

# UNIVERSITY POLICIES AND PROCEDURES

## Affirmative Action Policy Statement

It is the policy of Marshall University to provide equal opportunities to all prospective and current members of the student body, faculty, and staff on the basis of individual qualifications and merit without regard to race, color, sex, religion, age, disability, national origin, or sexual orientation. This nondiscrimination policy also applies to all programs and activities covered under Title IX, which prohibits sex discrimination in higher education. Marshall University strives to provide educational opportunities for minorities and women in the graduate student body which reflect the interest, individual merit and availability of such individuals. The University ensures equality of opportunity and treatment in all areas related to student admissions, instructions, employment, placement accommodations, financial assistance programs and other services.

## Administrative Steps for filing a Complaint Regarding a Student or Student Organization

Marshall University expects all members of its community to act in respectful and responsible ways toward one another. Marshall University is committed to providing programs, activities and an educational environment free from discrimination and harassment of any kind. To file a general complaint against a student or student organization complete the General Complaint Form ([https://marshall-advocate.symplicity.com/public\\_report/](https://marshall-advocate.symplicity.com/public_report/)) or contact the Office of Student Conduct, 2W29 Memorial Student Center, or call 304-696-2495.

## Sexual Misconduct

According to Title IX, the Education Amendments Act of 1972, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." To file a complaint regarding sexual misconduct, complete the Title IX Complaint Form ([https://marshall-advocate.symplicity.com/titleix\\_report/](https://marshall-advocate.symplicity.com/titleix_report/)) or contact the Title IX office in Old Main 324 at 304-696-2934.

## Clery Act and Title IX Educational Program

### Required training for all incoming graduate students

To maintain compliance with the Clery Act and Title IX requirements, Marshall University requires all incoming graduate students to complete a sexual assault and interpersonal violence prevention education program as approved by the Vice President of Student Affairs. The training also ensures students learn of the campus resources related to sexual assault and interpersonal violence. Students who do not complete the training by the end of the 8th week of their first semester of enrollment may not register for additional courses until completing the training. Students will receive multiple notifications regarding this required training program.

## Copyright Compliance

Marshall University complies with U.S. copyright law, which prohibits unauthorized duplication and use of copyrighted materials, including written, audio-visual, and computer software materials. Further information is available on Marshall's website at [www.marshall.edu/it/copyright-education](http://www.marshall.edu/it/copyright-education) (<http://www.marshall.edu/it/copyright-education/>).

## Education Records

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within forty five days of the day the University receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Marshall University to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:  
Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, SW  
Washington, DC 20202-4605

## Liability

Marshall University, as a state agency, cannot assume responsibility for loss of or damage to the personal property of students. Furthermore, the university cannot assume responsibility for personal injury to students.

## Sexual Harassment Policy Statement

Sexual Harassment, a form of sex discrimination, is illegal and against the policies of the university. Sexual Harassment involves:

1. making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of employment or education, or
2. making submission to or rejection of such conduct the basis for employment or educational decisions, or
3. creating an intimidating, offensive or hostile environment by such conduct.

Anyone who believes he or she has been the subject of Sexual Harassment should report the alleged conduct immediately to an appropriate university representative or directly to the Office of Equity Programs, located in 206 Old Main.

## Students with Disabilities

### Introduction

Marshall University is committed to providing equal opportunity and access to all programs, services, and activities for students with disabilities. Marshall has three (3) offices or centers that provide services for students with disabilities. These programs include two nationally recognized centers for excellence: the College Program for Students with Autism and the Higher Education Learning Problems (H.E.L.P.) Program. Each of these has different intake processes and procedures. Please check with each program for specific questions. For more specific information on their services, processes, and fees, please use the web links that follow:

### The Office of Disability Services (ODS)

[www.marshall.edu/disability/](http://www.marshall.edu/disability/) (<http://www.marshall.edu/disability/>)

The Office of Disability Services is the university-wide office responsible for working with both faculty and students with disabilities to provide reasonable accommodations, assistive technology, and/or auxiliary aids and services. This office helps to ensure Marshall University is providing equal opportunity and access for all students with disabilities without cost to the students.

