

8. Individuals participating in demonstrations are reminded that they are responsible to local, state, and federal laws as well as University regulations concerning demonstrations and assembly.
9. Unlawful conduct may warrant strict disciplinary actions as described in the Marshall University Code of Student Rights and Responsibilities.
10. Any demonstrations or mass gatherings off campus must go through appropriate municipal offices.

RESIDENCY STATUS

Students must complete the West Virginia Residency Application available in the Enrollment Management Office (OM109)

SEXUAL ASSAULT AND ABUSE POLICY

Acts of sexual violence, assault or abuse, such as rape, acquaintance rape, and other forms of non-consensual sexual activity will not be tolerated at Marshall University. Such acts are criminal behaviors and create an environment contrary to the goals and mission of the University. These acts will be swiftly investigated and will subject an individual to disciplinary action under the University student conduct code, separate from any criminal prosecution or action.

SEXUAL HARASSMENT

Marshall University's Policy

Statement of Sexual Harassment for Faculty, Staff, and Students.

Section 1. GENERAL

1.1 Scope. This policy defines sexual harassment, provides guidelines for the filing and processing of complaints, provides for disciplinary action and administrative remedy in case of sexual harassment and outlines educational programs aimed at prevention and/or eradication of sexual harassment.

1.2 Authority. Policy Bulletin No. 9 issued by the West Virginia Board of Regents on May 17, 1987.

1.3 Coverage. This policy applies to situations where the alleged harasser is an applicant for employment, an employee, a guest, invitee or licensee, or a contractor of the University and where the complainant is an applicant to an educational program, a student, an applicant for employment, an employee, guest, invitee or licensee, or a contractor of the University.

It does not apply to situations where the alleged harasser is a Marshall student; such situations are covered by the The Code of Student Rights and Responsibilities.

1.4 This policy shall be construed in a manner consistent with academic freedom, as well as the rights to free speech, privacy, and association.

1.5 Effective date: May 10, 1993

Section 2. POLICY STATEMENT

2.1 Sexual harassment is prohibited by federal and state legislation. In the employment context, it is prohibited by Title VII of the Civil Rights Act of 1964; in the education context, it is prohibited by Title IX of the Education Amendments of 1972; and it is prohibited in both employment and public accommodation contexts by the West Virginia Human Rights Act of 1961, as amended. Sexual harassment in any manner or form is expressly prohibited by the University. The University is committed to the prevention and/or eradication of sexual harassment. It is the responsibility of students, employees and contractors of the University to maintain a work and educational environment free from sexual harassment. It is the responsibility of all academic and administrative supervisory employees to provide educational opportunities to foster such environment; it is also their responsibility to take immediate action whenever sexual harassment is reported or becomes known.

Section 3. DEFINITION

3.1 Sexual harassment is a form of sex discrimination. For the purpose of this policy, it is defined in conformity with the guidelines published by the U.S. Department of Education and the U.S. Equal Employment Opportunity Commission.

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

3.1.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;

3.1.2 Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or when

3.1.3 Such conduct has the purpose or effect of:

3.1.3.1 Unreasonably interfering with an individual's academic or work performance, or

3.1.3.2 Creating an intimidating, hostile or offensive working educational environment.

3.2 Examples of acts that may, in the work or educational environment, rise to the level of sexual harassment include, but are not limited to:

3.2.1 Display of sexual suggestive or derogatory materials;

3.2.2 Inquires about a person's sex life by her/his instructor or supervisor;

3.2.3 Hazing, slurs, or jokes which convey insulting, degrading, demeaning and offensive sexist attitudes;

3.2.4 Unwelcome brushes, touches or other physical contacts of a sexual nature.

3.3 I In determining whether alleged conduct constitutes sexual harassment, the University will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances, the context, the relative status of the parties, the frequency or seriousness of the alleged incidents reported by each complainant. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

3.4 Examples of acts that constitute sexual harassment include, but are not limited to:

3.4.1 Sexual coercion, threats or insinuations that granting of employment or education rights will be a function of submission to request for sexual favors;

3.4.2 Insinuations that refusal to grant sexual favors may result in reprisal;

3.4.3 Sexual assault.

Section 4. FILING AND PROCESSING OF COMPLAINTS

4.1 Any student, employee, applicant, guest, invitee, licensee, or contractor of the University who believes s/he has been sexually harassed must follow the Sexual Harassment Complaint Procedures published by the Office of Equity Programs. The procedures may be obtained from deans, directors, academic chairpersons, area coordinators (hereafter referred to as academic and administrative supervisors), members of the Equal Opportunity Grievance Panel, or the Office of Equity Programs.

