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Recommendations

Faculty Senate

2-20-2020

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Marshall University Faculty Senate

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**BUDGET AND ACADEMIC POLICY COMMITTEE
RECOMMENDATION**


SR-19-20-27 BAPC

Recommends that the Academic Dishonesty Policy (pages 73-76 in the 2019-2020 Undergraduate Catalog) and Sections IV through VIII (pages 78-84 in the 2019-2020 Undergraduate Catalog) under "Academic Rights and Responsibilities of Students" be changed as outlined in the attached document.

RATIONALE:

1. The new policy eliminates repetitions in the catalog and makes the language uniform.
2. At the request of Academic Affairs, the new policy adds language about the Academic Dishonesty Seminar that students can take to have the first charge of academic dishonesty removed from their record.
3. The proposed changes will reduce the total time to complete an academic appeal.

FACULTY SENATE CHAIR:

APPROVED BY THE
FACULTY SENATE: _____  DATE: 2/20/2020

DISAPPROVED BY THE
FACULTY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:
APPROVED:  DATE: 2-27-2020

DISAPPROVED: _____ DATE: _____

COMMENTS:

BUDGET AND ACADEMIC POLICY COMMITTEE RECOMMENDATION

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Undergraduate catalogue pages 73-76 with suggested revisions.

Please note: additions are bolded and italicized; subtractions are struck through.

The most recent (Jan. 2020) revisions are highlighted in green.

Academic Dishonesty Policy

Introduction

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

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

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

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

Definitions of Academic Dishonesty

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

- *Cheating*: Any action which, if known to the instructor in the course of study, would be prohibited. This includes:
 - The unauthorized use of any materials, notes, sources of information, study aids or tools during an academic exercise.
 - The unauthorized assistance of a person other than the course instructor during an academic exercise.
 - The unauthorized viewing of another person’s work during an academic exercise.
 - The unauthorized securing of all or any part of assignments or examinations, in advance of submission by the instructor.
- *Fabrication/Falsification*: The unauthorized invention or alteration of any information 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:

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- 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, paraphrasing and the citation of the original source. Students are responsible for both intentional and unintentional acts of plagiarism.

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

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

Sanctions

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

~~The instructor may impose the following sanctions:~~

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

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

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

~~In those cases in which the offense is particularly flagrant or where there are other aggravating circumstances;~~

~~additional, non-academic, sanctions may be pursued through the Office of Judicial Affairs. A student will be informed in writing by the instructor or responsible office, of any charges and subsequent sanctions imposed for academic dishonesty (See "Reporting" below). Written notification of academic dishonesty charges (and the inclusion of confirmed charges/sanctions in a student's records) is designed to inform a student of the potential repercussions of repeat offenses and his/her rights of appeal. If a student believes that charges of academic dishonesty have been erroneously levied, he/she should appeal such charges in accordance with the process outlined below.~~

~~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.~~

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Sanctions:

Sanctions for academic dishonesty may be imposed by the instructor of the course, the department chairperson, the Academic Dean or the Dean of Undergraduate Studies. Students may not withdraw from the course to avoid a sanction. A faculty member may not exclude a student from the course until all appeals are complete.

The appropriate sanction(s) for an act of misconduct must be decided on a case-by-case basis as appropriate by academic discipline, teaching method, course level, and degree of misconduct. When possible, the sanction should be selected with the aim of aiding the student in understanding the seriousness of their behavior and the consequences of ethical misconduct. The faculty member may issue any of the sanctions listed below.

a. The instructor may impose at his or her discretion the following sanctions should the student choose not to appeal or loses an appeal of an academic dishonesty charge:

- *Warning letter*

- *Retake/Replace Assignment:*
An appropriate sanction for minor violations in which the student admits culpability for a minor violation, generally poor citations or other plagiarism without intent to defraud, is allowing a student to retake an assignment or to make-up an assignment with different work. These assignments should have a maximum score less than that of the initial assignment.

- *No Credit ("0" for Assignment):*
This is the recommended sanction for most minor academic dishonesty. This sanction is appropriate for collaborating on homework and/or minor plagiarism in a writing assignment. If this action affects the student's final grade, a grade of "Incomplete" should be given at the end of a semester pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.

- *Exclusion from class activities:*
When an individual student's conduct may negatively impact another student(s) academic performance such as in labs or group work, the instructor may assign the identified student to work independently on any required assignments/labs. This action may be taken immediately, prior to the conclusion of an appeal.

- *Reduction of Final Course Grade / Failure of Course*
These sanctions are recommended for most major violations of academic integrity. Such violations include cheating on a midterm or final exam, plagiarizing a term paper, or other misconduct on a major cumulative experience. A grade of "Incomplete" should be given at the end of a semester pending the completion of the appeal process. Upon completion, the appropriate grade change can be made.

