FACULTY AND PROFESSIONAL PERSONNEL HANDBOOK

BALL STATE UNIVERSITY

MUNCIE, INDIANA

SECTION I	**Organization and Administration of the University**
SECTION II	**Faculty and Professional Personnel Policies**
SECTION III	**Professional and Related Opportunities**
SECTION IV	**Academic Policies and Procedures**
SECTION V	**Code of Student Rights and Responsibilities**
SECTION VI	**Appendix**

ACADEMIC YEAR 2012-2013

Compiled by the Office of the Provost
and Vice President for Academic Affairs

Ball State University practices equal opportunity in education and employment and is strongly and actively committed to diversity within its community.

ARCHIVE

FOREWORD[1]

This handbook for faculty and professional personnel is issued by the Office of the Provost and Vice President for Academic Affairs. The handbook contains policies, procedures, and regulations that have been approved by the University Senate, the President, and/or the Board of Trustees, as appropriate. Every effort is made to ensure that all additions, modifications and deletions to these policies, procedures, and regulations are reflected in the handbook as soon as possible after their effective date. The most current version of the Handbook is the on-line version and that should always be consulted. The on-line version can be located on the Ball State University website at: http://www.bsu.edu/hrs/media/pdf/facultyhandbook.pdf.

ARCHIVE

STATEMENT ON RIGHTS AND RESPONSIBILITIES

1. The Ball State University Board of Trustees reaffirms its commitment to the University Community and the citizens of Indiana to provide optimum educational opportunity for all students of the University. A vital part of such education is the assurance of academic freedom on the campus. The trustees recognize and accept their responsibility to preserve the right of all members of the University community to examine critically the University and the society of which it is a part. The trustees further call upon the faculty, students, and administrative officials of the University to share the responsibility for maintaining an academic atmosphere on the campus which is conducive to the exploration of all issues in a rational manner as befits an institution of higher learning.

2. In order to guarantee this academic climate including freedom of speech and peaceful assembly on the campus, the regular operation of the University must be maintained. The trustees expect the responsible University officials to take appropriate steps when any Ball State University student and/or any other person or persons engages in conduct which interferes with the freedom of movement of persons on the campus, disrupts or obstructs the work and activities of the University or the members of the University community, or engages in any conduct which includes intimidation, coercion, violence, or the threat of violence. Disruption of the institution's operation and/or the infringement upon the rights of others within the University by any persons will not be tolerated.

The Board of Trustees, October 17, 1968

DESCRIPTION OF THE UNIVERSITY

1. Ball State University is a comprehensive, publicly assisted institution of higher learning whose mission is to provide excellent education. It is located in Muncie, Indiana, a city of 70,000, fifty-six miles northeast of Indianapolis. Although its primary concern is for the citizens of Indiana, it offers programs with appeal to regional, national, and international audiences.

2. Ball State University offers a strong undergraduate liberal and professional education and selected graduate programs of high quality. Ball State students can choose from a comprehensive range of academic programs at the associate, baccalaureate, and master's levels, as well as doctoral programs in areas where the University has special competence. In addition to core academic programs in the arts, sciences, and humanities, the University offers more than 140 major and minor areas of study through its seven colleges: Applied Sciences and Technology; Architecture and Planning; Business; Communication, Information, and Media; Fine Arts; Sciences and Humanities; and Teachers College.

3. The University has a selective admissions policy; in some areas, such as architecture, the University is very selective. Exceptionally well-qualified undergraduate students may enroll in the Honors College for more intellectually demanding programs of study. Students who have not decided on a major or who may need to strengthen their learning skills can take advantage of the special academic assistance and intensive educational counseling offered by University College.

4. As part of Ball State's commitment to excellence in education, the University offers students a friendly, collegial atmosphere; a full range of out-of-class activities; and excellent, well-planned academic, residential, and recreational facilities. An impressive array of student support services contributes to the personal, social, and intellectual development of all students.

5. Although Ball State University is primarily a residential academic community, it also supports programs that reach students well beyond the immediate campus. Through interactive telecommunications, Internet courses, and on-site courses, Ball State distance learning students are able to take courses and entire degree programs. The University has a strong commitment to cultural diversity and international programs. It offers exchange programs with universities throughout the world and a wide variety of opportunities for students to study abroad.

ARCHIVE

VISION

Ball State University will be a national model of excellence for challenging, learner-centered academic communities that advance knowledge and improve economic vitality and quality of life.

The Board of Trustees, March 21, 2008

MISSION

Ball State University is an innovative, supportive academic community that inspires students by:

- Offering action-oriented learning, including immersive out-of-class experiences, research, and study-abroad.
- Providing extraordinary access to and collaboration with professors who create scholarship to advance knowledge, improve teaching, and transform learning.
- Engaging state, national, and international communities to enhance educational, economic, and cultural development.

VALUES AND STATEMENTS

As a vital academic institution, we value an open learning community, extending opportunities beyond the confines of walls or roles. We recognize that creating and sustaining a climate for open inquiry, investigation, exchange of ideas, and creative activity requires active support of intellectual freedom for all members of the community. We are dedicated to providing opportunities for interdisciplinary work and for collaboration, looking to teamwork for problem solving in the classroom, within the institution, and with the larger communities to which the university belongs. We promote habits of mind that will enable our graduates to value and appreciate the arts, sciences, and humanities; to remain intellectually curious; and to embrace learning as a way of life.

As a public institution, we participate in the democratic vision of an educated and responsible citizenry. We expect all members of the university community to act with integrity and civility; to acquire, discover, create, and apply knowledge responsibly; and to recognize, respect, and welcome the diverse cultures, heritages, and perspectives within our institution and the larger community. We recognize that we live and work in a global, diverse, and technological society, and we seek to serve, engage with, and learn from members of our community, the state, nation, and world.

As civic and professional leaders, we value civic engagement with the larger communities of which we are a part and are dedicated to preparing civic and professional leaders for the future. We accept our individual and institutional responsibilities to improve the economic vitality and quality of life in the greater society we serve. We seek healthy and productive living, social justice, and environmental sustainability for Indiana, the nation, and the global community.

The Board of Trustees, March 21, 2008

THE BENEFICENCE PLEDGE[2]

Members of the Ball State University Community …

pledge to **maintain high standards of scholarship and excellence**

> To work with students, faculty and staff to strengthen teaching and learning on campus.

pledge to **practice academic honesty**

> To model and uphold academic integrity, to honor their peers and earn the trust and respect from all members of the community.

pledge to **act in a socially responsible way**

> To treat each person in the Ball State community with civility, courtesy, compassion, and dignity; to respect the property and environment of the campus.

pledge to **value the intrinsic worth of every member of the community**

> To respect and learn from difference in people, ideas, and opinions.

ARCHIVE

BILL OF RIGHTS AND RESPONSIBILITIES

For Faculty, Professional Personnel, and Staff of Ball State University

Preamble

Members of the University have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. All members share the obligation to respect

. The fundamental rights of others as citizens;
. The rights of others based upon the nature of the educational process;
. The rights of the institution;
. The rights of members to fair and equitable procedures for determining when and upon whom penalties for violation of campus regulations should be imposed.

I Individual's Relation to Civil Law

As citizens, members of Ball State University enjoy the same basic rights and are bound by the same responsibilities to respect the rights of others as are all other citizens.

1. Among the basic rights are freedom of speech, freedom of press, freedom of press, freedom of peaceful assembly and association, freedom of political beliefs, and freedom from personal force and violence, threats of violence, and personal abuse.

2. Freedom of the press guarantees there will be no censorship of students or of any other individuals in the Ball State community. Professional journalistic standards encourage the public's right to know, accepted ethical practices, accuracy, objectivity, and fair play; students and other individuals in the University community are encouraged to follow these standards.

3. It should be made clear in writings and broadcasts that editorial opinions are not necessarily those of Ball State University or its members.

4. The campus is not a sanctuary from the local, state, and federal law.

5. The University does not stand <u>in loco parentis</u> for its members.

6. Admission to and employment by the University shall be in accord with the provisions against discrimination in the local, state, and federal law.

II Academic Freedom

All members of Ball State University have other responsibilities based upon the nature of the educational process and the requirements of the search for truth and its free presentation. These rights and responsibilities include the following:

1. Obligation to respect the freedom to teach, learn, and to conduct research and publish findings in the spirit of free inquiry (i.e., without detriment to or denigration of other, especially untried, methods and/or subjects of inquiry).
   1.1 Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom, it being understood that assigning priorities or rankings to investigative programs may be an administrative necessity.
   1.2 Freedom to teach and learn implies that students, faculty, and administrators have the responsibility to respect and consider suggestions without detriment to grades or positions of the persons submitting them.
   1.3 Free inquiry implies that faculty and/or faculty-directed student research- - the results of which are predestined for classification under the National Security Act - - may be conducted only under the conditions imposed by the statements in the <u>Faculty and Professional Personnel Handbook</u>, "On preventing conflicts of interest in government-sponsored research at Universities," and with prior knowledge of the intended restrictions to be placed on the distribution of the results.

ARCHIVE

2. Obligation not to infringe upon the right of any of the members of the University community to privacy in office, laboratories, and residence and in the keeping of personal papers, confidential records, and effects, subject only to the local, state, and federal law and to conditions voluntarily entered into.
   2.1 Permanent records will not contain information concerning religion, political or social beliefs, and membership in any organization other than honorary and professional organizations directly related to the academic processes, except upon expressed written request of the member in question.

3. Obligation not to interfere with the freedom of members of the University community to pursue normal academic and administrative activities, including freedom of movement.

4. Obligation not to interfere with the freedom of any member of the University community to hear and to study unpopular and controversial views on intellectual and public issues.

5. Right to identify oneself as a member of the University and a concurrent obligation not to speak or act on behalf of the institution, or any group of members therein, without authorization.

6. Right to hold public meetings in which members participate, to post notices, and to engage in peaceful, orderly demonstrations. Reasonable and impartially applied rules, designed to reflect the academic purposes of the institution and to protect the safety of the campus, shall be established regulating time, place, and manner of such activities and allocating the use of facilities in accordance with Policy Concerning Distribution, Solicitation, Fund Raising, Sales, and Commercial Activity on University Property - - Office of Vice President for Business Affairs; (2) Policy on Selection and Presentation of Lecturers or Speakers by Student Organizations - - Faculty and Professional Personnel Handbook; (3) Policy on Special Events on Campus - - Faculty and Professional Personnel Handbook.

7. Right to recourse if another member of the University community is negligent or irresponsible in performance of his or her responsibilities, or if another member of the University community represents the work of others as his or her own.

8. Obligation to maintain an environment conducive to respect for the rights of others and fulfillment of academic responsibilities.

III Individual's Relation to University

Ball State University as an institution of higher education and any division or agency which exercises direct or delegated authority for the institution has rights and responsibilities of its own, including

1. Obligation to provide opportunities for members of the University to present and debate public issues.

2. Obligation not to take a position as an institution in electoral politics.

3. Right and obligation to protect the members of the University and visitors to it from physical harm, threat of harm, and abuse; its property from unauthorized use and damage; and its academic and administrative processes from interruption.

4. Right to require that persons on the campus be willing to identify themselves by name and address, and state what connection, if any, they have with the University.

ARCHIVE

5. Right to establish reasonable standards of conduct for all persons on the campus in order to safeguard the educational process and to provide for the safety and welfare of members of the campus, visitors, and University property.

6. Right to prohibit individuals and groups who are not members of the University from using its name, its finances, and its physical and operating facilities for political activities or for commercial activities, except as specifically agreed to in writing by the proper authorities of the University.

7. Right to prohibit members of the University from using its name, its finances, or its physical and operating facilities for commercial activities, except in cases involving recognized student and faculty groups as provided for in policies governing use of the campus facilities and fund raising activities.

8. Right and obligation to provide, for recognized groups of members of the University, the use of campus facilities under the rules of the campus, including use for political purposes such as meetings of political clubs; to prohibit use of its facilities by individual members or groups of members on a regular or prolonged basis as free headquarters for political campaigns; and to prohibit use of its name and its finances for any political purpose at any time. Use of other resources for political purposes must comply with existing local, state, and federal laws.

IV Judicial Process

All members of Ball State University have a right to fair and equitable procedures for determining the validity of charges of violation of campus regulations.

1. The procedures shall be structured so as to facilitate a reliable determination of the truth or falsity of charges and to meet the fundamental requirements of fairness and to be an effective instrument for the maintenance of order.

2. All members of the University have the right to know in advance the range of penalties for violations of campus regulations. In addition, all members have the right to obtain a codification of all specific policies of the University, (e.g., routine administrative policies, Faculty and Professional Personnel Handbook) their rights under accepted judicial due process, and the process of appeal to which they are entitled.

3. Charges of minor infractions of regulations, for which a member is penalized by small fines or reprimands which do not become part of permanent records, may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal.

4. In cases involving charges of infractions of regulations which may lead to notation in permanent records, or to more serious penalties such as suspension or permanent dismissal from the University, members have a right to formal procedures with adequate due process, including rights of appeal.

5. Any person penalized for either a minor or a serious infraction of established University policy has the right to appeal according to approved University procedures.

6. Members of the University charged with or convicted of violations under general law may be subject to University sanctions for the same conduct, in accord with established policies and procedures, where the conduct is in violation of University rules which protect other members of the University or safeguard the educational process.

V Statement of Principles on

Nothing in this document shall in any way limit the procedural rights of a member of the Ball State University faculty as set forth in the 1940 "Statement of Principles on

ARCHIVE

Academic Freedom and Tenure	Academic Freedom and Tenure" prepared by the American Association of University Professors and the Association of American Colleges and adopted by the State Teachers College Board, June 4, 1944.

The University Senate, November 2, 1972
The Board of Trustees, December 20, 1972
The University Senate, April 28, 1988
The Board of Trustees, May 20, 1988
The University Senate, March 19, 1992
The Board of Trustees, April 20, 1992

Notes

1 By action of the University Senate Agenda Committee, January 10, 2011

2 By action of the University Senate, February 21, 2008
Board of Trustees, March 8, 2008

ARCHIVE

SECTION I

ORGANIZATION AND ADMINISTRATION OF THE UNIVERSITY

Administrative Organization

1. A chart of the administrative organization of the University is shown on pages 3 and 4.

2. The President of the University is responsible for the general administration of the University and is supported by six officers: the Provost and Vice President for Academic Affairs, the Vice President for Enrollment, Marketing, and Communications, the Vice President for University Advancement, the Vice President for Business Affairs and Treasurer, the Vice President for Student Affairs, and the Vice President and CIO for Information Technology.

3. The Provost and Vice President for Academic Affairs is the chief academic officer and second ranking executive officer of the University. The Provost and Vice President for Academic Affairs provides overall leadership and direction for the academic program of the University. Reporting to the Provost and Vice President for Academic Affairs are the Associate Provosts, the Assistant to the Provost, University College, Honors College, Graduate School, and the deans of the seven colleges (Applied Sciences and Technology; Architecture and Planning; Business; Communication, Information, and Media; Fine Arts; Sciences and Humanities; and Teachers College).

4. The Vice President for Enrollment, Marketing, and Communications provides leadership for marketing, communications, enrollment planning and for those services related to undergraduate recruitment and management of enrollments. Among the areas reporting to the Vice President for Enrollment, Marketing, and Communications are Admissions, Registration and Academic Progress, Scholarships and Financial Aid; University Marketing Communications, consisting of branding and marketing strategy; media relations, design and writing services, electronic media and photo services; Relationship Marketing and Community Relations; and Enrollment Systems Technology.

5. The Vice President for University Advancement has responsibility for all development and fundraising, long-range strategic plans for University advancement which further the academic goals of the institution and which meet the University's long-term need for increased private support; overall supervision of Alumni Programs, the Alumni Center and Advancement Services and relations with the Ball State University Foundation to assure that activities of the Foundation and the University are coordinated.

6. The Vice President for Business Affairs and Treasurer is responsible for state and federal relations, all of the business and financial affairs of the University, including budgeting, accounting, auxiliary and service enterprises, and facilities planning, construction, buildings and grounds.

7. The Vice President and CIO for Information Technology has responsibility for the design, implementation, and maintenance of the infrastructure for information technology throughout the campus, and the promotion, training, and support of technology use for academic, administrative, and professional activities.

8. The Vice President for Student Affairs has responsibility for programs and services that address students' engagement and involvement in the life of the university as well as retention/graduation initiatives. Among the areas

ARCHIVE

reporting to the Vice President for Student Affairs include: Career Center, Counseling and Health Services, Dean of Students Office, Disabled Student Development, Housing and Residence Life, Multicultural Center, Deputy Coordinator for Title IX, Public Safety and Parking Services, Student Center, Student Legal Services, Student Life, Student Rights and Community Standards.

9. The University Officers comprise the President, the Provost and Vice President for Academic Affairs, the Vice President for Enrollment, Marketing, and Communications, the Vice President for University Advancement, the Vice President for Business Affairs and Treasurer, the Vice President and CIO for Information Technology and the Vice President for Student Affairs and Dean of Students.

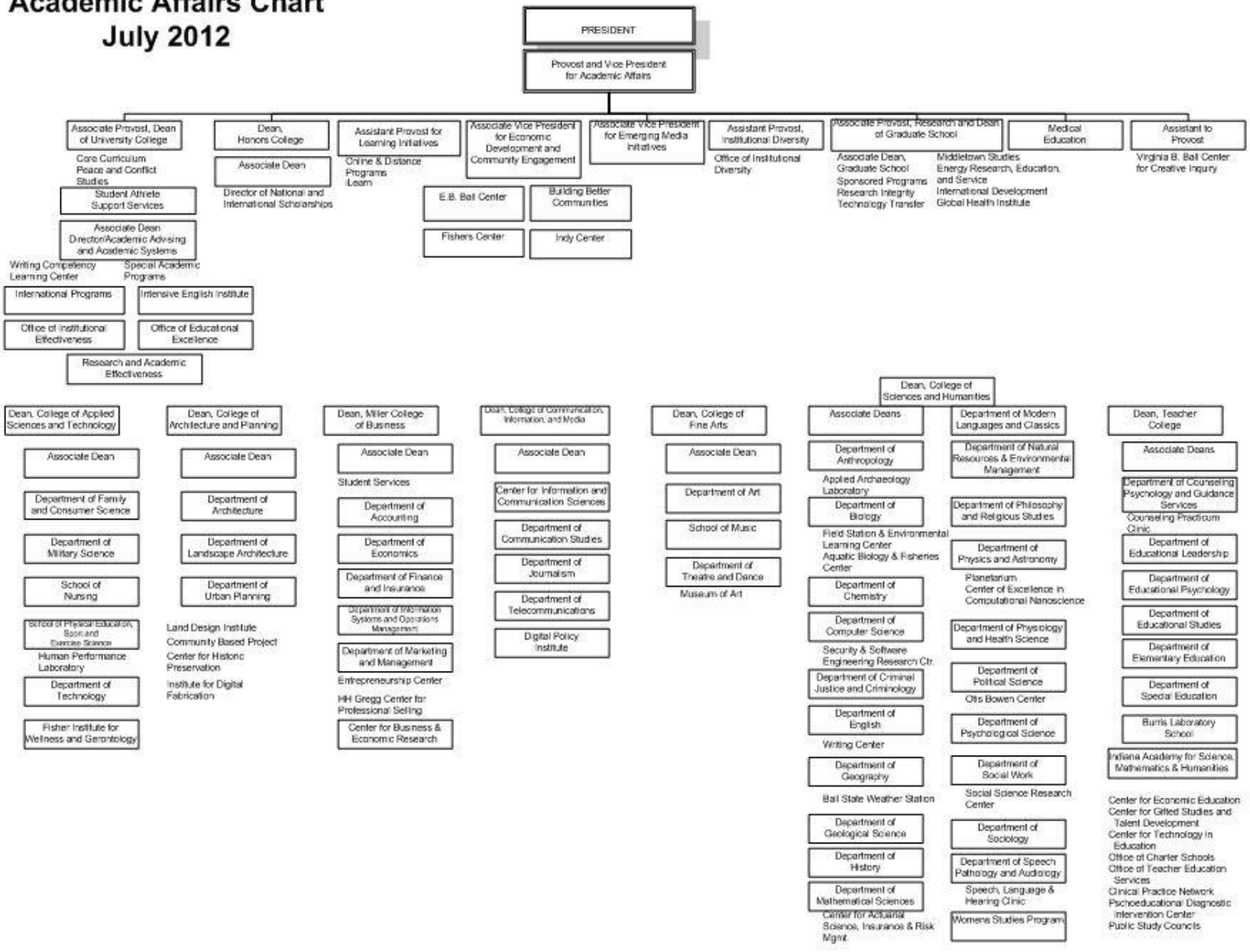
ORGANIZATION FOR POLICY MAKING

1. The principal agent for the formulation of educational policy at Ball State University is the University Senate (see the "Constitution of the University Senate," Faculty and Professional Personnel Handbook). Following the pages given to the Constitution is the Ball State University Council and Committee System as prepared by the Governance System Task Force, approved by University faculty, University Senate and adopted by the Board of Trustees, December 17, 2004.

