

3-31-1989

## Faculty Senate 3-30-89

Marshall University

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Faculty Senate Recommendation  
3-30-89

Recommendation #1

The Faculty Senate accepts the changes as outlined in "Academic Rights and Responsibilities of Students."

Faculty Senate President:

Approved Russell D. [Signature] Date 3/31/89

Disapproved \_\_\_\_\_ Date \_\_\_\_\_

University President:

Approved [Signature] Date 4/3/89

Disapproved \_\_\_\_\_ Date \_\_\_\_\_

# UNDERGRADUATE STUDENTS

## GRADE APPEAL POLICY, ACADEMIC PROBATION, INELIGIBILITY FOR SCHOLASTIC DEFICIENCIES, AND ACADEMIC DISHONESTY

Marshall University's policies in the above areas are in keeping with Board of Regents Policy Bulletin No. 60, which is reproduced in its entirety following this section. The Academic Rights and Responsibilities of Students policy statement which follows provides details with respect to student rights and procedures on these and similar matters relating to academic appeals.

### Marshall University Academic Rights and Responsibilities of Students

This policy statement implementing West Virginia Board of Regents Policy Bulletin No. 60 (April 8, 1986) supersedes previous Marshall University Undergraduate Catalogs which concern grade appeals, academic dishonesty, and any other procedures relating to academic appeals. Consult the most recent undergraduate catalog for the latest appeal procedures.

#### I. Statement of Philosophy

Marshall University is an academic community and as such must promulgate and uphold various academic standards. Failure of a student to abide by such standards may result in the imposition of sanctions pursuant to Policy Bulletin No. 60 of the West Virginia Board of Regents. A student, by voluntarily accepting admission to the institution or enrolling in a class or course of study offered by Marshall University, accepts the academic requirements and criteria of the institution. It is the student's responsibility to fulfill course work and degree or certificate 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 the student's college, program, or school or his/her designee who will also serve in an advisory capacity to the student. The student is encouraged to contact his/her academic dean for guidance on any appeal procedure.
- B. Academic Deficiency: failure to maintain the academic requirements and standards as established by Marshall University and its constituent colleges and schools other than those relating to academic dishonesty. This shall include but is not limited to the criteria for maintenance of satisfactory academic progress, i.e. quality point average, special program requirements, professional standards, etc.
- C. Academic Dishonesty: any act of a dishonorable nature which gives the student engaged in it an unfair advantage over others engaged in the same or similar course of study and which, if known to the classroom instructor in such course of study, would be prohibited. This shall include, but is not limited to, the following: securing or giving unfair assistance during examinations or required work of any type; the improper use of books, notes, or other sources of information; submitting as one's own work or creation of any oral, graphic, or written material wholly or in part created by another; securing all or any part of assignments or examinations in advance of their submission to the class by the instructor; altering of any grade or other academic record; and any other type of misconduct or activity which manifests dishonesty or unfairness in academic work. Each classroom instructor may modify the general definition of academic dishonesty to fit the immediate academic needs of a particular class, provided the instructor defines, in writing, the details of any such departure from the general definition.  
Academic dishonesty also includes conspiring with or knowingly helping or encouraging a student to engage in academic dishonesty.
- D. Day: shall refer to a calendar day.
- E. Limited Enrollment Program: any academic program which imposes admissions requirements in addition to general admissions to the University.
- F. Student: any undergraduate student who has been admitted to and is currently enrolled in a course or in a certificate or degree program at Marshall University or for whom the institutional appeal period has not expired. Students enrolled in the undergraduate Nursing Program will follow these procedures.
- G. University Community: faculty, staff, or students at Marshall University.
- H. President's Designee: Provost.
- I. Provost: refers to the Chief Academic Officer.
- J. Appeal Deadlines: the time allowed for each level of appeal. There will be no time extensions unless granted by the Academic Appeals Board for good cause. If the appeals do not meet the established deadlines, the issue is no longer appealable.

