of academic dishonesty offenses will be maintained throughout his/her enrollment at Marshall University, and the period of time between offenses may have no impact on sanctions for repeated offenses.

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

- A student with a third academic dishonesty offense during his/her enrollment at Marshall University will be dismissed from the university.

#### C. Academic Suspension: Undergraduate Students (Graduate and Medical Students Should Consult the Graduate Catalog.)

##### 1. For Academic Deficiency

Students who earn less than a 2.0 semester GPA while on Academic Probation or who accumulate or exceed the Quality Point Deficit for their GPA hours will be suspended for one regular semester (the summer terms do not count as a term of suspension). Students with 0-25 GPA hours will be suspended if they have 20 or more quality point deficiencies; with 26-57 hours, they will be suspended with 15 or more quality point deficiencies; with 58-89 hours, they will be suspended with 12 or more deficiencies; and with 90 or more hours, they will be suspended with 9 or more deficiencies.

When a student returns to Marshall after any suspension, the student will be placed on probation and must follow all of the requirements of his/her Academic Improvement Plan. Failure to meet all of the requirements of the Academic Improvement Plan or exceeding the Quality Point Deficits described above will result in suspension. A second suspension will be for a period of one calendar year. Third and subsequent suspensions will be for a period of two calendar years each.

This suspension policy does not apply to conditionally admitted students; they are governed by the regulations of University College.

##### 2. For Academic Dishonesty

In those cases in which a student has been found guilty of a second academic dishonesty offense, he/she will be academically suspended for a period of time not to exceed one academic year (to include summer terms). During such period the student may not enroll in any course or program offered by Marshall University or any of its constituent colleges or schools.

#### D. Academic Dismissal

This is defined as termination of student status, including any right or privilege to receive some benefit, or recognition, or certification. A student may be academically dismissed from a limited enrollment program and remain eligible to enroll in courses in other programs at Marshall University; or a student may be academi-

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cally dismissed from the institution and not remain eligible to enroll in other courses or programs at Marshall University. The terms of academic dismissal from a program for academic deficiency shall be determined, defined, and published by each of the constituent colleges and schools of Marshall University. Academic dismissal from a program or from the University will also be imposed for violation of the University policy on academic dishonesty.

*V. Academic Appeals*

The intent of the appeals process is to treat all parties fairly, and to make all parties aware of the appeals procedure. *Please Note:* Notwithstanding any other provision in Marshall University catalogs or policy documents, only students who are or will be dismissed from a program or from the University as a direct and immediate consequence of any academic sanction administered by the University may, at their own discretion and expense, retain legal counsel for representation during all relevant administrative appeal proceedings.

**A. Student Appeals for Instructor Imposed Sanctions:**

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

In those cases in which a student has received an instructor-imposed sanction, including a lower final grade in or failure of the course or exclusion from further participation in the class, the student shall follow the procedures outlined below:

1. The student should first attempt a resolution with the course instructor. This initial step must be taken within ten (10) days from the imposition of the sanction or, in the case of an appeal of a final grade in the course, within thirty (30) days of the beginning of the next regular term. The student who makes an appeal is responsible for submitting all applicable documentation. The course instructor is to respond to the student in writing within ten (10) days after the student has submitted the appeal documentation. If the course instructor does not respond to the student in the given time frame, the appeal process continues to the next level. If the instructor is unavailable for any reason, the process starts with the department chairperson or division head.

2. If the procedure in Step 1 does not have a mutually satisfactory result, the student may appeal in writing to the department chairperson or division head within ten (10) days after the action taken in Step 1, who will attempt to resolve the issue at the departmental level. The department chairperson or division head is to respond to the student in writing within ten (10) days after the student has submitted the appeal documentation. If the department chairperson or division head (or representative) does not respond to the student in the given time frame, the appeal process continues to the next level. When a student appeals a final grade, the faculty member must provide all criteria used for determining grades.

3. Should the issue not be resolved at the departmental level, either the student or instructor may appeal in writing to the Dean of the college in which the course is offered within ten (10) days of the action taken in Step 2. ~~If the course is offered in the Marshall Community and Technical College, the appeal is to the Associate Dean of the Marshall Community & Technical College.~~ This person is to respond to the student or instructor in writing

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within ten (10) days after the student has submitted the appeal documentation and will attempt to achieve a mutually satisfactory resolution. If the person named above does not respond to the student in the given time frame, the appeal process continues to the next level. The Dean of the college in which the student is enrolled will be notified.