### College Program for Students with Autism Spectrum Disorder

[www.marshall.edu/collegeprogram/](http://www.marshall.edu/collegeprogram/) (<http://www.marshall.edu/collegeprogram/>)

(Focus is on students with autism.)

Participation in this program requires that students pay for services. College Program services are highly individualized, but every student receives supports from graduate assistants and West Virginia Autism Training Center staff who work to oversee that the student is accessing the services they need to have a successful college experience. 94% of students who have received College Program supports have graduated or are currently on track to graduate. College Program staff are also

available to provide Allies Supporting Autism Spectrum Diversity Training to campus departments. The one-hour online or in-person training can be tailored to fit the needs of various populations such as faculty member, peers, community members, and employers. The College Program also hosts a 3-day employment preparedness workshop in June and a high school summer transition program during summer session III.

### H.E.L.P. Program

[www.marshall.edu/help/](http://www.marshall.edu/help/) (<http://www.marshall.edu/help/>)

(Focus is on students with learning disabilities.)

Participation in this program requires that students pay for services. The H.E.L.P. Program (Higher Education Learning Problems) is located in Myers Hall, on the Huntington campus of Marshall University. H.E.L.P. is a comprehensive academic support program for Marshall University students with diagnosed Specific Learning Disabilities (SLD) and/or Attention Deficit Hyperactivity Disorder (ADHD). The H.E.L.P. Program offers one-on-one academic tutoring, academic coaching, and diagnostic evaluations. Students participating in the program must have met acceptance criteria for Marshall University and are considered for entry to the H.E.L.P. Program, via a separate application process.

## Confidentiality and Disability Disclosure Statement

Students with disabilities are admitted to Marshall University under the same admittance criteria and process for all students. Students with disabilities are not required to disclose their disability during the admissions process nor during their time at Marshall. However, if they seek accommodations including assistive technology, or auxiliary aids/services they must make their request to the Office of Disability Services.

## Accessibility

Marshall University is committed to making all programs, services, and activities fully accessible to students with disabilities.

According to the U. S. Department of Education's OCR Compliance Review No. 11-11-6002:

"Accessible" means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. Educational benefits and opportunities afforded by technology are "accessible" if a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. A person with a disability must be able to obtain the information and engage in the same interactions as fully, equally, and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

## Requesting Services

### Registration and Documentation

To receive accommodations, assistive technology, and/or auxiliary aides, students must schedule an appointment with the Office of Disability Services Director to register for services. Web conferencing can be arranged for students who have long travel distances, take online courses, or are attending classes at remote campus locations. Students will need to schedule this initial appointment either through email or telephone contact to the Office of Disability Services director. At this initial meeting, students need to provide documentation of their need for reasonable accommodations, assistive technology, and/or auxiliary aids/services.

Please note that the H.E.L.P. Center and Autism Center's College Program have different intake procedures for students. Please contact them directly.

### Course Substitution

Students with disabilities may apply for course substitutions or waivers as a reasonable accommodation under the following policy:

#### Conditions

A student with a disability seeking a course substitution or waiver must meet the following conditions:

- Completion of the Course Substitution/Waiver Form. This form requires that the student attach a recent (within two years) diagnosis of a disability warranting a substitution or waiver. (The form is available in the Office of Disability Services, the H.E.L.P. office, the Buck Harless Student Athlete Program office, college deans' offices, and the office of the Dean of Student Affairs.) A licensed psychologist, a licensed school psychologist, or a properly credentialed education specialist must have made the diagnosis in the case of a learning disability.
- Verification on the Course Substitution/Waiver Form from the dean of the student's college, upon recommendation by the faculty of the department in which the student is a major, that the course for which a substitution is requested is not an integral part of the student's course of study. If the course is integral to the course of study the substitution or waiver request shall not go forward.
- Submission of the Course Substitution/Waiver Form to the Office of Disability Services.