#### III. Student Academic Rights:

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

- A. The student shall be graded or have his/her performance evaluated solely upon performance in the course work as measured against academic standards.
- B. The student shall not be evaluated prejudicially, capriciously, or arbitrarily.
- C. The student shall not be graded nor shall his/her performance be evaluated on the basis of his/her race, color, creed, sex, sexual orientation, or national origin.
- D. Each student shall have the right to have any academic penalty, as set forth herein, reviewed pursuant to the procedures in Section V. Except in those cases where a specific time is provided, this review shall occur within a reasonable time after the request for such review is made.
- E. Each student shall have access to a copy of a university catalog or program brochure in which current academic program requirements are described (e.g., required courses, total credit requirements, time in residence requirements, minimum grade point average, probation standards, professional standards, etc.).
- F. Each student shall receive from the instructor written descriptions of content and requirements for any course in which he/she is enrolled (e.g., attendance expectations, special requirements,

laboratory requirements including time, field trips and cost, grading criteria, standards and procedures, professional standards, etc.)

- G. The instructor of each course is responsible for assigning grades to the students enrolled in the course consistent with the academic rights set out in the preceding sections.
- H. Marshall University and its constituent colleges and schools are responsible for defining and promulgating:
  - 1. the academic requirements for admission to the institution, for admission to limited enrollment programs, and for admission to professional and graduate degree programs,
  - 2. the criteria for maintenance of satisfactory academic progress, for the successful completion of the program, for the award of a degree or certification, for graduation,
  - 3. the requirements or criteria for any other academic endeavor, and the requirements for student academic honesty, consistent with the policies, rules, and regulations of the West Virginia Board of Regents and with the fundamentals of due process, and
  - 4. probation, suspension, and dismissal standards and requirements.
- I. Normally, a student has the right to finish a program of study according to the requirements under which he/she was admitted to the program. Requirements, however, are subject to change at any time, provided that reasonable notice is given to any student affected by the change.

#### IV. Academic Sanctions

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

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

#### B. Academic Probation:

##### 1. For Academic Deficiency:

##### a. Undergraduate Students

Any student who has less than a 2.0 grade point average on course work attempted at Marshall University and/or any approved course work transferred from another institution shall be placed on academic probation. Normally, the student will be permitted to enroll in no more than thirteen (13) hours.

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

##### b. Graduate Students:

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

##### c. Medical Students:

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

##### 2. For Academic Dishonesty

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

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

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

- c. Surrender of Student Activity Card: Upon request the Student Activity Card is to be yielded to the Provost and all rights and privileges pertaining thereto forfeited for a specified period of time not to exceed one academic year.

A student violating any term of academic probation while on such probation will be subject to further academic sanction up-to and including academic dismissal from the University.

#### C. Academic Suspension:

##### 1. For Academic Deficiency:

##### a. Undergraduate Students

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

##### b. Graduate Students

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

##### c. Medical Students

Medical School students should consult Medical School publications for a description

of the conditions under which academic suspension may be imposed for academic deficiency.

2. For Academic Dishonesty:

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

D. Academic Dismissal:

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

V. Academic Appeals

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

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

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

1. Undergraduate students:

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

2. Graduate Students:

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

3. Medical School Students:

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

B. Appeals for Academic Dishonesty:

Primary responsibility for the sanctioning for academic dishonesty shall lie with the individual instructor in whose class or course the offense occurred; however, charges of academic dishonesty may be filed by any member of the University community.

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

1. In those cases where the instructor imposes a sanction pursuant to Sec. IV., A only and does not refer the matter to the department chairperson for additional sanctions, the student may appeal the sanction in accordance with the procedures described in Sec. V, A.
2. Where the offense is particularly flagrant or other aggravating circumstances are present, such as a repeat violation the instructor may refer the matter to the department chairperson for additional sanctions as permitted by this policy. In addition any member of the University community may refer a case of academic dishonesty to the chairperson of the department in which the course involved is being offered. Allegations of academic dishonesty must be referred to the department chairperson within thirty (30) days from the date of the alleged offense. This process starts with the Dean if there is no department chairperson.