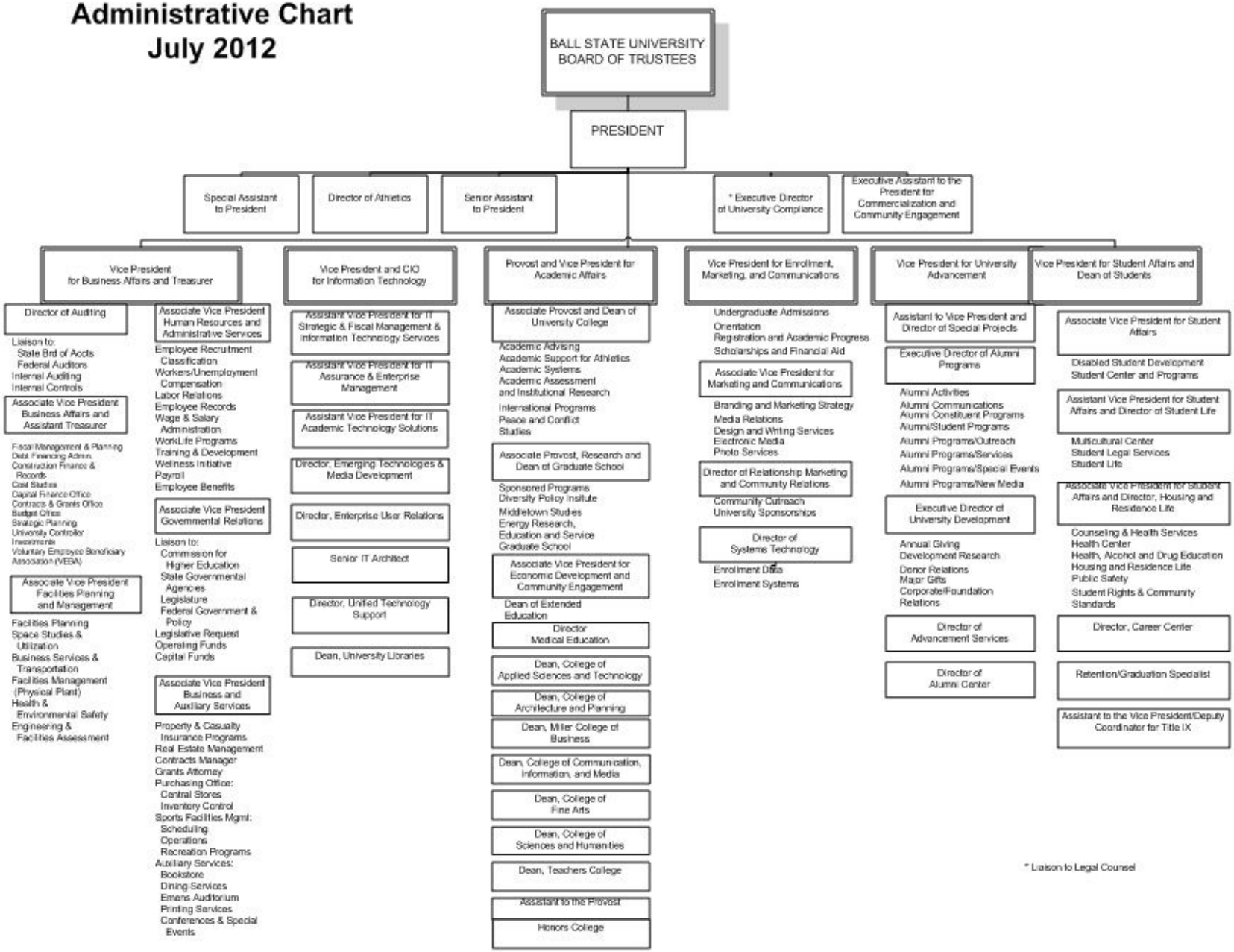
2. In addition to the University Senate, Ball State University has two other representative bodies - - a Staff Council elected by non-academic staff members, and a Student Senate - - which select their memberships according to the procedures set forth in their constitutions. These two bodies may establish committees or boards and delegate certain responsibilities to them. The Staff Council and the student Senate also have the privilege of making recommendations on matters of concern to the appropriate council or committee or to the Office of the President.

ARCHIVE

Academic Affairs Chart
July 2012



Administrative Chart
July 2012



CONSTITUTION OF THE UNIVERSITY SENATE[1]

Preamble

The purpose of this Constitution is to establish an orderly process whereby the academic-related groups may share in the determination of educational policy to the end that the purposes of Ball State University may be fully realized. The Senate is advisory to the President and the Board of Trustees. Organization for policy formation is not to be confused with administrative organization; the purpose of the latter being to designate clearly the responsibility and authority for performing certain institutional tasks that are dictated by accepted policy.

I Duties and Responsibilities

1. The University Senate shall serve as the body with primary responsibility for formation of educational policy at Ball State University.
   - 1.1 It has primary responsibility for decisions on the following matters of educational policy subject to review and acceptance or rejection by the President and/or Board of Trustees:
     - 1.11 Standards for admission, selection, and retention of students;
     - 1.12 Curricular requirements;
     - 1.13 Instructional standards;
     - 1.14 Requirements for granting of degrees;
     - 1.15 Standards of academic freedom and professional responsibility.
   - 1.2 It may advise the President and the Board of Trustees on the following matters of institutional policy:
     - 1.21 Appointment, promotion, tenure, and dismissal of faculty members and professional personnel;
     - 1.22 Programs related to faculty and professional personnel welfare such as salaries, insurance, and special leaves;
     - 1.23 Selection and removal of the President and principal academic officers having University-wide responsibilities as well as the creation or abolition of such offices;
     - 1.24 Current or projected budget decisions, and expenditures of funds allocated to instruction and academic or instruction-related research;
     - 1.25 Selection and retention of departmental and unit chairpersons and collegiate deans; and
     - 1.26 Principles and guidelines for other educational matters related to the mission and goals of the institution.
   - 1.3 The University Senate shall transmit its minutes, decisions, and policy recommendations to the President. The President will provide the Board of Trustees with the minutes of all University Senate meetings and will inform the Board of Trustees of University Senate actions. The President will take to the Board all University Senate actions which require approval by the Board.

2. The University Senate may delegate such tasks and activities as it sees fit to its councils and committees but shall itself remain charged with the following duties and responsibilities:
   - 2.1 To promote through all possible means the open and continuing discussion within the University of both broad educational questions and specific matters of academic concern;
   - 2.2 To serve as the final forum for determining an official opinion representing the academic community of the University on any issue affecting educational policies or the status and well-being of the faculty and professional personnel;
   - 2.3 To review expeditiously all policies and actions taken by its councils and committees, or forwarded to it by departments, colleges, and other governance units, and to make a specific disposition of each item as follows:
     - 2.31 Approval of it as received whenever the item is found to conform to established guidelines and principles;
     - 2.32 Return of it to the originating body with a clear written explanation of why it cannot be accepted in its existing form; or
     - 2.33 Referral of it to another governance unit, e.g., Council or Committee, to resolve any conflicts or uncertainties arising from possible effects on other programs or units; and

ARCHIVE

2.34 To ensure through continuous monitoring that all operations and activities of the governance system of the University function effectively and to take all actions necessary to maintain or restore sound functioning.

3. University policies in all matters concerned with educational programs and with professional status and well-being take precedence over policies developed by individual academic or governance units.
   - 3.1 In cases where flexibility is permissible or desirable, the University Senate shall develop and approve guidelines and principles of procedure, approving policies developed by departments, colleges, and other governance units that conform to the guidelines and principles, or approving policies as desirable variants to guidelines and principles.
   - 3.2 Where no University policy exists, and no statement of guidelines or principles on a matter has been approved for use by departments, colleges, and governance units, those units may develop their own policies, the University Senate merely reviewing them to make certain they are fair and open in procedure and application, and making them a matter of record.
   - 3.3 In cases where departments, colleges, and governance units have developed policies on a matter subsequently made the subject of a University policy, the University policy shall prevail, and the colleges and other governance units must bring their policies into conformity with the University policy within an established reasonable time.

II Membership

1. Membership in the University Senate shall consist of the following elected and ex officio representatives:
   - 1.1 By virtue of their offices the President of the University, the Provost and Vice President for Academic Affairs, the chairpersons of the three councils of the University Senate, and one academic dean selected annually by all such deans to represent them;
   - 1.2 One elected regular faculty representative from each department for staggered two-year terms;
   - 1.3 A total of two contract faculty elected for staggered two-year terms by and from the full-time contract faculty;[2]
   - 1.4 One professional personnel representative, elected by and from each professional personnel area, for staggered two-year terms. The electorate in each unit shall be the professional personnel on tenure, tenure-track, or continuing contracts. For purposes of participation in the governance system, faculty with primary assignment in one of the professional areas shall be defined as professional personnel.
   - 1.5 By virtue of their offices the President of the Student Government Association; the President of the Student Senate, the President Pro Tempore of the Student Senate, one graduate student elected by the graduate student body at large, and six undergraduate students elected by the student body at large for one-year terms. In the case of vacancies the President of the Student Government Association shall appoint students to best represent the diverse student population at Ball State University.
   - 1.6 Needed adjustments will be made whenever changes occur in the number of units.

2. No person except students may serve more than three consecutive full terms as an elected member of the Senate.

3. All elections of faculty and professional personnel representatives to the University Senate will be conducted by the units which they represent under the Governance and Elections Committee. Student representatives will be appointed by the Student Government Association. Appointments shall be made and elections shall be held by 15 March[3] each year for Senators to be seated in the fall.

4. Ex officio and elected members of the Senate have full voting rights in University Senate and on University Senate standing committees. Any member of the University Senate who is unable to attend one or more of its sessions may designate an alternate from the same unit for such meetings. The alternate must register with the Secretary of the Senate to be eligible to participate and vote.

ARCHIVES

5. Resignations from the Senate must be submitted in writing to the Secretary of the Senate and contain a specific date of effectiveness.

6. If an elected senator is unable to discharge his or her obligations, the electorate of the unit concerned may by majority vote request the Governance and Elections Committee to declare the seat vacant.

7. When a faculty or professional personnel position is vacated in the Senate, a replacement will be elected to complete the original term through the same process used for electing the vacating representative. The person chosen as a replacement will be eligible for later election to another full term.[4] When a student position is vacated in the Senate, a replacement will be appointed by the President of the Student Government Association.

8. The University Senate reserves the right to determine the eligibility of its members in accordance with this Constitution.

9. Student members must meet eligibility requirements in accordance with the bylaws of the Student Government Association.

III Structure and Organization[5]

1. The University Senate shall have three elected officers, chosen by majority vote of the newly elected Senate to serve one year terms, who must be elected members and not ex officio members of the Senate. After the completion of Senator elections in the spring, a special session of the Senate will be convened no later than 30 April for the purpose of electing Senate officers and members of Senate Agenda Committee. Those eligible to vote during this session will be newly elected Senators and sitting Senators who have one year remaining in their current term. Newly appointed and elected officers and committee members will be seated in the fall, and current-sitting officers will continue to serve until the fall.
   - 1.1 The Chairperson shall conduct all meetings of the Senate, serve as chairperson of its Agenda Committee, and represent the University governance system to the President of the University and the Board of Trustees. A parliamentarian shall be named each year by the Chairperson.
   - 1.2 The Vice Chairperson shall serve in all capacities as assistant to the Chairperson, as presiding officer whenever the Chairperson is unable to perform the duties of the office, shall serve as Vice Chairperson of the Agenda Committee, and as Chairperson of the Governance and Elections Committee.
   - 1.3 The Secretary shall maintain and preserve all records of the Senate and governance system, assisted by a permanent Undersecretary designated by the Provost and Vice President for Academic Affairs, and shall serve as secretary of the Agenda Committee.

2. Two standing committees of the Senate shall be maintained on a continuing basis: the Agenda Committee, and Governance and Elections Committee.
   - 2.1 Agenda Committee[6]
     - 2.11 The membership of the committee shall consist of: the Provost and Vice President for Academic Affairs, ex officio, or a designee; the Chairperson, Vice Chairperson, and Secretary of the Senate; the Chairpersons of the Faculty Council, University Council and Campus Council; the President Pro Tempore of the Student Senate; and three elected members of the Senate chosen by the body, for staggered two year terms.
   - 2.2 Governance and Elections Committee
     - 2.21 The membership of the committee shall consist of the following individuals: one faculty member, representing each college, elected by and from the Faculty Council for staggered two year terms; one academic dean chosen by all such deans for a two year term; two professional personnel, elected by and from the University Council for staggered two year terms; one student, elected by and from

ARCHIVE

the Campus Council for a one year term; the President of the University, ex officio, or a designee; the President of the Student Government Association, ex officio, or a designee; and the Vice Chairperson of the Senate, who shall serve as Chairperson of the committee. A secretary shall be elected by the committee each year.

3. In addition to its two standing committees the Senate may form such ad hoc committees or task forces as it deems necessary for carrying out its responsibilities. No ad hoc committee or task force may continue in existence longer than twelve months unless its life is specifically extended by the Senate.

4. Other Operating Procedures[7]
   - 4.1 All Councils and Committees will submit their minutes and policy recommendations to the Office of the University Senate.
   - 4.2 Policy recommendations shall require a simple majority vote of those present and voting to become the official recommendation of the University Senate. These recommendations shall become official when the minutes are approved.
   - 4.3 All policies approved by previous Senates will remain in effect until they are changed by action of the University Senate.
   - 4.4 At least four meetings shall be scheduled each semester during the academic year. The calendar shall be established by the Agenda Committee.
   - 4.5 The Senate must approve the Standing Rules of the Senate at the first meeting of the academic year.
   - 4.6 A quorum shall consist of a majority of the membership total, including the ex officio members.
   - 4.7 Any proposed changes to the Faculty and Professional Personnel Handbook which fall within the purview of the Senate must be approved by the Senate.

IV University Councils and Committees

1. The Senate shall maintain three University Senate Councils – the Campus Council, the Faculty Council, and the University Council – to assist the University Senate in forming educational policies. The three University Senate Councils shall maintain the following standing committees:
   - 1.1 **Campus Council**: Events Programming and Scheduling, Public Safety, Student Activities, Student Center, Student Financial Assistance, Student Rights, Ethics and Standards, University Traffic Appeals Subcommittee, Parking Subcommittee;
   - 1.2 **Faculty Council**: Academic Freedom and Ethics, Contract Faculty, Creative Arts, Creative Teaching, Graduate Education, Instructional Media Support, Library, Professional Education, Salary and Benefits, Special Leave, Teaching Evaluation, Undergraduate Education, University Grade Appeals, University Promotion and Tenure;
   - 1.3 **University Council**: Academic Assessment and Institutional Research, Admissions and Credits, Athletics, Extended Education, Financial and Budgetary Affairs, Information Technology, Rinker Center for International Programs, Judicial, Master Planning and Facilities, Publications and Intellectual Properties, and Research.

2. The establishment of new University Senate Councils and Council Standing Committees shall be recommended to the Senate by the Governance and Elections Committee.

3. The membership of each council will elect by majority vote a Chairperson, Vice Chairperson and a Secretary for a one year term who will constitute the Executive Committee responsible for the following:
   - 3.1 Proposing assignments to each of the standing committees on the Councils;
   - 3.2 Preparing an agenda for each meeting of the Councils;
   - 3.3 Receiving and forwarding recommendations or issues approved by each Council.

ARCHIVE

4. The Chairperson for the Campus Council shall be a student; the chairperson for the Faculty Council shall be a faculty member; and the chairperson of the University Council shall be a professional personnel member.

5. The duties of University Senate Councils and Council Committee officers shall be as follows:
   5.1 The chairperson shall conduct all meetings of the council or committee, provide leadership and coordination to the work of the body, and represent the body before others units of the governance system;
   5.2 The vice-chairperson shall serve as assistant to the chairperson and as presiding officer in the chairperson's absence:
   5.3 The secretary shall take the minutes of the council or committee and distribute them as directed, and shall serve as presiding officer in the absence of a vice chairperson whenever the chairperson is unable to perform the duties of the office.

6. Ex officio members shall not vote or hold office on Councils or Council Committees.

7. Each Council shall have the power to establish, on a temporary basis, ad hoc committees to inquire into a specific issue or topic related to its responsibilities and not under the jurisdiction of a Standing Committee. Such ad hoc Committees shall be established by resolution of the entire Council, which shall specify the membership and duration of the ad hoc Committee. Each ad hoc Committee shall have a majority of its membership from Council members.

8. All actions of University Senate Councils and Council Standing Committees which establish or alter educational policy shall be referred to the University Senate for approval. Other actions not involving a change in educational policy shall be forwarded to the appropriate administrative officer. Implementation of such action is the responsibility of the administrative officer in accordance with University procedures.

9. All actions of University Senate Councils and Council Standing Committees are subject to review by the University Senate. Such action may be initiated by the Agenda Committee or by a senator on the floor of the Senate supported by a majority of the members present and voting.

10. Any three members of a University Senate Council or Council standing committee may petition the chairperson of that Council or Committee to call a meeting of that body.

11. Meetings of councils, committees, and subcommittees are open meetings unless the chairperson announces in advance that a closed meeting is to be held for the purpose of discussing personnel issues. Visitors may attend open meetings but are not permitted to participate unless invited to do so.[8]

12. A quorum is a majority of the voting members serving on a council or committee.

13. Each council or committee shall submit a written summary report of its activities at the end of each academic year to the Office of the University Senate.

14. Each council or committee shall transmit its minutes, the summary report, and also all bylaws and operating procedures adopted by the body to the office of the University Senate to be distributed to: the Office of the President, the Chairperson of the Council, and the Executive Secretary of the Council, the Chairperson, Vice Chairperson, Secretary of the University Senate, the President of the Student Government Association, and the Ball State University Archives maintained by the University Libraries.

    The minutes of the Academic Freedom and Ethics Committee and the University Promotion and Tenure Committee insofar as they concern confidential personnel recommendations shall be distributed instead to the President, the appropriate Vice President, and the Chairperson of the Faculty Council.[9]

ARCHIVE

15. University Senate Council or committee members who cannot attend a meeting may with the concurrence of the chairperson arrange to have an informed substitute attend, provided that such substitute was eligible at the time of the original appointment or election to be appointed or elected from or representing the same constituency, if any.[10] A substitute may participate in the deliberations of the body and may vote, but only after proper registration with the secretary of the body before the start of the meeting. When a position is vacated in the University Senate Councils, or Committees within the governance system, a replacement will be selected to complete the original term through the same process used for selecting the vacating representative. The person chosen as a replacement will be eligible for later selection to another full term.[11]

16. University Senate Councils or committee members who establish a pattern of absences from official meetings, thus depriving their unit or constituency of representation, may be replaced upon the recommendation of the chairperson or the written request of at least one-third of the membership of the committee or council affected. Such recommendation or request shall be made to the Chairperson of the Governance and Elections Committee. After review by the Governance and Elections Committee, and being satisfied that appropriate notification to those involved has been made, the Governance and Elections Committee shall declare the position vacant and will initiate appropriate replacement procedures.[12]

17. In the event that no person can be found willing or able to serve as representative of a college on a standing committee according to constitutional provision, then the Governance and Elections Committee may, following consultation from the dean of the college in question, designate a replacement member from another college, to serve for that academic year only. The designee would be a committee member at large and not responsible for representing the interests of the college whose seat he or she has been given.[13]

18. The word "colleges" in this document refers to the following colleges: College of Applied Sciences and Technology; College of Architecture and Planning; Miller College of Business; College of Communication, Information, and Media; College of Fine Arts; College of Sciences and Humanities; and Teachers College.[14]

V Amendments[15]

This Constitution can be amended in the following manner: (1) presenting a written statement of the proposed amendment at a regular meeting of the University Senate and then at the next regular meeting of the University Senate securing a majority vote of those present and voting. If the proposed amendment receives such a majority vote, it will then be distributed to all faculty and professional personnel units; (2) securing approval of the proposed amendment by a two-thirds vote of all those present and voting at meetings held within the faculty and professional personnel units within sixty calendar days of notification for a unit meeting to be held, with vote results from each unit to be reported promptly by the unit Chairperson/Head to the Provost and Vice President for Academic Affairs; and (3) securing the approval of the University Board of Trustees for the proposed amendment.

THE UNIVERSITY COUNCIL AND COMMITTEE STRUCTURE

I General Structure

Campus Council [16]

1. Membership

The membership of the Campus Council shall consist of the following:

1.1 Voting

1.11 Two faculty appointed by the Faculty Council, for staggered two year terms;

1.12 Two professional personnel appointed by the University Council, for staggered two year terms;

1.13 Nine students appointed by the Student Government Association for one year terms; seven selected by the Student Government Association and two selected by the Residence Hall Association.

1.2 Non-Voting

1.21 The Vice President for Enrollment, Marketing, and Communications, ex officio, or a designee;

1.22 The Vice President for Business Affairs, ex officio, or a designee;

1.23 The Vice President for University Advancement, ex officio, or a designee;

1.24 The Vice President and CIO for Information Technology, ex officio, or a designee;

1.25 The Provost and Vice President for Academic Affairs, ex officio, or a designee;

1.26 The Chairperson of the Faculty Council, ex officio, or a designee;

1.27 The Chairperson of the University Council, ex officio, or a designee.

1.28 The Vice President for Student Affairs, ex officio, or a designee.

2. Structure [17]

The membership will elect by majority vote a Chairperson, who must be a student, a Vice Chairperson and a Secretary for a one-year term which will constitute an Executive Committee responsible for the following:

2.1 Proposing committee assignments to each of the standing committees on the Councils;

2.2 Preparing an agenda for each meeting of the Campus Council;

2.3 Receiving, considering and forwarding recommendations or issues approved by the Campus Council.

2.4 The following six standing committees shall be maintained on a continuing basis: Events Programming and Scheduling, Public Safety, Student Activities, Student Center, Student Financial Assistance, and Student Rights, Ethics and Standards.

In addition, the Campus Council may form such ad hoc committees as it deems necessary for carrying out its responsibilities, subject to the following conditions:

2.41 Submission of a written report to the University senate at the time of the ad hoc committee's formation to explain its purpose, membership and expected date for completion of tasks and dissolution;

2.42 Limitation of the existence of any ad hoc committee to a period not exceeding twelve months from the date of formation, unless the Council approves a specific extension or authorizes that the ad hoc committee be replaced by a new standing committee.

