

January 25, 2008

MEMORANDUM

TO: Members of the Faculty Council

FROM: Brien Smith, Chairperson

RE: Faculty Council Meeting #6
Thursday, January 31, 2008
4:00 p.m., CM 125 (Letterman Building)

AGENDA

Approval of the minutes of December 6, 2007

I. Announcements

A. Agenda Committee – Monday, February 18, 2008, 8:30 a.m., NQ 300
Faculty Council – Thursday, February 28, 2008, 4:00 p.m., CM 125

B. Items currently in committees (Enclosure #1)

C. Report of Special Leave Committee – Lisa Huffman, Chairperson, Special Leave Committee

II. Unfinished Business

A. Student Academic Ethics Policy (Enclosure #2)

1. Suggested addition concerning post-graduation situations (submitted by Eric Kelly, David Pearson, and Barry Umansky)

No statute of limitation shall exist for issues of academic dishonesty, including post-graduation situations. In the case of post-graduation issues, the same procedures and timetables as described for current students are applicable. However, before the procedures may begin, the individual in question must be located and contacted. Once located, the Office of the Provost will send a certified letter to the individual, containing all required information. When the Office of the Provost receives confirmation that the letter has been delivered, the timetable of events begins.

To be added to 7.4., “Implementation Procedures”

2. Proposed Revisions (Enclosure #3)

III. New Business

A. Revisions to University Promotion and Tenure Document (Enclosure #4)

IV. Question and Answer Period

V. Other Items

VI. Adjournment

/mt

Members Present: N. Ahmed, M. Brown, D. Chen, G. Crawley, L. Deckers, F. Groom, M. Groover, M. Guntsche, D. Haber, M. Harvey, M. Hawkins, B. Hozeski, C. Kapinus, E. Kelly, C. Marlow, J. Olesen, D. Pearson, M. Popovich, R. Rarick, G. Reid, J. Rybarczyk, B. Smith, K. Speirs-Neumeister, G. Stamp, A. Stegner, M. Steib, B. Umansky, C. Walker, A. Wieseke, T. Zivney, E. Zygmunt-Fillwalk

Substitutes: Jerome Kotecki for J. Clark, Marilyn Buck for T. King, Kenneth Hall for F. Suppe

Members Absent: Howard Campbell (B. Adams), R. Dolon, O. Dotson, J. Eflin, T. Hinds, S. Islam, K. Kalumba, W.T. Wrege (J. Ledbetter), P. Parkison, C. Payne, W. Sharp, D. Shawger, P. Spengler, C. Updike, M. Walker

The meeting was called to order at 4:00 p.m. by the Chairperson of the Faculty Council, Brien Smith. Roll call was taken by initialing the roster located in CM 125.

1. A motion was made and seconded (Pearson/Crawley) to approve the minutes of November 1, 2007.

The motion carried.

2. Announcements

- A. Agenda Committee – **Tuesday**, January 22, 2007, 8:30 a.m., NQ 300
Faculty Council – Thursday, January 31, 2008, 4:00 p.m., CM 125

- B. Items currently in committees

1. Evaluation of Teaching (Teaching Evaluation) – Rai Peterson, Chairperson of the Teaching Evaluation Committee, attended the meeting and submitted a report prior to today's meeting. The committee is still in discussion with this issue.
2. Grade Inflation (Teaching Evaluation) – per written report, the committee has not begun work on this issue.
3. Restructuring Ball State Health Care Plans (Salary and Benefits) – no report.
4. Definition of Creative Arts for Faculty Award (Creative Arts) – on agenda for today's meeting.
5. Terminology of Contract Positions at BSU (Contract Faculty) – per written report, the committee would like for this to be withdrawn from the issues list.
6. Athletic Funding (Financial and Budgetary Affairs) – no report.
7. Load credit for directing an undergraduate honors thesis or master's thesis (Salary and Benefits) – no report.
8. Beneficence Pledge (Student Rights, Ethics, and Standards) – per Agenda Committee, a task force will be formed to review this pledge.
9. Revised Student Academic Ethics Policy – on agenda for today's meeting.
10. Increasing Life Insurance Benefits (Salary and Benefits) – no report.

- C. Update on GANTT Chart

Brien brought a copy of the chart to the meeting (Attachment #1).

3. Unfinished Business

- A. Student Academic Ethics Policy (Faculty Council Agenda, 12/6/07, Enclosure #1)

A motion was made and seconded (Crawley/Popovich) to approve the document. Discussion ensued.

A motion was made and seconded (Pearson/Kelly) to table the discussion for one month.

The motion carried.

An informal committee consisting of E. Kelly, D. Pearson, and B. Umansky, will write an additional statement concerning the handling of ethics violations when the student has already graduated.

4. New Business

A. Definition of Creative Arts (Faculty Council Agenda, 12/6/07, Enclosure #2)

A motion was made and seconded (Kelly/Popovich) to approve this document.

The motion carried.

Discussion ensued and a motion was made and seconded (Zivney/Kelly) to approve the revision of the document. (Attachment #2)

The motion carried.

5. Question and Answer Period

A. A question was asked about the cyber-plagiarism issue and if it ever created false-positives. The response was that if this should happen, it is sent back to the professor to make the decision.

6. Other Items

A. Recommendation from Salary and Benefits Committee (10/17/07) requesting the University to hire a consultant to evaluate Ball State University's financial systems, especially pertaining to salary and benefits.

Terry Zivney, chairperson of the Salary and Benefits Committee, commented on this recommendation.