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

- a. The department chairperson shall bring together the student involved and the faculty member and/or other complainant within ten (10) days from the date of referral. A written admission of guilt at this level may be resolved with a maximum penalty of "F" in the course.
- b. If the student denies guilt or disagrees with the sanction imposed or if the faculty member, other complainant, or chairperson feels that the penalties in Step (a) are insufficient for the act complained of, the case shall be forwarded in writing by the chairperson to the student's academic dean within ten (10) days from the date of the meeting. The academic dean shall bring together the student, the 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 Sec. IV of this policy.
- c. Should the student, faculty member, or other complainant be dissatisfied with the determination of the academic dean, the case may be appealed in writing within ten (10) days of the dean's written decision to the Chairperson of the Academic Standards and Curricular Review 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 within thirty (30) days from receipt of the written decision of the Board. The decision of the Provost 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:
  - 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 or persons who have judged his/her performance to be deficient, to discuss with this person or persons 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 a meeting in writing within 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 within thirty (30) days after receipt of written notice of the judgment.
  - d. The decision of the Provost 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 or persons who have judged his/her performance to be deficient. The student must request such a meeting in writing within ten (10) days from receipt of the notice. The student shall be given the opportunity to discuss with this person or persons 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.
  - c. If the student is dissatisfied with the outcome of the meeting outlined in (b) above, the student may file an appeal with the Chairperson of the Academic Standards and Curricular Review Committee who shall refer the matter to the Academic Appeals Board. In such cases at least two (2) of the faculty and student members of the hearing panel must be chosen from Board members appointed from the constituent college or school involved.

- This appeal must be filed within ten (10) days after receipt of written notice of the decision.
- d. If the student is dissatisfied with the decision of the Academic Appeals Board, the student may appeal the decision to the Provost within thirty (30) days after receipt of written notice of the decision.
  - e. The decision of the Provost is final.

3. Graduate Students:

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

4. Medical Students:

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

VI. Undergraduate Academic Appeals Board

A. Description and Jurisdiction

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

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

B. Composition of the Board

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

1. Faculty Members:

The dean of each of the constituent colleges and schools of the University shall appoint three (3) faculty members from his/her unit to serve on the Board. Such appointments shall be made annually in the Fall semester.

2. Student Members:

The President of Student Government shall appoint two (2) students from each of the constituent colleges and schools of the University. All student members of the Board must be in good academic, financial, and disciplinary standing with the University and must have been enrolled for at least two (2) semesters at Marshall. If, for any reason, the President of the Student Government fails or is unable to appoint student members from any constituent college or school, then the dean of that constituent unit may appoint such student members.

3. Hearing Officers:

The Academic Standards and Curricular Review Committee shall appoint the Hearing Officer of the Board and two (2) alternates. The Hearing Officer and alternates must have previously served on the Board.

C. Selection of Members for an Individual Hearing

An individual Hearing Panel shall be composed of two (2) faculty members, one student member, and one non-voting Hearing Officer. The members of the Hearing Panel shall be chosen randomly by the Chairperson of Academic Standards and Curricular Review Committee or his/her designee. In appeals arising from dismissal from an academic program at least two (2) of the faculty and student members of the panel must be chosen from Board members appointed from the constituent college or school involved.