4.2 Complaints of sexual harassment must be filed within one hundred and sixty working days (160) of the alleged incident. The time period for filing may be extended by the Office of Equity Programs, for good cause.

4.3 A third party may file a complaint under this policy when sexual harassment of another person has the effect of:

4.3.1 Unreasonably interfering with that third party's academic or work performance, or

4.3.2 Creating an intimidating, hostile or offensive working or education environment for the third party.

4.4 The University reserves its right to assume the role of a complainant and investigate sexual harassment incidents whenever it deems appropriate.

4.5 The Sexual Harassment Complaint Procedures, published by the Office of Equity Programs of the University, will be used to process sexual harassment complaints.

4.6 Deans, directors, department chairpersons, area coordinators and supervisory employees shall receive training in the processing of informal complaints.

4.7 Members of the Equal Opportunity Grievance Panel shall receive training in the processing of informal and formal complaints.

4.8 Nothing in this policy shall affect the right of the complainant to file his/her complaint with external law enforcement agencies. Complaints may be filed concurrently with external agencies, to meet state and federal agency deadlines without jeopardizing complainant's rights to an investigation by the University.

Section 5. DISCIPLINARY ACTIONS

& ADMINISTRATIVE REMEDIES

5.1 At the discretion of the President, appropriate corrective and/or disciplinary actions, ranging from a warning up to and including termination, will be taken against:

5.1.2 Any academic or administrative supervisor who fails to take corrective action when there is probable cause to believe that s/he should have known, that one of the persons protected by this policy was being or had been subjected to sexual harassment by one of his/her guests, employees, or contractors.

5.1.3 Any applicant, guest, invitee, licensee, contractor or employee of the University when there is probable cause to believe that s/he had sexually harassed any person protected by this policy;

5.1.4 Any employee who breached the confidentiality of matters pertaining to a sexual harassment;

5.1.5 Any complainant found to have been dishonest in making an allegation of sexual harassment;
and

5.1.6 Any person who retaliated against an individual because that individual complained of sexual harassment, testified on behalf of someone who filed a complaint, or assisted in the implementation of this policy.

5.2 The nature of the corrective and/or disciplinary actions must be commensurate with the nature of the violation of the policy.

Section 6. RECORD KEEPING

6.1 All files pertaining to formal complaints of sexual harassment will be kept, in strict confidence, in the Office of Equity Programs. Copies of informal complaints will be forwarded to the alleged harasser, but not kept on file.

6.2 Copy of the final decision of the President and of all appeal decisions will be filed in the personnel folder of the alleged harasser.

6.3 All formal complaints and all paperwork associated with such complaints will be destroyed after

three (3) years unless there is compelling evidence that there is a pattern of activities on the part of the named individual. The Director of Equity Programs will have the responsibility to notify the named individual whether the files are being destroyed or retained within 30 days of the third anniversary of the complaint. If the files are retained, the named individual has the right to file additional comments relative to the complaint. Files that are retained will be reviewed after an additional three (3) years to determine whether the pattern of activities still exists and, if not, the files will be destroyed. The named individual will be notified of the disposition of the files in accordance with the guidelines set down in this section.

Section 7. DISSEMINATION AND IMPLEMENTATION

7.1 The Office of Equity Programs is, hereby, charged with the responsibility of developing and monitoring a program for the dissemination and implementation of this policy. The program should include, but should not be limited to:

7.1.1 Dissemination of this policy to employees and students by directors, academic chairpersons, area coordinators, supervisory employees, and the Department of Human Resources;

7.1.2 Educational programs organized by the Office of Equity Programs upon requests of vice-presidents, deans and directors;

7.1.3 Establishment and administration of standard operating procedures for responding to sexual harassment complaints;

7.1.4 Workshops on the processing of informal complaints of sexual harassment organized by the Office of Equity Programs upon request of vice-presidents, deans and directors; and

7.1.5 Workshops on the processing of formal and informal complaints organized by the Office of Equity Programs for the members of the Equal Opportunity Grievance Panel.