A motion was made and seconded (Kelly/Pearson) to invite Mr. Kinghorn or Mr. McCune to address this issue to the Faculty Council, at their next meeting (January 31, 2008).

The motion carried.

B. Discussion of cyber-plagiarism (Instructional Media Support Committee)

David Pearson, chairperson of the Instructional Media Support Committee, commented on this issue. Discussion ensued. No action was taken.

The meeting adjourned at 4:55 p.m.

Respectfully submitted,

Ann Wieseke, Secretary

VII. STUDENT ACADEMIC ETHICS POLICY

OVERALL RATIONALE: To bring a logical order to the process, provide greater clarity and specification, to correct for some omissions, and to create a process more consistent with that used for graduate students.

7.1 Introduction.

Honesty, trust, and personal responsibility are fundamental attributes of the University community. Academic dishonesty by a student will not be tolerated, for it threatens the foundation of an institution dedicated to the pursuit of knowledge. To maintain its credibility and reputation, and to equitably assign evaluations of scholastic and creative performance, Ball State University is committed to maintaining a climate that upholds and values the highest standards of academic integrity.

7.2 Academic Dishonesty.

Academic dishonesty involves violations of procedures which protect the integrity of the coursework completed by a student.

Rationale: The old Student Code never provided even a cursory definition of academic dishonesty.

Academic dishonesty includes, but is not limited to the following:

7.2.1 Violations of procedures which protect the integrity of a quiz, examination, or similar evaluation, such as:

- a. Possessing, referring to, or employing open textbooks or notes or other devices not authorized by the faculty member;
- b. Copying from another person's paper;
- c. Communication with providing assistance to, or receiving assistance from another person in a manner not authorized by the faculty member;
- d. Possessing, buying, selling, obtaining, giving, or using a copy of any unauthorized materials intended to be used as or in the preparation of a quiz or examination or similar evaluation;
- e. Taking a quiz or examination or similar evaluation in the place of another person;
- f. Utilizing another person to take a quiz, examination, or similar evaluation in place of oneself;
- g. Changing material on a graded examination and then requesting a re-grading of the examination;
- ~~h. Cooperating with someone else on a quiz, examination, or similar evaluation without the prior consent of the faculty member.~~

Rationale: Deleted because of redundancy – covered in 7.2.c above.

- ~~i.h.~~ The use of any form of technology capable of originating, storing, receiving or sending alphanumeric data and photographic or other images to accomplish or abet any of the violations listed in parts a through ~~h~~ g.

7.2.2 Plagiarism or violations of procedures prescribed to protect the integrity of an assignment, such as:

- a. Submitting an assignment purporting to be the student's original work which has been wholly or partly created by another person;
- b. Presenting as one's own work, ideas, representations or words of another person without customary and proper acknowledgment of ~~courses~~ sources;

- c. Submitting as newly executed work, without faculty member's prior knowledge and consent, one's own work which has been previously presented for another class at Ball State University or elsewhere;
- d. Knowingly permitting one's work to be submitted by another person as if it were the submitter's original work.

7.2.3 Falsely claiming to have completed work during an internship or class group assignment.

Rationale: This possibility was not covered by the existing Student Code.

7.2.3 4 Cooperating with another person in academic dishonesty, either directly or indirectly as an intermediary agent or broker.

7.2.4 5 Knowingly destroying or altering another student's work whether in written form, computer files, art work, or other format.

7.2.5 6 Aiding, abetting, or attempting to commit an act or action which would constitute academic dishonesty.

7.3 Implementation Procedures Accusation of Discrimination

~~**7.3.1 Informal Accusation.** If a faculty member accuses a student of academic dishonesty, the faculty member must inform the student of the alleged violation. The faculty member and student will discuss the alleged violation in a private conference within five (5) days after the faculty member becomes aware of the circumstances giving rise to the accusation. If, as a result of this initial conference, an appropriate solution is found which satisfies the faculty member and the student, the matter will be closed. The solution may include the assignment of the student to the Multimedia Integrity Teaching Tool program. If no solution is found, the faculty member may bring formal charges against the student. If the student believes the accusation of academic dishonesty is in whole or in part due to unlawful discrimination relating to race, religion, color, sex, sexual orientation, physical or mental disability, national origin, ancestry, or age, the student must inform the Office of University Compliance in writing of this belief immediately after an accusation has been made. The charge of unlawful discrimination shall be dealt with under the procedures set forth by the Office of University Compliance prior to or in conjunction with any consideration under the academic dishonesty procedures which follow.~~

Rationale: The Task Force believes the possibility of discrimination should be dealt with or at least acknowledged before the implementation process begins. The deleted portion is moved down and rewritten.

7.3.24. Implementation Procedures

The Provost will designate the person (Provost's designee) responsible for overall administration of this policy. Throughout this document, *written notice* is defined as Priority United States Mail and/or electronic communication with a read/receipt request attached to the document.

~~***Formal Accusation.*** A faculty member who is formally accusing a student of academic dishonesty shall notify the student of the accusation within fifteen (15) school days after the faculty member becomes aware of the circumstances giving rise to the accusation. The faculty member's notice to the student shall be given in writing and shall include a brief description of the circumstances giving rise to the accusation. A copy of the written notice shall be given to the faculty member's department chairperson.~~

Rationale: This new statement stipulates who is responsible for the overall process and defines what shall constitute written notice – the old Student Code only stipulated that the student be notified (not how) which left open room for interpretation and a possible disclaimer by the student.

