

NON-TENURE-LINE FACULTY TITLES & PROMOTION COVERSHEET

Department: School of Art

College: CFA

Date Coversheet Submitted: 9/27/2024

Please check one of the following:

☐ The Unit has no changes to the Non-Tenure-Line titles and promotion document. The previously approved document remains in effect for the AY 2025-2526

☒ The Unit has submitted revisions to the Non-Tenure-Line titles and promotion document. If approved, these revisions will be in effect for the AY 2025-2026.

Signatures:



Unit Head

Date: 9/30/2024

Associate Dean Andrew Friedman



Date: 9/30/2024

Provost 

Date: 10/28/2024

Memorandum

To: Seth Beckman, Dean
Andrew Friedman, Associate Dean
College of Fine Arts

From: Lara Kuykendall, School of Art

Date: 09.27.24

Re: Summary of Revisions to Unit Non-Tenure Line Faculty Titles and
Promotion Document

Attached you will find the School of Art Non-Tenure Line Faculty Titles and Promotion Document with the following revisions (in red):

1. Removal of all references to College Non-Tenure Line Titles and Promotions Committee as this process is not utilized.

Addendum

Date 09.30.24

2. Removal of all references to University Non-Tenure Line Title and Promotions Committee as this process is not utilized.

School of Art
Procedures for Non-Tenure-Line, Full-Time Faculty
Titles and Promotion Calendar
2025-2026

Voted and approved by Non-Tenure-Line, Full-Time Faculty on 9-29-2023.

I. Procedure for Promotion

- II.** Effective fall 2018, contract faculty are hired at the rank of Assistant Teaching Professor or Assistant Lecturer according to the *Titles and Promotion Chart*.

III. Criteria for Promotion

1. Full time Non-Tenure-Line faculty may be eligible to apply for a first promotion no earlier than their seventh (7th) year of full-time employment (not necessarily continuous) and a second promotion no earlier than five (5) years (not necessarily continuous) of employment after their first promotion. Employment duration will be considered retroactively from the institution of this document, thus counting all years of employment for current employees.
2. Previously promoted Non-Tenure-Line faculty who received a multi-year contract and are seeking to extend their multi-year contract should submit a request to their respective department in writing with documentation of continued achievement in compliance with the established departmental expectations of excellence.
 - 2.1 The Director of the School of Art will communicate to the Non- Tenure-Faculty verbally and in writing they are in the last academic year of their current contract at the start of fall term.
 - 2.2 The Director will communicate to the Non-Tenure-Faculty verbally and in writing if they are applying for 1-year or multi-year contract prior to submitting materials for an extension of contract.
3. If Non-Tenure-Line faculty choose to align with the new *Titles and Promotion Chart*, they would be eligible for and given priority for funds that may be available to support their creative and research endeavors and/or represent the university at professional conferences.
4. In the event of promotion is awarded, salary increments may be granted at each promotion, in addition to a three-year contract and five-year contract, respectively.
5. Non-Tenure-Line faculty will be notified of the monetary amount associated with the rank of promotion.
6. As the institution makes continuous adjustments to policy regarding the length of Non-Tenure-Line faculty contracts, the School of Art will also adjust accordingly.

IV. Non-Tenure-Line Committee

1. The committee will consist of three departmental Non-Tenure-Line faculty members who have attained the rank of Associate Teaching Professor or Teaching Professor.
2. If there are not three Non-Tenure-Line faculty members who have achieved the rank of Associate Teaching Professor or Teaching Professor, the Director of the School of Art will communicate with the Non-Tenure-Line faculty member to offer them the following options:

- 2.1 A School of Art Tenured Faculty member may be appointed to serve on the committee. The selection of this individual will be at the discretion of the Director of the School of Art.
- 2.2 A Non-Tenure-Line Faculty member who has achieved the rank of Associate Teaching Professor or Teaching Professor from the College of Fine Arts may be chosen to serve on the committee. The selection of this individual will be at the discretion of the Director of the School of Art.