4. Should the issue not be resolved by the Dean of the college within which the course is offered ~~or the Associate Dean of the Marshall Community & Technical College~~, either the student or instructor may appeal in writing within ten (10) days of the action taken in Step 3 to the Budget and Academic Policy Committee which shall refer the matter to the University Academic Appeals Board which determines if an appeal hearing is justified. If the University Academic Appeals Board determines a hearing is justified, the Board will schedule the hearing. The University Academic Appeals Board has the right to seek additional documentation if necessary. The University Academic Appeals Board has thirty (30) days to convene the members of the Hearing Panel to hear the appeal (once the requested documentation is provided by the appellant student) and ten (10) days after the hearing to make notification of the determination to the student and instructor. It may not always be possible to meet the above conditions because many of these appeals occur at times when school is not in session. However every effort will be made to schedule appeal hearings in a timely and reasonable manner

5. Should the student or the instructor be dissatisfied with the determination of the Academic Appeals Board then either party may file an appeal with the Provost and Senior Vice President for Academic Affairs ~~or, for students in the Marshall Community and Technical College to the Dean of Academic Affairs of the Marshall Community & Technical College~~, within thirty (30) days from receipt of the decision of the Board. This person has ten (10) days to respond in writing to the student or instructor. The decision of the Provost and Senior Vice President for Academic Affairs ~~or the Dean of Academic Affairs of the Marshall Community & Technical College~~ shall be final. Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the Provost and Senior Vice President for Academic Affairs or the V.P. for Health Sciences.

#### B. Appeals for Academic Dishonesty:

Only individual allegations of academic dishonesty may be appealed. If a previous offense was not appealed within the time limit, or was appealed unsuccessfully, then subsequent offenses will be counted as repeat offenses and additional sanctions will be levied by the Office of Academic Affairs as described in the section on "Sanctions" in this policy.

1. In those cases where the instructor imposes a sanction pursuant to part IV, A, only, of the section titled Academic Rights and Responsibilities of Students, and does not refer the matter to the department chairperson or division head for additional sanctions, the student may appeal the sanction in accordance with the procedures described in part V, Academic Appeals (A) of the section titled Rights and Responsibilities of Students.

2. In those cases where the matter is referred to the department chairperson or division head for additional sanctions, this action must occur within thirty (30) days of the alleged offense. The chairperson or division head shall bring

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together the student involved, and the faculty member, and/or other complainant within ten (10) days from the date of referral.

3. If the student denies guilt or disagrees with the sanction imposed, or if the faculty member, other complainant, or chairperson or division head thinks that the penalties are insufficient for the act complained of, the case shall be forwarded in writing by the chairperson or division head to the student's Academic Dean ~~or, for students in the Marshall Community and Technical College to the Associate Dean of the Marshall Community & Technical College,~~ within ten (10) days from the date of the meeting. This person shall bring together the student, faculty member or other complainant, and the department chairperson or division head to review the charges within ten (10) days from the date of referral. The student's Academic Dean ~~or the Associate Dean of the Marshall Community & Technical College~~ may impose any sanction permitted by this policy.

4. Should the student, faculty member, or other complainant be dissatisfied with the determination of the student's Academic Dean ~~or, for students in the Marshall Community and Technical College, to the Associate Dean of the Marshall Community & Technical College,~~ the case may be appealed in writing within ten (10) days of the written decision to the Budget and Academic Policy Committee, who shall refer the case to the University Academic Appeals Board which determines if an appeal hearing is justified. If the University Academic Appeals Board determines a hearing is justified, the Board will schedule the hearing. The University Academic Appeals Board has the right to seek additional documentation if necessary. The University Academic Appeals Board has thirty (30) days to convene the members of the Hearing Panel to hear the appeal (once the requested documentation is provided by the appellant student) and ten (10) days after the hearing to make notification of the determination to the student and instructor. It may not always be possible to meet the above conditions because many of these appeals occur at times when school is not in session. However every effort will be made to schedule appeal hearings in a timely and reasonable manner.

5. Should the student, faculty member, or other complainant be dissatisfied with the determination of the Academic Appeals Board or the Hearing Panel, then he/she may file an appeal with the Provost and Senior Vice President for Academic Affairs ~~or, for students in the Marshall Community and Technical College, to the Dean of Academic Affairs of the Marshall Community & Technical College,~~ within thirty (30) days from the receipt of the written decision of the Board or Panel. Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the Provost and Senior Vice President for Academic Affairs or the V. P. for Health Sciences.