~~7.3.3 **Student Response.** The student shall respond in writing to the accusation within fifteen (15) school days after the date on which the faculty member gave written notice to the student of the accusation. In responding, the student is expected to either admit or deny the accusation. If the student fails to either admit or deny the accusation within the fifteen (15) school day period, the student shall be deemed to have denied the accusation.~~

~~7.3.4 **Admission of Accusation.**~~

- ~~a. **Action by Faculty Member.** If the student admits, in writing, that he or she committed the conduct constituting academic dishonesty, the faculty member may either (1) Impose punishment up to and including failure in the course; or (2) Refer the matter to the University Academic Freedom and Ethics Committee.~~
- ~~b. **Imposition of Punishment.** If the faculty member imposes punishment, within ten (10) school days after imposing the punishment, the faculty member shall notify the student, the faculty member's department chairperson, the faculty member's dean, and the Associate Provost, in writing, of the nature of the academic dishonesty committed and of the punishment imposed. After receipt of the faculty member's written notice the Associate Provost shall review the University Academic Dishonesty Files, and, if there is a prior instance of academic dishonesty by the student, the Associate Provost shall refer the case to the University Academic Freedom and Ethics Committee for its recommendation concerning additional punishment, if any, to be imposed.~~
- ~~c. **Referral to the University Academic Ethics Committee.** If the faculty member refers the matter to the University Academic Freedom and Ethics Committee, the referral must be in writing and be received by the Office of the Associate Provost within fifteen (15) school days after the date the student admitted the accusation. At the same time, the faculty member shall give copies of the written referral to the student, the faculty member's department chairperson, and the faculty member's dean. The written referral shall include a brief description of the nature of the accusation and a copy of the student's written admission.~~
- ~~d. **Student Appeal.** If the faculty member imposes a punishment, the student may appeal the appropriateness of the punishment imposed (but not his or her guilt or innocence) to the University Academics Ethics Committee. The student's appeal must be in writing and be received by the Office of the Associate Provost within fifteen (15) school days after the date the faculty member gave written notice to the student of the punishment imposed.~~

~~7.3.5 **Denial of Accusation.** If the student denies the accusation, or is deemed to have denied the accusation due to non response, the faculty member may refer the matter to the University Academic Ethics Committee for resolution pursuant to this policy. The faculty member's referral must be in writing and received by the Office of the Associate Provost within fifteen (15) school days after the date the student denied the accusation or was deemed to have denied the accusation, whichever is later. If the faculty member does not refer the matter to the University Academic Ethics Committee, the student shall be deemed to be innocent of the accusation of academic dishonesty.~~

~~7.3.6 **Student's Grade.** If the student's grade in the course has not been assigned at the time the student is accused of academic dishonesty, the student shall be assigned an "Incomplete" in the course until the student's guilt or innocence is determined pursuant to this policy, at which time a grade shall be assigned. If the student has already been assigned a grade in the course at the time the student is accused of academic dishonesty, the assigned grade shall not be changed unless and until the student is determined to be guilty of academic dishonesty pursuant to this policy. For purposes of this policy a grade is considered to have been assigned at the time that final grades are due or when an incomplete removal is filed by the faculty member.~~

Rationale: Much of this is retained, but rewritten into 7.4.1 through 7.4.3

7.4.1 *Informal Resolution.* If a faculty member accuses a student of academic dishonesty, the faculty member must inform the student, either in person or by written notice, of the alleged violation within five (5) school days after the faculty member becomes aware of the initial circumstances giving rise to the accusation. The faculty member and student will discuss the alleged violation in a private conference within five (5) school days after the faculty member notifies the student of the accusation. The student's failure to respond to this accusation will be considered an admission of guilt.

- a. **Finding of Innocence.** If, as the result of the conference, the faculty member thinks that the student is not responsible, the matter will be closed.
- b. **Finding of Violation.** If, as a result of the initial conference, the student admits his or her academic dishonesty, the student will be required to indicate this admission in writing to the faculty member within five (5) school days following the conference.
- c. **Imposition of Punishment.** If, after receiving the written admission of a violation, an appropriate resolution and punishment is found which satisfies the faculty member and the student, written documentation of the meeting will be sent to the Provost's designee, and the matter will be closed. This written documentation must be signed by both the faculty member and the student. After receipt of the faculty member's written notice, the Provost's designee shall review the University Academic Dishonesty Files, and, if there is a prior instance of academic dishonesty by the student, the Provost's designee shall refer the case to the University Academic Ethics Committee for its recommendation concerning additional punishment, if any, to be imposed.
- d. **Disagreement as to Violation.** If, as a result of the initial conference, the faculty member thinks a violation has occurred and the student disagrees, the faculty member must notify the student in writing within five (5) school days following the initial conference that the faculty member is proceeding with the formal resolution process.
- e. **Disagreement as to Punishment.** If the faculty member imposes punishment after a student has admitted guilt (written admission or failure to respond), the student may appeal within five (5) school days following the initial conference the appropriateness of the punishment imposed (but not his or her guilt) to the Academic Freedom and Ethics Committee.

Rationale: More specificity was needed as to what happens if the issue is resolved through an informal process. This section was intended to handle that. Also, the time frame for responses was changed from 15 school days to five school days to speed up the process. In addition, this section was changed to allow for the possibility that the student could disagree as to either the accusation or the punishment imposed.

7.4.2 Formal Resolution. A faculty member's written notification to the student that he or she is proceeding with the formal resolution process shall include a brief description (no more than five (5) pages) of the circumstances giving rise to the accusation and inform the student of his/her right to appeal. A copy of the written notice shall be given to the faculty member's chairperson. The student must respond in writing to the formal accusation within five (5) school days after receiving the faculty member's written notice.