3. Responsibilities:

The Campus Council is responsible for the following initiatives and activities:

3.1 To consider and develop policies and practices on matters relating to student organizations, activities, conduct, discipline, placement, health, financial assistance, intramural sports and recreational programs, counseling, and other non-academic student interests, concerns, and welfare;

3.2 To consider and develop policies and practice on matters dealing with programs and special events affecting the cultural life of the University and its regional community;

3.3 To act in an advisory capacity to those who administer the various programs related to student and campus life;

3.4 To conduct studies and make recommendations on matters referred to the Council;

3.5 To consider and develop policies and procedures on other non-academic matters which affect the campus community.

3.6 To approve all appointments to the standing committees on the Council.

ARCHIVE

4. Standing Committees

1. Events Programming and Scheduling Committee
   1.1 Membership – The membership of the Events Programming and Scheduling Committee shall consist of the following:
      1.11 Voting
         1.111 Two members appointed by the Campus Council, of whom at least one appointee must be a member of that Council, for staggered two year terms;
         1.112 Two faculty, appointed by the Faculty Council, for staggered two year terms;
         1.113 Two professional personnel, appointed by the University Council, for staggered two year terms; [18]
         1.114 Two students with special interest or expertise in the performing arts to be appointed by the Student Government Association, for one year terms;
         1.115 Four members from the community or region to be appointed by the President of the University, for staggered two year terms.
      1.121 Non-Voting
         1.121 The Dean of the College of Fine Arts, ex officio, or a designee;
         1.122 The Executive Director of Alumni Programs Office, ex officio, or a designee;
         1.123 The Director of Emens Auditorium, ex officio, or a designee;
         1.124 The Director of Sports Facilities Management, ex officio, or a designee;
         1.125 The Associate Director of Emens Auditorium, ex officio, or a designee;
         1.126 One representative from the Student Center Committee.

   1.2 Responsibilities - The Events Programming and Scheduling Committee is responsible for the following initiatives and activities:
      1.21 To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;
      1.22 To forward minutes of each committee meeting to the Chairperson of the Campus Council within a timely manner;
      1.23 To initiate, recommend and implement policies and administrative procedures for scheduling University sponsored cultural and entertainment programs and convocations;
      1.24 To evaluate auditorium and convocation programs and make recommendations, when appropriate;
      1.25 To consult with the Director of Emens Auditorium concerning events to be scheduled in Emens Auditorium;
      1.26 To consult with the Director of Sports Facilities Management concerning events to be scheduled in Worthen Arena;
      1.27 To consult with appropriate University officials concerning programming scheduled in other University facilities;
      1.28 To consult with appropriate University officials concerning planning for future event facilities;
      1.29 To evaluate University event facilities concerning programming in University facilities on a continuing basis.

2. Public Safety Committee
   2.1 Membership – The membership of the Public Safety Committee shall consist of the following:
      2.11 Voting
         2.111 Two members appointed by the Campus Council, of whom at least one appointee must be a member of that Council, for staggered two year terms;
         2.112 Two faculty appointed by the Faculty Council, for staggered two year terms;
         2.113 Two professional personnel, appointed by the University Council, for staggered two year terms; [19]

ARCHIVE

2.114 Two students appointed by the Student Government Association, for one year terms.

2.12 Non-Voting

2.121 The Director of Public Safety, ex officio, or a designee;

2.122 President of the Staff Council, ex officio, or a designee;

2.123 Victim Advocate, ex officio, or a designee;

2.124 Associate Vice President for Facilities Planning and Management, ex officio, or a designee.

2.2 Responsibilities – The Public Safety Committee is responsible for the following initiatives and activities:

2.21 To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one year term;

2.22 To forward minutes of each committee meeting to the Chairperson of the Campus Council within a timely manner;

2.23 To recommend policies and procedures related to the administration of the University public safety program;

2.24 To recommend policies and procedures relating to the administration of the University parking policies;

2.25 To act in an advisory capacity to the Director of Public Safety;

2.26 To serve as a liaison agency in interpreting public safety programs to students, faculty and staff;

2.27 To evaluate the Public Safety program and make recommendations, when appropriate.

2.3 There shall be two standing subcommittees of the Public Safety Committee: the Parking Subcommittee and the University Traffic Appeals Subcommittee.

2.31 Membership – The membership of the Parking Subcommittee shall consist of the following:

2.311 Voting

2.3111 Two student representatives appointed by the Student Government Association for a one year term;

2.3112 Two members of the Campus Council, appointed for staggered two year terms;

2.3113 Two members of the Faculty Council, appointed for staggered two year terms;

2.3114 Two members of the University Council, appointed for staggered two year terms;

2.3115 Two members from the community or region to be appointed by the President of the University, for staggered two year terms;

2.312 Non-voting

2.3121 The Associate Dean for Student Affairs and Director of Housing/Residence Life, ex officio, or a designee;

2.3122 The Director of Public Safety, ex officio, or a designee;

2.3123 The University Police Parking Enforcement Coordinator, ex officio, or a designee.

2.32 Responsibilities – The Parking Subcommittee shall be responsible for the following initiatives and activities:

2.321 To elect a Chairperson and a Secretary from its appointed membership by a majority vote for a one year term;

2.322 To forward minutes of each committee meeting to the Chairperson of the Public Safety Committee within a timely manner;

2.323 To consider and recommend policies on matters relating to Parking Services.

2.4 The University Traffic Appeals Subcommittee is as follows.

2.41 Membership – The membership of the University Traffic Appeals Subcommittee shall

ARCHIVE

consist of the following:

2.411 Voting

2.4111 Two student representatives appointed by the Student Government Association, for a one year term;

2.4112 Two members of the Campus Council, appointed for staggered two year terms;

2.4113 Two members of the Faculty Council, appointed for staggered to year terms;

2.4114 Two members of the University Council, appointed for staggered two year terms;

2.4115 Two members appointed by the President of the University to represent staff and service personnel, for staggered two year terms.

2.412 Non-voting

2.4121 The Director of Public Safety, ex officio, or a designee.

2.42 Responsibilities – The University Traffic Appeals Subcommittee shall be responsible for the following initiatives and activities:

2.421 To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;

2.422 To forward minutes of each committee meeting to the Chairperson of the Public Safety Committee within a timely manner;

2.423 To hear appeals related to vehicular traffic and parking violations.

3. Student Activities Committee [20]

3.1 Membership – The membership of the Student Activities Committee shall consist of the following:

3.11 Voting

3.111 Two members appointed by the Campus Council, of whom at least one appointee must be a member of that Council, for staggered two year terms;

3.112 Two faculty appointed by the Faculty Council for staggered two-year terms;

3.113 Two members appointed by the University Council for staggered two year terms;

3.114 Three students appointed by the Student Government Association for one year terms.

3.12 Non-Voting

3.121 The Director of Student Organizations and Activities, ex officio, or a designee;

3.122 President of Student Government Association, ex officio, or a designee;

3.122 The Director of Recreation Services, ex officio, or a designee.

3.2 Responsibilities – The Student Activities Committee is responsible for the following initiatives and activities:

3.21 To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one year term;

3.22 To forward minutes of each committee meeting to the Chairperson of the Campus Council within a timely manner;

3.23 To receive and consider proposals dealing with student activities policies from the Student Government Association;

3.24 To initiate and recommend policies in matters related to student activities and organizations;

3.25 To advise those who administer student activities programs and residence hall programming;

3.26 To grant recognition to student organizations, subject to review by the President of the University or a representative;

3.27 To evaluate publications, policies, and procedures related to student organizations and to make recommendations, when appropriate.

ARCHIVE

4. Student Center Committee [21]
   4.1 Membership – The membership of the Student Center Committee shall consist of the of the following:
      4.11 Voting
         4.111 Two members appointed by the Campus Council, of whom at least one appointee must be a member of that Council, for staggered two year terms;
         4.112 Two faculty appointed by the Faculty Council, for staggered two year terms;
         4.113 Two professional personnel, appointed by the University Council, for staggered two year terms;
         4.114 Four students appointed by the Student Government Association, for one year terms;
         4.115 One student representative appointed by the University Program Board, for a one year term.
      4.12 Non-Voting
         4.121 The Director of the Student Center, ex officio, or a designee;
         4.122 The Assistant Vice President for Student Affairs and Director of Student Life, ex officio, or a designee;
         4.123 The Director of Emens Auditorium, ex officio, or a designee.

   4.2 Responsibilities – The Student Center Committee is responsible for the following initiatives and activities:
      4.21 To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one year term;
      4.22 To forward minutes of each committee meeting to the Chairperson of the Campus Council within a timely manner;
      4.23 To evaluate Student Center policies and procedures, and to make recommendations, when appropriate.
      4.24 To evaluate the Student Center programs and operations and to make recommendations, when appropriate;
      4.25 To assist in assessment of programs and services to various constituents, and to make recommendations, when appropriate.

5. Student Financial Assistance Committee
   5.1 Membership – The membership of the Student Financial Assistance Committee shall consist of the following:
      5.11 Voting
         5.111 Two members appointed by the Campus Council, of whom at least one appointee must be a member of that Council, for staggered two year terms;
         5.112 Two faculty appointed by the Faculty Council, for staggered two year terms;
         5.113 Two professional personnel, appointed by the University Council, for staggered two year terms; [22]
         5.114 Two students appointed by the Student Government Association, for one year terms.
      5.12 Non-Voting
         5.121 The Director of Scholarships and Financial Aid, ex officio, or a designee.

   5.2 Responsibilities – The Student Financial Assistance Committee is responsible for the following initiatives and activities:
      5.21 To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;
      5.22 To forward minutes of each committee meeting to the Chairperson of the Campus Council within a timely manner;

ARCHIVE

5.23 To evaluate policies and procedures on matters relating to awarding student financial assistance, including scholarships, grants, grants-in-aid, loans, and student employment; and to make recommendations, when appropriate;
5.24 To serve as the appeals body to hear student grievances relating to the awarding and continued receipt of financial assistance;
5.25 To evaluate student financial assistance programs and procedures and to make recommendations when appropriate.

6. Student Rights, Ethics and Standards Committee
   6.1 Membership – The membership of the Student Rights, Ethics and Standards Committee shall consist of the following:
      6.11 Voting
         6.111 Two members appointed by the Campus Council, of whom at least one appointee must be a member of that Council, for staggered two year terms;
         6.112 Two faculty appointed by the Faculty Council, for staggered two year terms;
         6.113 Two professional personnel, appointed by the University Council, for staggered two year terms; [23]
         6.114 Two students appointed by the Student Government Association, for one year terms.
      6.12 Non-Voting
         6.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee;
         6.122 The Vice President for Enrollment, Marketing, and Communications, ex officio, or a designee;
         6.123 The Vice President of the Student Government Association, ex officio, or a designee.
         6.124 The Vice President for Student Affairs, ex officio, or a designee.

   6.2 Responsibilities – The Student Rights, Ethics and Standards Committee is responsible for the following initiatives and activities:
      6.21 To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;
      6.22 To forward minutes of each committee meeting to the Chairperson of the Campus Council within a timely manner;
      6.23 To initiate, review and recommend policies and procedures on matters related to student rights and responsibilities, standards of conduct, and discipline;
      6.24 To work with the Faculty Council to develop policies and procedures related to academic ethics, grade appeals and other student academic grievances;
      6.25 To evaluate and review student rights and responsibilities, ethics and standards.

Faculty Council [24]

1. Membership
   The membership of the Faculty Council shall consist of the following:

   1.1 Voting
      1.11 The forty-nine elected faculty members to the University Senate, for staggered two year terms;
      1.12 The two elected contract faculty members to the University Senate, for staggered two year terms.
   1.2 Non-Voting
      1.21 The Chairperson of the Campus Council, ex officio, or a designee;
      1.22 The Chairperson of the University Council, ex officio, or a designee;
      1.23 The Provost and Vice President for Academic Affairs, ex officio, or a designee.

ARCHIVE

2. Structure

The membership will elect by majority vote a Chairperson, who must be a faculty member, Vice Chairperson and a Secretary for a one-year term which will constitute an Executive Committee responsible for the following:

2.1 Proposing committee assignments to each of the standing committees on the Councils;
2.2 Preparing an agenda for each meeting of the Faculty Council;
2.3 Receiving, and forwarding recommendations or issues approved by the Faculty Council;
2.4 Fourteen other standing committees of the Faculty Council shall be maintained on a continuing basis. They are: Academic Freedom and Ethics, Contract Faculty, Creative Arts, Creative Teaching, Graduate Education, Instructional Media Support, Library, Professional Education, Salary and Benefits, Special Leave, Teaching Evaluation, Undergraduate Education, University Grade Appeals Committee, and University Promotion and Tenure.

In addition, the Faculty Council may form such ad hoc committees as it deems necessary for carrying out its responsibilities, subject to the following conditions:

2.41 Submission of a written report to the University Senate at the time of the ad hoc committee's formation to explain its purpose, membership and expected date for completion of tasks and dissolution;
2.42 Limitation of the existence of any ad hoc committee to a period not exceeding twelve months from the date of formation, unless the Council approves a specific extension or authorizes that the ad hoc committee be replaced by a new standing committee.

3. Responsibilities:

The Faculty Council is responsible for the following initiatives and activities:

3.1 To consider and develop policies and procedures on matters regarding all academic policies and programs; academic freedom and ethics; the appointment, promotion, tenure, and dismissal of faculty members and tenured professional personnel acting in a faculty capacity; salaries; benefit programs; and other conditions of employment affecting faculty.
3.2 To consider and develop policies and procedures on matters regarding the health and personal well-being of faculty and the welfare of emeriti faculty;
3.3 To consider and develop policies, procedures and programs regarding scholarly activities; leaves of absence; and other opportunities for professional development;
3.4 To solicit and survey opinions of the faculty on matters concerning their interests and welfare and to recommend appropriate action;
3.5 To act in an advisory capacity to those who administer the various programs related to the status, remuneration, and well-being of faculty and emeriti faculty;
3.6 To approve all appointments to the standing committees on the Council.

4. Standing Committees

1. Academic Freedom and Ethics Committee [25]

1.1 Membership – The membership of the Academic Freedom and Ethics Committee shall consist of the following appointed members:

1.11 Voting

1.111 Seven tenured faculty members, one representing each college, one of whom must be a member of Faculty Council, appointed by the Faculty Council, for staggered two year terms;
1.112 Two professional personnel, appointed by the University Council, for staggered two year terms.

1.12 Non-Voting

1.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee.

ARCHIVE

1.2 Responsibilities – The Academic Freedom and Ethics Committee is responsible for the following initiatives and activities:

1.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms;

1.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

1.23 To develop and review guidelines and policies for academic freedom and academic ethics issues for the University.

1.24 To receive any allegations regarding alleged interference with academic freedom and alleged breaches of academic ethics involving a faculty member or a professional personnel member. These allegations must be submitted in writing to the Chairperson of the Faculty Council and must contain specific documentation supporting each of the allegations;

1.25 To review cases or situations involving a faculty member or a professional personnel member;

1.26 To recommend, after review of each case brought to the committee, one of the following:

1.261 An action consistent with the Faculty and Professional Personnel Handbook concerning disciplinary action or termination;

1.262 Referral to the Judicial Committee of the University Council.

1.27 To submit confidential committee findings, in writing, to the involved parties and the Provost and Vice President for Academic Affairs.

1.3 No one may serve on a panel reviewing a case brought before the committee who has had previous involvement with the case, or who is assigned to the same department or administrative areas as any of the principals in the case, or who is related by blood or marriage to any of principals.

2. Contract Faculty Committee [26]

2.1 Membership – The membership of the Contract Faculty Committee shall consist of the following:

2.11 <u>Voting</u>

2.111 Two members appointed by the Faculty Council, one of whom must be a member of Faculty Council, for staggered two year terms;

2.112 One full-time contract faculty member elected by and from the Contract Faculty of each college, for staggered two year terms;

Colleges may elect tenure-line faculty members if no willing contract faculty member is available; only full-time contract faculty and those who hold half-time or more contracts for more than one year will elect their own representatives to Contract Faculty Committee;

2.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

2.12 <u>Non-Voting</u>

2.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee.

2.2 Responsibilities – The Contract Faculty Committee is responsible for the following initiatives and activities:

2.21 To elect a Chairperson and a Secretary from the appointed membership by majority vote for a one year term;

2.22 To forward minutes of each committee meeting to the chairperson of the Faculty Council within a timely manner;

2.23 To initiate and recommend procedures for implementing University policies affecting full-time contract faculty;

ARCHIVE

2.24 To review existing policies and procedures affecting contract faculty and to recommend changes in those policies and procedures when appropriate.

3. Creative Arts Committee

3.1 Membership – The membership of the Creative Arts Committee shall consist of the following:

3.11 Voting

3.111 Seven members appointed by the Faculty Council, one of whom must be a member of Faculty Council, one representing each college, for staggered two year terms:

3.112 One undergraduate student and one graduate student appointed by the Student Government Association, for one year terms.

3.12 Non-Voting

3.121 The Dean of the College of Fine Arts, ex officio, or a designee;

3.122 The Director of the Office of Sponsored Programs, ex officio, or a designee.

3.2 Responsibilities – The Creative Arts Committee is responsible for the following initiatives and activities:

3.21 To encourage, strengthen, and foster the creative arts at the University at all levels.

3.22 To solicit and evaluate proposals for Creative Arts Grants and to recommend to the Provost and Vice President for Academic Affairs, the Associate Provost for Research and Dean of the Graduate School, and the Director of the Office of Sponsored Programs those proposals which merit funding by the University.

3.23 To initiate and recommend policies and procedures for Creative Arts Grants at the University;

3.24 To conduct continuous evaluation of the Creative Arts Program.

4. Creative Teaching Committee [26]

4.1 Membership – The membership of the Creative Teaching Committee shall consist of the following:

4.11 Voting

4.111 Seven members, one representing each college, selected by and from the membership of the Faculty Council, for staggered two year terms;

4.112 One undergraduate student and one graduate student appointed by the Student Government Association, for one year terms.

4.12 Non-Voting

4.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee.

4.2 Responsibilities – The Creative Teaching Committee is responsible for the following initiatives and activities:

4.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms;

4.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

4.23 To encourage, strengthen, and foster creative teaching at the University at all levels.

4.24 To solicit and evaluate all proposals for Creative Teaching Grants, and to recommend to the Provost and Vice President for Academic Affairs those proposals which merit funding by the University.

4.25 To initiate and recommend policies and procedures for Creative Teaching Grants at the University.

4.26 To conduct evaluation of the Creative Teaching Grants program.

ARCHIVE

5. Graduate Education Committee[27]
   5.1 Membership – The membership of the Graduate Education Committee shall consist of the following:
      5.11 Voting
         5.111 Two members appointed by and from the Faculty Council who are members of the Graduate Faculty, for staggered two year terms;
         5.112 Eleven members of the Graduate Faculty elected by and from the regular Graduate Faculty, with the number of representatives from each college based on the ratio of that college's membership in the total Graduate Faculty, for staggered two year terms:
         5.113 Three members of the Graduate Faculty appointed by the Faculty Council upon recommendation by the Dean of the Graduate School for staggered two year terms:
         5.114 Seven graduate students appointed by the Campus Council, from each college offering graduate programs for one year terms.
      5.12 Non-Voting
         5.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee;
         5.122 The Dean of the Graduate School, ex officio, or a designee;
         5.123 The Assistant Dean of the Graduate School, ex officio, or a designee.

   5.2 Responsibilities – The Graduate Education Committee is responsible for the following initiatives and activities:
      5.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms:
      5.22 To forward minutes of each committee meeting to the Chair of the Faculty Council within a timely manner;
      5.23 The officers and the Dean of the Graduate School, ex officio, or a designee, shall constitute an Executive Committee to prepare an agenda for each meeting and to expedite committee business.
      5.24 To initiate and recommend policies and procedures for the administration of the graduate programs on matters relating to admissions, retention, curricular requirements, residence, research papers and theses, advanced standing, examinations, class sizes, and other duties necessary for the successful operation of the graduate programs;
      5.25 To recommend the addition, deletion, or modification of graduate curricula and programs;
      5.26 To evaluate and approve all interdisciplinary graduate courses and programs;
      5.27 To evaluate graduate programs and to make recommendations, when appropriate;
      5.28 To confer with other councils and committees when problems of mutual concern arise;
      5.29 To initiate and recommend policies and procedures on matters concerning the establishment of qualifications for doctoral fellows, graduate assistants, and the proposed recipients of honorary degrees;
      5.30 To evaluate and approve Graduate Faculty Policies.

6. Instructional Media Support Committee [28]
   6.1 Membership – The membership of the Instructional Media Support Committee shall consist of the following:
      6.11 Voting
         6.111 Seven faculty members, one representing each college, at least one of whom must be a member of the Faculty Council, appointed by the Faculty Council, for staggered two year terms;
         6.112 One professional personnel appointed by University Council for a two year term;

ARCHIVE

6.113 One student appointed by Student Government Association, for a one year term.

6.12 Non-Voting

6.121 The Executive Director of Teaching and Learning Advancement, ex officio, or a designee:

6.122 The Director of the Teleplex, ex officio, or a designee;

6.123 The Director of Information Technology Services, ex officio, or a designee;

6.124 The Chairperson of the Information Technology Committee, ex officio, or a designee.

6.2 Responsibilities – The Instructional Media Support Committee is responsible for the following initiatives and activities:

6.21 To elect a Chairperson, who must be an elected member of Faculty Council, and a Secretary from its appointed faculty membership by majority vote for one year terms;

6.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

6.23 To receive and consider recommendations for improving instructional media, extended education technologies, and related academic computing procedures and practices;

6.24 To evaluate instructional media support, extended education technologies, and instructional computer technology.

7. Library Committee [29]

7.1 Membership – The membership of the Library Committee shall consist of the following:

7.11 Voting

7.111 Seven faculty appointed by the Faculty Council, one representing each college, at least one of whom must be a member of the Faculty Council, for staggered two year terms;

7.112 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms;

7.113 Two professional personnel with primary appointment in different professional areas appointed by University Council, for staggered two year terms;

7.114 One member appointed from the Graduate Education Committee, for a one year term;

7.115 One member appointed by the Undergraduate Education Committee, for a one year term.

7.12 Non-Voting

7.121 The Dean of University Libraries, ex officio, or a designee.

7.2 Responsibilities – The Library Committee is responsible for the following initiatives and activities:

7.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms;

7.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

7.23 To initiate and recommend policies and procedures for the operation of the University Libraries;

7.24 To receive and consider recommendations for improving library procedures and practices:

7.25 To evaluate University Libraries services, particularly through departmental library representatives, and to make recommendations, when appropriate.