VII. Hearing Procedures

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

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

- D. Prior to the scheduled hearing, the members of the Board may convene in closed session to examine the content of the appeal, the specific issues to be considered, and all supporting documents.
- E. The student with his/her advisor if any, will be called before the Board and the Hearing Officer will then restate the nature of the appeal and the issues to be decided.
- F. The hearing shall be closed. All persons to be called as witnesses, other than the appellant, with his/her advisor, if any, and the appellee and his/her advisor, if any, will be excluded from the hearing room. Any person who remains in the room after the hearing has begun will be prohibited from appearing as a witness at the discretion of the Hearing Officer.
- G. Anyone disrupting the hearing, may be excluded from the hearing room if, after due warning, he/she engages in conduct which substantially delays or disrupts the hearing, in which case the hearing shall continue and the Board shall make a determination based on the evidence presented. If excluded, the person may be readmitted on the assurance of good behavior. Any person who refuses the Board's order to leave the hearing room may be subject to appropriate disciplinary action pursuant to Marshall University policy. When a student is ejected for disruptive behavior and does not have a recognized representative, the hearing officer will appoint one.
- H. Except as provided in G and K herein, all evidence must be presented in the presence of the student.
- I. The student or other parties involved may petition the Hearing Officer for a subpoena or a request for appropriate written information or documents.
- J. 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.
- K. The Board may admit as evidence any testimony, written documents, or demonstrative evidence which it believes is relevant to a fair determination of the issues. Formal rules of evidence shall not be applicable in academic appeal hearings.
- L. If the student appellant or the appellee fails to appear at a hearing and fails to make advance explanation for such absence which is satisfactory to the Board, or if the student appellant or the appellee leaves before the conclusion of the hearing without permission of the Board, the hearing may continue and the Board may make a determination on the evidence presented at the hearing, or the Board may, at its discretion, dismiss the appeal.
- M. Upon completion of the testimony and presentation of evidence, all persons, except Board members will be required to leave the room. The Board will then meet in closed session to review the evidence presented. The Board shall make its findings based upon a preponderance of evidence. The Board shall reach its determination by a majority vote. The results shall be recorded in writing and filed with the Chairperson of the Academic Standards and Curricular Review Committee and the Provost. If the Board's decision includes the imposition of academic sanction, the sanction given and its duration must be specified for the record. A report of a dissenting opinion or opinions may be submitted to the Chairperson of the Academic Standards and Curricular Review Committee and the Provost by any Hearing Officer. The actual vote of the Board will not be disclosed. The Hearing Officer is a non-voting member of the Board.
- N. The findings of the Board and any sanction shall be announced at the conclusion of the hearing. The student, the faculty member, and the appropriate Academic Dean shall be notified in writing of the findings and any sanction at the conclusion of the hearing.  
A record of the hearing shall be prepared in the form of summary minutes and relevant attachments and will be provided to the student upon request.  
The student, or any other person, may not tape the proceedings.
- P. In an appeal related to a final grade the appeals board will complete the change of grade forms and submit that information to the Registrar, the faculty member and the appropriate Academic Dean.
- Q. Within thirty (30) days following receipt of the Board's decision, the student may file an appeal with the Provost who shall review the facts of the case and take such action as deemed appropriate under all the circumstances. The Board's findings and sanction, if any, may be affirmed, modified, or remanded to the original Hearing Board for further action as deemed appropriate by the Provost. A written brief stating grounds for appeal should be presented by the student to the Provost with the appeal. The scope of review shall be limited to the following:
  1. Procedural errors.
  2. Evidence not available at the time of the hearing.
  3. Insufficient evidence to support the findings of the Board.
  4. Misinterpretation of university policies and regulations by the Board.
  5. A sanction disproportionate to the offense.
  6. Lack of jurisdiction.
- R. The decision of the Provost is final. The student, the faculty member, the appropriate Academic Dean, and the Registrar shall be notified in writing of the Provost's decision.

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



# GRADUATE STUDENTS

## GRADE APPEAL POLICY, ACADEMIC PROBATION, INELIGIBILITY FOR SCHOLASTIC DEFICIENCIES, AND ACADEMIC DISHONESTY

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#### II. Definitions:

- A. Graduate Dean: the chief academic officer of the Graduate School who will also serve in an advisory capacity to the student. The student is encouraged to contact the Graduate Dean for guidance on any appeal.
- B. Academic Deficiency: failure to maintain the academic requirements and standards as established by Marshall University and its constituent colleges and schools other than those relating to academic dishonesty. This shall include but is not limited to the criteria for maintenance of satisfactory academic progress, i.e. quality point average, special program requirements, professional standards, etc.
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Academic dishonesty also includes conspiring with or knowingly helping or encouraging a student to engage in academic dishonesty.
- D. Day: shall refer to a calendar day.
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- G. University Community: faculty, staff, or students at Marshall University.
- H. President's Designee: Provost.
- I. Provost: 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 Graduate Academic Appeals Board for good cause. If the appeals do not meet the established deadlines the issue is no longer appealable.

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  - 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 West Virginia Board of Regents and with the fundamentals of due process, and
  - 4. probation, suspension, and dismissal standards and requirements.
- I. Normally, a student has the right to finish a program of study according to the requirements under which he/she was admitted to the program. Requirements, however, are subject to change at any time, provided that reasonable notice is given to any student affected by the change.

#### IV. Academic Sanctions

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

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

B. Academic Probation:

1. For Academic Deficiency:

a. Graduate Students

Any student whose grade point average falls below 3.0 will be placed on academic probation by the Graduate Dean.

Following notification of probation and prior to subsequent registration, a student will be counseled by his/her advisor or the chairperson of the department of his/her program. During this session, the student will be advised of his/her deficiencies and the requirements for removing the deficiency within the next nine (9) semester hours of enrollment. A second advising period will follow the first grading of subsequent enrollment and will be designed to check the progress. If probationary status is not removed, the student may be subject to further academic action pursuant to these policies, including academic dismissal.

b. Medical Students:

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

2. For Academic Dishonesty

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

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

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

c. Surrender of Student Activity Card: Upon request the Student Activity Card is to be yielded to the Provost and all rights and privileges pertaining thereto forfeited for a specified period of time not to exceed one academic year.