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Temporary Prohibition From Retaking the Class

A student who is appealing a charge of Academic Dishonesty may not retake the same course in which the charge was made, with the instructor who made the charge, until the appeal is complete, unless such a prohibition would necessarily delay the student's graduation.

b. 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 Student Conduct.

c. The instructor or responsible office must notify any student accused of an offense within five (5) instructional days of the discovery of the incident, in writing, and outline 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.

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d. 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 five (5) instructional days of the accusation.

In addition, 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.) must be reported to the Office of Academic Affairs within ten (10) instructional days of the action.

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.

Repeat Offenses:

The Office of Academic Affairs will impose sanctions for repeated academic dishonesty charges after consultation with the appropriate department chairs and deans.

- *A student's record of academic dishonesty charges will be maintained throughout his/her enrollment at Marshall University. As a result of the first offense, a student can choose to be enrolled in an Academic Integrity Seminar within thirty (30) instructional days of the sanction. The first offense may be expunged from the student's record upon successful completion of the Academic Integrity seminar, but a record of this offense will remain with Academic Affairs. Students who appeal the academic dishonesty charge can enroll in the seminar if the appeal is unsuccessful. Again, the student must enroll within thirty (30) instructional days of the end of the appeal. Specific information regarding the Academic Integrity Seminar can be obtained in the Office of Student Advocacy, Memorial Student Center, Room 2W40.*
- *A student who has successfully completed the Academic Integrity seminar, and is charged with a second offense may not retake the seminar. This student will be placed on academic probation for a period ~~not to exceed of~~ one calendar year. If this student is charged with a third offense he or she will be suspended for a period of one ~~academic~~ year. If this student is charged with a fourth offense, he or she will be expelled from the university.*
- *If a student elects not to complete the Academic Integrity Seminar, he or she will be suspended after his or her second offense and expelled after his or her third offense.*
- *A suspension issued due to academic dishonesty must be served prior to any degree being awarded to the student.*

Reporting:

Any time an accusation of academic dishonesty is reported to the Office of Academic Affairs, 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 five (5) days of the accusation.

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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. 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.

*Revised by Marshall University Board of Governors
July 12, 2013*

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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.)

Academic Probation and Suspension

For information on Financial Aid Probation, please see the section on Student Financial Assistance.

Probation for Academic Deficiencies

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.

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- 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.

Suspension for Academic Deficiencies

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.

- a. 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	0-29	30-59	60-89	90 or more
Quality Point Deficit	20	15	12	9

- b. 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.**
- 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.

Probation for Academic Dishonesty

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.

Suspension for Academic Dishonesty

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).

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Undergraduate Catalogue pages 78-84 with suggested revisions.

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 fourteen (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

2. For Academic Dishonesty:

Please see pages (page numbers to be inserted) for discussions of sanctions for academic dishonesty, for reporting, and for recording.

~~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.)~~

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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.

e. 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. 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. *

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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 0-29 GPA hours will be suspended if they have 20 or more quality point deficiencies; with 30-59 hours, they will be suspended with 15 or more quality point deficiencies; with 60-89 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.

2. For Academic Dishonesty

In those cases in which a student has been found guilty of a second academic dishonesty offense, *or a third offense after he or she has taken the Academic Integrity Seminar, he/she he or 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 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 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:

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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~~ *issue* 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 has ten (10) instructional days from the receipt of an individual grade on an academic exercise to begin a formal appeal. The student has ten (10) instructional days from the beginning of the next regular term (not including summer terms) to formally appeal a final grade. Appeal hearings are generally not held during the summer terms, except in cases of dismissal from program, suspension, or expulsion.*

Within the prescribed ten (10) instructional days, the student must attempt an informal resolution with the course instructor. If no resolution is reached, and the student wants to begin a formal appeal, the student must make an appointment and meet with a representative in the Office of Student Affairs to begin the formal appeal process. A student can reach the Office of Student Affairs by telephone at 304-696-6422 or by email at studentaffairs@marshall.edu.

Within five (5) instructional days of the meeting with a representative of the Office of Student Affairs, the student must formally appeal to the instructor, in writing. The student who initiates an appeal is responsible for submitting all applicable documentation. The course instructor must respond to the student in writing within five (5) instructional days after the student has submitted the appeal documentation. If the course instructor does not respond to the student in five (5) instructional days, the appeal process continues to the department chairperson or division head. If the instructor is unavailable, the process starts with the department chairperson or division head.