3. Support and Documentation for Promotion

- 3.1 The sliding rule percentages, as described below, will be customized by Non-Tenure-Line faculty and specified in the cover letter accompanying their submitted materials.
 - 3.11 50% or more based upon Teaching
 - 3.111 Given that Non-Tenure-Line faculty are primarily hired for teaching, this aspect will constitute no less than 50% of documented contributions in this area.
 - 3.112 Course release time granted to Non-Tenure-Line faculty for administrative responsibilities will be considered toward teaching percentages.
 - 3.12 20% or more based upon Creative Scholarly Productivity.
 - 3.121 It is acknowledged that substantial teaching loads and limited Non-Tenure-Line faculty funding for travel or creative scholarly pursuits may limit productivity in this area.
 - 3.13 10% or more based upon Professional Service.
 - 3.131 The long-standing tradition in academia includes the expectation of contributing service to one's institution, department, and profession. Non-Tenure-Line faculty are expected to participate in at least one University, College, or School of Art Committee each academic year.
 - 3.132 Faculty members are encouraged to actively engage in their professions as scholars, artists, and creators. Additionally, they are urged to contribute to the field through participation in professional events, outlets and conferences.
 - 3.133 We recognize that heavy teaching loads, limited service opportunities, and limited travel resources may restrict the productivity of Non-Tenure-Line faculty members in this aspect.
 - 3.14 Non-Tenure-Line faculty have flexibility to allocate the percentages of teaching, professional service and creative or scholarly activities. However, teaching should not be reduced below 50%, creative/scholarly to no lower than 20%, and Service to no lower than 10%.

3.2 Materials Submitted for Promotion

- 3.21 Materials required for promotion will be submitted through the university approved electronic management software.
- 3.22 Cover letter that clearly states the title of promotion position in accordance with the *Titles and Promotion Chart*.
 - 3.221 The letter must specify the percentages for teaching, creative scholarly work and/or professional service that the non-tenure-line faculty is submitting in consideration for promotion.
- 3.23 Curriculum Vitae will be accessed through the university approved electronic management software, which is the same platform utilized for the School of Art Annual Report.
- 3.24 Student Evaluations submitted in the School of Art Annual Report with a minimum of one evaluation per semester taught, including summer session, for each year.
- 3.25 Peer Evaluations submitted in the School of Art Annual Report with a minimum of one evaluation provided for each academic year.
- 3.26 Documentation of Teaching
 - 3.261 20 examples of student performance which encompass a range of student studio work, essays, and/or research papers.
 - 3.262 Student participation in exhibitions, presentations, or accomplishments due to faculty mentoring that are included in the Summary of Accomplishments.
 - 3.263 If granted course release time, may include evidence of administrative or other responsibilities undertaken (optional).
- 3.27 Documentation of Creative Scholarly Productivity that are included in the Curriculum Vitae.
- 3.28 Documentation of Professional Service that are included in the Curriculum Vitae.
- 3.29 Additional support materials may be included (optional).
 - 3.291 Director of the School of Art evaluations.
 - 3.292 Professional letters of support from within the university; including, but not limited to, online teaching, university committees, advising, admissions.
 - 3.293 Professional letters of support outside the university.

3.3 Materials Submitted for Extension of Multi-Year Contract

- 3.31 Materials required for extension of a multi-year contract will be submitted through the university approved electronic management software.
- 3.32 A cover letter that explicitly states the intention to request an extension of the multi- year contract. It should also specify the percentages for teaching, creative scholarly work and/or professional service that the non-tenure-line faculty is submitting in consideration for contract extension.
- 3.33 Curriculum Vitae will be accessed through the university approved electronic management software, which is the same platform utilized for the School of Art Annual Report.
 - 3.331 Summary of Accomplishments
 - 3.332 Student Evaluations with a minimum of one evaluation per semester taught, including summer session, for each academic year.
 - 3.333 Peer Evaluations with a minimum of one evaluation provided for each academic year.
- 3.34 Including supporting materials for items listed in the Curriculum Vitae that have taken place since the last promotion is an option. These materials can serve to strengthen or provided further clarification to support the case for contract extension.
 - 3.341 Documentation of Teaching that includes student studio work, essays, and/or research papers.
 - 3.342 Student participation in exhibitions, presentations, or accomplishments due to faculty mentoring.
 - 3.343 If granted course release time, evidence of administrative or other responsibilities undertaken.
 - 3.344 Documentation of Creative Scholarly Productivity.
 - 3.345 Documentation of Professional Service.

4. Non-Tenure-Line Faculty Promotions Calendar

- 4.1 All materials must be submitted through the university approved electronic management software, adhering to the deadlines set by the School of Art, and in compliance with deadlines set by the College of Fine Arts and the Provost for the following items. Calendar deadlines will be communicated by the Director of the School of Art and respective committees.
 - 4.11 Revisions for the Non-Tenure-Line Faculty Promotion document are due in October.
 - 4.12 Documents for promotion are to be submitted by the third Monday in October by 5 pm.

- 4.13 Documents for Extension of Multi-Year Contract are to be submitted by April.
- 4.14 No consideration will be given to Candidates who do not submit their materials on the respective due dates.