#### Procedure

Submission of the Course Substitution Form by the student to the Dean or Associate Dean initiates the process. Once the academic dean or associate dean signs the form, it is forwarded to the Office of Disability Services. The Office of Disability Services confirms that a diagnosis of a disability is presented by the student and that the disability is known to hinder or prevent successful completion of the course of study for which the substitution is requested. If there is no such diagnosis the request is denied. If the appropriate diagnosis is presented the Office of Disability Services proceeds to contact the Academic Dean and Department for which the substitution is requested. All materials submitted by the student are forwarded to these faculty members with a certification that the student has presented a diagnosis of a disability warranting a substitution. The Academic Dean and Department faculty are charged with identifying courses that would constitute appropriate substitution and reporting these courses to the Office of Disability Services.

A student who is denied a course substitution or waiver may appeal in writing within 10 working days to the Provost/Senior Vice President for Academic Affairs, whose decision is final. Students should be aware that a course substitution/waiver would not be valid at any other institution and would have to be approved by the new college or department if the student changes major or declares a second major at Marshall University.

### Appeals Process

Students who believe they have been inappropriately denied a reasonable accommodation by the Autism Training Center, the H.E.L.P. Center, or the Office of Disability Services may appeal as follows.

*Step One:* The student will submit the Accommodation Appeal Form to the Office of Disability Services within two (2) days of the denial of accommodations. This appeal form requires the recommended accommodations as provided by a licensed physician, psychologist or other appropriate medical professional. In addition, the student will provide a written statement indicating why the denial of the accommodations is in error and a potential detriment to the student's ability to participate in curricular and co-curricular activities.

The Office of Disability Services will, within five (5) business days, attempt to informally resolve the appeal. Resolution may be an affirmation of the refusal of the accommodation with a rationale for the decision, recommend provision of the accommodation, or submission of the appeal form for a Step Two review.

*Step Two:* If the student is not satisfied with the decision from Step One, he or she may forward the Accommodation Appeal Form within two (2) days of receipt the Step One decision to the Vice President for Student Affairs (VPSA), or his/her designee who will further investigate the appeal. This investigation may involve a meeting with the student, staff of Autism Training Center, the H.E.L.P. Center, and/or the Office of Disability Services, faculty and staff involved in the appeal, and others whose expertise may inform the review. The VPSA will render a decision, including a rationale, in a timely manner within five (5) business days. The VPSA may also submit the appeal form for a Step Three review.

*Step Three:* If the student is not satisfied with the decision from Step Two, he or she may forward the Accommodation Appeal Form within two (2) days of receipt the Step 2 decision to the Senior Vice President for Academic Affairs and Provost or his/her designee, (VP AA&P), who will further investigate the appeal. The VPAA&P will render a decision, including a rationale, within five (5) business days. The decision of the VP AA&P shall be final.

### Failure to Provide An Accommodation or Issues with Providing an Accommodation

Students, the Office of Disability Services, or the faculty or staff who believe an employee of Marshall University failed to or has issues with providing an accommodation approved by the Autism Training Center, the H.E.L.P. Center, and/or the Office of Disability Services will submit the Accommodation Complaint Form to the Office of Disability Services. The Office of Disability Services will, within five (5) calendar days, report to the student and the VPSA the result of an investigation of the complaint and the action taken, if any.

The matter may be appealed if the student, the Office of Disability Services, faculty or staff believes that:

- any agreed to resolution of the matter has not been adhered to or followed, or
- the accommodations are still not being provided,
- no resolution can be reached concerning the issue, or
- there is a dispute regarding how/what accommodations should be provided.