Section 8. NON-RETALIATION

8.1 Retaliatory action of any kind taken against someone because s/he has filed a complaint under this policy, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy, is prohibited. Said retaliatory action shall be regarded as a separate and distinct grievable manner.

COMPLAINT PROCEDURES

Section 1. GENERAL

1.1 Purpose. These procedures are to be used in the implementation of the Sexual Harassment Policy of the University.

1.2 Authority. Policy Bulletin No. 9 issued by the West Virginia Board of Regents on May 17, 1987.

Section 2. GRIEVANCE PROCEDURES

The complainant may choose to use the informal procedure or the formal procedure described below; or s/he may use the informal procedure first and then, if not satisfied, the formal procedure.

2.1 INFORMAL PROCEDURE

2.1.1 Informal complaints need not be in writing but must be filed within one hundred and sixty (160) working days of the alleged incident. They may be resolved in consultation with an agent of the University, as described below:

2.1.1.1 Any applicant to an educational program, or person seeking employment with the University, who feels that s/he has been sexually harassed should contact the Office of Equity Programs for counseling and other appropriate actions;

2.1.1.2 Any employee who feels that s/he has been sexually harassed should contact his/her supervisor for counseling, or a member of the Equal Opportunity Grievance Panel, or the Office of Equity Programs for counseling and other appropriate actions;

2.1.1.3 Any student who feels that s/he has been sexually harassed should contact the chairperson of his/her department, or the dean of his/her college, or a member of the Equal Opportunity

Grievance Panel, or the Office of Equity Programs for counseling and other appropriate actions;

2.1.1.4 Any person who feels that

s/he has been sexually harassed should contact the Office of Equity Programs for counseling and other appropriate actions.

2.1.1.5 The agent of the University should attempt an informal resolution of the situation within thirty (30) working days.

2.1.1.6 If the complainant(s) wish(es) to remain anonymous, the agent of the University should counsel the complainant(s) and discuss with him/her/them ways to remedy the situation without confronting the alleged harasser. The agent of the University shall forward all records to the Office of Equity Programs. The Office of Equity Programs will inform the alleged harasser that a complaint has been filed and provide the alleged harasser with a copy of the complaint with all data that could be used to identify the complainant(s) removed. No file of informal complaints will be kept at any level.

2.1.1.7 If the complainant(s) choose(s) to reveal his/her/their identity, the agent of the University shall refer the matter to the Office of Equity Programs for further action. An agent of the Office of Equity Programs shall meet with any parties and attempt to arrive at a mutually satisfactory solution. Such solutions may include dropping the charges, signing a consent decree, or reaching a no-fault settlement agreement. If any party is not satisfied with the results of this process, he/she may request that the incident be reviewed as a formal complaint.

2.2 FORMAL PROCEDURE

The formal procedure is invoked by the filing of a written complaint with the Director of Equity Programs. The complaint shall be filed upon forms available from the Office of the Equity Programs.

2.2.1 Formal complaints must be filed within one hundred and sixty (160) working days of the alleged incident. The time period for filing may be extended by the Director of Equity Programs. The complaint shall be filed upon forms available from the Office of Equity Programs.

2.2.2 Upon acceptance of a complaint, the Director of Equity Programs shall select two (2) or more members of the Equal Opportunity Grievance Panel to constitute the Committee that will investigate the

complaint.

2.2.3 Within five (5) working days of acceptance of the complaint, the Director of Equity Programs Officer will notify the alleged harasser of the allegations made by the complainant. In the notification letter, the Equity Programs Officer will request the alleged harasser's response to the allegations; and provide him/her with the names of the members of the Sexual Harassment Committee that will investigate the complaint. The Equity Programs Officer will also provide the complainant with a copy of the notification letter. Within three (3) working days of said notification, either the complainant or the alleged harasser may request that any member of the Committee be excused for good cause.

2.2.4 The complaint shall be investigated within the sixty (60) working days following notification of the alleged harasser; in the event of extenuating circumstances, this period may be extended by the Director of Equity Programs with authorization from the complainant.