ARCHIVE

8. Professional Education Committee [30]

8.1 Membership – The membership of the Professional Education Committee shall consist of the following:

Faculty representatives from the respective colleges must be designated as Professional Education Faculty Category I and shall be elected according to procedures established by those colleges for staggered two year terms.

8.11 Voting

8.111 Dean of Teachers College;

8.112 Associate Dean of Teachers College, or designee;

8.113 The Chairpersons of the following Departments: Educational Psychology, Educational Studies; Elementary Education; Special Education, or a designee;

8.114 Two faculty elected by and from the College of Applied Sciences and Technology, for staggered two year terms;

8.115 One faculty elected by and from the College of Business, for a two year term;

8.116 One faculty elected by and from the College of Communication, Information, and Media, for a two year term;

8.117 One faculty elected by and from the College of Fine Arts, for a two year term;

8.118 Three faculty elected by and from the College of Sciences and Humanities, for staggered two year terms;

8.119 Two faculty elected by and from the Teachers College, for two year terms;

8.120 One graduate student appointed by Professional Education Committee, for a one year term;

8.121 One undergraduate student appointed by Professional Education Committee, for a one year term;

8.122 Three representatives appointed from K-12 public education (two teachers and an administrator who currently hold the rank of adjunct professor at Ball State University) appointed by Professional Education Committee, for two year terms.

8.2 Responsibilities – The Professional Education Committee is responsible for the following:

8.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms;

8.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

8.23 To review curriculum revisions which have an impact on professional education programs;

8.24 To continually review and evaluate academic policies which affect professional preparation of teachers;

8.25 To review proposed revisions to academic policies affecting the professional preparation of teachers;

8.26 To approve applications for classification as professional education faculty.

9. Salary and Benefits Committee [31]

9.1 Membership – The membership of the Salary and Benefits Committee shall consist of the following:

9.11 Voting

9.111 Seven members selected by and from the membership of the Faculty Council, one representing each college, for staggered two year terms;

9.112 One Professional Personnel member appointed by the University Council, for staggered two year terms.

9.113 One member appointed by and from the University Council's Financial and Budgetary Affairs Committee, for a one year term.

9.12 Non-Voting

9.121 The Provost and Vice President for Academic Affairs, ex officio, or a

ARCHIVE

designee.

9.122 The Vice President for Business Affairs, ex officio, or a designee.

9.2 Responsibilities – The Salary and Benefits Committee is responsible for the following initiatives and activities:

9.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote of the committee, for one year terms;

9.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

9.23 To monitor and evaluate salary and benefit programs, including those concerning emeriti, and recommend appropriate changes and improvements.

9.24 To initiate reviews and assessments of market conditions periodically and make appropriate recommendations for adjustments regarding incremental money distributed for market purposes;

9.25 To review the administration of faculty salary programs annually, working with the President or the Provost and Vice President for Academic Affairs, to assure compliance with established policies;

9.26 To review for approval all criteria and processes regarding faculty salaries for all units.

9.27 To act in an advisory capacity to those who administer faculty salary and benefit programs for the University and to represent the interests of the faculty in discussions with such persons.

10. Special Leave Committee [32]

10.1 Membership – The membership of the Special Leave Committee shall consist of the following:

10.11 Voting

10.111 Seven tenure and tenure track faculty members, one elected from each college, for staggered two year terms;

10.12 Non-Voting

10.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee.

10.2 Responsibilities – The Special Leave Committee is responsible for the following initiatives and activities:

10.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms;

10.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

10.23 To initiate, monitor, evaluate, and recommend policies and procedures concerning leaves of absence.

10.24 To solicit applications for special assigned leaves with pay, to evaluate and rank the applications according to established criteria, and to report its findings according to established policies.

10.25 To act in an advisory capacity to those who administer other leaves of absence programs.

11. Teaching Evaluation Committee [33]

11.1 Membership – The membership of the Teaching Evaluation Committee shall consist of the following:

11.11 Voting

11.111 Seven members, one representing each college appointed by the Faculty Council, one of whom must be a member of Faculty Council, for staggered two year terms;

11.112 Two members appointed by the University Council for staggered two year terms;

ARCHIVE

11.113 One undergraduate student and one graduate student appointed by the Student Government Association for one year terms;
11.114 One member appointed by and from the Extended Education Committee for a one year term.

11.12 Non-Voting
11.121 The Executive Director of the Office of Teaching and Learning Advancement, ex officio, or a designee;
11.122 The Director of Unified Technology Support, ex officio, or a designee;
11.123 The Assistant Director of Research and Design, ex officio, or a designee.

11.2 Responsibilities – The Teaching Evaluation Committee is responsible for the following initiatives and activities:
11.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms;
11.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;
11.23 To evaluate the University Policy for Evaluation of Teaching and Guidelines to be Following in Evaluation of Teaching and to make recommendations, when appropriate;
11.24 To review and approve department policies and procedures for the evaluation of teaching on a rotating three-year cycle or whenever a department makes a substantial change;
11.25 To initiate and oversee the implementation of policies to insure the security of data collected by Information Technology Services.

12. Undergraduate Education Committee [34]
12.1 Membership – The membership of the Undergraduate Education Committee shall consist of the following:
12.11 Voting
12.111 Seven members appointed by and from the Faculty Council, for staggered two year terms;
12.112 Fourteen faculty, two from each college, shall be elected by the faculty of that college, for staggered two year terms;
12.113 Three undergraduate students appointed by the Student Government Association, for one year terms.

12.12 Non-Voting
12.121 The Provost and Vice President for Academic Affairs, ex officio or a designee;
12.122 The Director of Academic Systems, ex officio, or a designee;
12.123 One Academic Advising Resource Center Coordinator appointed by the Faculty Council, ex officio, or a designee.

12.2 Responsibilities – The Undergraduate Education Committee is responsible for the following initiatives and activities:
12.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms;
12.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;
12.23 The officers and the Provost and Vice President for Academic Affairs, ex officio, or a designee, shall constitute an Executive Committee to prepare an agenda for each meeting and to expedite committee business;
12.24 To discuss, plan, and explore the future educational direction of the University, in cooperation with other councils and committees;
12.25 To review and approve new curricula and undergraduate educational programs and to recommend revision of existing curricula and programs when desirable;

ARCHIVE

12.26 To serve as a sounding board to the subcommittees when advice and counsel are sought by the subcommittees;
12.27 To evaluate undergraduate educational programs;
12.28 To initiate and receive proposals from the colleges or other sources, and recommend policies and procedures relevant to degree requirements, academic schedules and calendars, grading and credit practices, and academic standards and related matters;
12.29 To initiate, receive proposals from the colleges or other sources, and recommend policies and procedures on matters concerning the establishment of qualifications for regular faculty and professional personnel and the establishment of standards for determining faculty loads;
12.30 To review its own organization, procedures, and functions and to make recommendations to the Governance and Elections Committee on these matters.

12.3 University Core Curriculum Subcommittee

12.31 Membership – The membership of the University Core Curriculum Subcommittee shall consist of the following:

12.311 Voting

12.3111 One faculty appointed by and from the Undergraduate Education Committee, for a one year term;
12.3112 Seven faculty one elected by and from each college, for staggered two year terms;
12.3113 One faculty appointed by and from the Faculty Council, for a one year term;
12.3114 One undergraduate student appointed by the Student Government Association, for a one year term.

12.312 Non-voting

12.3121 The Associate Provost and Dean of University College, ex officio, or a designee;
12.3122 The Director of Academic Advising, ex officio or a designee.

12.32 Responsibilities – The University Core Curriculum Subcommittee is responsible for the following:

12.321 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms;
12.322 To forward minutes of each committee meeting to the Chairperson of the Undergraduate Education Committee and the Chair of the Faculty Council within a timely manner;
12.323 To develop and evaluate the University core curriculum program;
12.324 To recommend changes in the University core curriculum program to the Undergraduate Education Committee, when appropriate.

13. University Grade Appeals Committee[35]

13.1 Membership – The membership of the University Grade Appeals Committee shall consist of the following:

13.11 Voting

13.111 One undergraduate or graduate student appointed by each of the seven college deans for a one year appointment to assume their committee responsibility at the start of the fall semester and serving for one calendar year. A student member may serve an unlimited number of terms;
13.112 Faculty members, one from each of the seven colleges, shall be elected by the faculty of each individual college and serving for one calendar year. A faculty member may serve an unlimited number of terms.
13.113 Should a faculty or student vacancy occur, the appropriate dean shall appoint a member to the committee for the remainder of the twelve-month term.

ARCHIVE

13.2 Responsibilities – The University Grade Appeals Committee is responsible for carrying out on a continuing basis the following initiatives and activities:
13.21 To hear grade appeals;
13.22 To initiate policies and procedures for grade appeals;
13.23 To conduct a continuous evaluation of the grade appeals process.

14. University Promotion and Tenure Committee [36]
14.1 Membership – The membership of the University Promotion and Tenure Committee shall consist of the following:
14.11 Voting
14.111 Seven tenured faculty, one representing each college, elected by the tenured and tenure-track faculty, for staggered three year terms;
14.112 Should a college representative be unable to complete the term of election, the college will vote to elect a new representative, or the college alternate to the committee will serve the remainder of the term.
14.12 Non-Voting
14.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee.

14.2 Responsibilities – The University Promotion and Tenure Committee is responsible for the following initiatives and activities:
14.21 To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one year terms;
14.22 To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;
14.23 To review existing University promotion and tenure policies and procedures and to recommend changes to the Faculty Council, when appropriate;
14.24 To review and approve departmental, collegiate, and area promotion and tenure policies to ensure both adherence to University Policies and efficient and equitable operation;
14.25 To review compliance with promotion and tenure policy implementation and make appropriate recommendations and/or judgments in the case of infraction;
14.26 To hear appeals and make recommendations and/or decisions that are consistent with University policies describing the right of a faculty member or a department to appeal an adverse promotion or tenure recommendation;
14.27 To maintain minutes of all committee actions and file in the office of the advisory, non-voting member; to summarize those actions in regular reports to the Faculty Council;
14.28 The elected members of the committee shall serve as non-voting liaison members of the promotion and tenure committees of their respective colleges or areas.
14.3 No one may serve to hear an appeal who has a demonstrated conflict of interest such as previous involvement with the case, assigned 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.

University Council [37]

1. Membership
The membership of the University Council shall consist of the following:
1.1 Voting
1.11 The six elected professional personnel members of the University senate, for staggered two year terms;
1.12 Twelve additional professional personnel, two each elected by and from the professional personnel in Academic Affairs, Business Affairs, Information Technology, Enrollment, Marketing, and Communications, University

ARCHIVE

Advancement, and Student Affairs and Dean of Students, for staggered two year terms;

1.13 Seven faculty, one appointed from each college, by Faculty Council, for staggered two year terms;

1.14 Five students appointed by Student Government Association, for one year terms.

1.2 Non-Voting

1.21 The Provost and Vice President for Academic Affairs, ex officio, or a designee;

1.22 The Vice President for Business Affairs, ex officio, or a designee;

1.23 The Vice President and CIO for Information Technology, ex officio, or a designee;

1.24 The Vice President for Enrollment, Marketing, and Communications, ex officio, or a designee;

1.25 The Vice President for University Advancement, ex officio, or a designee;

1.26 The Vice President for Student Affairs and Dean of Students, ex officio, or a designee;

1.27 The Chairperson of the Faculty Council, ex officio, or a designee;

1.28 The Chairperson of the Campus Council, ex officio, or a designee.

2. Structure

The membership of the University Council will elect by majority vote a Chairperson, who must be a professional personnel member, a Vice Chairperson and a Secretary for a one-year term who will constitute an Executive Committee responsible for the following:

2.1 Proposing committee assignments to each of the standing committees on the Councils;

2.2 Preparing an agenda for each meeting of the University Council;

2.3 Receiving, and forwarding recommendations or issues approved by the University Council;

2.4 Eleven other standing committees of the University Council shall be maintained on a continuing basis: Academic Assessment and Institutional Research, Admissions and Credits, Athletics, Extended Education, Financial and Budgetary Affairs, International Programs, Judicial, Master Planning and Facilities, Publications and Intellectual Properties, Research, and University Information Technology.

In addition, the University Council may form such ad hoc committees as it deems necessary for carrying out its responsibilities, subject to the following conditions:

2.41 Submission of a written report to the University Senate at the time of the ad hoc committee's formation to explain its purpose, membership and expected date for completion of tasks and dissolution;

2.42 Limitation of the existence of any ad hoc committee to a period not exceeding twelve months from the date of formation, unless the Council approves a specific extension or authorizes that the ad hoc committee be replaced by a new standing committee.

3. Responsibilities:

The University Council is responsible for the following initiatives and activities:

3.1 To consider and develop policies and procedures on judicial matters regarding faculty and professional personnel;

3.2 To consider and develop policies, procedures and programs regarding academic and institutional research; the publication and dissemination of manuscripts and other intellectual property; grants and awards; and other opportunities for professional development;

3.3 To consider and develop policies and programs regarding academic assessment, admissions, athletics, extended education, international programs, master planning and facilities, and University information technology;

3.4 To solicit and survey opinions of the faculty, professional personnel, staff and students on matters concerning their interests and welfare and to recommend appropriate action;

3.5 To approve all appointments to the standing committees on the Council.

ARCHIVE

4. Standing Committees

1. Academic Assessment and Institutional Research Committee [38]

1.1 Membership – The membership of the Academic Assessment and Institutional Research Committee shall consist of the following:

1.11 Voting

1.111 Three members appointed by the University Council, one of which is serving on the University Council, for staggered two year terms;

1.112 Seven faculty members, one representing each college, of which at least one must be a member of the University Council, appointed by the University Council for staggered two year terms;

1.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

1.12 Non-Voting

1.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee;

1.122 The Director of the Office of Academic Assessment and Institutional Research, ex officio, or a designee.

1.2 Responsibilities – The Academic Assessment and Institutional Research Committee is responsible for the following initiatives and activities:

1.21 To elect a Chairperson and Secretary from the appointed membership by majority vote for a one year term;

1.22 To forward minutes of each committee meeting to the Chairperson and the University Council within a timely manner;

1.23 To discuss and explore assessment programs and activities and to identify related issues throughout the University;

1.24 To disseminate information about University-related academic assessment issues and programs:

1.25 To recommend policies for academic assessment;

1.26 To provide advice to the Office of Academic Assessment and Institutional Research.

1.3 The committee work will not impinge upon the department or college control of curriculum nor be used in the evaluation of a particular faculty member.

2. Admissions and Credits Committee

2.1 Membership – The membership of the Admission and Credits Committee shall consist of the following:

2.11 Voting

2.111 Five professional personnel appointed by the University Council, one of whom must be a member of University Council, for staggered two year terms;

2.112 Seven faculty, one representing each college, appointed by the Faculty Council, for staggered two year terms;

2.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

2.12 Non-Voting

2.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee;

2.122 The Vice President for Enrollment, Marketing, and Communications, ex officio, or a designee;

2.123 The Director of Admissions and Orientation, ex officio, or a designee;

2.124 The Director of Academic Advising, ex officio, or a designee;

2.125 The Director of Registration and Academic Progress, ex officio, or a designee.

ARCHIVE

2.2 Responsibilities – The Admissions and Credits Committee is responsible for the following initiatives and activities:

2.21 To elect a Chairperson and Secretary from its appointed membership by majority vote for one year terms;

2.22 To forward minutes of each committee meeting to the Chairperson of the University Council within a timely manner;

2.23 To develop and consider procedures for implementing University policies on admission, readmission, and retention of students, student applications, student records, and interpretation of credits;

2.24 To recommend a procedure for review of cases where existing policies do not apply or where there are reasonable requests for deviations from existing policies;

2.25 To evaluate the admissions program and to make recommendations, modifications when appropriate.

3. Athletics Committee [39]

3.1 Membership – The membership of the Athletics Committee shall consist of the following:

3.11 Voting

3.111 Seven faculty, one representing each college, appointed by the Faculty Council, for staggered two year terms;

3.112 Two professional personnel, at least one of whom is a member of the University Council, appointed by the University Council, for staggered two year terms;

3.113 Five students with special interest or expertise in intercollegiate athletics to be appointed by the Student Government Association, for one year terms;

3.114 The University representative to the NCAA and Mid-American Conference.

3.12 Non-Voting

3.121 The President, ex officio, or a designee;

3.122 The Athletic Director, ex officio, or a designee;

3.123 The Associate Athletic Director, ex officio, or a designee;

3.124 The Director of Sports Facilities and Recreation Services, ex officio, or a designee;

3.125 One representative from the Ball State University Alumni Association;

3.126 The Coordinator of Academic Support Services for Student Athletes, ex officio, or a designee.

3.2 Responsibilities – The Athletics Committee is responsible for carrying out the following initiatives and activities:

3.21 To elect a Faculty Chairperson and a Secretary from its appointed membership by majority vote, for one year terms;

3.22 To forward minutes of each committee meeting to the Chairperson of the University Council within a timely manner;

3.23 To consider and recommend policies and procedures for administration, supervision, and use of facilities of intercollegiate athletic programs;

3.24 To establish and regularly review a statement of principles which serves as a guide in planning and promoting athletic programs consistent with the philosophy and objectives of the University;

3.25 To investigate and recommend participation in intercollegiate conferences and associations;

3.26 To study the proposed annual athletic budget submitted by the Director of Intercollegiate Athletics and to make recommendations to the President of the University;

3.27 To receive, consider, and make recommendations for proposed changes regarding those sports that constitute intercollegiate programs;

3.28 To recommend policies and procedures for the total financial aid program for intercollegiate athletics;

3.29 To recommend to the Vice President for Business Affairs prices to be charged for intercollegiate athletic events;

ARCHIVE

3.30 To advise the President on procedures to be used in the selection and retention of the Director of Athletics;
3.31 To evaluate intercollegiate athletics and to make recommendations, when appropriate;
3.32 To discuss and make recommendations for the admission of student athletes, their class attendance as related to travel schedules, and their progress toward their degrees;
3.33 To discuss and make recommendations regarding safeguards and athletic medical coverage for all intercollegiate athletes and cheerleaders:
3.34 To discuss and make recommendations for monitoring the student athlete experience;
3.35 To discuss and make recommendations for monitoring compliance with NCAA legislation.

4. Extended Education Committee [40]

4.1 Membership – The membership of the Extended Education Committee shall consist of the following:

4.11 Voting

4.111 Three professional personnel, appointed by the University Council, for staggered two year terms;
4.112 Seven faculty members, one representing each college, appointed by the Faculty Council, for staggered two year terms;
4.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

4.12 Non-Voting

4.121 The Dean of the School of Extended Education, ex officio, or a designee;
4.122 The Dean of University Libraries, ex officio, or a designee.

4.2 Responsibilities – The Extended Education Committee is responsible for the following initiatives and activities:

4.21 To elect a Chairperson and a Secretary from its appointed membership by majority vote, for one year terms;
4.22 To forward minutes of each committee meeting to the Chairperson of the University Council within a timely manner;
4.23 To consider and develop policies and procedures for the administration of extended, education programs of the University;
4.24 To receive and consider recommendations for revisions and improvements in extended education programs of the University;
4.25 To evaluate extended education at the University and to make recommendations, when appropriate.

5. Financial and Budgetary Affairs Committee [41]

5.1 Membership – The membership of the Financial and Budgetary Affairs Committee shall consist of the following:

5.11 Voting

5.111 Three professional personnel, appointed by the University Council, for staggered two year terms;
5.112 Three faculty members, appointed by the Faculty Council, one of whom must be from the Faculty Council, for staggered two year terms;
5.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

5.12 Non-Voting

5.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee;
5.122 The Vice President for Business Affairs, ex officio, or a designee;
5.123 The Chairperson of the Salary and Benefits Committee, ex officio, or a designee.

5.2 Responsibilities – The Financial and Budgetary Affairs Committee is responsible for the following initiatives and activities:

ARCHIVE

5.21 To elect a Chairperson and a Secretary from its appointed membership by majority vote for one year terms;
5.22 To forward minutes of each committee meeting to the Chairperson of the University Council in a timely manner;
5.23 To report on University fiscal and budgetary matters under consideration;
5.24 To solicit input from the University community and to communicate to the campus administration ideas and suggestions identifying areas of potential cost saving;
5.25 To solicit input from the University community on fiscal and budgetary matters;
5.26 To initiate recommendations to the State or appropriate University officers concerning fiscal and budgetary policies which affect more than a single unit and involve a significant portion of the University;
5.27 To provide advice to any University officer seeking it concerning fiscal or budgetary policies affecting any significant portion of the University;
5.28 To carry out duties concerning fiscal and budgetary matters as the Senate or President may from time to time direct to the committee.

6. Information Technology Committee [42]
6.1 Membership – The membership of the Information Technology Committee shall consist of the following members:
6.11 Voting
6.111 Three professional personnel appointed by and from the University Council, for staggered two year terms;
6.112 Three faculty no two from the same academic college, appointed by the Faculty Council, for staggered two year terms;
6.113 One undergraduate and one graduate student, appointed by the Student Government Association, for one year terms.
6.12 Non-Voting
6.121 The Vice President and CIO for Information Technology, ex officio, or a designee;
6.122 The Dean of the University Libraries, ex officio, or a designee;
6.123 The Director of Information Technology Services, ex officio, or a designee;
6.124 The Director of University Teleplex, ex officio, or a designee;
6.125 The Chairperson of the Instructional Media Support Committee, ex officio, or a designee.

6.2 Responsibilities – The Information Technology Committee is responsible for the following initiatives and activities:
6.21 To elect a Chairperson, and a Secretary from its appointed membership by majority vote for one year terms;
6.22 To forward minutes of each committee meeting to the Chairperson of the University Council within a timely manner;
6.23 To consider and recommend policies and procedures regarding support of faculty, staff and student endeavors at Ball State University;
6.24 To receive and consider recommendations for improving information technology, services, procedures, and practices;
6.25 To evaluate information technology resources and services and to make recommendations, when appropriate.

