

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, gender identity, or sexual orientation. This nondiscrimination policy also applies to all programs and activities covered under Title IX, which prohibits sex-based and gender-based 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/) 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, 107 Old Main, 304-696-2934, titleIX@marshall.edu.

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 by contacting the University Libraries at www.marshall.edu/it/copyright (<http://www.marshall.edu/it/copyright/>).

Policy Statement On Integrity In Scientific Research

Research and scholarship are essential parts of Marshall University. The virtues of scholarship are forged from a combination of patience with eagerness, inspiration with meticulous care, and a reverence for integrity with a willingness to challenge cherished assumptions. It is within the research process that these virtues must be held in the highest esteem and measured against a strict set of standards. In this light, it is incumbent upon the institution to insure accurate, objective, valid and reliable research in the finest tradition of scholarship.

It shall be the policy of Marshall University that no faculty member shall knowingly plagiarize, fabricate, or present incorrect data in research or creative activities conducted under the auspices of the institution. Further, in the case of alleged scientific misconduct, all pertinent rules and regulations of the Public Health Service (PHS), such as 42 CFR Part 50 and allied documents, will prevail in providing definitions, procedures, and deadlines.

Research misconduct includes non-compliance with all applicable laws, regulations, and contracts related to the conduct of research and sponsored program activities conducted at and/or approved by the University.

The complete policy statement may be found on the web at www.marshall.edu/murc/files/MURC_Misconduct-in-Research-Policy2_Revised-2017.pdf (https://www.marshall.edu/murc/files/MURC_Misconduct-in-Research-Policy2_Revised-2017.pdf).

Liability

Marshall University, as a state agency, cannot assume responsibility for any loss for personal injury or property damage.

Privacy Rights of Parents and Students

The Family Educational Rights and Privacy Act of 1974, 93-380, 93rd Congress, H.R. 69 authorizes granting to parents and students the right of access, review, challenge, and exception to education records of students enrolled in an educational agency or institution. In accordance with the regulations of the Family Educational Rights and Privacy Act of 1974, Marshall University has adopted a policy to be implemented by all units of the institution. Upon enrollment in the university, the student and/or eligible parent(s) may request a copy of the policy.

Under the Act the student and eligible parent(s) are granted the following rights:

- to be informed of the provisions of the Act through adoption of an institutional policy;
- to inspect and review the records of the student;
- to reserve consent for disclosure except as exceptions are granted in the regulations, i.e., school officials, officials of other schools to which the student seeks attendance, or others as delineated in Section 99.31;
- to review the record of disclosures which must be maintained by the university; and
- to seek correction of the record through a request to amend the record and to place a statement in the record.

Complaints of alleged failure by the university to comply with the Act shall be directed to:

The Family Educational Rights and Privacy Act Office
330 Independence Avenue, S.W.
Washington, D.C. 20201

The University encourages complainants to lodge a formal complaint with the Division of Student Affairs.

Requests for further clarification on this Act, the regulations, and University policy should be directed to the Assistant Dean for Advocacy.

Sexual Harassment Policy Statement

Sexual Harassment, a form of sex discrimination, is illegal and against the policies of the university. Sexual Harassment involves the following, but the information below is not exhaustive:

1. submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment)
2. conduct creating a hostile environment. Depending on when the harassment occurred, a "hostile environment" exists when such conduct is sufficiently severe, persistent, or pervasive or sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's education or employment programs or activities. The following are examples:
 - a. a hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.
 - b. unwelcome sexual flirtation, advances, or propositions for sexual activity.
 - c. continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes.
 - d. sexually degrading language used to describe an individual.
 - e. remarks of a sexual nature used to describe a person's body or clothing.
 - f. display of sexually demeaning objects and pictures.
 - g. offensive physical contact, such as unwelcome touching, pinching, or brushing the body.
3. Conduct that is sexual misconduct, of which the following are examples:
 - a. unwanted sexual intercourse with a stranger or a friend, acquaintance, spouse, current dating partner, or former intimate partner (including date or acquaintance rape)
 - b. unwanted sexual intercourse committed by force, threat, surprise, coercion, intimidation, or through use of mental or physical helplessness
 - c. use of force, including hitting, pushing, or otherwise acting upon violently to engage in sexual activity
 - d. use of force, including holding a person down, restraining, or otherwise preventing a person from leaving, to engage in sexual activity
 - e. use of threats, including a direct threat of death, grave bodily injury, or a negative consequence
 - f. use of one's size, power or authority to imply a threat, whether communicated verbally or nonverbally and/or physically
 - g. sexual intercourse with an individual who is incapacitated due to alcohol and/or drug use, and that incapacity is known or should have been known
 - h. Sexual intercourse with an individual who is incapacitated due to mental disorder, developmental disability, intellectual disability, physical disability, age (being under 16), or family relations
 - i. sexual intercourse with an individual who was temporarily incapacitated or unconscious due to sleep or a medical condition such as an epileptic episode, panic attack, and PTSD.
4. Engaging in stalking behavior, which is two or more acts, including, but not limited to, acts which directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property shall constitute stalking. Examples include:
 - a. purposefully following/appearing within the sight of that individual
 - b. approaching/confronting that individual
 - c. threatening or making obscene gestures
 - d. unwanted repeated communication or contact
 - e. engaging in surveillance or any other types of unwanted observation
5. Engaging in sexual exploitation, which is taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples include:
 - a. sexual voyeurism (such as watching another person undress, use the bathroom or engage in sexual acts without the consent of the person observed)
 - b. taking pictures or video or audio recording, or providing for the observation by a third-party of another in a sexual act, or in any other personal/private activity without the consent of all involved in the activity
 - c. disseminating sexual pictures, audio, video, or other media without the depicted person's consent
 - d. communications that are obscene, lewd, or indecent.
 - e. intentionally or recklessly exposing one's genitals in non-consensual circumstances.
 - f. engaging in prostitution or prostituting another student
 - g. engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection
 - h. administering alcohol or other drugs (such as "date rape" drugs) to another person without their knowledge or consent.