2.2.5 The complainant may withdraw his/her complaint at any time. A no-fault settlement may be offered and accepted by either parties, at any time, but the University reserves its right to conduct its investigation.

2.2.6 During the course of the investigation, the Committee shall interview the parties, hear testimony from some of the witnesses offered by the parties, and gather evidence from any other appropriate source. The Committee shall conduct predetermination conferences with the complainant, the alleged harasser, and the Director of Equity Programs.

2.2.7 Within the ten (10) working days following the predetermination conference with the Equity Programs Officer, the Committee shall submit its report to the Director of Equity Programs. The report should include the complaint, a summary of the relevant evidence, an analysis of the evidence, and a brief conclusion or determination.

2.2.8 Upon receipt of the report of the Sexual Harassment Committee, the Director of Equity Programs will notify both parties of the determination of the Committee and invite them to a conciliation meeting.

2.2.9 Should the parties agree to conciliate, the Director of Equity Programs will draft a Conciliation Agreement for signature of the parties; if any party does not agree to conciliate, the Director of Equity Programs

will ask the party to submit his/her reasons in writing, within three (3) working days.

2.2.10 Within the ten (10) working days following the invitation to conciliate, the Director of Equity Programs shall submit the report of the Committee, and his/her recommendations to the President through the Vice-President for Executive Affairs and General Counsel. The Director of Equity Programs shall inform both parties of his/her recommendations.

2.2.11 Within the ten (10) working days following notification of the recommendations of the Equity Programs Officer, either party not satisfied with the recommendations may appeal to the President or his/her designee. The President may establish a committee to review the complaint and decide on the appeal. The decision of the President will be rendered within the twenty (20) working days following the appeal deadline. The decision of the President shall be the final decision of the University.

2.2.12 However, the complainant will have the right to file the same complaint with the appropriate local, state or federal agency; and the alleged harasser will have the right to appeal the decision of the President to the Board of Trustees.

Section 3. CONFIDENTIALITY

3.1 All students and employees of the University will treat as confidential, to the extent permitted by law, the information that is disclosed to them in sexual harassment proceedings.

3.2 This provision does not apply to disclosures by investigator(s) to charging party, alleged harasser, or witness when disclosure is deemed necessary for securing appropriate information.

3.3 The Equity Programs Officer is authorized to provide the alleged harasser with a copy of the charges, and copies of all written statements submitted by the complainant; s/he is also authorized to provide the complainant with copies of all statements submitted by the alleged harasser.

3.4 The Sexual Harassment Committee, and the Equity Programs Officer are authorized to discuss their findings, conclusions, recommendations, and/or reports with the complainant and the respondent; only the President or his/her designee can authorize release of the above mentioned reports.

3.5 Upon written authorization of the President, or of his/her designee, records of sexual harassment

cases may be made available for confidential review by persons involved in grievances arising out of the same incident.

3.6 Breach of confidentiality by the Equity Programs Officer, by staff of the Office of Equity Programs, by members of the Equal Opportunity Grievance Panel, or by any person entrusted with records of sexual harassment complaints is subject to appropriate sanctions, as provided for in the Sexual Harassment Policy of the University.

SMOKING POLICY

Effective April 1, 1993, smoking anywhere in any Marshall University vehicle or building, including the football stadium was banned with the following exceptions:

1. Smoking is allowed in University residence halls in individual student rooms that are designated as smoking rooms.
2. Smoking is allowed in properties leased by the University to others. Questions regarding this policy should be directed to University Legal Counsel, 216 Old Main, phone (696)-6295.

MAC CODE OF SPECTATOR CONDUCT

The Mid-American Conference and (institution) promotes good sportsmanship by its student-athletes, coaches and fans. We request your cooperation by supporting the participants and officials in a positive manner. Profanity, racial or sexist comments, or other intimidating actions directed at officials, players, coaches or team representatives will not be tolerated and are grounds for removal from this arena. Also, the throwing of any objects onto the playing floor is prohibited.

Artificial Noisemakers

Artificial noisemakers, air horns, and “electric amplifiers” are not permissible in arenas or stadiums except for those amplifiers that are part of the official pep band. Such instruments will be removed from the facility when discovered inside.