7. International Programs Committee [43]
7.1 Membership – The membership of the International Programs Committee shall consist of the following:
7.11 Voting
7.111 Two professional personnel, appointed by the University Council, for staggered two year terms;
7.112 Seven faculty, one representing each college, appointed by the Faculty Council, for staggered two year terms;

ARCHIVE

7.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

7.12 Non-Voting

7.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee;

7.122 The Assistant Provost for International Education, ex officio, or a designee;

7.123 The Vice President of Enrollment, Marketing, and Communications, or a designee.

7.2 Responsibilities - The International Programs Committee is responsible for the following initiatives and activities:

7.21 To elect a Chairperson and Secretary from the appointed membership by majority vote for a one year term;

7.22 To forward minutes of each committee meeting to the chairperson and the University Council within a timely manner;

7.23 To initiate and recommend policies and procedures for international educational exchange programs, foreign study and travel, and other international programs:

7.24 To provide a means for dissemination of information about University-related international issues and programs and to receive and consider recommendations for revision and improvements;

7.25 To evaluate international programs; and to make recommendations, when necessary.

8. Judicial Committee [44]

8.1 Membership – The membership of the Judicial Committee shall consist of the following:

8.11 Voting

8.111 Six professional personnel, one elected from each of the six professional personnel areas: Academic Affairs, Business Affairs, Information Technology, Marketing, Communication and Enrollment Management, Student Affairs, and University Advancement, one of whom must be a member of University Council, for staggered two year terms:

8.112 Seven faculty, one representing each college, elected by each college for staggered two year terms.

8.2 Responsibilities – The Judicial Committee is responsible for the following initiatives and activities:

8.21 To elect a Chairperson and Secretary from its appointed membership by majority vote for one year terms;

8.22 To forward minutes of each committee meeting to the Chairperson of the University Council within a timely manner;

8.23 To develop and review guidelines and policies for handling misconduct of faculty and professional personnel;

8.24 To serve as a panel from which five members may be designated by the Chairperson of the University Senate to constitute a hearing subcommittee for each specific case referred to the committee. No member of the committee shall serve on a hearing subcommittee if he or she has had previous involvement with the case, is a member of the department in which the individual involved is employed, or is related by blood or marriage to any of the principals;

8.25 To receive any allegations of misconduct. These allegations must be submitted in writing to the Chairperson of the University Council and must contain specific documentation supporting each of the allegations;

8.26 To review cases or situations involving a faculty member or a professional personnel member;

8.27 To recommend, after review of each case brought to the Committee, one of the following:

8.271 An action consistent with the Faculty and Professional Personnel Handbook concerning disciplinary action or termination;

ARCHIVE

8.272 Referral to the Academic Freedom and Ethics Committee of the Faculty Council.

8.28 To submit confidential Committee findings, in writing, to the involved parties and the Provost and Vice President for Academic Affairs.

9. Master Planning and Facilities Committee [45]

9.1 Membership – The membership of the Master Planning and Facilities Committee shall consist of the following:

9.11 Voting

9.111 Three faculty, appointed by the Faculty Council, one of whom must be a member of the Faculty Council, for staggered two year terms;

9.112 Three professional personnel, appointed by the University Council, for staggered two year terms;

9.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

9.12 Non-Voting

9.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee;

9.122 The Vice President for Business Affairs, ex officio, or a designee;

9.123 The Dean of the College of Architecture, ex officio, or a designee;

9.124 The Director of Disabled Student Development, ex officio, or a designee;

9.125 One member appointed by and from the Council on the Environment.

9.2 Responsibilities – The Master Planning and Facilities Committee is responsible for the following initiatives and activities:

9.21 To elect a Chairperson and Secretary from its appointed membership by majority vote for a one year term;

9.22 To forward minutes of each committee meeting to the Chairperson of the University Council within a timely manner;

9.23 To solicit input from the University community on matters related to master planning and facilities;

9.24 To report on matters within its purview;

9.25 To assist in developing recommendations leading to the establishment of the master plan;

9.26 To provide advice to any University officer seeking it concerning space and building planning or the working and teaching environment of any significant portion of the University;

9.27 To carry out such duties concerning the matters listed as the Senate or President may from time to time direct to the committee.

10. Publications and Intellectual Properties Committee [46]

10.1 Membership – The membership of the Publications and Intellectual Properties Committee shall consist of the following:

10.11 Voting

10.111 Three members appointed by the University Council, one of whom must be a member of the University Council, for staggered two year terms;

10.112 Three members appointed by the Faculty Council, for staggered two year terms;

10.113 One undergraduate student and one graduate student appointed by the Student Government Association, for one year terms.

10.12 Non-Voting

10.121 The Provost and Vice President for Academic Affairs, ex officio, or a designee;

10.122 The Dean of University Libraries, ex officio, or a designee;

10.123 The Associate Provost for Research, ex officio, or a designee;

10.124 The Director of the Teleplex, ex officio, or a designee.

ARCHIVE

10.2 Responsibilities – The Publications and Intellectual Properties Committee is responsible for the following initiatives and activities:

10.21 To elect a Chairperson and Secretary from its appointed membership by majority vote for a one year term;

10.22 To forward minutes of each committee meeting to the Chairperson of the University Council within a timely manner;

10.23 To develop and review policies concerning University interests in patents and copyrights and to recommend revisions; when appropriate;

10.24 To consider and recommend for possible university financial support the publication, production, promotion, and distribution of original, non-published faculty scholarly and creative works (e.g., books, monographs, research reports, collections of drawings, computer software, films, videotapes, CDs and DVDs);

10.25 To initiate and recommend policies and procedures governing submission and consideration of works;

10.26 To act in an advisory capacity to those who administer the various institutional programs related to the publication and dissemination of intellectual property.

11. Research Committee [47]

11.1 Membership – The membership of the Research Committee shall consist of the following appointed members:

11.11 Voting

11.111 Seven faculty, one representing each college, one of whom must be a member of the Faculty Council, appointed by the Faculty Council for staggered two year terms;

11.112 Three members appointed by the University Council, one of whom must be a member of the University Council, staggered two year terms;

11.113 One undergraduate and one graduate student selected by the Student Government Association, for one year terms.

11.12 Non-Voting

11.121 The Associate Provost for Research and the Dean of the Graduate School, ex officio, or a designee;

11.122 The Director of the Office of Sponsored Programs, ex officio, or a designee;

11.123 The Chairperson of the Publications and Intellectual Properties Committee, ex officio, or a designee;

11.124 In addition, the Research Committee, in its evaluation of internal grant proposals, at its discretion, may include in its deliberations additional, ad hoc, non-voting faculty reviewers who have been recruited to provide disciplinary balance.

11.2 Responsibilities - The Research Committee is responsible for the following initiatives and activities:

11.21 To encourage, strengthen, and foster research at the University at all levels;

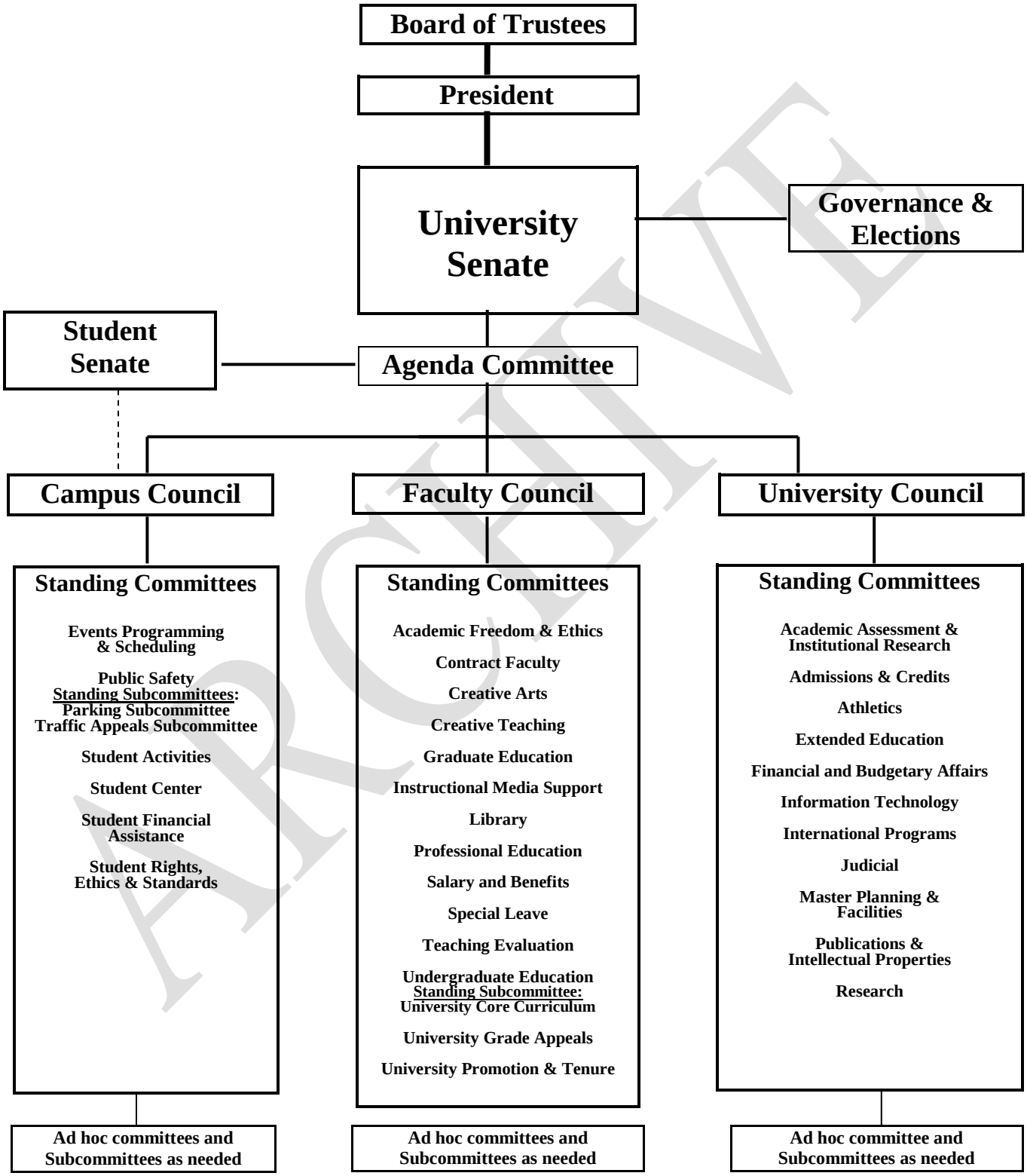
11.22 To solicit and evaluate proposals for research grants and awards, and to recommend to the Provost and Vice President for Academic Affairs, the Associate Provost for Research and Dean of the Graduate School, and the Director of the Office of Sponsored Programs those proposals which merit funding by the University;

11.23 To initiate, recommend, and evaluate policies and procedures for research and research funding at the University;

11.24 To act in an advisory capacity to those who administer the various institutional research programs.

ARCHIVE

Ball State University Governance System
Policy Formation Flow Chart



ARCHIVE

DEFINITION OF: SCHOOL, DEPARTMENT, CENTER, AND INSTITUTE [48]

1. School - -
A school (excluding Graduate School and School of Extended Education) is a grouping of related academic areas served by an administrator plus the coordinators of the several related academic areas within the school. Three schools were historically created in this manner: namely the School of Music, School of Nursing, and School of Physical Education, Sport and Exercise Science. The administrator of the school coordinates the work and activities of the areas represented. The school grouping provides a common academic purpose and common curricula core, as well as a proximity of academic interests that can facilitate instruction, research, and service.

2. Department - -
A department is the fundamental administrative unit for academic activities of the University. A department is composed of regular faculty assisted by persons holding contract appointments. A department is a basic unit in the University Senate structure. Faculty holding regular appointments have the right to vote for senators and be elected as senators according to the rules of the Senate. Courses for students originate in departments, are offered by departments, and are staffed by departments.

3. Center and Institute - - [49]
Centers or Institutes may be self-contained academic units of the University that render service to other sectors of the University and extra-University agencies; they may be eclectic units which coordinate existing courses and services from departments or other University units into inter-departmental programs. Only self-contained academic centers/institutes may be engaged in research activities.

4. Any new self-contained academic center/institute will be set up as specified in "Policy for the Reorganization of Academic Units," below. Any new eclectic center/institute, however, will be set up simply by the approval of the departmental chairpersons and dean(s) involved and of the Provost and Vice President for Academic Affairs.

POLICY FOR THE REORGANIZATION OF ACADEMIC UNITS [50]

1. The reorganization of colleges, schools, or departments in established colleges is the province of the collegiate faculty and collegiate and University administration. Proposals for reorganization may originate from interested faculty and/or administrators.
   - 1.1 All proposals for reorganization must be distributed in writing and discussed by the faculty of the college(s) in which they originate.
   - 1.2 All affected faculty will vote on the proposal. The dean(s) of the college(s) shall forward the result of the vote, the proposal for the reorganized unit, and his, her, or their recommendation(s) to the Provost and Vice President for Academic Affairs.
   - 1.3 If the proposed reorganization only involves units within a college, the final decision regarding reorganization will rest with the Provost and Vice President for Academic Affairs. The reorganization will be announced at the next regularly scheduled University Senate meeting that achieves a quorum.
   - 1.4 If the proposal involves reorganization across colleges, then the proposal, accompanied by supporting evidence, shall be presented to Provost and Vice President for Academic Affairs, and to the University Senate Agenda Committee to be made an item of business at the next University Senate meeting. The University Senate's recommendation will be advisory to the President, the Provost and Vice President for Academic Affairs, and the Board of Trustees.

2. In the development of colleges, schools, centers, institutes, bureaus, and offices by administration and/or faculty which will not be included in an already established college/colleges, proposals may emanate from interested faculty and/or administrative officials.
   - 2.1 If the new unit will offer courses and/or faculty rank, the Provost and Vice President for Academic Affairs will submit the proposal to the University Senate Agenda Committee which shall, through the council and committee system, in conjunction with the University administration, place the proposal for the academic unit on the Senate agenda for consideration.
   - 2.2 If the new unit will not offer courses and/or faculty rank, the President of the University will inform the Agenda Committee of the creation of the new unit.

ARCHIVE

3. The change of centers to departments, etc.
   3.1 The change of status if it involves faculty and/or courses within a college should follow the procedures outlined in (1) above.
   3.2 The change of status if it involves faculty and/or courses outside a single college should follow the procedures outlined in (2.1) above.

4. The change of an academic unit from one college to another college, or from a college to an administrative area outside of a college.
   4.1 If a unit wishes to change its college affiliation, the original request must be based on an election within the unit supervised by the Governance and Elections Committee. The electorate will consist of regular faculty members of the affected unit and, by invitation of a majority of the regular faculty, full-time special faculty members of that unit.[48]
   4.2 The college faculty and the college administration, from which the transfer will occur, will develop conditions and procedures for implementation. In the event of dispute over these procedures, the Provost and Vice President for Academic Affairs will resolve the dispute.
   4.3 After receiving such recommendations, the college faculty and dean of the college to which the department wishes to transfer must approve the transfer before it becomes effective.
   4.4 The Provost and Vice President for Academic Affairs must approve the transfer before it becomes effective.
   4.5 The Chairperson of the University Senate will announce to the University Senate that such transfer has taken place.

TERMINATION OR PHASING OUT OF ACADEMIC UNITS [51]

1. Should it become necessary to consider termination or phasing out of any academic unit (department, center, college, program, office, etc.), the President will first notify the administrative officers directly involved with that unit (e.g., Vice President, Dean, Head, Director, etc.) to inform them of this consideration.

2. Faculty members whose academic programs or positions may be adversely affected are to be informed early in the decision-making process. These persons are to have the opportunity to be heard by those who will make the final decision or recommendation.

3. A proposal to consider termination or phasing out of any academic unit, accompanied by supporting evidence, shall be presented to the University Senate Agenda Committee and made an item of University Senate business. This shall be accomplished prior to an administrative decision to terminate or phase out. The University Senate's conclusion will be advisory to the President and the Board of Trustees.

ARCHIVE

NOTES

1 Constitution of the Ball State University Senate--Approved by
University Senate, October 24, 1985;
Combined Faculty, December 2, 1985;
Board of Trustees, December 6, 1985;
Editorial Changes--University Senate, March 19, 1987;
Combined Faculty, September 8, 1987;
Editorial Change--University Senate, September 22, 1988;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

2 By action of the University Senate, March 28, 2002;
Faculty and Professional Personnel, November 25, 2002;
Board of Trustees, December 13, 2002;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revision – approved by the University Senate, 9/29/11;
Faculty and Professional Personnel, December 6, 2011.

3 By action of the University Senate, May 12, 1988;
Combined Faculty, August 29, 1988;
By action of the University Senate, October 17, 1991;
Combined Faculty, August 25, 1992;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

4 Revised--By action of the University Senate, April 27, 1995;
Combined Faculty, August 18, 1995;
Board of Trustees, September 22, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

5 By action of the University Senate, April 27, 2000;
Combined Faculty, August 18, 2000;
Board of Trustees, December 1, 2000;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

6 By action of the University Senate, April 20, 1989;
Combined Faculty, August 28, 1989;
Board of Trustees, October 27, 1989;
By action of the University Senate, October 21, 1993;
Combined Faculty, August 19, 1994;
Board of Trustees, September 23, 1994;
By action of the University Senate, January 29, 1998;
Combined Faculty, August 21, 1998;
Board of Trustees, December 18, 1998;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

7 Updated--By action of the University Senate, April 25, 1996;
Combined Faculty, August 23, 1996;
Board of Trustees, February 7, 1997;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

ARCHIVE

8 By action of the University Senate, November 14, 2002;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

9 Updated – By action of the University Senate, February 21, 1991;
Board of Trustees, May 3, 1991;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

10 By action of the University Senate, May 14, 1987;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

11 By action of the University Senate, April 20, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

12 By action of the University Senate, April 20, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

13 Revised – By action of the University Senate, January 21, 2010;
Combined Faculty, April 2, 2010;
Board of Trustees, July 23, 2010.

14 Editorial Changes – University Senate, March 28, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

15 Revised – By action of the University Senate, April 26, 2001;
Combined Faculty, August 17, 2001;
Board of Trustees, September 21, 2001;
Editorial Change – Governance Committee, January 16, 2003;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

16 By action of the University Senate, March 21, 1991;
Board of Trustees, May 3, 1991;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006.

17 Revised – By action of the University Senate, November 16, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

18 Revised – By action of the University Senate, April 25, 1996;
Revised – By action of the University Senate, January 25, 2001;
Revised – By action of the University Senate, February 28, 2002:
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

ARCHIVE

19 Revised – By action of the University Senate January 21, 2010;
Faculty/Professional Personnel, April 2, 2010;
Board of Trustees, July 23, 2010.
Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

20 Revised – By action of the University Senate, November 16, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

21 By action of the University Senate, January 25, 2001:
Revised – By action of the University Senate, September 18, 2003;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

22 Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

23 Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

24 By action of the University Senate, October 13, 1994;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

25 University Senate, march 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

26 By action of the University Senate, March 24, 1993;
By action of the University Senate, October 13, 1994;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, January 24, 2008.

27 Revised – By action of the University Senate, April 24, 1997:
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

28 By action of the University Senate, October 20, 1988;
By action of the University Senate, February 21, 1991;
Board of Trustees, May 3, 1991;
By action of the University Senate, October 21, 1993;
Editorial Change – University Senate, March 28, 1996;
Editorial Change – University Senate, February 20, 2003;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
University Senate, January 24, 2008.

29 University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

30 University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

31 By action of the University Senate, January 19, 1995;
Editorial Change – University Senate, January 18, 1996:
Revised – By action of the University Senate, march 28, 1996;

ARCHIVE

Revised – By action of the University Senate, November 8, 2001;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006.

32 By action of the University Senate, February 18, 1993;
Board of Trustees, March 26, 1993;
Revised – by action of the University Senate, October 13, 1994;
Editorial Changes – University Senate, March 28, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

33 By action of the University Senate, October 13, 1994;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
University Senate, August 31, 2006.

34 By action of the University Senate, December 8, 1994;
Editorial Change – University Senate, October 19, 1995;
Revised – By action of the University Senate, January 28, 1999;
Revised – By action of the University Senate, April 24, 2003;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, January 21, 2010;
Faculty/Professional Personnel, April 2, 2010
Board of Trustees, July 23, 2010

35 By action of the University Senate, February 21, 1991;
Board of Trustees, May 3, 1991;
Revised – By action of the University Senate, April 24, 1997;
Editorial Change – University Senate, April 23, 1998;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 23, 2009.

36 University Senate, August 31, 2006;
University Senate, April 24, 2008.

37 By action of the University Senate, February 21, 1991;
Revised – By action of the University Senate, March 21, 1991;
Board of Trustees, April 5, 1991;
Revised – By action of the University Senate, April 18, 1996;
Revised – By action of the University Senate, October 10, 1996;
Board of Trustees, November 15, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revised – By action of the University Senate, January 21, 2010
Faculty and Professional Personnel, April 2, 2010
Board of Trustees, July 23, 2010

38 Editorial Changes – University Senate, February 21, 1991;
Board of Trustees, May 3, 1991;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006.

39 By action of the University Senate, March 23, 1995;
Editorial Change – University Senate, March 28, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

ARCHIVE

40 Revised – By action of the University Senate, April 20, 1995;
Combined Faculty, August 18, 1995;
Board of Trustees, September 22, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006.

41 Editorial Change – University Senate, march 28, 1996;
Revised – By action of the University Senate, April 15, 1996;
Editorial Change – University Senate, March 27, 2003;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revised - by action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

42 Revised – By action of the University Senate, October 13, 1994;
Combined Faculty, August 18, 1995;
Board of Trustees, September 22, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revised – by action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

43 University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

44 By action of the University Senate, Agenda Committee, May 8, 1992;
Board of Trustees, July 17, 1992;
Editorial Change – University Senate, March 28, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
Revised – by action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

45 Updated – By action of the University Senate, April 25, 1996;
Combined Faculty, August 23, 1996;
Board of Trustees, February 7, 1997;
Revised – By action of the University Senate, September 19, 2002;
Faculty and Professional Personnel, November 25, 2002;
Board of Trustees, December 13, 2002;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

46 Revised – By action of the University Senate, September 7, 2001;
Combined Faculty, August 17, 2001;
Board of Trustees, September 21, 2001;
Revised – By action of the University Senate, March 28, 2002;
Faculty and Professional Personnel, November 25, 2002;
Board of Trustees, December 13, 2002;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revised – by action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

47 By action of the University Senate, October 17, 1991;
Board of Trustees, January 24, 1992;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
University Senate, January 24, 2008.