5. Titles and Promotion Chart (revised September 3, 2019)

TITLES AND PROMOTION CHART Specialization/Timing	Rank/Title: Non-terminal Degree	Rank/Title: Terminal Degree with Specialization
<i>Teaching</i>		
At hire	Lecturer	Assistant Teaching Professor
First promotion	Associate Lecturer	Associate Teaching Professor
Second promotion	Senior Lecturer	Teaching Professor
<i>Research</i>		
At hire	Researcher	Assistant Research Professor
First promotion	Associate Researcher	Associate Research Professor
Second promotion	Senior Researcher	Research Professor
<i>Clinical</i>		
At hire	Clinical Lecturer	Assistant Clinical Professor
First promotion	Associate Clinical Lecturer	Associate Clinical Professor
Second promotion	Senior Clinical Lecturer	Clinical Professor
<i>Other</i>		
At hire	Lecturer of Practice	Assistant Professor of Practice
First promotion	Associate Lecturer of Practice	Associate Professor of Practice
Second promotion	Senior Lecturer of Practice	Professor of Practice

V. Procedures for Promotion

1. Procedures for Promotion

1.1 Faculty personnel

- 1.11 Departmental policies and criteria must be approved by the academic Dean.
- 1.12 Recommendations for promotion shall be initiated at the department level. After evaluating the candidate's qualifications, the Department Non-Tenure-Line Promotion Committee must indicate whether or not the candidate is to be recommended for promotion. All candidates will be notified of recommendations in writing.
- 1.13 Credentials of those candidates to be recommended favorably for promotion by the department/school committee shall be forwarded to the academic Dean in alphabetical order. Included with the credentials will be the Department/School Non-Tenure Promotion Committee's evaluations and recommendations.
- 1.131 If in presenting evaluations, chairperson/school director has

serious reservations concerning a faculty member's qualifications, the department chairperson/school director shall inform the Department/ School Committee on the basis of the reservations. If the differences between the chairperson/school director and the Department/School Committee are not resolved, the department/school director may forward to the academic Dean his or her evaluations and recommendations concerning the faculty member's qualifications.

- 1.14 The Dean shall be responsible for evaluating each individual's credentials and determining whether or not candidates are to be recommended for promotion.

- 1.15 The Dean shall forward the recommendations, including his or her evaluations, 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 Dean about the differences.

2. Policy for Evaluation of Scholarship

- 2.1 Ball State University recognizes the importance of providing a climate in which professors pursue independent or collaborative scholarly activities or creative endeavors.
- 2.2 Departments will recognize and reward the four areas of scholarship: discovery, integration, application, and teaching.
- 2.3 Each department or school shall define its own emphases and the appropriateness of each faculty member's scholarly productivity and creative endeavors.
 - 2.31 Faculty shall NOT be required to participate in each of the four areas of scholarship.
- 2.4 Each faculty member shall communicate clearly to the chairperson or director their goals and accomplishments which contribute to the departmental goals and emphases.
- 2.5 Each faculty member shall communicate clearly to the chairperson or director the appropriateness of their creative endeavors and means of disseminating results of scholarly productivity. The traditional methods of dissemination through refereed publications, presentations, exhibitions, productions, concerts, and other recognized professional formats currently evolving will be considered.

VI. Right of Reconsideration

1. Reconsideration

- 1.1 Reconsideration is the act whereby a candidate may request that an initial adverse

decision by a department, or the Provost may be reexamined. Reconsideration can take place before an appeal. Reconsideration provides an opportunity for a candidate to clarify content of material.

- 1.2 If the initial adverse recommendation has been made by the Department Non-Tenure Promotion Committee, then the candidate may ask for a reconsideration of that recommendation by the Department Committee before he or she proceeds further.
 - 1.21 The candidate must ask, in writing, for the reconsideration within ten (10) calendar days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, if a Department Non-Tenure Promotion Committee advises a faculty member in writing that it is recommending against awarding promotion to such member, the period to request reconsideration would run from the date of receipt of that communication, rather than from the date on which the Board of Trustees subsequently announces the names of faculty members who have been awarded promotion. Any request for reconsideration not filed within this time limit will be denied automatically, unless the academic dean determines that good cause has existed for the delay.
 - 1.22 The written request for reconsideration shall be filed in the office of the department chairperson.
 - 1.23 After receiving a request for reconsideration, the Department Committee must meet to reconsider its initial adverse recommendation. The Department Committee must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion. No additional materials may be introduced or added to the documents or the process.
 - 1.24 After meeting to reconsider the candidate's materials, the committee shall vote to overturn or affirm the previous decision. This vote supersedes the previous vote.
 - 1.25 The candidate's materials for promotion shall be held in the departmental office and shall not be forwarded to the Dean until the request for reconsideration has been completed.
- 1.3 If the initial adverse recommendation has been made by the Dean, then they may ask for reconsideration at the collegiate level.
 - 1.31 The candidate must ask, in writing, for the reconsideration within ten (10) calendar days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, if a College Dean advises a faculty member in writing that it is recommending against awarding promotion to such member, the period to request reconsideration would run from the date of receipt of that communication, rather than from the date on which the Board of Trustees subsequently announces the names of faculty members who have been awarded promotion. Any request for reconsideration not filed within this time limit will be denied automatically, unless the academic dean determines that good cause has existed for the delay.
 - 1.32 The written request for reconsideration shall be filed in the office of the college dean.