### Appeal of Failure to Provide an Accommodation

*Step One:* The student, the Office of Disability Services, the faculty or staff will submit the Accommodation Complaint Form within two (2) days of the issue or incident of providing an accommodation occurs to the Office of the VPSA. This appeal form requires the recommended accommodations as provided by a licensed physician, psychologist or other appropriate medical professional. In addition, the student, Office of Disability Services, the faculty or staff will provide a written statement indicating what resolution attempts, if any, have been taken. Indicate which of the reasons indicated in 2.2 has occurred.

*Step Two:* The Office of the VPSA will, within five (5) business days, attempt to resolve the appeal. This attempt at resolution may involve a meeting with the student, staff of the Autism Training Center, the H.E.L.P. Department, and/or the Office of Disability Services, faculty and staff involved in the appeal, their director, chair, dean, and/or others whose expertise may inform the review. The Office of the VPSA will render a decision, including a rationale, in a timely manner within five (5) business days. The VPSA may also submit the appeal form for a Step Three review.

*Step Three:* If the student, the Office of Disability Services, faculty or staff is not satisfied with the decision from Step Two, he or she may forward, within two (2) days of the Step Two decision, the Accommodation Complaint Form to the Office of the Senior Vice President for Academic Affairs and Provost or his/her designee, (VP AA&P), who will further investigate the appeal. The VP AA&P will render a decision, including a rationale, within five (5) business days. The decision of the VP AA&P shall be final.

The VPAA&P shall have the authority to direct University faculty and staff to provide any accommodation to which the VP AA&P finds that the student is entitled to receive.

Accommodations which have been approved by the Autism Training Center, the H.E.L.P. Department, and/or the Office of Disability Services, must be provided during the appeal process.

If faculty or staff are found to have failed to provide an accommodation after all the measures outlined herein have been exhausted or at any time during the appeal process, then the matter will be referred to The Office of Equity Programs/Title IX for further investigation and possible disciplinary actions.

### Right to Accommodation for Any Judicial or Appeal Process

All students with a previously approved accommodation may be entitled to receive reasonable accommodations during any judicial or appeal process. Upon notification by the student, or by the individuals conducting a judicial or appeal process, the Office of Disability Services will coordinate the provision of the accommodation and have the authority to identify how best to provide the accommodation. Provided that, the Student may be required to register with the Office of Disability Services to receive those accommodations in accordance with University policy and procedures.

### Retaliation Prohibited

No individual may retaliate against the student or any person that assists the student in the receipt of accommodations or this appeal process.

“Retaliate” means to take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual's educational experience, work or academic performances, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did to further the University's policy for providing accommodations.

## Weather-Related and/or Emergency Closings and Delays

(from Board of Governors Policy GA-9, updated June 28, 2019)

### Huntington Campus

Generally, it is Marshall University's policy to maintain its normal schedule, even when conditions are inclement. However, that is not always possible.

In those instances when it is necessary to alter the schedule in response to weather conditions, every effort will be made to notify all those affected—students, faculty, staff and the general public—as expeditiously and as comprehensively as possible in the following ways:

- The university subscribes to a third-party service to provide notifications by e-mail, text message, and telephone, referred to as “MU Alert” at Marshall. All students, faculty and staff will be enrolled in the MU Alert database with their university e-mail addresses, and, in the case of faculty and staff, their office telephone numbers. Students, faculty and staff may provide additional contact methods, including those for text messaging and cell phone numbers, through the use of the myMU portal. In cases of weather-related or other emergency closings and delays, University Communications staff will use all contact points in MU Alert to send notification.
- Television stations in Huntington and Charleston will be notified.
- Radio stations in Huntington and Charleston will be asked to announce the delay or closing.
- Time permitting, newspapers in Huntington and Charleston will be notified. Often, however, decisions must be made after deadlines of newspapers.

*Note:* This section applies only to the Huntington campus and all releases should make it clear that it relates only to the Huntington campus. The weather-related closings policy for the South Charleston campus and other education centers will be managed by the chief administrative officer (as designated by the University president) for the respective location, and all releases should make clear that the release applies only to the affected location. The South Charleston phone number is 304-746-2500. See the following section for information on South Charleston campus procedures.