6. Engaging in domestic or dating violence, which is violence or abuse (verbal, physical, and/or psychological) committed by an individual that meets the definition set under law. Examples include:
 - a. Physical battering – physical attacks or aggressive behavior
 - b. Sexual abuse – forced sexual intercourse, unwanted sexual activity
 - c. Psychological battering – constant verbal abuse, isolating victims, deprivation of resources

Anyone who believes he or she has been the subject of sex-based discrimination, gender-based discrimination, harassment, or violence

If You Witness or Recognizing Behaviors

When you learn that a member of Marshall University has experienced harm, you are encouraged to contact the Title IX Coordinator to assess immediate safety concerns and provide consultation and support tailored to the situation. Learn more at www.marshall.edu/titleix.

Other Reasons You Might Need to Contact Someone

If you have received instructions that require reporting as part of your position, program, or department, follow those instructions. If you have questions about what is expected of you, contact the Marshall University Title IX Office.

Responsible Employee

What is a “Responsible Employee”? A Responsible Employee is a university employee who must report incidents of sexual misconduct to the Title IX Coordinator or an employee whom an individual could reasonably believe has this duty. Unless deemed confidential, all university employees are considered responsible employees and must report actual or suspected sexual misconduct to the Title IX coordinator.

If an employee is unsure whether they are a responsible employee, they are required to contact the Title IX coordinator.

A report to the Title IX Coordinator may not automatically initiate a formal investigation. Instead, this reporting obligation aims to ensure that students and employees know their rights and options to address what they may have experienced, including obtaining advocacy and support services and filing a formal complaint.

Before a person reveals information that they may wish to keep confidential, a responsible employee should make every effort to ensure that the person understands their reporting obligation as a mandatory reporter and where to go if they want their information to be kept confidential, such as the Student Counseling Center or the Employee Assistance Program.

When reporting an incident to the Title IX Coordinator, a responsible employee must report all of the information shared with them, such as the name of the victim-survivor, accused individual, location, and information related to the incident. If the individual does not provide this information, please do not ask. Only report the information shared with you. However little that may be.

If You Are an Employee, Here Are Examples of What to Say When Receiving a Disclosure:

Here is an example of what you can say to interrupt and inform a student or employee of your reporting obligations:

“Thank you for coming to me with this, but I need to stop you for a moment. It sounds like you might have experienced something I may be required to report. I care about you and want you to get the resources you need, but there are certain things that some employees, like me, have to report, which would include giving your name and some of the details you share with me.

I want you to make an informed choice about what you disclose to me today. If you’re going to tell me something I might have to report, you may instead want to talk to someone who can help protect your confidentiality. I am more than happy to connect you with a confidential resource if you’re not ready to report this officially.

If you’d like to share information with me, the school could contact you to determine if an investigation needs to occur. I am happy to report this for you, or I can also assist you with reporting it to the institution or the police.”

What You Should Not Say When Receiving a Disclosure If You Are an Employee:

If a student or employee shares information about a sexual assault or any unwanted incident with you, here is what you should not do:

- Do NOT promise confidentiality. As a responsible employee, you cannot maintain confidentiality and must report incidents of suspected sexual misconduct to the Title IX Office.
- Do NOT promise an outcome.
- Do NOT promise counseling or guidance beyond your training or expertise. Instead, refer the person to a trained resource (Title IX Office, Violence and Prevention Office, Counseling Center, Ombudsperson, and Employee Assistance Program.)
- Do NOT discourage the person from further reporting. If you have doubts about the incident, keep them to yourself.
- Do NOT minimize (or magnify) the incident or the impact on the person.
- Do NOT blame the person for the incident. Be aware that blame may be stated or implied through comments, body language, or questions.
- Do NOT question the person about the incident. It is not the responsible employee’s role to investigate the incident, and asking too many questions can make a person feel uncomfortable or even attacked. Questions should be limited to the following: 1) the person’s name, the accused perpetrator’s name, date, time, and location of the incident, and 2) assessing for any immediate health and safety needs.
- Do NOT say that you know what the Complainant is going through.
- Do NOT Panic. Take a deep breath and focus on the Complainant.