- ~~1. The student should first attempt a resolution with the course instructor. This initial step must be taken within ten (10) instructional days from the imposition of the sanction or, in the case of an appeal of a final grade in the course, within thirty (30) ten (10) instructional days of the beginning of the next regular term (Fall or Spring). 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 **formal appeal to the instructor** does not have a mutually satisfactory result, the student may appeal in writing to the department chairperson or division head (or designated representative) within ten (10) five (5) days after the action taken in Step 1, receipt of the response from the instructor. The department chairperson or division head who will attempt to resolve the issue at the*

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departmental level. *The faculty member must provide to the department chair or division head all criteria used for determining grades.* The department chairperson or division head ~~is to~~ **must** respond to the student in writing within ~~ten (10)~~ **five (5) instructional** 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, *within five (5) instructional days*, the appeal process continues to the next level *the Dean of the college or school in which the course is offered*. 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, If the formal appeal to the department chairperson or division head does not have a mutually satisfactory result~~, either the student or instructor may appeal in writing to the Dean of the college *(or designated representative)* in which the course is offered within ~~ten (10)~~ **five (5) instructional** days ~~of the action taken in Step 2~~ *after the receipt of the response from the chairperson or division head*. ~~This person~~ *The Dean of the college will attempt to achieve a mutually satisfactory resolution, and if the resolution fails, must* ~~is to~~ respond to the student or instructor in writing within ~~ten (10)~~ **five (5) instructional** days after the student *or instructor* has submitted the appeal documentation. If the person named above does not respond to the student *or instructor* 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 appeal not be resolved by the Dean of the college within which the course is offered~~, either the student or instructor may appeal in writing within ~~ten (10)~~ **five (5) instructional** days ~~of the action taken in Step 3~~ from the responses of the Dean to the Budget and Academic Policy Committee (**BAPC**) which shall refer the matter to the Academic Appeals Board which determines if an appeal hearing is justified *to review the appeal for adherence to policy. If the appeal follows policy*. ~~If the University Academic Appeals Board determines a hearing is justified~~, the Board will schedule a hearing. *If, however, the board determines that the timeline described above has been violated by the student or the instructor, or that the proper documentation has not been submitted, the board can terminate the process.* The Academic Appeals Board *also* has the right to seek additional documentation if necessary. The Academic Appeals Board has thirty (30) **instructional** 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)~~ **five (5) instructional** 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 then either party~~ *If the determination of the Hearing Panel does not have a mutually satisfactory result, then the student or instructor* may file an appeal with the Provost and Senior Vice President for Academic Affairs within ~~thirty (30)~~ **fifteen (15)** days of *written* receipt of the decision of the ~~Board~~ *Hearing*

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Panel. The decision of the Provost and Senior Vice President for Academic Affairs must be rendered in writing within ~~ten (10)~~ **fifteen (15) instructional** days of receipt of the appeal, and shall be final.

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~~ **the Academic Dishonesty Policy** (see p. **???**) policy.

1. In those cases where the instructor imposes a sanction pursuant to part IV, A, only, 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).

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)~~ **ten (10) instructional** 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 within ~~ten (10)~~ **five (5) instructional** 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)~~ **five (5) instructional** days from the date of referral. The student's Academic Dean 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, the case may be appealed in writing within ~~ten (10)~~ **five (5) instructional** 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)~~ **five (5) instructional** days after the hearing to make **written** 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 within ~~thirty (30)~~ **fifteen (15)** days from the receipt of the written decision of the Board or Panel.

6. The decision of the Provost and Senior Vice President for Academic Affairs shall be final.

VI. Academic Appeals Board

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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.~~ *sanctions for academic dishonesty.*
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 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 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.

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

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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)~~ **thirty (30) instructional** days of receiving the written request of the **Academic Appeals Board verification of adherence to university policies**. 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) **instructional** 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~~ **his or 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.
- H. Anyone disrupting the hearing may be excluded from the hearing room if, after due warning, ~~he/she~~ **he or 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.

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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.~~

Note: letters below have been adjusted.

J. The student **appellant** 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 instructional** 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.

K. The Hearing ~~Panel~~ **officer** 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 Hearing ~~Panel~~, **officer**, or if the student **appellant or the appellee** leaves before the conclusion of the hearing without permission of the Hearing ~~Panel~~ **officer**, 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.

M. 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. 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 by any Hearing Officer.

~~N. 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 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.~~ ***The written results of the hearing and the reporting of any dissenting opinions will go to the student, the instructor, the appropriate Academic Dean, the Chairperson of the Budget and Academic Policy Committee, and the Provost and Senior Vice President of Academic Affairs within five (5) instructional days upon the conclusion of the Hearing Panel.***

O. No one may tape the proceedings.

~~P. 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.~~

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P. Within ~~thirty (30)~~ **fifteen (15) instructional** 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. 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. 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.

Q. The Provost and Senior Vice President of Academic Affairs may affirm or modify the panel's findings and sanctions. ~~if any, or remand the case to the Academic Appeals Board for further action.~~ The decision of the Provost and Senior Vice President for Academic Affairs is final. ~~He/she~~ **He or she** will give written-notification of the final decision to the student, the faculty member, the appropriate Academic Dean and, as appropriate, the Registrar.

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