- 1.33 After receiving a request for reconsideration, the Collegiate Committee must meet to reconsider its initial adverse recommendation or in cases when only the college dean reviews the candidate, the Dean must reconsider the initial adverse recommendation. The Dean must meet with the candidate if they so request. The candidate may provide an oral presentation of the request for promotion. No additional materials may be introduced or added to the documents or the process.
- 1.34 The candidate's materials for promotion shall be held in the collegiate office and shall not be forwarded to the Provost and Vice President for Academic Affairs until all requests for reconsideration have been exhausted.
- 1.4 If the initial adverse recommendation has been made by the Provost, then the candidate may ask for reconsideration by the Provost.
 - 1.41 The candidate must ask, in writing, for the reconsideration within ten (10) calendar days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, the Provost advises a faculty member in writing that they are recommending against awarding promotion to such member, the period to request reconsideration would run from the date of receipt of the communication, rather than from the date on which the Board of Trustees subsequently announces the names of faculty members who have been awarded promotion. Any request for the reconsideration not filed within this time limit will be denied automatically, unless the Provost determines that good cause has existed for the delay.
 - 1.42 The written request for reconsideration shall be filed in the office of the Provost.
 - 1.43 After receiving a request for reconsideration, the Provost must meet with the candidate if they requests. The candidate may provide an oral presentation of the request for promotion. No additional materials may be introduced or added to the documents or the process.
 - 1.44 After reconsidering the candidate's materials, the Provost shall overturn or affirm the previous decision. This decision supersedes the previous decision.
 - 1.45 The Provost will inform the candidate of their decision following reconsideration.
 - 1.46 The candidate's materials for promotion shall be held in the Provost's Office and shall not be forwarded to the university President until all requests for reconsideration have been exhausted.

VII. Right of Appeal

1. Appeals from Adverse Decisions

- 1.1 Full-time faculty and professional personnel may appeal promotion decisions which adversely affect such individuals in accordance with provisions set forth in this Part VIII. Appeal refers to actions taken by the appellant when the outcome of the department, Dean or Provost reconsideration is the same as the original recommendation. An appeal may be filed without following the reconsideration process. Appeals examine the process not the content.

2. Bases for Request for Appeal

- 2.1 If the appellant is not satisfied with the decision of the Department Committee, then they may appeal to the Dean. The request must be made within ten (10) calendar days following the appellant's receipt of the Department Committee's decision and must be filed in the office of the academic dean. Any request that is not filed within this time limit will be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay.
- 2.2 There are three permissible reasons to request appeal:
 - 2.21 Allegation of violation of approved departmental, collegiate, and/or University policies, including those set forth in the Faculty and Professional Personnel Handbook;
 - 2.22 Allegation of unfair treatment on the part of the decision makers;
 - 2.23 Allegation of discriminatory treatment on the part of the decision makers.
- 2.3 When an appellant alleges violation of approved departmental, collegiate, and/or University policies, including those set forth in the Faculty and Professional Personnel Handbook, then they must cite the specific policies which a committee or administrator failed to follow. When filing a request for appeal, the appellant must also provide a summary of the way(s) in which the policies were violated and how such violation(s) adversely affected the appellant.
- 2.4 When an appellant alleges unfair treatment on the part of the decision makers, then they must cite the specific treatment engaged in by a committee or administrator. When filing a request for appeal, the appellant must also provide a summary of the reasons why the decision in question was clearly not merited by the evidence available to the decision makers and must also attach to the summary specific and detailed evidence in support of the reasons listed in the summary. Unfair treatment is defined as decisions which are arbitrary or capricious or which are clearly not supported by the evidence.
- 2.5 When an appellant alleges discriminatory treatment on the part of the decision makers, then they must cite the specific treatment engaged in by a committee or administrator. When filing a request for appeal, the appellant must also provide a summary of the constitutionally or statutorily prohibited reasons upon which he or she believes the decision was based and a detailed summary of the evidence which supports the appellant's allegation. Discriminatory treatment is defined as decisions based upon constitutionally or statutorily prohibited reasons, including unlawful discrimination.
- 2.6 When a request for appeal is filed which alleges discriminatory treatment on the part of the decision makers, the University's Director of Equal Opportunity and Affirmative Action, or their designee, shall serve in an advisory capacity to the committee or hearing panel at each level of appeal. All appeals alleging discriminatory treatment in promotion decisions shall be pursued under the procedures set forth in this document rather than under the Ball State