6. The decision of the Provost and Senior Vice President for Academic Affairs ~~or the Dean of Academic Affairs of the Marshall Community & Technical College~~ shall be final.

#### C. Appeals for Academic Deficiencies:

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

*(continued)*

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- a. The student is entitled to written notice; (1) of the nature of the deficiency or reason for denial of admission to a program; (2) of the methods, if any, by which the student may correct the deficiency, and; (3) of the penalty which may be imposed as a consequence of the deficiency.
  - b. The student shall be given the opportunity to meet with the person(s) who has judged his/her performance to be deficient, to discuss with this person(s) the information forming the basis of the judgment or opinion of his/her performance; to present information or evidence on his/her behalf; and to be accompanied at any such meeting by an advisor of his/her choice from the University (faculty, staff, or student). Such advisors may consult with, but may not speak on behalf of their advisees, or otherwise participate directly in the proceedings, unless given specific permission to do so by the person conducting the meeting. The student is not entitled to an attorney in such meetings, and the formal rules of evidence are not applicable. The student must request such meeting in writing ten (10) days from receipt of the notice.
  - c. If the student is dissatisfied with the outcome of the meeting outlined in (b) above, the student may appeal the judgment to the Provost and Senior Vice President for Academic Affairs ~~or, for Marshall Community and Technical College students, to the Dean of Academic Affairs of the Marshall Community & Technical College,~~ within thirty (30) days after receipt of written notice of the judgment. Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the Provost and Senior Vice President for Academic Affairs or the V. P. for Health Sciences.
  - d. The decision of the Provost and Senior Vice President for Academic Affairs ~~or the Dean of Academic Affairs of the Marshall Community & Technical College~~ is final.
2. In those cases in which a student has been or may be dismissed from an undergraduate academic program, or has been or may be dismissed from the institution for academic deficiencies, the following procedures are applicable:
- a. The student is entitled to written notice; (1) of the nature of the deficiency; (2) of the methods, if any, by which the student may correct the deficiency, and; (3) of the penalty which may be imposed as a consequence of the deficiency.
  - b. The student shall be given the opportunity to meet with the person(s) who judged his/her performance to be deficient. The student must request such meeting in writing within ten (10) days from receipt of the notice. The student shall be given the opportunity to discuss with this person(s) the information forming the basis of the judgment or opinion of his/her performance, to present information or evidence on his/her behalf, and to be accompanied at any such meeting by an advisor of his/her choice from the University (faculty, staff, or student). Such advisor may consult with but may not speak on behalf of his/her advisee, or otherwise participate directly in the proceedings, unless given specific permission to do so by the person conducting the meeting. The student is



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not entitled to an attorney in such meetings, and the formal rules of evidence are not applicable.

c. If the student is dissatisfied with the outcome of the meeting outlined in (b) above, the student may file an appeal in writing with the Chairperson of the Budget and Academic Policy Committee. The Chairperson of the Budget and Academic Policy Committee will refer the matter to the University Academic Appeals Board which determines if an appeal hearing is justified. If the University Academic Appeals Board determines a hearing is justified, the Board will schedule the hearing. The University Academic Appeals Board has the right to seek additional documentation if necessary. The University Academic Appeals Board has thirty (30) days to convene the members of the Hearing Panel to hear the appeal (once the requested documentation is provided by the appellant student) and ten (10) days after the hearing to make notification of the determination to the student and instructor. If the student is denied an appeal, he/she may appeal this decision to the Provost and Senior Vice President for Academic Affairs ~~or, for students in the Marshall Community and Technical College, to the Dean of Academic Affairs of the Marshall Community & Technical College.~~ If the student is granted an appeal, the Chairperson of the Academic Appeals Board will appoint a Hearing Panel. At least two (2) of the faculty and student members of the Hearing Panel will, if possible, be chosen from the members of the Hearing Panel Pool appointed from the constituent college or school involved. It may not always be possible to meet the above conditions because many of these appeals occur at times when school is not in session. However every effort will be made to schedule appeal hearings in a timely and reasonable manner. The student's appeal must be filed within ten (10) days after receipt of written notice of the decision outlined in (b) above.

d. If the student, faculty member or other complainant is dissatisfied with the decision of the Hearing Panel, he or she may appeal the decision to the Provost and Senior Vice President for Academic Affairs ~~or, for students in the Marshall Community and Technical College, to the Dean of Academic Affairs of the Marshall Community & Technical College,~~ within thirty (30) days after receipt of written notice of the decision. Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the Provost and Senior Vice President for Academic Affairs or the V. P. for Health Sciences.

e. The decision of the Provost/Senior Vice President for Academic Affairs ~~or the Dean of Academic Affairs of the Marshall Community & Technical College~~ is final.