A student violating any term of academic probation while on such probation will be subject to further academic sanction up to and including academic dismissal from the University.

C. Academic Suspension:

1. For Academic Deficiency:

a. Graduate Students

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

b. Medical Students

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

2. For Academic Dishonesty:

In those cases in which a student has been found guilty of academic dishonesty he/she may be academically suspended for a period of time not to exceed one academic year. During such period the student may not enroll in any course or program offered by Marshall

University or any of its constituent colleges or schools. A student violating any term of academic suspension while on such suspension will be subject to further academic sanction up to and including academic dismissal from the University.

D. Academic Dismissal:

This is defined as termination of student status, including any right or privilege to receive some benefit or recognition or certification. A student may be academically dismissed from a limited enrollment program and remain eligible to enroll in courses in other programs at Marshall University, or a student may be academically dismissed from the institution and not remain eligible to enroll in other courses or programs at Marshall University. The terms of academic dismissal from a program for academic deficiency are specified in Sec. IV, B.1. Academic dismissal from a program or from the University may also be imposed for violation of the University policy on academic dishonesty.

Academic Appeals:

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

A. Student appeals for instructor-imposed sanctions: The intent of the appeals process is to treat all parties fairly, and to make all parties aware of the appeals procedure.

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

1. Graduate students:

- a. The student should first attempt a resolution with the course instructor. This initial step must be taken within ten (10) days from the imposition of the sanction or in 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. If the instructor is unavailable for any reason, the process starts with the department chairperson.
- b. If the procedure in Step 1 (a) does not have a mutually satisfactory result, the student may appeal in writing to the department chairperson within the ten (10) days after the action taken in Step 1 (a), who will attempt to resolve the issue at the departmental level. When a student appeals a final grade, the faculty member must provide all criteria used in determining grades.
- c. Should the issue not be resolved at the departmental level, either the student or instructor may appeal in writing to the Dean of the Graduate School within ten (10) days of the action taken in Step 2 (b). The Dean will attempt to achieve a mutually satisfactory resolution.
- d. Should the issue not be resolved by the Dean, either the student or instructor may appeal in writing within ten (10) days of the action in Step 3 (c) to the Chairperson of the Graduate Committee who shall refer the matter to the Graduate Academic Appeals Board for resolution. The hearing panel has the right to seek additional documentation if necessary.

2. Medical Students:

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

B. Appeals for Academic Dishonesty:

Primary responsibility for the sanctioning for academic dishonesty shall lie with the individual instructor in whose class or course the offense occurred; however, charges of academic dishonesty may be filed by any member of the University community.

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

1. In those cases where the instructor imposes a sanction pursuant to Sec. IV, A, only and does not refer the matter to the department chairperson for additional sanctions, the student may appeal the sanction in accordance with the procedures described in Sec. V, A.
2. Where the offense is particularly flagrant or other aggravating circumstances are present, such as a repeat violation, the instructor may refer the matter to the department chairperson for additional sanctions as permitted by this policy. In addition any member of the University community may refer a case of academic dishonesty to the chairperson of the department in which the course involved is being offered. Allegations of academic dishonesty must be referred to the department chairperson within thirty (30) days from the date of the alleged offense.

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

- a. The department chairperson shall bring together the student involved and the faculty member and/or other complainant within ten (10) days from the date of referral. A written admission of guilt at this level may be resolved with a maximum penalty of "F" in the course.
- b. If the student denies guilt or disagrees with the sanction imposed or if the faculty member, other complainant, or chairperson feels that the penalties in Step (a) are insufficient for the act complained of, the case shall be forwarded in writing by the chairperson to the student's Graduate Dean within ten (10) days from the date of the meeting. The Graduate Dean shall bring together the student, the faculty member or other complainant, and the department chairperson to review the charges within ten (10) days from the date of referral. The Graduate Dean may impose any sanction permitted by Sec. IV of this policy.