University "Equal Opportunity and Affirmative Action Complaint
Investigation Procedure and Appeal Process."

- 2.7 In all cases, the appellant has the burden of proving their allegations.
- 2.8 The academic dean is responsible for preparing an appeal file that will consist of (a) the formal request for hearing and any other materials submitted by the appellant; (b) the response and any other materials submitted by the Department Committee or Department Chair. The appeal file will be forwarded to the chairperson of the hearing panel who will make certain that it is made available to all parties to the hearing.
- 2.81 The academic dean will assist the chairperson of the hearing panel in arranging the hearing at the collegiate level.
- 2.9 A formal hearing will take place.
- 2.91 Timing. The Dean must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing. Days outside the regular academic year will not be counted in the thirty-day computation. The chairperson of the College Committee may, with good cause, extend the thirty-day deadline.
- 2.92 Membership of the hearing panel.
The hearing panel shall consist of not fewer than five (5) faculty members, at least two (2) of whom must also be members of the Non-Tenure Promotion Committee establishing the panel. The chairperson of the Non-Tenure Promotion Committee, or their designee, will serve as chairperson of the hearing panel.
- 2.921 If the appellant is a minority, at least one (1) member of the hearing panel shall be a minority. Also, at least one (1) member of the hearing panel shall be of the same gender as the appellant. The Committee may (to meet the requirements of this paragraph) be required to add to the Committee faculty member(s) from within the college who shall participate fully in the appeal hearing. If the addition of faculty member(s) is required, the faculty member(s) selected must be approved by the dean. This paragraph shall not apply
- (a) if the college has no minority faculty members or faculty members of the required gender who are eligible to serve on the hearing panel, or (b) if all of the eligible minority faculty members or faculty members of the required gender either decline to serve or are disqualified from serving on the hearing panel due to their unavailability, conflict of interest, personal bias or other good and sufficient reason as determined by the Non-Tenure Promotion Committee chairperson. For the purposes of this paragraph, "minority" refers to an individual who is a member of a minority classification recognized by the U.S. Equal Employment Opportunity Commission.
- 2.922 When an appeal is filed which alleges that a decision was the result of illegal discrimination, two (2) of the members of the hearing panel shall be appointed from among the full-time faculty and professional personnel serving on the

Complaint Appeals Board of the Ball State University "Equal Opportunity and Affirmative Action Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose the other such panelist. If either the appellant or the responding party fails to make a selection, the University's Director of Equal Opportunity and Affirmative Action shall make that party's selection. The University's Director of Equal Opportunity and Affirmative Action, or their designee, shall serve in an advisory capacity to the hearing panel.

- 2.923 No one may serve to hear an appeal who has a demonstrated conflict of interest such as previous involvement with the case, assignment to the same academic department or administrative area as any of the principals in the case, business involvement, or relationship to any of the principals. Decisions regarding such conflicts shall be made by the committee chairperson.
- 2.10 Parties. Parties participating in the hearing are (a) the appellant; and (b) the department chairperson and the Department Non-Tenure Promotion Committee chairperson, who together shall serve as the responding party.
- 2.11 Notice of hearing. The parties shall be given at least ten (10) days notice of the date, time, and place of the hearing, unless they waive that notice in writing. The hearing may be postponed or continued by the chairperson of the hearing panel whenever they may deem appropriate, or upon the request of either party for good cause shown.
- 2.12 Materials used in hearing. The parties must furnish the chairperson of the hearing panel with the following materials at least five (5) working days prior to the date of the hearings:
 - 2.121 Copies of all documents upon which they intend to rely but which are not already a part of the appeal file;
 - 2.122 A list of any witnesses whom they plan to call. Copies of these materials must be distributed to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.
- 2.13 Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.
 - 2.131 A full-time Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.
 - 2.132 Representative of the academic dean's office.