- a. The student's written response must indicate why he/she denies the accusation and wishes to appeal.
- b. If the student fails to respond in writing within the five (5) school day period, the student shall be deemed to have admitted to the accusation.
- c. If the student denies the accusation, in writing, the faculty member shall refer the matter, in writing, to the University Academic Ethics Committee within five (5) school days from the date of the student's response. At that same time, the faculty member shall provide copies of the academic dishonesty referral to the student, department chairperson, and Provost's designee. The faculty member bears the burden of proof for establishing academic dishonesty.
- d. If the matter is not resolved informally, and if the faculty member does not refer the matter to the University Academic Ethics Committee, the student shall be deemed to be innocent of the accusation of academic dishonesty and no punishment may be imposed.

Rationale: This is essentially a rewrite of the former section 7.3.2 Formal Accusation. The time frames were shortened to expedite the process. Also, greater specificity and clarity is provided as to ensuing action.

7.4.3 Timing of Grade. During the formal resolution process, the student's enrollment and participation in class shall not be affected. If the student's grade in the course has not been resolved by this

process and the semester ends, the student shall receive an “Incomplete” in the course until such time as a grade can be determined pursuant to this policy. If the student has already been assigned a grade in the course at the time the student is accused of academic dishonesty, the assigned grade shall not be changed unless and until the student is determined to be guilty of academic dishonesty pursuant to this policy.

Rationale: The only real change here was to include the statement that a student’s enrollment and participation in class shall not be affected. This was done to include the possibility that a student might be accused and deny it earlier in the semester. As such he or she should not be punished until a resolution of the matter is reached.

7.4 — ~~University Academic Freedom and Ethics Committee: Composition~~

~~**7.4.1 Membership.** The University Academic Freedom and Ethics Committee shall be composed of seven (7) faculty members, four (4) students, the Associate Provost or a designee, and the Director of Student Rights and Community Standards or a designee.~~

- ~~— a. Each college dean shall appoint one (1) regular faculty member from his or her college with the academic rank of assistant professor or higher to serve on the committee;~~
- ~~— b. The Student Government Association shall appoint four (4) students to serve on the committee. The students must be of not less than sophomore standing and shall not be on academic probation nor have a record of having committed academic dishonesty. Each student must consent in writing to the University verifying to the Student Government Association that he or she meets the requirements of the preceding sentence;~~
- ~~— c. The Associate Provost and the Director of Student Rights and Community Standards may each designate a representative from time to time to serve in their place on the committee.~~

~~**7.4.2. Term.** Faculty and student members of the University Academic Freedom and Ethics Committee shall be appointed during spring semester of each year to serve a one (1) year term beginning the following fall semester. A faculty or student member may serve an unlimited number of terms.~~

Rationale: This section of the old Student Code covers how the Academic Freedom and Ethics Committee shall be set up which isn’t relevant to this policy. That belongs somewhere else.

7.5 University Academic Freedom and Ethics Committee: Procedures

7.5.1. Selection of Hearing Committee; Chairperson. Upon receipt of a referral or an appeal, the Associate Provost an academic dishonesty referral or an appeal, the Provost’s designee shall select a Hearing Committee from among the members of the University Academic Ethics Committee. The specific members selected shall be determined at the discretion of the Associate Provost but the Hearing Committee shall be composed of five (5) voting members: three (3) faculty, two (2) students; and two (2) non-voting members: the Associate Provost or a designee, and the Director of Student Rights and Community Standards or a designee. Faculty shall be selected from the membership of the Academic Freedom and Ethics Committee; students shall be selected by the student Government Association and must have attained at least a sophomore status and shall not be on academic probation nor have a record of academic dishonesty. The Associate Provost Provost’s designee shall serve as chairperson of the Hearing committee.

Rationale: This new approach provides greater specificity as to how the Hearing Committee shall be selected.

7.5.2 Advisors. The student and faculty member may each be accompanied and assisted at the hearing by one advisor. However, an advisor may not address the Hearing Committee or witnesses directly. The student and faculty member shall each indicate to the Provost’s designee who will serve as his or her advisor at least twenty-four (24) hours before the hearing.

Rationale: This is the old 7.5.8 and is intended to limit the number of advisors and prevent them from taking time at the hearing to deliver what might become lengthy addresses. In addition, under the old code, the possibility that the faculty member might want an advisor was not provided for.

7.5.2 3. *Notice of Hearing.* The ~~Associate Provost~~ Provost's designee shall establish the time, date, and place that the academic dishonesty referral or appeal will be heard by the Hearing Committee and shall give at least ten (10) school days prior written notice thereof to the student and to the faculty member. The notice shall include the names of the persons who will serve on the Hearing Committee and shall briefly state the nature of the accusation and the circumstances giving rise to the accusation. The date of the hearing shall be not more than twenty (20) school days after the faculty member's written notice or the student's appeal date the referral or appeal was received by the ~~Office of the Associate Provost~~ Provost's designee. In the case of an absent faculty member, the department chairperson, with consent of the absent faculty member, shall appoint a faculty member from the department or himself or herself to represent the faculty member at the hearing.

Rationale: New portion was added to account for the possibility that a faculty member who made the accusation could not be present at the time of a scheduled hearing.

7.5.3 4. *Quorum.* All of the voting members of the Hearing Committee must be present to constitute a quorum, unless a vacancy occurs, as provided in 7.5.5, but a majority of the voting members present, whether or not a quorum exists, may adjourn any meeting to another time or date.