#### VI. *Academic Appeals Board*

##### A. Description and Jurisdiction:

The Academic Appeals Board is a permanent subcommittee of the Budget and Academic Policy Committee. It is composed of experienced Hearing Officers and

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is established to determine whether appeals arising from the following should result in a hearing:

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

**B. Function:**

The University Academic Appeals Board collectively decides whether:

- a) The prior steps of the appeal process have been completed.
- b) The claim (if substantiated) would result in the overturning of the academic sanction. This means that some policy may have been violated in the application of the sanction, arbitrariness or capriciousness may have been a factor in the sanction, different standards may have been applied to the student or there may have been bad faith or ill will on the part of the instructor's applying of the sanction.
- c) Appropriate documentation of the claim needs to be provided in order to justify a hearing. It is the student's job to provide documentation for his/her claims. The Board may ask for additional documentation from either students or faculty in order to determine whether a hearing is justified.

**VII. Hearing Panel**

The purpose of the Hearing Panel is to hear arguments, evaluate evidence, and reach a decision by voting in an Academic Hearing.

A. The Hearing Panel shall be composed of faculty and student members chosen in the following manner:

**1. Faculty Members:**

The Dean of each of the constituent colleges and schools of the University ~~or the Associate Dean of the Marshall Community & Technical College~~ shall appoint five (5) faculty members from his/her unit to serve on the Hearing Panel Pool. Such appointments will be made annually in the spring semester with the understanding that some of these faculty members will be available to hear appeals during the summer terms and the week before the beginning of Spring semester. Terms will run from May 15 to the following May 15.

**2. Student Members:**

The Student Government Association President shall appoint three (3) students from each of the constituent colleges and schools of the University to serve on the Hearing Panel Pool.

**3. Hearing Officers:**

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

*2008-09 Undergraduate Catalog Academic Information 123***B. Selection of Members for an Individual Hearing Panel**

An individual Hearing Panel shall be composed of two (2) faculty members, one (1) student member, and one (1) non-voting Hearing Officer. The members of the Hearing Panel shall 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.

**VIII. Hearing Procedures**

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

A. The time and place of the hearing is determined by the Hearing Officer. The hearing should be held within sixty (60) days of receiving the written request. Upon written request, the Hearing Officer may, at his/her discretion, grant a continuance to any party for good cause.

B. The Hearing Officer will notify the appellee, appellant, and other appropriate parties in writing at least five (5) days prior to the hearing, of the date, time, and place of the hearing. A statement of the facts and evidence to be presented in support of the student's grounds for appeal will be provided to the appellee in appropriate cases.

C. The appellant student and the appellee have the right to an advisor. Advisors must be members of the University community (faculty, staff, or student). Such advisors may consult with, but may not speak on behalf of their advisees or otherwise participate directly in the proceedings, unless they are given specific permission to do so by the Hearing Officer.

D. The appellant student has the right, at his or her own discretion and expense, to retain legal counsel for representation only when he/she is or will be dismissed from a program or from the University as a direct and immediate consequence of any academic sanction administered by the University. In these cases an attorney is allowed to fully represent and speak on behalf of the appellant student. Rules of evidence and other formal rules of courtroom procedure do not apply. The Hearing Officer is authorized to decide what is relevant and what is not relevant.

E. 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.

F. The student with his/her advisor, if any, will be called before the Hearing Panel and the Hearing Officer will then restate the nature of the appeal and the issues to be decided.

G. The hearing shall be closed. All persons to be called as witnesses, other than the appellant, with his/her advisor, if any, and the appellee and his/her advisor, if any, will be excluded from the hearing room. Any person who remains in the room after the hearing has begun may be prohibited from appearing as a witness at the discretion of the Hearing Officer.