- 2.133 Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.
- 2.134 Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.
- 2.135 Witnesses called by either party. Such witnesses shall be present only while they are testifying.
- 2.136 A recording secretary designated by the appellant, if they desire. This person must be a full-time Ball State faculty, professional personnel, or staff member. Failure, without good cause, of the appellant or the responding party to appear and proceed at the hearing may force the hearing panel to hear and respond to the appeal in the absence of the appellant or the responding party.
- 2.14 Quorum and challenges. A majority of the members of a hearing panel shall constitute a quorum. Either party may challenge a panel member on the grounds of personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members, conducted by written ballot. If this vote results in a tie, the decision shall be made by the chairperson of the hearing panel.
- 2.15 Conduct of hearings. Hearings shall be conducted with a view toward providing the hearing panel with a complete understanding of the circumstances surrounding the decision which is being appealed. The chairperson of the hearing panel shall preside at the hearing and shall make all procedural rulings. These rulings may be reversed by a majority vote of the panel members present, including the chairperson.
- 2.16 Witnesses. Each party is responsible for ensuring the presence of his or her witnesses at a hearing. Written statements in lieu of the personal testimony of a witness shall not be permitted unless a majority of the panel members determines that a witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the hearing by any member of the hearing panel.
- 2.17 Hearing records. The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include a general summary of the major points made by the parties and participants at the hearing, any motions made or votes taken by the hearing panel. Copies of approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. Recordings or tapes of a hearing shall not be permitted.
- 2.18 Decision by the hearing panel. After the conclusion of the hearing, the hearing panel shall meet to consider the evidence presented at the hearing, or evidence already presented in the hearing file. At this time, the hearing panel may request an interview with the academic dean, or the academic dean may request an interview with the hearing panel. The hearing panel must determine whether the appeal should be upheld or

denied, and it must set forth in writing a brief summary of the reasons for its decision. Copies of that decision are to be addressed to the academic dean and must be provided to all participants in the appeal within twenty (20) calendar days of the conclusion of the hearing.

2.181 The decision of the hearing panel shall be deemed to be the decision of the College Non-Tenure Promotion Committee, without further action on the part of the committee.

2.1811 When a hearing panel votes to uphold an appeal, then it must specify a remedy for the situation or specify a recommended course of action to the appropriate parties (for example, a rehearing of a case by a previous committee or administrator or a of an appellant).

2.1812 When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the University Non-tenure-line faculty Affairs Committee and a representative of the Provost's

2.19 If an appellant or respondent wishes to appeal the decision of the Dean, either may request a hearing before the University Non-tenure-line faculty Affairs Committee and a representative of the Provost's Office.

request must be made within ten (10) calendar days following receipt by the appealing party of the Dean's decision and must be filed in the Office of the Provost and Vice President for Academic Affairs. See "Bases for Request for Appeal" VIII, 2., for information on the bases of appeal and what should be included in the request for a hearing. Any request not filed within this time limit shall be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay.

2.20 The Provost and Vice President for Academic Affairs is responsible for preparing an appeal file that shall consist of (a) the formal request for hearing and any other materials submitted by the appellant; (b) the responses and any other materials submitted by the Department Committee and/or Dean. The appeal file shall be forwarded to the chairperson of the hearing panel who shall make certain that it is made available to all parties to the hearing.

2.201 The Provost and Vice President for Academic Affairs designee shall assist the chairperson of the hearing panel in arranging the hearing at the University level.

2.21 A formal hearing will take place.

2.211 Timing. The Committee must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing. Days outside the regular academic year shall not be counted in the thirty-day computation. The chairperson may, with good cause, extend the thirty-day deadline.

2.212 Membership of the hearing panel. The Non-Tenure Promotion Committee may serve as the hearing panel, or it may establish a separate hearing panel. The hearing panel

shall consist of not fewer than five (5) faculty members, at least two (2) of whom must also be members of the Non-Tenure Promotion Committee establishing the panel. The chairperson of the Non-Tenure Promotion Committee, or his or her designee, shall serve as chairperson of the hearing panel.

2.2121 When an appeal is filed which alleges that a decision was the result of illegal discrimination, two (2) of the members of the hearing panel shall be appointed from among the full-time faculty and professional personnel then serving on the Complaint Appeals Board of the Ball State University "Equal Opportunity and Affirmative Action Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose the other such panelist. If either the appellant or the responding party fails to make a selection, the University's Director of Equal Opportunity and Affirmative Action, shall make that party's selection. The University's Director of Equal Opportunity and Affirmative Action, or his or her designee, shall serve in an advisory capacity to the hearing panel.