ARCHIVE

48 By action of the University Senate, April 19, 1990;
Revised – By action of the University Senate, April 24, 1997;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, January 24, 2008.

49 By action of the University Senate, October 1, 1970;
Board of Trustees, October 21, 1970;
Editorial Changes – University Senate, March 26, 1987;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

50 By action of the University Senate, February 12, 1981;
Board of Trustees, March 27, 1981;
Editorial Changes--University Senate, March 26, 1987.
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

51 By action of the University Senate, May 6, 1971;
Board of Trustees, May 26, 1971.
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

ARCHIVE

SECTION II

FACULTY AND PROFESSIONAL PERSONNEL POLICIES[1]

Appointment Classification Status

Ball State University classifies those employees who are non-staff or non-service personnel as follows:

1. Faculty
   - 1.1 Regular full-time faculty appointed to serve in regular full-time assignments are
     - 1.11 Tenured or eligible for tenure upon the completion of all general requirements as stated in approved departmental, collegiate, and University policies and all specific requirements as stated in letter of appointment;
     - 1.12 Eligible for all privileges extended by the University to regular full-time faculty, including employee benefit programs as described in the Benefits Handbook;
     - 1.13 Eligible for full participation in the affairs of the total University, of its component institutions (e.g., University Senate and its councils and committees), and of its departments and administrative units in accordance with University policy;
     - 1.14 Eligible for academic promotion in accordance with departmental, collegiate, and University policies;
     - 1.15 Given assignments which are recommended by department chairpersons or supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook.
   - 1.2 Contract faculty are[2]
     - 1.21 Selected to serve in specified temporary assignments on at least a semester, academic, or fiscal one-year, two-year, or three-year contractual basis;
     - 1.22 Eligible to receive, but not entitled to expect, renewal of appointments following the expiration of their current appointments;
     - 1.23 Given assignments which are recommended by department chairpersons or supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook and with the following:
       - 1.231 Contract faculty who have previously held full-time temporary assignments during each semester of three consecutive academic years or who have previously received temporary appointments of three or more contractual twelve-month assignments, may be reviewed by the Executive Director of University Compliance who shall determine whether continued appointment on a temporary basis is consistent with Equal Opportunity and Affirmative Action regulations and goals.
       - 1.232 The Provost and Vice President for Academic Affairs will approve or disapprove all such appointments before they are forwarded for further action.
     - 1.24 Contract faculty may be appointed to:
       - 1.241 Hold teaching or other assignments which are deemed necessary but which cannot be staffed by regular faculty. Such assignments could result from unexpected or fluctuating enrollments, experimental projects or classes, or similar assignments occasioned by the exigencies of normal operation;
       - 1.242 Replace regular faculty on leave or for reasons of resignation, dismissal, illness, or death;
       - 1.243 Teach workshops, practica, and similar special courses and serve staffing needs in new programs which are experimental in nature;
       - 1.244 Teach, engage, or assist in research, or perform other duties in special short-term programs supported by special funding (programs extending beyond one academic year would require appointments to be extended);
       - 1.245 Serve in special assignments approved by the Provost and Vice President for Academic Affairs;
     - 1.25 Contract Faculty may
       - 1.251 Be recommended for higher salary and/or rank when new contracts are arranged;
       - 1.252 Be recommended for regular full-time appointments if qualified and if such vacancies exist;
       - 1.253 Participate in the departmental or area governance system with voting rights, by invitation of a majority of the regular members of the unit, with the exception of the promotion and tenure committees.[3]
       - 1.254 Participate in University travel assistance for professional meetings (eligibility as defined in 1.2611).

ARCHIVE

1.26 Contract full-time faculty appointed to serve in full-time assignments are:

1.261 Eligible to participate in the employee benefit programs of the University as stated in the Benefits Handbook.[4]

1.2611 For purposes of participating in the programs as stated in the Benefits Handbook, contract full-time faculty must be employed for a full academic year or a full fiscal year;

1.2612 Contract full-time faculty who do not meet the criteria in Paragraph 1.2611 are not eligible for employee benefit programs as stated in the Benefits Handbook, except sick leave as described in the Faculty and Professional Personnel Handbook.

1.262 Eligible for full participation in the affairs of the total University, of its component institutions (e.g., University Senate and its councils and committees), and of its departments and administrative units in accordance with University Policy;

In case of conflict between this section and 1.253, section 1.253 shall control.[5]

1.27 Contract part-time faculty assigned for at least half-time for a full academic year or assigned for at least half-time for a full fiscal year are: [6]

1.271 Eligible to participate in the employee benefit programs as described in the Benefits Handbook.[7]

1.272 Contract part-time faculty who do not meet the criteria in Paragraph 1.2611 are not eligible for employee benefit programs.

1.28 Each department employing contract faculty members shall evaluate them annually, using a policy approved by the department which has been submitted to and approved by the dean and by the Provost and Vice President for Academic Affairs and kept on file in the Office of the Provost and Vice President for Academic Affairs. A copy of the evaluation policy and procedures shall be given to each contract faculty member at the time he or she is appointed.[8]

1.281 The policy shall outline the purpose(s) of the evaluation (renewal, merit, status, etc.).

1.282 The policy shall outline a process by which the contract faculty member may appeal the evaluation.

1.3 Other ranks

1.31 Lecturer – The title Lecturer may be used for persons employed as contract full-time or part-time faculty who are uniquely qualified to serve the University. The person recommended to be a lecturer must be approved by the academic department and recommended through the usual channels. Lecturers are not eligible for tenure or for membership in the Senate. This title should not be used for persons who qualify for employment as regular faculty personnel as defined in Section II, #1.

1.32 Lecturer Emeritus[9]-A department may recommend that the designation of Lecturer Emeritus be awarded to an outstanding person who has served the University for an extended period of time as a contract faculty member when that individual reaches the end of his or her assignment to Ball State University.

Such recommendation will proceed as follows: departmental committee and chairperson of the department; college committee and dean of the college; Provost and Vice President for Academic Affairs; President; and Board of Trustees.

1.33 Visiting Professor – The title Visiting Professor may be used for persons holding rank in another institution who are temporarily employed at this University. The person recommended to be a visiting professor must be approved by the academic department and recommended through the usual channels. Visiting professors are not eligible for tenure or for membership in the Senate.

1.34 Adjunct Professor – The title Adjunct Professor is used for persons who by their professional cooperation significantly assist the University in its academic programs, regardless of the fraction of load assigned and, in most cases, without remuneration. The person recommended to be an Adjunct Professor must be approved by the academic department and recommended through the usual channels. Adjunct faculty are not eligible for tenure or for membership in the University Senate.

1.35 Endowed Chair – The appointee to an endowed chair will be selected by observing the regular procedures of "unusual appointment" of faculty personnel. In addition, the appointee will be approved by a majority of the regular faculty on tenure of the

ARCHIVE

department which will be served. The usual rules on tenure will apply to the individual.

1.36 Distinguished Professorship

1.361 To merit appointment as a distinguished professor, a person shall be one whose accomplishments are extraordinary in that area of competence; one who is generally recognized by members of the same discipline to be outstanding for teaching, writing, research, or meritorious achievement in appropriate fields of service. In any event, the individual shall have attained the distinguished reputation prior to appointment rather than simply to have shown promise of unusual success.

1.362 Current members of the University faculty may be eligible for appointment to the position of distinguished professor. Former distinguished professors may be eligible for regular faculty appointments.

1.363 The candidate for a distinguished professorship must be approved by a majority of the regular faculty on tenure of the department which will be served. Following such approval, the regular procedures for appointment of faculty personnel shall be observed, i.e., recommendations are channeled through the department chairperson, college dean, the Provost and Vice President for Academic Affairs, appropriate promotion and tenure committees, and the President of the University before being submitted to the Board of Trustees for action. The usual rules for tenure will apply to the individual.

1.364 Salary

1.3641 The salary of a distinguished professor is to be no more than 50% above the salary of the highest paid regular faculty member.

1.3642 Funds and/or accumulation of income from funds donated for the establishment and maintenance of a distinguished professorship shall normally pay at least one-third of the salary of the appointee to that position.

1.37 The John R. Emens Distinguished Professorship

1.371 The John R. Emens Distinguished Professorship is awarded each academic year on a rotating basis to each of the colleges within the University. A college may choose to recommend one distinguished professor for the entire academic year, or two distinguished professors on the basis of one each semester. Each college should set forth its own selection process with as much faculty participation as possible. Recommendations for the John R. Emens Distinguished Professorship award should be submitted by the Dean of the designated college to the Provost and Vice President for Academic Affairs. The Vice President will forward the recommendations to the President. It is assumed that the John R. Emens Distinguished Professorship implies a broadly defined teaching and research responsibility appropriately encompassing various faculty and student seminars, a number of public lectures, as well as conferences and discussions with interested faculty members and students. The salary of a distinguished professor is to be no more than 50% above the salary of the highest paid regular faculty member. Funds and/or accumulation of income from funds donated for the establishment and maintenance of a distinguished professorship shall normally pay at least one-third of the salary of the appointee to that position.

2. Professional

2.1 Regular

Regular full-time professional personnel appointed to serve in full-time assignments are

2.11 Tenured or eligible for tenure upon the completion of all general requirements as stated in approved departmental, collegiate, and University policies and all specific requirements as stated in letter of appointment;

2.12 Eligible for all privileges extended by the University to regular full-time professional personnel, including employee benefit programs as described in the Benefits Handbook;

2.13 Eligible for full participation in the affairs of the total University, of its component institutions (e.g., University Senate and its councils and committees), and of its departments and administrative units in accordance with University policy;

2.14 Eligible for academic promotion in accordance with departmental, collegiate and University policies;

2.15 Given assignments which are recommended by unit supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook.

2.2 Continuing Contract[10]

Continuing contract professional personnel holding positions for a non-specified length of time are:

2.21 Not eligible for tenure;

2.22 Employed on either an academic year or fiscal year basis to perform important non-faculty tasks which support the teaching, scholarly, creative, and service missions of the University;

2.23 Eligible (if assigned half-time or more for the full academic year or at least for ten months of the fiscal year) for all privileges extended by the University to regular full-time professional personnel, including employee benefits programs as described in the Benefits Handbook;

2.24 Eligible for full participation in the affairs of the total University, of its component institutions (e.g., University Senate and its councils and committees), and of its departments and administrative units in accordance with University policy;

2.25 Given assignments which are recommended by their area supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook;

2.26 Continuing contract professional personnel may be recommended for regular full-time appointments if qualified and if such vacancies exist;

2.27 The appointment of a continuing contract professional is automatically renewed at the end of each academic or fiscal year unless that individual is notified to the contrary.

2.28 Written notice of the termination of a continuing contract professional's employment must be mailed or delivered to the affected individual by the President or the President's designee;

2.281 At least three months before the date of termination if the individual is in his or her first year on a continuing contract professional appointment;

2.282 At least six months before the date of termination if the individual is in his or her second, third, or fourth year on a continuing contract professional appointment;

2.283 At least twelve months before the date of termination if the individual has been employed as a continuing contract professional for more than four years.

2.29 A continuing contract professional who has received notice of termination of his or her employment, as provided in Subparagraph 2.28, shall remain in employment status (and be entitled to compensation and employee benefits) until the date of termination set forth in the notice. If the University proposes to terminate the employment of a continuing contract professional with less advance notice than that required under Subparagraph 2.28, even though the individual is not tenured, the procedures described in Sections I and II of the "Procedures in Cases Where Termination of a Tenured Faculty or Tenured Professional Personnel Member's Appointment is Proposed" must be followed.

2.3 Contract

Contract professional personnel are:

2.31 Selected to serve in specified temporary assignments on at least a semester, academic or fiscal year one-year, two-year, or three-year contractual basis to perform important non-faculty tasks which support the teaching, scholarly, creative, and service mission of the University;

2.32 Eligible to receive, but not entitled to expect, renewal of their appointments following the expiration of their current appointments;

2.33 Given assignments which are recommended by their area supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook.

2.331 Contract professional personnel who have previously held full-time temporary assignments during each semester of three consecutive academic years or who have previously received temporary appointments of three or more contractual twelve-month assignments, shall be subject to prior review by the Executive Director of University Compliance who shall determine whether continued appointment on a temporary basis is consistent with Equal Opportunity and Affirmative Action regulations and

ARCHIVE

goals. The Provost and Vice President for Academic Affairs will approve or disapprove all such appointments before they are forwarded for further action.

2.34 Contract professional personnel may
- 2.341 Replace regular or continuing contract professional personnel on leave;
- 2.342 Replace regular or continuing contract professional personnel for reasons of resignation, dismissal, illness, or death;
- 2.343 Serve in special assignments approved by the appropriate Vice President and the Provost and Vice President for Academic Affairs;
- 2.344 Be recommended for higher salary and/or rank when new contracts are arranged;
- 2.345 Be recommended for regular full-time appointments if qualified and if such vacancies exist;
- 2.346 Participate in University travel assistance for professional meetings (eligibility as defined in 2.3511);
- 2.347 Participate in the departmental or area governance system with voting rights, by invitation of a majority of the regular members of the unit.

2.35 Contract full-time professional personnel shall be accorded the following privileges:
- 2.351 Participation in the employee benefit programs of the University as stated in the Benefits Handbook.
  - 2.3511 For purposes of participating in the employee benefit programs, contract full-time professional personnel must be employed for a full academic year or a full fiscal year;
  - 2.3512 Contract full-time professional personnel who do not meet the criteria in Paragraph 2.3511 are not eligible for employee benefit programs as stated in the Benefits Handbook, except sick leave as stated in Other Leaves Policy (Faculty and Professional Personnel Handbook) and vacation for fiscal year professional personnel which is earned at the rate of two days for each month employed.

2.36 Contract part-time professional personnel assigned for at least half time for a full academic year or assigned for at least half-time for a full fiscal year shall be accorded the following privileges:
- 2.361 Participation in the employee benefit programs as described in the Benefits Handbook;
- 2.362 Contract part-time professional personnel who do not meet the criteria in Paragraph 2.3511 are not eligible for employee benefit programs.

Terms of Appointment[11]

1. Ball State University is an equal opportunity employer. The appointment of faculty members and administrative officers is governed by professional consideration, not by political or other nonprofessional factors.

2. Academic employees are for the most part employed on a nine-month basis, for teaching in the fall and spring semesters -- the academic year -- and for teaching on-campus classes (some of which are evening classes and some Saturday classes) and extension (off-campus) classes.

3. Some assignments for the academic-year faculty will be made for teaching in the summer session, but summer employment is not guaranteed, nor is any faculty member required to teach in any summer session. Each department shall develop a statement of recommendation on summer employment, agreed on by a majority of the full-time regular faculty of the department. Such policy should be reviewed when a majority of the regular faculty members in a department request a review. Statements shall be filed in the office of the appropriate dean.[12] Summer session courses should, in general, be taught by those holding the appropriate terminal degree.

4. The terms of employment of faculty and professional personnel employed on other than academic year contracts are established annually within the contractual agreement between the employee and the University.

5. A faculty member must complete at least one semester of full-time service during any academic year in order to receive a full year's credit for purposes of tenure consideration.

ARCHIVE

6. Associate professorships and professorships are available to qualified persons who are being employed when circumstances and qualifications warrant such rank.[13] The form "Recommendations for Unusual Appointment" must be submitted with the request to employ.

Reassignments

1. The University retains the right, through the appropriate dean, to reassign faculty members to other course, to research, or to other professional activities, should it become necessary to cancel offerings because of insufficient enrollment or other good and just causes.

Contract and Salary Information

1. Information about the academic salary plan and benefits may be obtained from the Office of the Associate Provost.

2. Contracts with University faculty members include an agreement that the faculty member is bound by the rules and regulations as printed in the Faculty and Professional Personnel Handbook and approved by the University Senate and/or the Board of Trustees.[14]

Guidelines for Faculty Load Assignments and Reporting[15]

1. Faculty Load Planning[16]
   - 1.1 Academic assignments are determined by the chairperson of the department and the college dean, Provost and Vice President for Academic Affairs, and the President. Academic assignments may include on-campus as well as off-campus classes, assigned time for research or writing, consultative services, or administrative duties. Academic assignments will vary from one faculty member to another. The academic workload for a University faculty member is 24 credit hours for the academic year, 6 credit hours for the summer term, and 12 credit hours for the summer semester.

2. Faculty Load Reporting
   - 2.1 By November 15 of the fall semester and April 1 of the spring semester, department chairpersons will forward to the college dean, Provost and Vice President for Academic Affairs, and President an actual academic load report for the appropriate semester using the same report format used to present the proposed academic load.

3. Faculty Load --Assigned Time
   - 3.1 Scholarly and/or Creative Productivity
     - 3.11 Faculty who demonstrate scholarly and/or creative productivity may be assigned 3-4 credit hours each semester. Each college will determine its definition of scholarly and/or creative productivity within accepted collegiate guidelines of academic performance and achievement. This productivity must be current and ongoing to merit assigned time.
     - 3.12 Department chairpersons will submit a report to the dean at the end of each semester summarizing the scholarly, research, and/or creative productivity of each faculty member given assigned time for research.
     - 3.13 Faculty who receive assigned time for research will not receive paid overloads during the same semester in which the research time is granted.
   - 3.2 Departmental Administration
     - 3.21 Department chairpersons may be assigned 6-8 hours each semester. Typically, chairpersons engaged in research and/or service activities will be teaching one class per semester. Administrative assistants/associate chairpersons/assistant chairpersons and directors of graduate programs may be assigned 3-4 hours each semester.
   - 3.3 Other Administrative Responsibilities
     - 3.31 Assigned time for other administrative responsibilities must be approved in advance by the department chairperson and the dean.
   - 3.4 Grants
     - 3.41 Faculty engaged in externally funded projects and/or internally funded research may be assigned time as outlined in the proposal and with the approval of the department chairperson and the dean.
   - 3.5 Service Activities
     - 3.51 Faculty working on service projects and activities contributing to their professional development and significantly benefiting their subject matter discipline may be assigned 3-4 hours each semester.
     - 3.52 All departmental requests for assigned time should be submitted to the dean's office when the semester schedule is completed. Additions to or

ARCHIVE

modifications of this list should be submitted when they occur but always prior to the beginning of the semester. In all cases, the principles of flexibility and accountability should inform the decisions regarding assigned time.

4. Faculty Load –Other Guidelines[17]
   - 4.1 When computing academic workloads, the following guidelines should be considered.
     - 4.11 Chairpersons may adjust teaching and research loads between semesters during the academic year (for example, assigning 6-8 hours of research time during one semester and no research time the other semester) if this is consistent with departmental requirements.
     - 4.12 With the approval of the department chairperson and dean, a faculty member may be allowed additional load hours when a class size is exceptionally large.
     - 4.13 Under normal circumstances, the direction of independent studies, master's theses, and doctoral dissertations shall be considered part of a faculty member's scholarly, creative, and teaching responsibilities during the academic year. Each college will establish a written policy to address compensation and load credit for teaching responsibilities beyond one's regular course load such as the direction of independent studies, master's theses, honor's theses, and doctoral dissertations. This policy is subject to the approval of the appropriate dean, provost, and the Board of Trustees.
     - 4.14 As a rule, contract faculty will be assigned to teaching and not to other responsibilities such as research, service, and administration. Contract faculty members whose assignments include responsibilities other than teaching will receive assigned time, additional salary, or other compensation to be determined by their department chairperson.
     - 4.15 Summer terms are an integral component of Ball State's total instructional program. Consistent with University policy, faculty will be paid 15% of the academic year salary per full load per summer term. As defined by the Faculty and Professional Personnel Handbook, a full load is six (6) hours per summer term.

5. Underenrolled Classes
   - 5.1 The minimum class size shall be ten (10) for undergraduate and six (6) for graduate classes. For purpose of determining class size an undergraduate shall count $1/10^{th}$, a graduate $1/6^{th}$, and an auditor shall count $1/50^{th}$ in an undergraduate class and $1/30^{th}$ in a graduate class in such determinations.
   - 5.2 Each department may offer one under enrolled class section per semester and for each five week summer term at its own absolute discretion and make its own determination of the justifiable minimum for an under enrolled class. Departments may offer other under enrolled classes with permission of the college dean. All under enrolled classes must carry full teaching load credit for the faculty members involved. Faculty members teaching under enrolled classes will not be eligible for overload pay.

Files[18]

1. Personnel Files
   - 1.1 A personnel file is a file which contains documents or records that show that a personnel action has been taken (e.g., contract letters, P-3 forms) or which contains information upon which a personnel action has been based (e.g., letter of application, evidence in a disciplinary action). Some examples of personnel actions are recruiting, hiring, firing, transferring, promoting, granting tenure, and approving compensation.
   - 1.2 Materials in a personnel file may include, but are not limited to, application for appointment; letters of recommendation; official contract letters; forms concerning changes in appointment, salary, title, etc.; vita; salary information; formal evaluations by supervisors; teaching evaluations; information concerning scholarly productivity or creative endeavors; information concerning service in a professional capacity; information concerning any disciplinary actions taken; or information concerning the status of any formal charges against the employee.
   - 1.3 Materials that are not to be placed in a personnel file include information about the employee's gender, race, disability, national origin, religion, age, veteran status, citizenship, sexual orientation, or marital status. Any file that will be used by people other than the employee, such as a promotion and tenure committee, may not include this information.

ARCHIVE

1.4 All this information shall be made available to the affected faculty or professional personnel member. When detrimental material is placed in his or her personnel file, the faculty or professional personnel member shall be notified in writing and given the right to place in the file materials that might rebut or explain the detrimental information. Anonymous letters will never be made part of any personnel file. Improper materials placed in a personnel file will be removed and destroyed by the chairperson, supervisor, or vice president and the affected faculty or professional personnel member.