*(continued)*

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H. Anyone disrupting the hearing may be excluded from the hearing room if, after due warning, he/she engages in conduct which substantially delays or disrupts the hearing, in which case the hearing shall continue and the Hearing Panel shall make a determination based on the evidence presented. If excluded, the person may be readmitted on the assurance of good behavior. Any person who refuses the 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.

I. Except as provided in H and M herein, all evidence must be presented in the presence of the student.

J. The student or other parties involved may petition the Hearing Officer for a subpoena or a request for appropriate written information or documents.

K. The student will be given the opportunity to testify and present evidence and witnesses on his/her own behalf and to discuss with, and question, those persons against whom the appeal is filed. 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.

L. 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. Formal rules of evidence shall not be applicable in academic appeal hearings.

M. If the student appellant or the appellee fails to appear at a hearing and fails to make advance explanation for such absence which is satisfactory to the Hearing Panel, or if the student appellant or the appellee leaves 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.

N. Upon completion of the testimony and presentation of evidence, all persons, except Hearing Panel members will be required to leave the room. The Hearing Panel will then meet in closed session to review the evidence presented. The Hearing Panel shall make its findings based upon a preponderance of evidence. The Hearing Panel shall reach its determination by a majority vote. The results shall be recorded in writing and filed with the Chairperson of the Budget and Academic Policy Committee and the Provost and Senior Vice President of Academic Affairs ~~or, for cases in the Marshall Community and Technical College, with the Dean of Academic Affairs of the Marshall Community & Technical College.~~ If the Hearing Panel's decision includes the imposition of academic sanction, the sanction given and its duration must be specified for the record. A report of a dissenting opinion or opinions may be submitted to the Chairperson of the Budget and Academic Policy Committee and the Provost and Senior Vice President for Academic Affairs ~~or, for cases in the Marshall Community and Technical College, to the Dean of Academic Affairs of the Marshall Community & Technical College,~~ by any Hearing Officer.

O. The findings of the Hearing Panel, and any sanction, shall be announced at the conclusion of the hearing. The student, faculty member, and the appropriate Academic Dean ~~or Associate Dean of the Marshall Community & Technical College~~ shall be notified in writing of the findings and any sanction at the conclusion of the hearing. A record of the hearing shall be prepared by the Hearing Officer in the

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form of summary minutes and relevant attachments and will be provided to the student upon request.

P. No one may tape the proceedings.

Q. In an appeal related to a final grade the Hearing Officer will complete any necessary change of grade forms and submit that information to the Registrar, the faculty member, and the appropriate Academic Dean ~~or, for cases in the Marshall Community and Technical College, to the Associate Dean of the Marshall Community & Technical College.~~

R. Within thirty (30) days following receipt of the Hearing Panel's decision, the student, faculty member or other complainant may file an appeal with the Provost and Senior Vice President for Academic Affairs ~~or, for cases in the Marshall Community and Technical College to the Dean of Academic Affairs of the Marshall Community & Technical~~. A written brief stating grounds for the appeal should be presented by the student, faculty member or other complainant to the Provost and Senior Vice President of Academic Affairs ~~or, for cases in the Marshall Community & Technical College, to the Dean of Academic Affairs of the Marshall Community & Technical College.~~ The scope of review shall be limited to the following:

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

The Provost and Senior Vice President of Academic Affairs, ~~or the Dean of Academic Affairs of the Marshall Community & Technical College,~~ may affirm or modify the panel's findings and sanctions, if any, or remand the case to the Academic Appeals Board for further action.

S. The decision of the Provost and Senior Vice President for Academic Affairs ~~or of the Dean of Academic Affairs of the Marshall Community & Technical College~~ is final. He/she will give written notification of the final decision to the student, the faculty member, the appropriate Academic Dean ~~or the Associate Dean of the Marshall Community & Technical College,~~ and as appropriate, the Registrar. Those students or faculty in the College of Health Professions dissatisfied with the determination should file an appeal within thirty (30) days to either the Provost and Senior Vice President for Academic Affairs or the V. P. for Health Sciences.

*Approved by the Academic Standards*

*and Curricular Review Committee: October 28, 1988*

*Approved by the Budget and Academic Policy Committee,*

*October 21, 2004, March 4, 2005, April 17, 2009*

*Revised by Faculty Senate: March 19, 2002, February 27, 2003,*

*November 18, 2004, March 31, 2005, May 7, 2009*