2.2122 No one may serve to hear an appeal who has a demonstrated conflict of interest such as previous involvement with the case, assignment to the same academic department or administrative area as any of the principals in the case, business involvement, or relationship to any of the principals. Decisions regarding such conflicts shall be made by the committee chairperson.

2.2123 If the appellant is a minority, at least one (1) member of the hearing panel shall be minority. Also, at least one (1) member of the hearing panel shall be of the same gender as the appellant. If the Non-Tenure Promotion Committee serves as the hearing panel, the Committee may (to meet the requirements of this paragraph) be required to add to the Committee faculty member(s) who shall participate fully in the appeal hearing. If the addition of faculty member(s) is required, the faculty member(s) selected must be approved by the Non-Tenure Promotion Committee chairperson. For the purposes of this paragraph, "minority" refers to an individual who is a member of a minority classification recognized by the U.S. Equal Employment Opportunity Commission.

2.22 Parties. The parties participating in the hearing are (a) the appellant; and (b) the administrator and the chairperson of the Non-Tenure Promotion Committee at the level of the initial adverse recommendation; and (c) if applicable, the dean.

- 2.23 Notice of hearing. The parties shall be given at least ten (10) calendar days' notice of the date, time, and place of the hearing, unless they waive that notice in writing. The hearing may be postponed or continued by the chairperson of the hearing panel whenever they may deem appropriate, or upon request of either party for good cause shown.
- 2.24 Materials used in hearing. The parties must furnish the chairperson of the hearing panel with the following materials at least five (5) working days prior to the date of the hearings:
- 2.241 Copies of all documents, including records of the college hearing, upon which they intend to rely, but which are not already a part of the appeal file;
 - 2.242 A list of any witnesses whom they plan to call. Copies of these materials must be distributed to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.
- 2.25 Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.
- 2.251 A full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.
 - 2.252 Representative of the Provost and Vice President for Academic Affairs' Office.
 - 2.253 Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.
 - 2.254 Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.
 - 2.255 Witnesses called by either party. Such witnesses shall be present only while they are testifying.
 - 2.256 A recording secretary can be designated by the appellant, if they desire. This person must be a full-time Ball State faculty, professional personnel, or staff member.

Failure, without good cause, of the appellant or the responding party to appear and proceed at the hearing may force the hearing panel to hear and respond to the appeal in the absence of the appellant or the responding party.
- 2.26 Quorum and challenges. A majority of the members of a hearing panel shall constitute a quorum. Either party may challenge a panel member on the grounds of personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining

members, conducted by written ballot. If this vote results in a tie, the decision shall be made by the chairperson of the hearing panel.

- 2.27 Conduct of hearings. Hearings shall be conducted with a view towards providing the hearing panel with a complete understanding of the circumstances surrounding the decision which is being appealed. The chairperson of the hearing panel shall preside at the hearing and shall make all procedural rulings. These rulings may be reversed by a majority vote of the panel members, including the chairperson, present.
- 2.28 Witnesses. Each party is responsible for ensuring the presence of his or her witnesses at a hearing. Written statements in lieu of the personal testimony of a witness shall not be permitted unless a majority of the panel members determines that a witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the hearing by any member of the hearing panel.
- 2.29 Hearing records. The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include a general summary of the major points made by the parties and participants at the hearing, any motions made or votes taken by the hearing panel. Copies of approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. Recordings or tapes of a hearing shall not be permitted.
- 2.30 Decision by the hearing panel. After the conclusion of the hearing, the hearing panel shall meet to consider the evidence presented at the hearing, or evidence already presented in the hearing file. The hearing panel must determine whether the appeal should be upheld or denied, and it must set forth in writing a brief summary of the reasons for its decision. Copies of that decision are to be addressed to the Provost and Vice President for Academic Affairs, and must be provided to all participants in the appeal within twenty (20) calendar days of the conclusion of the hearing.
 - 2.301 The decision of the hearing panel shall be deemed to be the decision of the Promotion and Titles Committee, without further action on the part of the committee.
 - 2.3011 When a hearing panel votes to uphold an appeal, then it must specify a remedy for the situation, or specify a recommended course of action to the appropriate parties (for example, a rehearing of a case by a previous committee or administrator or a recommendation for or against promotion or tenure of an appellant). If the responding party does not agree with this recommendation, that party may appeal to the Provost and Vice President for Academic Affairs.
 - 2.3012 When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the Provost and Vice President for Academic Affairs.