7.5.4 5. *Disqualification; Challenges.* Any Hearing Committee member shall disqualify himself or herself if he or she has a conflict of interest with the case or the student or a personal bias relevant to the case. The student may challenge a Hearing Committee member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the ~~Associate Provost~~ Provost's designee may, at his or her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of all remaining voting members of the Hearing Committee.

7.5.5 6. *Witnesses.* The student and the faculty member may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Committee may limit the number of witnesses to avoid repetition and cumulative testimony. The witnesses must be affiliated with the University and knowledgeable about the academic dishonesty accusation. Each party shall be responsible for insuring the presence of his or her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony of a witness unless the chairperson of the Hearing Committee determines that the witness is unavailable to testify. The student and the faculty member must provide the names of all witnesses who may testify at least twenty-four (24) hours before the scheduled time of the hearing to the ~~Office of the Associate Provost~~ Provost's designee. All witnesses who testify, as well as the student and the faculty member, may be questioned by any member of the Hearing Committee concerning any matter relevant to the issues before the Hearing Committee. Witnesses invited by either party shall be present only while they are testifying.

7.5.7 Materials Used in the Hearing. The student must provide a written statement of no more than five (5) pages outlining the basis of the appeal and provide any supporting documentation. The faculty member will provide the original written notification and any additional supporting materials. All documentation must be received in the Office of the Provost no less than five (5) school days prior to the hearing. All documents shall be distributed to both parties and the Hearing Committee no less than twenty-four (24) hours in advance of the scheduled hearing.

Rationale: The materials allowed at the hearing were not specified in the original Student Code. The limits were intended to prevent the student from swamping the committee with materials and unnecessary work.

7.5.6 ~~8.~~ Conduct of the Hearing. The hearing shall be conducted ~~in an informal manner and without~~ reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view to providing the Hearing Committee with a complete understanding of the facts involved. Each party shall be granted up to thirty (30) minutes to present relevant information to the Hearing Committee. Time used by witnesses shall not count toward those thirty minutes. Testimony of each witness is limited to five (5) minutes (excluding questioning from the Hearing Committee). Decisions of the hearing committee shall be made by a majority vote. The Hearing Committee may delay judgment if the faculty member (or his/her representative) or the student is not available for a legitimate reason. Irrelevant, immaterial, and unduly repetitious evidence may be excluded.

Rationale: These sections provide greater clarity and specificity as to the hearing itself and confidentiality.

7.5.9 Confidentiality of Appeal Hearing. The Hearing Committee members shall return any personal files, materials received during the appeals procedure, or notes taken during the meetings of the Hearing Committee to the Chairperson of the Hearing Committee, once the process is complete. No member of the Hearing Committee, or other participant or observer in the appeal procedure shall reveal any facts, documents, or testimony gained through participating in or observation of the hearing to any other person unless required by a court of law to do so or upon the advice of the University's legal counsel.

~~**7.5.7 Continuances.** The Hearing Committee, by a majority vote, may continue the hearing to a later time or times.~~

~~**7.5.8 Student Assistance.** The student may be accompanied and assisted at the hearing by an advisor of the student's choice, provided the advisor is an employee or student of the University or a relative of the student and the advisor agrees to act as the student's advisor. The student should inform the Office of the Associate Provost who will serve as his or her advisor at least twenty-four (24) hours before the hearing.~~

~~**7.5.9 Decisions of the Hearing Committee.** Decisions of the Hearing Committee shall be made by majority vote.~~

~~**7.5.10 Additional Rules.** Procedural rules not inconsistent with this policy may be established by the Hearing Committee from time to time to fulfill its functions in an orderly manner.~~

Rationale: These provisions are covered elsewhere, particularly in 7.5.2 or 7.5.4.

**7.6 University Academic Freedom and Ethics Committee:
Hearing Committee: Determination/Recommendations**

7.6.1 Determination and Recommendation of the Hearing Committee. The Hearing Committee's determinations shall be based solely on the evidence presented or summarized at the hearing, as well as the testimony provided by the student, faculty member, and witnesses; and the credibility and demeanor of the student, faculty member, and witnesses; however, the Hearing Committee may take official notice of matters which would be within the general experience or knowledge of faculty or students of the University ~~and may consider any prior instances of academic dishonesty by the student in determining its recommendation for punishment.~~ The Hearing Committee shall complete the following tasks: meet in one or more private sessions after the conclusion of the hearing for the following purposes and procedures:

- a. Unless the student admitted guilt in writing or unless the only issue before the Hearing committee is the punishment to be imposed, to determine the guilt or innocence of the student; and (if not previously determined);

- b. ~~If the student is determined to be guilty, if the student admitted guilt in writing, or if the only issue before the Hearing Committee is the punishment to be imposed, to determine the recommendation for punishment if the student is determined to be guilty or the student admitted guilt in writing, or the only issue before the Hearing Committee's is the punishment to be imposed. recommendation for punishment; and The Hearing Committee may consider any prior instances of academic dishonesty by the student in determining its recommendation for punishment.~~
- c. ~~meet in one or more private sessions after the conclusion of the hearing for the purpose of To prepare preparing the Hearing Committee's written summary of the evidence presented, findings, and recommendation for punishment for delivery to the Provost and Vice President for Academic Affairs.~~

Rationale: the significant change here is deleting consideration based on prior instances of academic dishonesty. The task force believes each case should stand on its own.