1.5 As a general rule, personnel files are located in the departmental or unit office, the dean's or vice president's office, and the Associate Provost's area.

2. Confidential Files

2.1 Certain files are maintained in confidence due to the sensitive nature of the materials contained in these files. The primary example of this type of file is the investigative files maintained in the Office of University Compliance. The faculty or professional personnel member involved may not see the file because the identity of the complainant is kept confidential unless and until formal disciplinary action has been initiated. However, if a formal complaint is filed against a faculty or professional personnel member, that individual is informed of the complaint. Although the file itself and the complainant's identity are not available to the accused, he or she is given notice of the existence, substance, and details of the complaint. If formal disciplinary action is initiated, the accused is informed of the identity of the complainant.

2.2 The files concerning allegations of discrimination in the Office of University Compliance are not available to anyone other than the Executive Director of University Compliance without his or her explicit permission.

2.3 Personal notes and investigative records are considered to be confidential unless they are used to make a decision concerning someone's employment status or unless they provide a basis for disciplinary action.

Appointment, Academic Freedom, and Tenure[19]

1. Appointment

The appointment of administrative officers and of faculty members and the determination of educational policies should be governed by professional consideration. Political factors should not be permitted to interfere with the efficiency of this University. The spirit of these principles should also be demonstrated in the internal administration of the University for the development and maintenance of the best type of faculty service and of student growth. It is presumed that administrative officers and faculty members will be appointed on merit rather than for political or other nonprofessional considerations.

2. Statement of Principles[20]

2.1 The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedure to assure them in this University. Institutions of higher learning are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

2.2 Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

2.3 Tenure is a means to certain ends; specifically: (1) freedom of teaching and research, and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

3. Academic Freedom

3.1 The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the University.

3.2 The teacher is entitled to freedom in the classroom in discussing the appointed subject, but should be careful not to introduce a controversial matter which has no

ARCHIVE

relation to the subject. Limitations of academic freedom because of the aims of the institution should be clearly stated in writing at the time of the appointment.

3.3 The University teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, there should be freedom from institutional censorship or discipline, but a special position in the community imposes special obligations. As a person of learning and an educational officer, a teacher should remember that the public may judge his or her profession and this University by his or her utterances. Hence, he or she should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that he or she is not an institutional spokesman.

(Adopted by State Teachers College Board, June 4, 1944)

ARCHIVE

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICY[21]

1. Ball State University provides equal opportunity to all students and applicants for admission in its education programs, activities, and facilities without regard to race, religion, color, sex (except where sex is a bona fide qualification), sexual orientation, gender identity/gender expression, physical or mental disability, national origin, ancestry, or age.

2. Ball State University provides equal opportunity to all employees and applicants for employment in its recruitment, hiring, retention, promotion, tenure, transfer layoff, return from layoff, training, and other employment decisions and in its compensation and benefits programs without regard to race, religion, color, sex (except where sex is a bona fide occupational qualification), sexual orientation, gender identity/gender expression, physical or mental disability, national origin, ancestry, age, or citizenship (for U.S. citizens and protected lawfully-admitted aliens).

3. The University also takes affirmative action to employ and advance minorities, women, qualified disabled persons, and qualified disabled veterans and veterans of the Vietnam era. Information concerning the University's affirmative action programs can be obtained from the Office of University Compliance, Ball State University, Muncie, IN 47306.

4. Each line administrator is responsible for ensuring that educational and employment decisions are made and implemented in accordance with the University's equal opportunity and affirmative action policy. All persons involved in the decision-making process, including members of faculty and other employee committees, shall act in a nondiscriminatory manner. The Office of University Compliance is responsible for developing, coordinating, and implementing policies and procedures for institutional compliance with all applicable federal and state equal opportunity laws and regulations and for preparing and monitoring compliance with required affirmative action programs.

5. Complaints regarding unlawful discrimination should be filed within 45 calendar days following the alleged act or incident giving rise to the complaint in the Office of University Compliance in accordance with the "Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." A copy of this document may be obtained by contacting the Office of University Compliance.

6. The President will review the University's equal opportunity and affirmative action policy and programs at least once each year, measure progress against the objectives stated in the affirmative action programs, and report findings and conclusions to the Board of Trustees.

AFFIRMATIVE ACTION PLAN FOR DISABLED INDIVIDUALS[22]

1. Ball State University is subject to Sections 503 and 504 of the Rehabilitation Act of 1973 and, as such, takes affirmative action to employ and advance in employment qualified disabled individuals. Anyone having such a disability and wishing to be covered under the affirmative action program should contact the Office of University Compliance. Submission of this information is voluntary and refusal to provide it will not subject any individual to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that 1) supervisors may be informed regarding restrictions on the work or duties of disabled individuals, and regarding necessary accommodations; 2) health personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment; and 3) government officials investigating compliance with the Act shall be informed.

2. If a disabled Ball State University employee needs a workplace accommodation, that employee should contact the Office of University Compliance immediately upon learning of the need for the accommodation. All disability accommodation requests will be reviewed in a timely manner through an interactive process typically involving the employee, the supervisor of the employee, and the Director of Equal Opportunity and Affirmative Action.[23]

ARCHIVE

BALL STATE UNIVERSITY'S STATEMENT ON SEXUAL HARASSMENT [24]

1. Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of the Civil Rights Act of 1964, as well as state law. Student-on-student sexual harassment and sexual harassment directed toward a student by a University employee violates Title IX of the Education Amendments of 1972.

2. Ball State University will not tolerate sexual harassment of students or employees by members of its faculty or staff, its students or by other agents of the University and will respond in a suitable manner to every compliant.

3. The University has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for our academic community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:
   - 3.1 submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a University-sponsored education program or activity;
   - 3.2 submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment decisions or academic decisions or assessments affecting an individual; or
   - 3.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct.

   Sexual harassment includes but is not limited to situations where one person has authority over another. In such situations, sexual harassment is particularly serious because it may unfairly exploit the power inherent in a faculty member's or supervisor's position.

4. Sexual harassment can be verbal, visual, physical or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment-such as a threat that a grade or promotion will depend on submission to sexual advance. But whether particular conduct constitutes sexual harassment will often depend upon the specific context of the situation, including the participants' reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (e.g., supervisor-subordinate, colleague, etc.) and the specific setting.

   The inquiry can be particularly complex in an academic community, where the free and open exchange of ideas and viewpoints preserved by the concept of academic freedom may sometimes prove distasteful, disturbing or offensive to some. Sexual harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

5. Examples of conduct which may constitute sexual harassment include but are not limited to:
   - 5.1 request for sexual favors;
   - 5.2 unwelcome physical contact such as hugging, rubbing, touching, patting, pinching or brushing another's body;
   - 5.3 veiled suggestions of sexual activities;
   - 5.4 requests for private meetings outside of class or business hours for other than legitimate academic or business-related purposes;
   - 5.5 use in the classroom of sexual jokes, stories or images in no way germane to the subject of the class;
   - 5.6 use in the workplace of sexual jokes, stories or images in no way germane to the subject of the work environment;

ARCHIVE

5.7 remarks about a person's body or sexual relationships, activities or experience that are in no way germane to the subject of the work or academic environment;
5.8 use of inappropriate body images to advertise events.

6. Members of the University community can expect to be free from sexual harassment and thus all members of the University community should guard against it. The fact that someone did not intend to sexually harass an individual is generally not considered a sufficient defense to a compliant of sexual harassment, although the reasonableness of the accused's perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complainant and whether a reasonable person similarly situated would find the conduct offensive that determines whether the behavior constitutes sexual harassment.

7. The University will not tolerate retaliation or discrimination against persons who report or charge sexual harassment or against those who testify, assist or participate in any investigation, proceeding or hearing involved a compliant of sexual harassment. In this context, retaliation means speech or conduct that adversely affects another's terms or conditions of employment or education and is motivated by an intent to harm the targeted person because of his or her participation in the filing or investigation of an allegation of sexual harassment. Any such retaliation- or any encouragement of another to retaliate- is a serious violation of University policy and law, independent of whether the particular claim of sexual harassment is substantiated. Anyone who believes he or she has been subjected to retaliation in violation of this rule may use the procedures described in this policy to complain and seek redress.

8. Any member of the University community who believes he or she is being sexually harassed or is being retaliated against is encouraged to contact the Office of University Compliance and make a complaint. The complaint will be investigated in accordance with the Ball State University "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." A copy of this document may be obtained by contacting the Office of University Compliance.

9. The University can respond to specific instances and allegations of harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced sexual harassment to come promptly forward (typically within 45 calendar days) with inquiries, reports or complaints and to seek assistance from the Office of University Compliance. In addition, any University employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report them to the Office of University Compliance. It shall be the responsibility of the Office of University Compliance to respond to allegations and reports of sexual harassment or refer them to other University officials for an appropriate response.

10. Any dean, chairperson, director of department head of other similar administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Office of University Compliance. These administrators must respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Administrators should consult the Office of University Compliance prior to responding to any situation involving alleged harassment.

11. Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:
11.1 oral or written reprimand, placed in the personnel file;
11.2 required attendance at a sexual harassment sensitivity program;
11.3 an apology to the victim;
11.4 loss of salary or benefit, such as sabbatical or research or travel funding;
11.5 transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);
11.6 demotion;
11.7 suspension, probation, termination, dismissal or expulsion.

ARCHIVE

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. Where alcohol/drugs are involved in the sexual harassment, such counseling may include a substance abuse program.

If students or student groups are guilty of sexual harassment, any of the sanctions set forth in the "Code of Student Rights and Responsibilities" may also be invoked.

12. The University seeks to protect the rights of all persons, accusers and accused, to fair procedures. Accusations of sexual harassment frequently have injurious, far-reaching effects on the careers and lives of accused individuals. Allegations of sexual harassment must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation of sexual harassment will be considered a serious violation of University policy.

ANTI-HARASSMENT POLICY[25]

1. Harassment of students or employees at Ball State University on the basis of race, color, national origin, ancestry, religion, creed, gender,* sexual orientation, gender identity/gender expression, age or physical or mental disability is unacceptable and will not be tolerated. Such conduct is inconsistent with the University's commitments to excellence and to respect for all individuals. This Policy is intended to complement the University's Equal Opportunity and Affirmative Action Policy.

2. The University is also committed to protecting the academic freedom and freedom of expression of all members of the University community. This Policy will be construed, and applied in a manner that protects the academic freedom and freedom of expression of all parties to a compliant. Academic freedom and freedom of expression include but are not limited to the expression of ideas, philosophies, or religious beliefs, however controversial, in classroom or other academic settings.

3. The term "harassment" as used in Paragraph 1 of this Policy, refers to verbal, physical, graphic or written conduct that has the purpose or effect of creating a hostile or intimidating environment; i.e., conduct which is sufficiently severe, pervasive, or persistent that it interferes significantly with an individual's employment, education, or living conditions. The conduct alleged to constitute harassment under this Policy will be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all of the facts and circumstances. Harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

4. Members of the University community and others who believe they have been harassed in violation of this Policy by University employees or students, or by contractors or vendors serving the University, may contact the Office of University Compliance. Formal complaints must be filed in the Office of University Compliance within 45 calendar days following the occurrence of the act, incident, conduct, or pattern of conduct constituting the alleged violation. Such complaints will be processed under the "Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." A copy of this document may be obtained by contacting the Office of University Compliance. Complaints involving students may instead be filed in the Office of the Vice President for Marketing, Communication and Enrollment Management, for handling under the procedures set forth in the Student Code.

5. Any University employee who becomes aware of conduct by another University employee, student, vendor or contractor which the employee reasonably believes constitutes harassment under this Policy shall report the conduct immediately to the Office of University Compliance; or, if the harassment involves students, the conduct may instead be reported to the Office of the Vice President for Marketing, Communication and Enrollment Management. To knowingly file a false or malicious complaint or report of harassment is a violation of this Policy.

ARCHIVE

*This Policy covers gender-based harassment that is non-sexual in nature. Sexual harassment is covered by a separate "Statement on Sexual Harassment."

POLICY ON CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS[26]

1. Legal and ethical risks are inherent in any sexual or romantic relationship between a person with instructional responsibilities (full-time or part-time faculty, lecturer, visiting professor, graduate assistant, or tutor) and a student whose academic work is being supervised by the person with instructional responsibilities, even when the relationship seems to be consensual. The same is true of a sexual or romantic relationship between a person with non-instructional supervisory responsibilities (faculty, administrator, staff, or student) and someone over whom the person has supervisory responsibility. Individuals involved n a romantic relationship cannot be expected to be able to render an objective assessment of the performance of his or her partner in the relationship; the ability to render an objective assessment is crucial to the role of instructor or supervisor.

2. Because of these legal and ethical risks, it is the University's policy that persons shall not have instructional or supervisory responsibilities over anyone with whom they have a sexual or romantic relationship. If such a relationship exists or develops, the person with instructional or supervisory responsibilities shall immediately make arrangements to terminate his or her instructional or supervisory responsibilities over the partner in the relationship. A member of the campus community who fails to withdraw from participation in decisions that may reward or penalized the party with whom he or she has or has had a sexual or romantic relationship will be deemed to have violated his or her ethical obligation to the University.

3. Violations of this policy may be reported to the Office of University Compliance or in the case of a student, he or she may report the conduct to the administrative head of Student Affairs. All such complaints and reports will be investigated in accordance with the "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." To knowingly file a false or malicious complaint or report is a violation of this policy.

STATEMENT ON PROFESSIONAL ETHICS
* (Adapted from the AAUP Statement)

1. The professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

2. As teachers, the professors encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of their discipline. They demonstrate respect for the student as an individual and adhere to their proper role as intellectual guide and counselor. They make every reasonable effort to foster honest academic conduct and to assure that their evaluation of the students reflects their true merits. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from them. They protect their academic freedom.

3. As colleagues, the professors have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of their institution.

4. As members of their institution, the professors seek above all to be effective teachers and scholars. Although they observe the state regulations of the institution, provided they do not contravene academic freedom, they maintain their right to criticize and seek revision. They determine the amount and character of the work they do outside their institution with due regard to their paramount responsibilities within it. When considering the

ARCHIVE

interruption or termination of their service, they recognize the effect of their decision upon the program of the institution and give notice of their intentions.

5. As members of their community, the professors have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression that they speak or act for their college or University. As citizens engaged in a profession that depends upon freedom for its health and integrity, the professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

The Academic Freedom and Ethics Committee of the Faculty Council is responsible for discussing privately and confidentially with a faculty member the ethics of his or her behavior when the Committee concludes that the above ethical standards are being transgressed. Faculty and administrators may confidentially invite the attention of the Committee to the practices of a particular faculty member.

* The only change is gender-neutral language.

ARCHIVE

Social Security Number Policy[27]

Ball State University recognizes that it collects and maintains confidential information relating to its students, employees, and individuals associated with the University and is dedicated to ensuring the privacy and proper handling of this information. This should be understood as the spirit of this policy statement.

The primary purpose of this Social Security number policy is to establish the necessary procedures and awareness to ensure that University employees and students comply with both the letter and the spirit of the federal and state laws governing and restricting requests for and uses of Social Security numbers. The University is guided by the following objectives:

1. Broad awareness of the confidential nature of the Social Security number;
2. Reduced reliance upon the Social Security number for identification purposes;
3. A consistent policy towards and treatment of Social Security numbers throughout the University; and
4. Increased confidence by students and employees that Social Security numbers are handled in a confidential manner.

I. POLICY/REGULATIONS

I.1. A Ball State University ID Number (BSU ID) will be assigned to all students and employees. It will be uniquely associated with the individual to whom it is assigned. The BSU ID will be used in all future electronic and paper data systems to identify, track, and service individuals associated with the University, except in cases where use of the Social Security number is mandated by federal or state law.

I.1.1. The BSU ID will be considered the property of Ball State University, and its use and governance shall be at the discretion of the University, within the parameters of the law;
I.1.2. The BSU ID will be created and maintained by Information Technology Services;
I.1.3. The BSU ID will be a component of a system that provides a mechanism for both the identification of individuals and a method of authentication.

I.2. Grades and other pieces of personal information will not be publicly posted or displayed in a manner where use of all or part of the BSU ID or Social Security number (including use of the last few digits of the Social Security number) identifies the individual associated with the information.

I.3. Social Security numbers will be electronically transmitted only through encrypted mechanisms.

I.4. All University forms and documents that collect Social Security numbers will contain the appropriate language stating the reason for the request and whether the request is voluntary or mandatory. Refer to the guidelines document section (I.2) for more detailed information.

I.5. Paper documents and electronic data containing Social Security numbers, when no longer needed by the University, will be destroyed or disposed of using a method designed to prevent or significantly inhibit their recovery or use thereafter by anyone.

I.6. Except where the University is legally required to collect a Social Security number, individuals will not be required to provide their Social Security number, verbally or in writing, at any point of service, nor will they be denied access to those services should they refuse to provide a Social Security number. However, individuals may volunteer their Social Security number as an alternate means of locating a record.

I.7. Social Security numbers will be released by the University to entities outside the University only
I.7.1. As allowed by law; **OR**
I.7.2. When permission is granted by the individual; **OR**
I.7.3. When the external entity is acting as the University's contractor or agent and adequate security measures are in place to prevent unauthorized dissemination to third parties;
OR
I.7.4 When University Legal Counsel has approved the release.

ARCHIVE

I.8. The Social Security number may continue to be stored as a confidential attribute associated with an individual. The Social Security number will be used as

I.8.1. Allowed by law;

I.8.2. A key to identify individuals, such as University contractors and agents, for whom a BSU ID is not known or has not been assigned.

I.8.3. A key to identify historical records such as those in payroll/benefits and student records.

I.9. This policy does not preclude Ball State University employees from using the Social Security number as needed during the execution of their duties, if a primary means of identification is unavailable. The other aspects of this policy statement restrict such usage.

II. ENFORCEMENT

II.1. The Ball State University ID Committee will work with the Executive Director of University Compliance to ensure compliance with this policy and to recommend changes if appropriate.

II.2. Employees and students may be subject to disciplinary action, up to and including termination of employment or dismissal from the University for violating this policy, such as by breaching the confidentiality of Social Security numbers. Any such disciplinary action shall be governed by the regular University policies and procedures applicable to the situation.

ARCHIVE

UNIVERSITY PROMOTION AND TENURE DOCUMENT [28]

Preamble

Among the most important decisions of a university are those regarding tenure and promotion of its faculty. At a university such as Ball State, the diverse nature of colleges and departments must be respected in any document pertaining to the university as a whole. However, a degree of continuity across disciplines is necessary to ensure equitable decisions for individuals. Consequently, the purpose of this document is to provide a set of common policies and procedures governing all promotion and tenure decisions at Ball State University. Although the Promotion and Tenure Documents of all colleges and departments must be consistent with this document in both spirit and detail, it is expected that these documents may also need to contain a variety of additional elements not included here.

The promotion and tenure expectations for each faculty member are dependent on the individuals' particular assignment and are defined by university, college, and departmental documents. It is the responsibility of each faculty member to become familiar with all three applicable documents.

I Guidelines for Promotion and Tenure

1. The evaluation of a faculty member's eligibility for promotion or tenure shall be conducted in light of the University Mission Statement and shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the following areas:
   1.1 Teaching;
   1.2 Scholarship;
   1.3 Service in a professional capacity.

II Definitions[29]

1. Department and departmental refer to schools, academic departments located within the seven colleges and those comparable units which have faculty and/or eligible professional personnel but are not located within colleges.

2. College and collegiate refer to the seven academic colleges and also to the Academic Affairs promotion and tenure unit.

3. Reconsideration is the act-whereby a candidate may request that an initial adverse decision by the departmental or collegiate committee may be re-examined. Reconsideration provides an opportunity for the candidate to clarify content of materials.

4. Appeal refers to the action taken by the appellant when the outcome of the departmental reconsideration is the same as the original recommendation or when an adverse recommendation is made at the collegiate or Provost and Vice President for Academic Affairs level. Appeals examine the process followed and not the content of materials.

5. Working days are those days when Ball State University administrative offices are open.

6. Calendar days are the days which appear on a calendar, including Saturday, Sunday, and holidays. They do not relate to the Ball State academic schedule or calendar.

7. Eligible professional personnel are those individuals who hold academic rank and/or tenure or who are eligible for tenure.

8. Tenure is a means to certain ends; specifically: (1) freedom of teaching and research, and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. (Faculty Handbook, Appointment, Academic Freedom, and Tenure 2.3). Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

9. Tenure-track faculty are those who are currently in the seven-year probationary tenure period.

10. Tenured faculty are those faculty who have been granted tenure.

11. Scholarship is the process of attaining new knowledge, creating a new work, or recreating/interpreting existing works, and disseminating the results. Generally this takes the form of appropriate peer reviewed publications, presentations or exhibits, performances, other

ARCHIVE

creative endeavors and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching.

11.1 The scholarship of discovery is traditional research and creative endeavors that pursue and contribute to new knowledge for its own sake.

11.2 The scholarship of integration makes connections across disciplines bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.

11.3 The scholarship of application applies knowledge to address significant societal issues.

11.4 The scholarship of teaching studies the development of knowledge, skill, mind, character, and/or ability of others.

III Policy Statements

1. Policy Statements for Promotion

1.1 Faculty and eligible professional personnel shall be evaluated in the light of the University Mission Statement.

1.2 Policies and criteria related to recommending promotions shall be clear, specific, and accessible to all personnel.

1.3 Policies and criteria for promotions shall be subject to annual evaluation and review and to periodic revision.

1.4 Any department member or eligible professional personnel member has the right to present herself or himself to the Department Promotion and Tenure Committee for consideration for promotion.

1.5 Recommendations for promotion shall be initiated at the level where the candidate's qualifications can be best identified and evaluated. In most instances this would be the department.

1.51 Each affected department, school, and college must have formal criteria, procedures, and policies for recommendations for promotions.