### Definitions

University Closed: All classes suspended and offices closed.

Classes Cancelled: All classes suspended; offices open.



Delay Code A: Means a delay in the opening of classes **but** no delay in the opening of offices. Delays will usually be in the range of one to two hours. Employees are expected to report to work at their normal starting times unless they feel that travel is unsafe. If an employee feels that he/she cannot travel safely to work, they may charge accrued annual leave for the portion of the workday from 8:00 a.m. (or their normal start time) until their arrival at work.

Delay Code B: Means a delay in the opening of classes **and** a delay in the opening of offices. Delays will usually be in the range of one to two hours. Employees do not have to report to their offices until the stated delay time. If they believe they cannot travel to work safely by the stated delay time, they may charge accrued annual leave for the work hours from the stated delay time until they can next report to work.

Class operation under delays: Under both categories of delay, students should go to the class that would begin at the stated delay time or the class that would have convened within 30 minutes of the stated delay time. A two-hour delay means that classes that begin at 10:00 a.m. begin on time. Classes that begin at 9:30 a.m. meet at 10:00 a.m. and continue for the remaining period of that class.

Exceptions with regard to employees: Certain critical and emergency employees may be required to report to work on time or earlier than normally scheduled despite the particular delay code published.

### Clarification

Information about closing, cancellations, or delays will ordinarily be disseminated to area radio and television stations. The authoritatively correct statement of the University's condition (Huntington) is stipulated to be the message on the main page of the website at [www.marshall.edu](http://www.marshall.edu) (<http://www.marshall.edu>).

## Faculty

Once operations are resumed, deans, and departmental chairs must take steps to ensure that faculty meet their scheduled classes or substitutes secured so that class schedules are met.

## Decision Making

Decisions on closings and/or delays will be made jointly by the Chief of Staff, Senior Vice President for Academic Affairs and the Senior Vice President for Operations following the consultation with other appropriate officials, including the President. Should only one or two of those three persons be available, the ones available will make the decision.

Every effort will be made to reach decisions to allow time for adequate notification to the news media, and in turn, those affected.

## South Charleston Campus and Other Education Centers

### General Policy

Because weather conditions can vary substantially, it is possible that classes will be delayed or cancelled at some locations and not at others. The Vice President for Regional Operations, in consultation with staff at other learning centers, will decide on class cancellations.

### South Charleston Campus

Notification of delays or cancellations at the South Charleston campus will be announced by

1. local media,
2. MU Alert, and
3. University website.

Students may check the status of their classes by checking the website.

### Point Pleasant, Beckley, Teays Valley and Other Educational Centers

Procedures for delayed openings and class cancellations are similar to those for the South Charleston campus. At Point Pleasant, Beckley, and Teays Valley, local media will provide information regarding cancellations. In addition, each site has a weather hot line:

1. Point Pleasant, 304-674-7239;
2. Beckley, 304-252-0719;
3. Teays Valley, 304-757-7223.

### Remote Locations and Other Education Centers

Because there may be classes meeting on an irregular schedule in a geographically dispersed area throughout the semester, decisions about whether to meet during inclement weather will be made by the instructor. Those decisions will be transmitted to students by e-mail or other methods as agreed by students and the instructor.

### Definitions

*South Charleston Closed:* All classes cancelled and offices closed.

*South Charleston Classes Cancelled:* All classes cancelled. Details provided by site.

*South Charleston Delay:* A delay in the beginning of non-class activities, e.g. a two-hour delay would mean the normal work day would begin at 10:00 a.m. rather than 8:00 a.m.

## MU Alert

Information on Marshall University's Emergency Messaging System (MU Alert) can be found on the website at [www.marshall.edu/emergency/mualert/](http://www.marshall.edu/emergency/mualert/) (<http://www.marshall.edu/emergency/mualert/>).