

November 28, 2007

MEMORANDUM

TO: Members of the Faculty Council

FROM: Brien Smith, Chairperson

RE: Faculty Council Meeting #5
Thursday, December 6, 2007
4:00 p.m., CM 125

AGENDA

Approval of the minutes of November 1, 2007

I. Announcements

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

B. Items currently in committees

1. Evaluation of Teaching (Teaching Evaluation)
2. Grade Inflation (Teaching Evaluation)
3. Restructuring Ball State Health Care Plans – from Agenda Committee 10/4/04 (Salary and Benefits)
4. Definition of Creative Arts for Faculty Award – from Agenda Committee 3/21/05 (Creative Arts)
5. 1-2-1 Agreement (International Programs) – from University Council 9/15/05
6. Terminology of Contract Positions at BSU – from Agenda Committee 10/17/05 (Contract Faculty)
7. Athletic Funding – from Agenda Committee 11/21/05 (Financial and Budgetary Affairs)
8. Load credit for directing an undergraduate honors thesis or master's thesis – from Agenda Committee 8/21/06 (Salary and Benefits)
9. Beneficence Pledge (Student Rights, Ethics, and Standards Committee)
10. Revised Student Academic Ethics Policy (Sent to Office of University Compliance)
11. Increasing Life Insurance Benefits – from Agenda Committee 8/20/07 (*Salary and Benefits-10/7/07*)

- C. Update on GANTT Chart
- II. Unfinished Business
 - A. Student Academic Ethics Policy (Enclosure #1)
- III. New Business
 - A. Definition of Creative Art (Enclosure #2)
- IV. Question and Answer Period
- V. 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.
 - B. Discussion of cyber-plagiarism (Instructional Media Support Committee)
- VI. Adjournment

/mt

Members Present: N. Ahmed, M. Brown, G. Crawley, L. Deckers, R. Dolon, O. Dotson, J. Eflin, F. Groom, M. Guntsche, D. Haber, M. Harvey, M. Hawkins, B. Hozeski, S. Islam, K. Kalumba, C. Kapinus, E. Kelly, C. Marlow, J. McClure, J. Olesen, P. Parkison, C. Payne, D. Pearson, M. Popovich, R. Rarick, G. Reid, J. Rybarczyk, W. Sharp, D. Shawger, B. Smith, K. Speirs-Neumeister, G. Stamp, A. Muhammad, A. Stegner, B. Umansky, C. Updike, C. Walker, M. Walker, A. Wieseke, T. Zivney, E. Zygmunt-Fillwalk

Substitutes: Howard Campbell for B. Adams, Jerome Kotecki for J. Clark, Colleen Boyd for M. Groover, Marilyn Buck for T. King, Ahmed Mohammad for R. Stankewitz, Linda Pohly for M. Steib, Albel Alves for F. Suppe

Members Absent: D. Chen, T. Hinds, W.T. Wrege, K. Neumann, P. Spengler

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 (Popovich/Crawley) to approve the minutes of October 4, 2007.

Discussion ensued and a motion was made and seconded (McClure/Pearson) to remove all items of discussion under New Business (3.A.).

The motion to remove all items of discussion under New Business carried, with abstention.

The motion to approve the minutes, with all items of discussion removed carried, with abstention.

2. Items currently in committees

There were no updates from committees. A suggestion was made to have someone here from each committee to give an update of their progress. The Chairperson of the Faculty Council will also work on the GANTT chart.

Marilyn Buck reported that item #9 (Major in Peace Studies) can come off the list, as it is no longer an item of consideration.

3. Unfinished Business

- A. UCC-21 (Faculty Council Agenda, 10/4/07, Enclosure #1)

A motion was made and seconded (Wieseke/Kelly) to remove the item from the table for discussion.

The motion carried.

Discussion ensued and there was a call for the question (end debate). A two-thirds majority is required on this vote.

The hand count to end debate: Yes – 31; No – 4; Abstentions – 2.

The motion carried.

David Pearson, Parliamentarian, reviewed the procedures for voting on the UCC-21 document. A simple majority is required on this vote.

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The paper ballot count to approve the UCC-21 document as approved by the Undergraduate Education Committee on 9/24/07: Yes – 31; No – 13.

The motion carried.

Student Senate Resolution SR-02-07 (The Addition of a Technological Literacy Course to the University Core Curriculum), will be added and sent forward with the UCC-21 document for consideration by the University Senate at their meeting on November 29, 2007.

The meeting adjourned at 4:55 p.m.

Respectfully submitted,

Ann Wieseke, Secretary

/mt

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.~~

Definition of Creative Arts (Issues in the Senate System, Creative Arts Committee)

Creative Arts Committee Meeting

Meeting Minutes, 2006-07

6 Oct. 2006

7. Committee further defined "creative art". Using sources from the National Endowment of the Arts (NEA) and the Faculty Internal Grants Guidelines the language was adopted. The language first appeared in the Faculty Internal Grant Guidelines in 1985.

A Creative Art is one which can be found in areas supported by the National Endowment for the Arts: Dance, Design Arts, Expansion Arts, Folk Arts, Literature, Media Arts, Museums, Music, Opera-Musical Theatre, Presenting & Commissioning, Theatre and Visual Arts. Successful applications are most likely to be found in the following examples:

Music: Composition and publication of new music, Conducting, Instrumental or vocal performance, live or via recording

Theater: Original scripts and screenplays, Original set, costume, or makeup design, Stage or film/video performance

Dance: Original choreography, Stage or film/video performance

Visual Arts: Original studio art (painting, printmaking, sculpture, ceramics, photography, etc.), Original designs in architecture, planning, and graphic arts, Exhibitions, including installations, site or conceptual art, and other media

Creative Writing: The writing of fiction, creative nonfiction, poetry, plays, and screenplays, the publication or public reading of original fiction and poetry

1st Melser, 2nd Ahmed. Approved unanimously.

Creative Arts Committee

Meeting Minutes, 2006-07

Friday, November 17, 2006

- i. Questions arose after the October meeting regarding the definition of a creative art. The committee looked at the areas in the NEA's definition and compared it more closely to the BSU Internal Grant definition.

NEA	Current BSU Creative Arts Program
Arts Education	
Dance	Dance
Design	Design Arts
	Expansion Arts
Folk & Traditional Arts	Folk Arts
Literature	Literature
Media Arts (Film/Radio/Television)	Media Arts
Museums	Museums
Music	Music
Musical Theatre	Opera-Musical Theatre
Opera	- see above -
Presenting	Presenting and Commissioning
Theatre	Theatre
Visual Arts	Visual Arts

The committee decided to define creative art by aligning with the definition posted by the NEA. This was motioned by Melser and seconded by Kessler.