How to Report

Acts of discrimination and harassment, including sex/gender-based offenses (sexual harassment, sexual assault, dating violence, domestic violence, and stalking), can be reported by going to the Title IX website at www.marshall.edu/titleix (<https://www.marshall.edu/titleix/>) and clicking the “File A Report” button on the right side of the page. Reports may also be made in person by choosing the button on the right side of the webpage entitled “Schedule a Meeting with the Title IX Office.” Additionally, you can email the Title IX Office at titleix@marshall.edu (titleIX@marshall.edu).

Prevention and Engagement

Training and Education - Attend campus workshops and training. Information and details regarding training are available at www.marshall.edu/titleix (<http://www.marshall.edu/titleix/>).

Inform yourself - For Title IX-related information relevant to employees and students, consult Marshall University's policies and procedures, which can be found at www.marshall.edu/titleix (<https://www.marshall.edu/titleix/>).

Get involved - Commit to working collectively towards and maintaining equitable, respectful, and inclusive work and learning environments.

Resources and Support - If you have experienced any form of sex discrimination, support resources are available throughout the Title IX process.

- Marshall University Counseling Center for Students - (304) 696-2550
- Marshall University Employee Assistance Program -

<https://www.marshall.edu/human-resources/employee-assistance-program-eap/>

Federal and State Laws and Regulations

Laws and regulations, including Title IX, established in 1972, prohibit sex discrimination. Marshall University policies incorporate these legal mandates and apply to every member of the Marshall University community: students, staff, faculty, and other academic personnel.

Marshall University Policies

Marshall University policies prohibit sex and gender-based discrimination, including sexual or gender-based harassment, sexual assault, intimate partner violence, stalking, and other forms of sexual misconduct. See relevant policies at www.marshall.edu/titleix (<http://www.marshall.edu/titleix/>).

Confidentiality and Policy

Certain resources have legally protected confidentiality and only share information with others when the survivor/victim gives specific permission or when required by law. Marshall University Title IX Office does not have the same legally protected confidentiality but protects the privacy of individuals who have been impacted by sexual misconduct. They share information as needed to respond to the requests of those who have been harmed, assess community safety, or comply with legal requirements.

File a Report

You have the right to make a report to Marshall University or submit a report to the police. Go to www.marshall.edu/titleix (<http://www.marshall.edu/titleix/>) for more information about making a report and available academic, workplace, and other support measures.

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 Accessibility and Accommodations

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

The Office of Accessibility and Accommodations 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/>)

(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/>)

(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 Accessibility and Accommodations 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 Accessibility and Accommodations 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 as a reasonable accommodation under the following policy:

Conditions

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

- Completion of the Course Substitution Form. This form requires that the student attach a recent (within three years) diagnosis of a disability warranting a substitution. (The form is available in the Office of Accessibility and Accommodations.) 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 Form from the dean of the student's college, 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 Form request shall not go forward.

- Submission of the Course Substitution Form from the Office of Accessibility and Accommodations.

Procedure

Submission of the Course Substitution Form and supporting documentation by the student to the Office of Accessibility and Accommodations initiates the process. The Office of Accessibility and Accommodations 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. Once the Office of Accessibility and Accommodations approves the request, the form is forwarded to the Dean or Associate Dean. If there is no such diagnosis the request is denied. All confidential materials submitted by the student will remain housed with the Office of Accessibility and Accommodations. The Dean or Associate Dean will determine if the course is or is not an integral part of the student's course of study. The Dean or Associate Dean are charged with identifying courses that would constitute appropriate substitution and reporting these courses to the Office of Accessibility and Accommodations.

A student who is denied a course substitution may appeal in writing within 10 working days to the Vice President for Student Affairs. Students should be aware that a course substitution 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 Accessibility and Accommodations may appeal as follows.

Step One: The student will submit the Accommodation Appeal Form to the Office of Accessibility and Accommodations 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 Accessibility and Accommodations 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 Accessibility and Accommodations, 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 Accessibility and Accommodations, 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 Accessibility and Accommodations will submit the Accommodation Complaint Form to the Office of Accessibility and Accommodations. The Office of Accessibility and Accommodations 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.

If the Student, the Office of Accessibility and Accommodations, 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,

then the matter may be appealed.

Appeal of Failure to Provide an Accommodation

Step One: The student, the Office of Accessibility and Accommodations, 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 Accessibility and Accommodations, 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 Accessibility and Accommodations, 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 Accessibility and Accommodations 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 Accessibility and Accommodations, 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 Accessibility and Accommodations 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 to register with the Office of Accessibility and Accommodations 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 UPGA-2, effective August 1, 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. 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 authoritative 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>).

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 chief administrative officer for each location, in consultation with local staff, 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.

Mid-Ohio Valley Center (Point Pleasant Campus)

Procedures for delayed openings and class cancellations are similar to those for the South Charleston campus. At MOVOC, and other educational centers, local media will provide information regarding cancellations.

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.