7.6.2 *Determination of Innocence.* If the Hearing Committee determines that the student is innocent of the accusation, the accusation shall be dismissed and the Hearing Committee shall request the faculty member involved to assign a grade to the student based upon the student's academic performance. If the student thereafter disagrees with the grade assigned, the student may appeal the grade through the University's grade appeal procedure.

7.6.3 *Determination of Guilt: Findings and Recommendation to Provost and Vice President for Academic Affairs.* If the Hearing Committee determines that the student is guilty of the accusation, if the student has admitted guilt in writing, or if the only issue before the Hearing Committee is the punishment to be imposed, the Hearing Committee shall give its written summary of the evidence presented, its written findings, and its recommendation for punishment to the Provost and Vice President for Academic Affairs. ~~The Multimedia Integrity Teaching Tool Program may be assigned as part of the sanction.~~ A copy of the summary, findings, and recommendation shall at the same time be given to the student, the faculty member, the faculty member's department chairperson, and the faculty member's dean.

Rationale: the Multimedia Integrity Teaching Tool Program was deleted because the task force believes there should be a greater flexibility of sanctions and that we shouldn't single one out, implying that is all that needs to be done.

7.6.4 *Comment Appeal to the Provost and Vice President for Academic Affairs.* The faculty member ~~and or~~ the student may appeal the Hearing Committee's decision ~~submit written comments to the Provost and Vice President for Academic Affairs concerning the Hearing Committee's summary, findings, and recommendation.~~ To be considered by the Provost and Vice President for Academic Affairs, such ~~comments~~ appeals must be received by the Office of the Provost and Vice President for Academic Affairs within ~~ten (10)~~ five (5) school days after the date the Hearing Committee's summary, findings, and recommendations are given to the student, the faculty member, the faculty member's department chairperson, and the faculty member's dean. The decision of the Provost and Vice President for Academic Affairs is final.

~~**7.6.5 *Action by Provost and Vice President for Academic Affairs.*** After receipt of the Hearing Committee's summary, findings, and recommendation and any written comments timely submitted by the faculty member or student, the Provost and Vice President for Academic Affairs may: (1) approve the determination and recommendation of the committee; (2) overrule or modify the committee's recommendation for punishment; or (3) refer the matter to the Hearing Committee for such action as the Provost and Vice President for Academic Affairs may direct. If the Provost and Vice President for Academic Affairs refers the matter to the Hearing Committee, the results of the Hearing Committee's further actions shall be communicated to the Provost and Vice President for Academic Affairs for final decision.~~

7.7 Punishment

- 7.7.1 *By Faculty Member.*** As provided in Section VIII.C. of this code, a faculty member may impose punishment for academic dishonesty up to and including failure in the course. A student may not appeal a final course grade resulting from a determination of academic dishonesty as described in this policy.
- 7.7.2 *By Provost and Vice President for Academic Affairs.*** After receipt of the Hearing Committee's summary, findings and recommendation, the Provost and Vice President for Academic Affairs may impose punishment up to and including suspension or expulsion from the University or revocation of a previously awarded degree.

7.8 Records of Academic Dishonesty

- 7.8.1 *Innocent Student.*** If a student is determined or deemed to be innocent of an accusation of academic dishonesty, and any appeal of that decision has been concluded with no change in judgment, all materials concerning the accusation that are in the possession of the student, the faculty member, the faculty member's department chairperson, or the faculty member's dean will be promptly destroyed.
- 7.8.2 *University Academic Dishonesty Files.*** Records concerning accusation of student academic dishonesty, including records of the ~~University Academic Freedom and Ethics Committee~~ Hearing Committee, shall will be maintained in a University Academic Dishonesty File. These records will include all materials used in the hearing, as well as findings of violation and imposition of punishment as a result of any informal resolution between the faculty member and the student as described in Section 7.4.1.

~~**7.8.2 *Innocent Student.***~~ If a student is determined or deemed to be innocent of an accusation of academic dishonesty:

- ~~a. All materials concerning the accusation which are in the possession of the faculty member, the faculty member's department chairperson, or the faculty member's dean shall be promptly destroyed.~~
- ~~b. All materials concerning the accusation which are in the University Academic Ethics File shall be destroyed ten (10) school years after the date the student is determined or deemed to be innocent of the accusation; however, if at the conclusion of the ten (10) school year period, the materials are relevant to pending or threatened litigation, the Provost and Vice President for Academic Affairs may direct that destruction of the materials be delayed until such litigation is concluded. During the ten (10) school years period and any extension of it, access to or release of the materials shall occur only with the prior written consent of the student or upon the express, written direction of the Provost and Vice President for Academic Affairs.~~

7.8.3 *Maintenance and Disposal of University Academic Dishonesty Files.* All materials concerning an accusation which are in a student's academic dishonesty file will be destroyed ten (10) school years after the date the case is resolved or will be maintained until the student has graduated from Ball State University (whichever date comes later). However, if at the conclusion of this holding period, the materials are relevant to pending or threatened litigation, the Provost and Vice President for Academic Affairs may direct that destruction of the materials be delayed until such litigation is concluded. During the holding period and any extension of it, access to or release of the materials will occur only with the prior written consent of the student or upon the express, written direction of the Provost and Vice President for Academic Affairs under conditions as wet forth by the Family Educational Rights and Privacy Act.

7.8.3 4 *Transcripts.* Other than the grade finally assigned in a course, a student's academic dishonesty shall not be recorded on the student's transcript unless the student is suspended or expelled from the University or a previously awarded degree is revoked.

7.9 Miscellaneous

7.9.1 *Action by Designee.* Whenever an action may be or is required to be taken under this policy by the Provost and Vice President for Academic Affairs, the Associate Provost, or the Director of Student Rights and Community Standards, the action may be taken by that person's designee.