- c. Should the student, faculty member, or other complainant be dissatisfied with the determination of the Graduate Dean, the case may be appealed in writing within ten (10) days of the dean's written decision to the Chairperson of the Graduate Committee who shall refer the case to the Graduate Academic Appeals Board for resolution.
- d. Should the student, faculty member, or other complainant be dissatisfied with the determination of the Graduate Academic Appeals Board then he/she may file an appeal with the Provost within thirty (30) days from receipt of the written decision of the Board. The decision of the Provost shall be final.

C. Appeals For Academic Deficiencies:

1. In those cases in which a graduate 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 or persons who have judged his/her performance to be deficient, to discuss with this person or persons 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 a meeting in writing within 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 within thirty (30) days after receipt of written notice of the judgment.
  - d. The decision of the Provost is final.
2. In those cases in which a student has been or may be dismissed from a graduate 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 or persons who have judged his/her performance to be deficient. The student must request such a meeting in writing within ten (10) days from receipt of the notice. The student shall be given the opportunity to discuss with this person or persons 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.
  - c. If the student is dissatisfied with the outcome of the meeting outlined in (b) above, the student may file an appeal with the Chairperson of the Graduate Committee who shall refer the matter to the Graduate Academic Appeals Board. In such cases at least two (2) of the faculty and student members of the hearing panel must be chosen from Board members appointed from the constituent college or school involved. This appeal must be filed within ten (10) days after receipt of written notice of the decision.
  - d. If the student is dissatisfied with the decision of the Graduate Academic Appeals Board, the student may appeal the decision to the Provost within thirty (30) days after receipt of written notice of the decision.
  - e. The decision of the Provost is final.
3. Medical School Students:
 

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

VI. Graduate Academic Appeals Board

A. Description and Jurisdiction

The Graduate Academic Appeals Board is a permanent subcommittee of the Graduate

Committee. It is established to hear all appeals arising from the following:

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

B. Composition of the Board

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

1. Faculty Members:

The Graduate Dean shall appoint three (3) faculty members from his/her unit to serve on the Board. Such appointments shall be made annually in the Fall semester.

2. Student Members:

The President of Graduate Student Council shall appoint two (2) graduate students. All student members of the Board must be in good academic, financial, and disciplinary standing with the University and must have been enrolled for at least two (2) semesters at Marshall. If, for any reason, the President of the Graduate Student Council fails or is unable to appoint student members, then the Graduate Dean may appoint such graduate student members.

3. Hearing Officers:

The Graduate Committee shall appoint the Hearing Officer of the Board and two (2) alternates. The Hearing Officer and alternates must have previously served on the Board.

C. Selection of Members for an Individual Hearing

An individual Hearing Panel shall be composed of two (2) faculty members, one student member, and one non-voting Hearing Officer. The members of the Hearing Panel shall be chosen randomly by the Chairperson of the Graduate Committee or his/her designee.

VII. Hearing Procedures

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

- A. The time and place of the hearing are determined by the Hearing Officer. The hearing should be held within sixty (60) days of the written request. Upon written request, the Hearing Officer may, at his/her discretion, grant a continuance to any party for good cause.
- B. The Hearing Officer will notify the appellee, appellant, and other appropriate parties in writing at least five (5) days prior to the hearing, of the date, time, and place of the hearing. A statement of the facts and evidence to be presented in support of the student's grounds for appeal will be provided to the appellee in appropriate cases.
- C. The appellant student and the appellee have the right to an advisor. Advisors must be members of the University community (faculty, staff, or student). Such advisors may consult with but may not speak on behalf of their advisees or otherwise participate directly in the proceedings, unless they are given specific permission to do so by the Hearing Officer. **Attorneys are not permitted to appear on behalf of any appellant or appellee.**
- D. Prior to the scheduled hearing, the members of the Board may convene in closed session to examine the content of the appeal, the specific issues to be considered, and all supporting documents.
- E. The student with his/her advisor if any, will be called before the Board and the Hearing Officer will then restate the nature of the appeal and the issues to be decided.
- F. The hearing shall be closed. All persons to be called as witnesses, other than the appellant, with his/her advisor, if any, and the appellee and his/her advisor, if any, will be excluded from the hearing room. Any person who remains in the room after the hearing has begun will be prohibited from appearing as a witness at the discretion of the Hearing Officer.
- G. Anyone disrupting the hearing, may be excluded from the hearing room if, after due warning, he/she engages in conduct which substantially delays or disrupts the hearing, in which case the hearing shall continue and the Board shall make a determination based on the evidence presented. If excluded, the person may be readmitted on the assurance of good behavior. Any person who refuses the Board's order to leave the hearing room may be subject to appropriate disciplinary action pursuant to Marshall University policy. When a student is ejected for disruptive behavior and does not recognized representation, the Hearing Officer will appoint one.
- H. Except as provided in G and K herein, all evidence must be presented in the presence of the student.
- I. The student or other parties involved may petition the Hearing Officer for a subpoena or a request for appropriate written information or documents.
- J. 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.
- K. The Board may admit as evidence any testimony, written documents, or demonstrative evidence which it believes is relevant to a fair determination of the issues. Formal rules of evidence shall not be applicable in academic appeal hearings.