- 2.31 If either the appellant or the respondent is not satisfied with the response of the hearing panel, then either may request a conference with the Provost and Vice President for Academic Affairs. This request must be made within ten (10) calendar days following the requesting party's receipt of the hearing panel's decision. Any appeal not filed within this time limit will be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay. The Provost and Vice President for Academic Affairs must confer with the parties and then reply in writing to any bases for appeal set forth by the party requesting the conference, and must furnish a copy of this statement to the appellant and the responding parties within thirty (30) calendar days of receipt of the request for the conference. The Provost and Vice President for Academic Affairs may, with good cause, extend the thirty (30) day deadline.
- 2.32 The decision of the Provost and Vice President for Academic Affairs is final.

3. Appeals Which Begin at the College Level

- 3.1 If the initial adverse recommendation has been made by the academic dean, then the appellant may request a hearing before the University Non-tenure-line faculty Affairs Committee and a representative of the Provost's Office.
- 3.2 The procedures outlined above in 2.19-2.32 shall then be in effect.

4. Appeals Which Begin at the Provost and Vice President for Academic Affairs Level

- 4.1 When the initial adverse recommendation has been made by the Provost and Vice President for Academic Affairs, then the appeal must be made to the President.
- 4.2 The request for appeal must be made in writing within ten (10) calendar days following the appellant's receipt of written notice of the adverse decision on the part of the Provost and Vice President for Academic Affairs. Any appeal not filed within this limit will be denied automatically unless the President determines that good cause has existed for the delay. The President must confer with the parties and then reply in writing to any bases for appeal set forth by the appellant, and must furnish a copy of this statement to the appellant and the responding parties within thirty (30) calendar days of receipt of appeal. The President may, with good cause, extend the thirty (30) day deadline.
- 4.3 The decision of the President is final.

Promotion Review of Non-Tenure-Line Faculty

Effective July 1, 2024, and pursuant to our obligations under Indiana Code 21-39.5, the University implemented new criteria as part of any decision to promote a member of the Non-Tenure-Line (NTL) faculty. Ball State University will align the review of these criteria with our already-existing NTL promotion process (FPHB 16.1.3).

Procedurally, faculty members will be reviewed by the same committee that conducts the NTL promotion process during fall term of the academic year, excepting the first set of reviews (which will be reviewed Spring 2025). Each college will use their internally established review processes to review the new criteria. All promotion decisions will be handled at the department level and approved by the College Dean, the Provost and Executive Vice President for Academic Affairs (“Provost”), Office of the President, and the Board of Trustees. All multi-year contract extension decisions will be handled at the department level and approved by the College Dean, the Provost, Office of the President, and will be handled through regular personnel processes. These are subject to approval and budget availability. In addition, for a decision regarding promotion, a non-tenure-line faculty member shall be evaluated as to whether the faculty member:

- 16.1.3.3.1 Helped Ball State University foster a culture of free inquiry, free expression, and intellectual diversity within the University;
- 16.1.3.3.2 Where relevant and appropriate to the faculty member’s discipline, introduced students to scholarly works from a variety of political or ideological frameworks that may exist within the curricula established by the Board of Trustees of Ball State University under IC 21-41-2-1(b) or the faculty of Ball State University acting under authority delegated by the Board of Trustees of Ball State University;
- 16.1.3.3.3 While performing teaching duties, refrained from subjecting students to views and opinions concerning matters not related to the faculty member’s academic discipline or assigned course of instruction;
- 16.1.3.3.4 Continues to show a pattern of achievement in performing academic duties and obligations.

If a faculty member receives a satisfactory assessment of the required criteria outlined above at the department/unit level, the satisfactory determination is noted in the Promotion materials that are forwarded to the College Dean, and Provost for review. A faculty member must be satisfactorily reviewed at the Departmental, College Dean, and Provost levels prior to the Provost forwarding a satisfactory recommendation to the President, who forwards the recommendation to the Board of Trustees. The reconsideration and appeals processes for an unsatisfactory determination made of these new criteria is the same as the current reconsideration and appeals processes for NTL promotion.

In determining whether a faculty member has adequately met the criteria above, the following actions by a faculty member may not be considered:

- 16.1.3.3.5.1 Expressing dissent or engaging in research or public commentary on subjects.
- 16.1.3.3.5.2 Criticizing the leadership of Ball State University.
- 16.1.3.3.5.3 Engaging in any political activity conducted outside the faculty member's teaching or mentoring duties at Ball State University.

December 6, 2024