~~**7.9.2** If the student believes the accusation of academic dishonesty was in whole or in part due to unlawful discrimination relating to race, color, religion, sex, national origin, age, Vietnam veteran status, or physical or mental disability, the student must inform the Office of the Associate Provost in writing of this belief before the date of the hearing. The Associate Provost shall then select a member from the University's Discrimination Appeals Board Panelists to serve as an additional voting member of the Hearing Committee for the referral or appeal. The allegation of discrimination shall then be considered and disposed of under this policy rather than under any other University policy.~~

Proposed Changes/Amendments to Student Academic Ethics Policy
Submitted by Marilyn Buck

7.2.1 c. Add a comma after “Communication with”

7.4.1 e. Amendment: Replace “Academic Freedom and” with “Student Academic”.

Rationale for amendment: The result is a change (clarification) of the committee involved to the “Student Academic Ethics Committee”. This is important because the committee is not the same one as the University Academic Freedom and Ethics Committee which hears faculty cases. I think it is important to keep the two committees separated as their functions are different and they are reviewing different issues. Additional amendments to the document will be made to reflect this clarification. I have talked with the chair of the task force, Susan Clark, who expressed agreement with the concept.

7.4.2 c. & d. Change “University Academic Ethics Committee” to “Student Academic Ethics Committee”

Add section 7.4 back into the document as 7.5 to read as follows:

7.5 Student Academic Ethics Committee: Composition

- 7.5.1 *Membership.* The Student Academic Ethics Committee shall be composed of seven (7) faculty members, four (4) students, the Provost’s designee, and the Director of Student Rights and Community Standards or a designee.
- a. Each college dean shall appoint one (1) regular faculty member from his or her college with the academic rank of assistant professor or higher to serve on the committee;
 - b. The Student Government Association shall appoint four (4) students to serve on the committee. The students must be of not less than sophomore standing and shall not be on academic probation nor have a record of having committed academic dishonesty. Each student must consent in writing to the University verifying to the Student Government Association that he or she meets the requirements of the preceding sentence;
 - c. The Provost’s designed and the Director of Student Rights and Community Standards may each designate a representative from time to time to serve in their place on the committee.
- 7.5.2 *Term.* Faculty and student members of the Student Academic Ethics Committee shall be appointed during spring semester of each year to serve a one (1) year term beginning the following fall semester. A faculty or student member may serve an unlimited number of terms.

All other numbering in the remainder of the document will need to be adjusted.

Rationale: This section had been removed because it was thought to be unnecessary as the composition of the University Academic Freedom and Ethics Committee was specified as a subcommittee of the Faculty Council. Once it is clarified that these are two separate committees, the section on the composition of the Student Academic Ethics Committee is essential.

Old 7.5 (new 7.6) Change to “Student Academic Ethics Committee: Procedures”

Old 7.5.1 (new 7.6.1) *Selection of Hearing Committee; Chairperson.* Upon receipt of an academic dishonesty referral or an appeal, the Provost's designee shall select a Hearing Committee from among the members of the Student Academic Ethics Committee. The specific members selected shall be determined at the discretion of the Provost's designee but the Hearing Committee shall be composed of five (5) voting members: three (3) faculty, two (2) students; and two (2) non-voting members: the Provost designee, and the Director of Student Rights and Community Standards or a designee. The Provost's designee shall serve as chairperson of the Hearing committee.

Rationale: This change is needed as a result of the clarification of the committee from whom the Hearing Committee is selected.

Old 7.5.8 (new 7.6.8) Amend the following statement: "Time used by witnesses shall not count toward those thirty minutes" to: "Time used by the witnesses shall count toward those thirty minutes (excluding time spent questioning the witness by the Hearing Committee)."

Remove the following statement: "Testimony of each witness is limited to five (5) minutes (excluding questioning from the Hearing Committee)."

Rationale: The length of the hearing could get out of hand if there is no limit on the witnesses. Each individual should be able to make his or her case within the thirty minutes. This is the same as what is done in P & T appeals hearings.

Old 7.6.2 (new 7.7.2) Amend by adding the following to the end of the section:

"The Hearing Committee shall give its written summary of evidence presented and its written findings of innocence to the Provost and Vice President for Academic Affairs. A copy of the summary and findings of innocence shall at the same time be given to the student, faculty member, the faculty member's department chairperson, and the faculty member's dean."

Rationale: 7.6.1 c. states that the Hearing Committee will meet to prepare a written summary for the Provost but it does not state that it is sent and there is no indication of any notification going to the student and faculty member in the case of determination of innocence; it does for determination of guilt. For that purpose this clarification is needed.

Old 7.6.3 (new 7.7.3) Amend by adding the following to the last sentence: "for punishment" between "recommendation" and "shall at the same time".

Rationale: Since this is a determination of guilt section the specific recommendation is for a punishment. I believe adding the wording specified adds clarification to the recommendations that are being made.

Old 7.7.1 (new 7.8.1) Amend by deleting "As provided in Section VIII.C. of this code,".

Rationale: There is no Section VIII.C. of the proposed new code or the code we are currently using. This should have been deleted with the last revision. It is not needed because the statement which follows provides the levels of punishment that are allowed.

7.6.5 Section which is being recommended for removal. Propose amending the document to include this section rather than remove it.