- L. If the student appellant or the appellee fails to appear at a hearing and fails to make advance explanation for such absence which is satisfactory to the Board, or if the student appellant or the appellee leaves before the conclusion of the hearing without permission of the Board, the hearing may continue and the Board may make a determination on the evidence presented at the hearing, or the Board may, at its discretion, dismiss the appeal.
- M. Upon completion of the testimony and presentation of evidence, all persons, except Board members will be required to leave the room. The Board will then meet in closed session to review the evidence presented. The Board shall make its findings based upon a preponderance of evidence. The Board shall reach its determination by a majority vote. The results shall be recorded in writing and filed with the Chairperson of the Graduate Committee and the Provost. If the Board's decision includes the imposition of academic sanction, the sanction given and its duration must be specified for the record. A report of a dissenting opinion or opinions may be submitted to the Chairperson of the Graduate Committee and the Provost by the Hearing Officer. The actual vote of the Board will not be disclosed. The Hearing Officer is a non-voting member of the Board.
- N. The findings of the Board and any sanction shall be announced at the conclusion of the hearing. The student, the faculty member and the Graduate Dean shall be notified in writing of the findings and any sanction at the conclusion of the hearing.  
A record of the hearing shall be prepared in the form of summary minutes and relevant attachments and will be provided to the student upon request.
- O. The student, or any other person, may not tape the proceedings.
- P. In an appeal related to a final grade, the appeals board will complete the change of grade forms and submit that information to the Registrar, the faculty member and the Graduate Dean.
- Q. Within thirty (30) days following receipt of the Board's decision, the student may file an appeal with the Provost who shall review the facts of the case and take such action as deemed appropriate under all the circumstances. The Board's findings and sanction, if any, may be affirmed, modified, or remanded to the original Hearing Board for further action as deemed appropriate by the Provost. A written brief stating grounds for appeal should be presented by the student to the Provost with the appeal. The scope of review shall be limited to the following:
1. Procedural errors.
  2. Evidence not available at the time of the hearing.
  3. Insufficient evidence to support the findings of the Board.
  4. Misinterpretation of university policies and regulations by the Board.
  5. A sanction disproportionate to the offense.
  6. Lack of jurisdiction.
- R. The decision of the Provost is final. The student, the faculty member, the Graduate Dean, and the Registrar shall be notified in writing of the Provost's decision.

Approved by Graduate Committee

**Recommendation #2**

The Faculty Senate accepts the election procedures outlined by the Executive Committee as amended.

Faculty Senate President:

Approved Rayney Duke Date 4/3/89

Disapproved \_\_\_\_\_ Date \_\_\_\_\_

University President:

Approved Don Abbott Date 4/3/89

Disapproved \_\_\_\_\_ Date \_\_\_\_\_

**Recommendation #3**

The Faculty Senate approves the By-Laws and Constitutional changes presented by the By-Laws Committee as amended.

Faculty Senate President:

Approves Rayney Duke Date 4/3/89

Disapproves \_\_\_\_\_ Date \_\_\_\_\_

University President:

Approves Don Abbott Date 4/3/89

Disapproves \_\_\_\_\_ Date \_\_\_\_\_

## PROCEDURES FOR ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE OF THE FACULTY SENATE

1. Candidates may send out a one-page platform and vitae, etc., if so desired; it should be sent to the Senate Office ready to copy; it will be duplicated and mailed to Senators by the Senate Office. Deadline: ten days before the May meeting of the new Senate to elect officers (April 24).
2. The person making a nomination should check with the candidate to make sure he/she is interested. A candidate should have someone prepared to nominate him/her.
3. Candidates may, but are not required to, make a five-minute platform presentation. Platforms will be presented alphabetically by last name for each office; no discussion after the presentation of the platform.
4. Voting will be by secret ballot (Constitution, Article VI, Section 5) and tallied before nominations for the next office.
5. Votes will be tallied by a committee of three tellers from the new Senate representing different colleges appointed by the current president.
6. The members of the Executive Committee may serve a second term.
7. Each college has a representative on the Executive Committee (Constitution, Article VI, Section 5).
8. The new president will ask for volunteers for liaisons to standing committees; the new Executive Committee chooses the liaisons.
9. Anyone interested in being a liaison should turn his/her name in before the May meeting of the new Senate.
10. The new Senate will meet the first Thursday in May to elect officers and Executive Committee.
11. The new Executive Committee will meet with the old Executive Committee until the new committee takes office at the beginning of the fall semester.



## Constitutional Changes & By-Laws

### **Constitutional Changes:**

Page 4- The Senate shall be responsible for the investigation and conducting of hearings on grievances from members of the faculty and student body, except for those covered by the various Board of Regents policy bulletins or those under the jurisdiction of other committees; it shall report...

Page 13- The Executive Committee... receives reports of ad hoc (delete "and search") committees for review and action either by standing committees or by the full Senate; receives reports from university-wide search committees for information and review; sets agenda...

Page 15; Section 7- (Falls under powers and functions of the Academic Standards and Curricula Review Committee) ...to approve or reject course and program requests from the appropriate academic units offering university credit; to revise current academic standards or devise new ones; to oversee all academic student programs; and process undergraduate student grade appeals.

Page 22; Section 5

#### F. Restrictions

Members of the Executive Committee are automatically barred from serving on any other standing committee of the Faculty Senate except as ex-officio, non-voting members as provided by the Faculty Constitution. Executive Committee members may, however, be appointed as full, voting members of ad hoc or search committees.

(It is recommended that the membership of all Standing Committees be reviewed to insure that no person is serving as a voting member on any two Standing Committees simultaneously.)

### **By-Law Changes:**

By-Law: #6- Once a recommendation is submitted to the University President from the Faculty Senate, it must be considered in toto for his/her approval. If any one part is not acceptable, the entire recommendation must be returned to the Faculty Senate along with an explanation for its disapproval. The Senate then has the responsibility to determine subsequent action with regard to its disposition.

## Other Recommendations:

A. It is the recommendation of the By-Laws Committee that an observer may attend a standing committee meeting for informational purposes only; the three-absence rule for standing committee members as stated in the Constitution shall stand.

B. The following recommendations were made by the By-Laws Committee with regard to committees which now seem to fall into the "other" category:

<u>Committee</u>	<u>Subcommittee of:</u>
1. University's Greatest Needs	Faculty Personnel
2. Faculty Development Policy	Faculty Personnel
3. Telecommunications	AS & CR
4. Faculty Salary Policy	Faculty Personnel
5. Salary Review	Faculty Personnel
6. SCORES	AS & CR
7. Committee to Study Student Fees	Student Conduct & Welfare
8. Honors	AS & CR
9. MCIE	AS & CR
10. Yeager	AS & CR
11. Summer School	Faculty Personnel
12. Quinlan	Research
13. Core Curriculum	AS & CR
14. Marshall & Shirley Renolds *	President (for awards)

\*Should be left as is with the Executive Committee responsible for any policy changes.

15. Queen Endowment	Research
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Committee Members:

Maureen Milicia  
Simon Perry  
Jenny Plumley  
Bob Sawrey  
Bill Sullivan  
Kay Wildman

**Recommendation #2**

The Faculty Senate accepts the election procedures outlined by the Executive Committee as amended.

Faculty Senate President:

Approved Ramsey Duke Date 4/3/89

Disapproved \_\_\_\_\_ Date \_\_\_\_\_

University President:

Approved David H. ... Date 4/3/89

Disapproved \_\_\_\_\_ Date \_\_\_\_\_

**Recommendation #3**

The Faculty Senate approves the By-Laws and Constitutional changes presented by the By-Laws Committee as amended.

Faculty Senate President:

Approves Ramsey Duke Date 4/3/89

Disapproves \_\_\_\_\_ Date \_\_\_\_\_

University President:

Approves David H. ... Date 4/3/89

Disapproves \_\_\_\_\_ Date \_\_\_\_\_