Rationale: It is the only place in the document where it outlines the action to be taken by the Provost in response to the recommendations made by the Hearing Committee. The possible

actions represent the logical actions which could be taken and therefore provide clarity by leaving them in for all parties involved. If the Provost is not to have these options but must accept the ruling of the Hearing Committee then the term “recommendations” should not be used but rather something more like “ruling” or “final action” should be used instead.

Old 7.7.1 (new 7.8.1) Amend by removing the final sentence which is an addition to the old policy. The sentence is: “A student may not appeal a final course grade resulting from a determination of academic dishonesty as described in this policy.”

Rationale: My concerns is what protection is there for the student if a faculty member decides to add additional punishment by grade changes on other assignments as a result of the student committing an act of academic dishonesty in another part of the course. The only student recourse is to appeal the grade and to leave this statement in the document denies students that right. What other action can the student take in that case?

**VI Procedures
for Promotion
and Tenure**

1. Procedures for Promotion

1.1 Faculty Personnel--Regular

- 1.11 Departmental policies and criteria must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and shall be on file with the academic dean and the ex officio member of the University Promotion and Tenure Committee.
- 1.12 Recommendations for promotion shall be initiated at the departmental level. After evaluating the candidate's qualifications, the Department Promotion and Tenure Committee must indicate whether or not the candidate is to be recommended for promotion. **Departmental Committees shall maintain a record of the numerical outcome of votes for all candidates.**
- 1.13 Credentials of those candidates to be recommended favorably for promotion by the Departmental Committee shall be forwarded to the academic dean in an order to be specified by the faculty of each college. Included with the credentials will be the Department Promotion and Tenure Committee's evaluations and recommendations **and the numerical outcome of votes for the recommended candidates.**
 - 1.131 If in presenting evaluations, the department chairperson has serious reservations concerning a faculty member's qualifications, the department chairperson shall inform the Department Committee of the bases of the reservations. If the differences between the chairperson and the Department Committee are not resolved, the department chairperson may forward to the academic dean his or her evaluations and recommendations concerning the faculty member's qualifications.
- 1.14 The dean shall forward credentials to the College Promotion and Tenure Committee and charge it with the responsibility for evaluating each individual's credentials and determining whether or not candidates are to be recommended for promotion. **College Committees shall maintain a record of the numerical outcomes of votes for all candidates and provide these to the dean of the college.**
 - 1.141 Any recommendations from the College Committee not receiving approval by the academic dean shall be returned to the committee with reasons for the disapproval. A two-thirds vote of the committee shall be required to override the disapproval after which the dean must forward the recommendation.
- 1.15 The dean shall forward the recommendations, including his or her evaluations **and the numerical outcome of votes provided by the Department and College Committees,** to the Provost and Vice President for Academic Affairs. If the recommendations are not acceptable, the Provost and Vice President for Academic Affairs shall consult with the academic dean about the differences.

(Faculty and Professional Personnel Handbook, Pages 67-68)

2. Procedures for Tenure

2.1 Faculty Personnel--Regular

- 2.11 Departmental policies and criteria must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and shall be on file with the academic dean and the ex officio member of the University Promotion and Tenure Committee.
- 2.12 Each department shall have a specific evaluation form for rating a faculty member in relation to tenure. This form shall be used when a faculty member is being considered for tenure. This rating form must be kept on file with the chairperson of the department and must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee.
- 2.13 Recommendations concerning tenure shall be initiated at the departmental level.
- 2.14 The recommendations of the Department Promotion and Tenure Committee **and a record of the numerical outcome of votes for all candidates** shall be forwarded to the academic dean. Included with the recommendations will be the department chairperson's evaluations and recommendations, if there is a difference of opinion between the department chairperson and the Department Committee.
- 2.15 If it chooses to do so, the College Committee shall review and evaluate the credentials of all collegiate tenure-track persons and forward those credentials, with recommendations, to the dean. **College committees shall maintain a record of the numerical outcome of votes for all candidates and provide these to the dean of the college.**
 - 2.151 Any recommendation from the College Committee not receiving approval by the dean shall be returned to the committee with reasons for the disapproval. A two-thirds vote of the committee shall be required to override the disapproval after which the dean must forward the recommendation.
- 2.16 The academic dean shall forward recommendations concerning the tenure credentials, including his or her evaluations **and the numerical outcome of votes provided by the Department and College Committees**, to the Provost and Vice President for Academic Affairs. If the recommendations are not acceptable, the Provost and Vice President for Academic Affairs shall consult with the academic dean about the differences.
- 2.17 The Provost and Vice President for Academic Affairs, upon reviewing and being satisfied with the recommendations from the academic deans, shall forward these recommendations to the President.
- 2.18 Final recommendations in all matters pertaining to tenure reside with the President who forwards these recommendations to the Board of Trustees.
- 2.19 Specific conditions of appointment stated in writing at the time of appointment by the President shall be given in writing to the individual, the department, the school director or chairperson, the appropriate dean, the appropriate Vice President and the President.

(Faculty and Professional Personnel Handbook, Page 69)

Proposed Change to the University Promotion and Tenure Document

Current statement on term length for members of the University Promotion and Tenure Committee:

IV, 4.111: Seven tenured faculty, one representing each college, elected by the tenured and tenure-track faculty for staggered 2 year terms.

Proposed Revision:

IV, 4.111: Seven tenured faculty, one representing each college, elected by the tenured and tenure-track faculty for staggered ~~2~~ 3 year terms.

(Faculty and Professional Personnel Handbook, Page 66)

Rationale:

Since there are 7 members to this committee, terms would turn over in 3 consecutive years as follows: 2 members in year 1, 2 members in year 2, and 3 members in year 3.