1.52 Recommendations shall be supported by ample documentary evidence demonstrating that the candidate for promotion satisfies established criteria. Documentation shall include:

1.521 Evaluation forms approved by the administrative unit concerned.

1.522 In the case of a candidate seeking promotion to Professor, a minimum of two letters from reviewers external to the University shall be included. Such letters shall provide supplementary review of the candidate's scholarship, creative endeavors, and other scholarly productivity. These letters shall be acquired and presented in accordance with departmental and college policies and procedures. The candidate shall be fully involved in the selection of reviewers, with one-half of the contacted reviewers being from the candidate's list. Challenges to the list of reviewers will be handled according to department and college policies. All letters received from external reviewers will be available to evaluators in the promotion review process.

1.6 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in promotion deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuous activity.

1.7 The departmental and collegiate policies and criteria for promotions must be approved by the University Promotion and Tenure Committee and must be on file with the University Promotion and Tenure Committee and the Office of the Provost and Vice President for Academic Affairs.

1.8 All promotions to Associate Professor and Professor will be granted on the basis of the spring recommendations. Regular Instructors will be promoted to Assistant Professor in September on the basis of provisions made in appointment letters. Regular Instructors appointed in 1978 and thereafter must have appointment letters that specify conditions for promotion. Regular Instructors appointed prior to 1978 whose appointment letters do not specifically state such conditions will be considered for promotion each September in accordance with criteria contained in approved departmental promotion and tenure documents.

1.9 No person may serve as a member of a College Promotion and Tenure Committee who is a candidate for promotion. An individual so elected who later becomes a candidate for promotion must resign from the committee.

1.10 No person may serve as a member of a Department Promotion and Tenure Committee who is a candidate for promotion.

1.101 An individual so elected who later becomes a candidate for promotion must resign from the committee.

ARCHIVE

1.102 The one exception to these provisions involves the chairperson of the department when he or she is a candidate for promotion. In that circumstance, he or she shall not participate in his or her ex-officio capacity during the deliberations of promotion to the same rank.

1.103 No candidate shall be evaluated by a Promotion and Tenure Committee of fewer than three (3) eligible voting members. Department committees on which tenure-track faculty serve must be a minimum of four (4) persons in order to maintain the minimum voting membership requirement when a tenure-track committee member is excused during the review of his/her progress towards tenure proceedings. Departments which under these or any other conditions cannot form a Promotion and Tenure Committee of at least three voting members shall develop specific provisions subject to the approval of the College and the University Promotion and Tenure Committees.

1.11 At any step in the promotion process (Department Promotion and Tenure Committee; department chairperson; College Promotion and Tenure Committee; academic dean; Provost and Vice President for Academic Affairs) the first committee or individual not recommending a faculty member favorably for promotion shall provide that faculty member with a written statement delineating his or her strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity. The committee or individual may also suggest areas for improvement. All candidates for promotion will be informed of the department committee's recommendation by a letter written by the committee chair that will include an evaluation of strengths and weaknesses in the areas of teaching, scholarship, and service.

2. Policy Statements for Tenure

2.1 Faculty and eligible professional personnel shall be evaluated in the light of the University Mission Statement.

2.2 Policies and criteria related to recommending tenure shall be clear, specific, and accessible to all personnel.

2.3 Policies and criteria for tenure shall be subject to annual evaluation and review and to periodic revision.

2.4 The departmental and collegiate policies and criteria for tenure must be approved by the University Promotion and Tenure Committee and must be on file with the University Promotion and Tenure Committee and the Office of the Provost and Vice President for Academic Affairs.

2.5 A faculty member must complete at least one semester of full-time service during any academic year in order to receive a full year's credit for purposes of tenure consideration.

2.6 Tenure for those who hold academic rank is earned in an academic department and held in the University.

2.61 For all individuals hired by the University after June 30, 1981, tenure may be granted only to those who hold academic rank in an academic department. When a candidate is hired, academic rank must be recommended by an academic department chairperson in conjunction with the Department Promotion and Tenure Committee or, if it is unavailable, another faculty committee, and subsequently approved by appropriate schools, colleges, administrators, and the Board of Trustees. Years granted toward tenure at the time of hiring must be recommended by an academic department chairperson in conjunction with the Department Promotion and Tenure Committee or, if it is unavailable, another faculty committee, and subsequently approved by appropriate schools, colleges, administrators, and the Board of Trustees.

2.7 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in tenure deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuous activity.

2.8 When a faculty member is employed in a tenure-track position, a probationary period of seven years is ordinarily required before tenure is granted by the Board of Trustees. Generally, the probationary period will not exceed seven full-time years of tenure-creditable service as a faculty member at Ball State University. The exceptions are noted below.

When transferred from one academic or professional area to another, a tenure-track person, in addition to the normal probationary period, may request or may be required to complete an additional probationary period not to exceed two years. The length of the extension of time must be established and stated in writing at the time of the new appointment.

2.81 A faculty member may request that certain years (normally not to exceed two years total) not be counted as tenure-creditable years if any of the following pertain:

2.811 The faculty member is seriously ill;

2.812 The faculty member is the principal care-giver for a son/stepson or daughter/stepdaughter;

2.813 The faculty member is the principal care-giver for a family member who is seriously ill;

2.814 The faculty member will be on leave for at least one semester of the academic year.

A request that a year not be counted as tenure-creditable shall be made to the department chairperson prior to the beginning of the next academic year. The request shall include documentation of the circumstances involved. The request shall be given immediately by the department chairperson to the Department Promotion and Tenure Committee. The request requires approval of the Department Promotion and Tenure Committee, the department chairperson, the appropriate dean, and the Provost and Vice President for Academic Affairs.

2.82 In cases where the exceptional achievements of a candidate in teaching, research, publication, creative endeavors, scholarly productivity, and other meritorious activities resulted in appointment at the associate or full professor ranks, tenure may be recommended to the trustees as early as the completion of the third year, following a recommendation from the Department Promotion and Tenure Committee, and approval from the department chairperson, academic dean, and Provost and Vice President for Academic Affairs. The Board of Trustees may grant tenure in special cases to an individual who holds or will hold academic rank without any probationary period, or with a probationary period of fewer than three years, if all of the following conditions are fulfilled:

2.821 The Board obtains the prior positive recommendations of the Promotion and Tenure Committee of the academic department in which the candidate holds (or will hold) academic rank, department chairperson, the academic dean, the Provost and Vice President for Academic Affairs, and the President.

2.822 The Board concurs with the recommendation that the individual possesses superior academic and/or creative qualifications;

2.823 The Board concurs with the recommendation that waiver of the normal probationary period is necessary to induce the individual to accept an offer of employment or to continue his or her employment with the University.

2.9 Specific conditions of employment that must be fulfilled by a tenure-track faculty member (in addition to the general standards of performance) will be stated in writing by the University administration at the time of employment. In order to be eligible for a favorable tenure recommendation, the faculty member must meet these employment conditions unless he or she is released there from, in whole or in part, by means of a written departmental recommendation that is approved by the academic dean, the Provost and Vice President for Academic Affairs, and the President.

2.10 No later than February 15 of each academic year, each department will send a letter to the Provost and Vice President for Academic Affairs, via the academic dean, and the faculty member, setting forth the status of each tenure-track faculty member with respect to his or her fulfillment of the conditions of appointment and any matters pertaining to the quality of his or her performance. This letter will contain the recommendations of the department chairperson and the academic dean.

2.101 Before the end of each academic year, the Provost and Vice President for Academic Affairs will notify each tenure-track faculty member in writing as to the University's official assessment of his or her status with regard to progress toward tenure. The contents of the letter will reflect:

2.1011 The University's official record of the individual's status with respect to fulfillment of specific conditions of employment which were stated in the letter of employment; and

2.1012 The University's assessment of the individual's performance and progress toward tenure.

If the members of a department wish to recommend termination of the appointment of a tenure-track faculty member at the end of any academic year during the probationary period, a letter to that effect shall be filed in the Office of the Provost and Vice President for Academic Affairs at least two weeks in advance of the final date set forth in 2.14-2.143 below

ARCHIVE

for giving written notice of non-reappointment or of intention not to recommend reappointment to the Board of Trustees. The letter must contain the recommendations of the academic dean.

2.11 A tenure recommendation will be made by the department, academic dean, and the Provost and Vice President for Academic Affairs at least one year prior to the end of a faculty member's probationary period. That recommendation will be either a recommendation to grant tenure at the end of the following year or a recommendation to terminate the faculty member at the end of the following year.

2.111 If the recommendation is to grant tenure, then the tenure review in the seventh year will generally result in a reaffirmation of the favorable recommendation unless a substantial change in the level of the faculty member's performance has occurred or a specific condition of employment or tenure has not been met.

2.112 If the recommendation is to terminate the faculty member, then the faculty member's seventh year is the final one at the University.

2.113 If a faculty member is recommended for tenure at the end of the sixth year and there is evidence of substantial change in the level of the faculty member's performance in the seventh year or a specific condition of employment or tenure has not been met, then the faculty member may be recommended for termination at the end of the seventh year. In this case, the faculty member shall be granted an eighth and final year, as a contract faculty member, at the University.

2.12 The following are necessary prerequisites in order to be eligible for tenure:

2.121 The faculty member must have satisfied any specific conditions of employment set forth in his or her letter of appointment;

2.122 The faculty member must have received a positive tenure recommendation from his or her academic department; and

2.123 There must be available significant evidence of excellent performance by the faculty member, and there must be the expectation for a continuance of such in the future.

2.13 Tenure may be attained only through official action by the Board of Trustees of the University. The Board will make its decision after receiving and reviewing the recommendations of the department, academic dean, Provost and Vice President for Academic Affairs, and the President, but the Board will not be bound to follow any of said recommendations.

2.14 Notice of non-reappointment, or of intention not to recommend reappointment to the Board of Trustees shall be given to the faculty member in writing in accordance with the following standards:

2.141 Not later than March 1 of the first academic year of service, if the appointment is to expire on the day the spring semester closes; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination;

2.142 Not later than December 15 of the second academic year of service, if the appointment is to expire on the day the spring semester closes; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;

2.143 At least twelve months before the expiration of an appointment after two or more years in the institution.

2.15 Contract full-time appointment service may be considered as part of the probationary period for those who are later placed on regular full-time faculty and professional personnel status.

2.16 Prior service at Ball State University may be counted toward tenure after the person has completed a one-year probationary period following the return.

2.17 Years of service remain with the individual when regular full-time faculty and professional personnel transfer from one academic or professional area to another.

2.18 Any tenure-track individual serving as a member of a Department or College Promotion and Tenure Committee must be absent from deliberations concerning his or her progress toward tenure.

2.19 Before the end of the academic year, the Department Promotion and Tenure Committee, after consultation with the department chairperson, shall provide each tenure-track faculty member in its department with a written assessment of that faculty member's work. This assessment shall include an evaluation of strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity. The committee may also suggest areas for improvement.

At any other step in the tenure process (department chairperson if his or her recommendation is different from the Department Promotion and Tenure Committee;

ARCHIVE

College Promotion and Tenure Committee; academic dean; Provost and Vice President for Academic Affairs) the first committee or individual not recommending satisfactory progress for a faculty member shall provide that faculty member with a written statement delineating his or her strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity. The committee or individual may also suggest areas for improvement.

3. Policy Statements for Materials Presented for Promotion and Tenure Purposes

3.1 Promotion and Tenure Materials Presented by Faculty Members Faculty members shall present promotion and tenure materials in a format specified by college and departmental policies for tenure or promotion deliberations. Those materials shall contain a curriculum vitae and supporting documentation in accordance with guidelines established by departments and colleges for those materials.

3.2 Internal Records and Materials: Section II of this Handbook, Faculty and Professional Personnel Policies - - Files, defines a personnel file and identifies materials for a personnel file. A portion of this personnel file shall be designated the Promotion and Tenure file, shall be separately maintained, and shall be kept in the department chairperson's office for every individual faculty member or professional personnel member who is eligible to be considered for promotion and/or tenure. As is the case with the entire personnel file, this Promotion and Tenure file shall be open to the faculty or professional personnel member concerned. Materials shall be placed in the file in a timely manner by the department chairperson.[30] A candidate's Promotion and Tenure file shall contain all materials and only those materials relevant to promotion and/or tenure. Such materials include, but are not limited to, vita; forms concerning changes in appointment; formal evaluations by supervisors; teaching evaluations; information concerning scholarly productivity or creative endeavors; information concerning service in a professional capacity; information concerning any disciplinary actions taken; information concerning the status of any formal charges against an employee; or signed letters from students, alumni, peers, supervisors, etc., concerning teaching, scholarly productivity or creative endeavors, or service in a professional capacity. Information about the individual's gender, race, disability, national origin, religion, age, veteran status, citizenship, sexual orientation, or marital status may not be included. As with all contents of the personnel file, when information detrimental to an individual is placed in the candidate's Promotion and Tenure file, it shall be brought to his or her attention in writing at once by his or her administrative head. The faculty or professional personnel member shall have the opportunity to place in the file materials which might rebut or explain the detrimental information. Detrimental material that has not been brought to the attention of the faculty or professional personnel member cannot be used in subsequent promotion and tenure deliberations. Anonymous letters shall not be made a part of this file.

3.3 Supplemental External Review Letters for Promotion to Professor. In the case of a candidate seeking promotion to Professor, a minimum of two letters from reviewers external to the University shall be included. Such letters shall provide supplementary review of the candidate's scholarship, creative endeavors, and other scholarly productivity. These letters shall be acquired and presented in accordance with departmental and college policies and procedures. The candidate shall be fully involved in the selection of reviewers, with one-half of the contacted reviewers being from the candidate's list. Challenges to the list of reviewers will be handled according to department and college policies. All letters received from external reviewers will be available to evaluators in the promotion review process. External review letters shall be inserted and retained in the candidate's Promotion and Tenure file for use by the departmental, collegiate, and in the case of an appeal, University Promotion and Tenure committees, and by the Provost in promotion deliberations for the current year. The candidate has the right to examine all external review letters received. For the examination of the letters by the candidate, anonymity of the external evaluators must be protected in accordance with procedures established by departments and colleges. The candidate has the right to respond to information contained in the letters. At the conclusion of these deliberations, the letters shall be retained in a confidential file in the Office of the Dean of the College. Once letters are placed in this separate confidential file, they cannot be reopened for purposes of subsequent promotion deliberations at any level of consideration unless requested by the candidate.

ARCHIVE

IV Promotion and Tenure Committee Structure

1. Department Promotion and Tenure Committees
   - 1.1 Membership
     - 1.11 The Department Promotion and Tenure Committee shall be elected annually preferably by written ballot. The electorate shall consist of tenure-track and tenured faculty members of the affected unit.
     - 1.12 In the event of the resignation of an elected committee member, the Department shall have procedures in place for the replacement of the resigning member.
     - 1.13 The department chairperson shall be an ex officio non-voting member.
     - 1.14 The names of the committee members shall be forwarded to the academic dean by the second week in October of each academic year.
   - 1.2 Responsibilities
     - 1.21 The committee shall implement departmental promotion and tenure policies and procedures that must not conflict with college and University policies.
     - 1.22 The committee shall implement collegiate and University promotion and tenure policies and procedures.
     - 1.23 The committee shall make recommendations concerning policy changes to both the collegiate and University committees.
     - 1.24 The committee shall review and evaluate the credentials of all departmental candidates for promotion. It shall forward the credentials of those candidates being recommended favorably for promotion, with written recommendations, to the academic dean.
     - 1.25 The committee shall review and evaluate the credentials of all department tenure-track persons and forward these credentials, with recommendations, to the academic dean.
     - 1.26 Minutes of all committee actions must be maintained and filed in the departmental chairperson's office.

2. College Promotion and Tenure Committees
   - 2.1 Membership
     - 2.11 Each department in a college shall be represented on the College Committee.
     - 2.12 In the event that the department representative to the College Committee should resign, the College and the Department shall have procedures in place for replacement of the resigning member.
     - 2.13 The academic dean shall be an ex officio non-voting member.
     - 2.14 The elected college representative to the University Promotion and Tenure Committee from each college shall meet with the College Committee as a non-voting liaison person.
   - 2.2 Responsibilities
     - 2.21 The College Committee shall establish and implement collegiate promotion and tenure policies and procedures that must not conflict with University policies.
     - 2.22 The committee shall implement University promotion and tenure policies and procedures.
     - 2.23 The committee shall make recommendations for policy changes to the University Committee.
     - 2.24 The committee shall review departmental compliance with policy implementation.
     - 2.25 The committee shall review and evaluate the credentials of all collegiate candidates for promotion. It shall forward the credentials of those candidates being recommended favorably for promotion, with recommendations, to the dean.
     - 2.26 If it chooses to do so, the committee shall review and evaluate the credentials of all collegiate tenure-track persons and forward these credentials, with recommendations, to the dean.
     - 2.27 The committee shall hear appeals from individuals who feel aggrieved by the action of the Department Committee, and/or department chairperson.
     - 2.28 Minutes of all committee actions must be maintained on file in the dean's office.
   - 2.3 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.

3. Academic Affairs Promotion and Tenure Committee[31]
   - 3.1 Membership
     - 3.11 One representative shall be elected for each 15 (or fraction thereof) faculty in the Department of Library Service and each 15 (or fraction thereof) eligible

ARCHIVE

professional personnel in Academic Advising, School of Extended Education, and any other area where faculty or eligible professional personnel reside.

3.111 Eligible faculty and/or professional personnel in other areas are defined as those individuals hired before June 30, 1981, who hold rank and/or tenure in some area other than an academic department.

3.112 The ex officio member shall see that a slate is prepared and an election held. The slate is to be voted upon by all eligible faculty and professional personnel serving in the affected area.

3.12 The ex officio member shall be a non-voting member.

3.13 The elected Academic Affairs representative to the University Promotion and Tenure Committee shall meet with the Academic Affairs Committee as a non-voting liaison person.

3.2 Responsibilities

3.21 The committee shall establish and implement area-wide policies and procedures that are not in conflict with University policies.

3.22 The committee shall implement University promotion and tenure policies and procedures.

3.23 The committee shall make recommendations concerning policy changes to the University Committee.

3.24 The committee shall review and evaluate the credentials of all area candidates for promotion. It shall forward the credentials of those candidates being recommended favorably for promotion, with recommendations, to the ex officio member.

3.25 If it chooses to do so, the committee shall review and evaluate the credentials of all area tenure-track persons and forward these credentials, with recommendations, to the ex officio member.

3.26 The committee shall hear appeals from individuals who feel aggrieved by the action of the Department Committee and/or the administrative head.

3.27 Minutes of all committee actions must be maintained on file in the office of the ex officio member.

3.3 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.

4. University Promotion and Tenure Committee [32]

4.1 Membership

4.11 The University Promotion and Tenure Committee shall consist of the following:

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

4.112 Should a college representative be unable to complete the term of election, the college will vote to elect a new representative or the college alternate to the committee will serve the remainder of the term.

4.113 The Provost and Vice President for Academic Affairs, ex officio, or a designee.

4.2 Responsibilities

4.21 The University Promotion and Tenure Committee is responsible for carrying out on a continuing basis the following initiatives and activities:

4.211 To review existing University promotion and tenure policies and procedures and to recommend appropriate changes to the University Council;

4.212 To review and approve departmental, collegiate, and area promotion and tenure policies to ensure both adherence to University policies and efficient and equitable operation;

4.213 To review compliance with promotion and tenure policy implementation and make appropriate recommendations and/or judgments in the case of infraction;

4.214 To hear appeals and make recommendations and/or decisions that are consistent with University policies describing the right of a faculty member or a department to appeal an adverse promotion or tenure recommendation;

4.215 To maintain minutes of all committee actions and file in the office of the advisory, non-voting member; to summarize those actions in regular reports to the University Council.

ARCHIVE

4.22 The elected members of the committee shall serve as non-voting liaison members of the promotion and tenure committees of their respective colleges or areas.

4.3 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.

V Academic Rank

1. There are four basic academic ranks: Instructor; Assistant Professor; Associate Professor; and Professor. (After January 1991, no person will be hired into a tenure-track position at the rank of Instructor.)

   Qualifications for rank are set by the individual colleges and must be approved by the University Promotion and Tenure Committee.

2. Advancement in rank is based on a continuing pattern of achievement throughout the faculty member's professional career in:
   2.1 Teaching;
   2.2 Scholarship;
   2.3 Service in a professional capacity.

3. A terminal degree in the faculty member's specialty area is usually required for either hiring at or advancement to associate or full professor. However, certain kinds of expertise, experience and/or recognition may be accepted by individual colleges as appropriate qualifications for either rank, upon approval of the Provost and Vice President for Academic Affairs.

4. Academic Rank for Professional Personnel
   4.1 A non-teaching employee of the University may be granted academic rank only after the approval of the faculty of the department in which such rank is sought. The extent of the majority required and those faculty members participating in the vote shall be determined by the department in question. Any person with such rank who is not tenured or eligible for tenure shall not participate in tenure discussions or make recommendations concerning tenure as a member of either a Department or College Promotion and Tenure Committee.

VI Procedures for Promotion and Tenure

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

ARCHIVE

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 academic dean about the differences.

1.16 The Provost and Vice President for Academic Affairs, upon reviewing and being satisfied with the recommendations from the academic deans, shall forward these recommendations to the President.

1.17 Final recommendations in all matters pertaining to promotion reside with the President who forwards these recommendations to the Board of Trustees.

1.2 Professional personnel eligible for promotion in academic rank

1.21 Recommendations for the promotion of those holding rank in departments while having major responsibilities in administration shall be initiated by the department in which rank is held.

1.22 Policies and procedures for academic promotion of eligible professional personnel shall be the same as for regular faculty.

1.3 Faculty who do not hold rank in an academic department

1.31 Policies and criteria established by the departments and administrative areas concerned with the promotion of faculty who hold rank but are not attached to academic departments of colleges must be approved by the Academic Affairs Promotion and Tenure Committee and the University Promotion and Tenure Committee and be on file with the ex officio member of those two bodies.

1.32 Recommendations for promotion shall originate in the areas where the candidate's qualifications can be best identified and evaluated. After evaluating the candidate's qualifications, the Department Promotion and Tenure Committee must indicate whether or not the candidate is to be recommended for promotion.

1.33 Credentials of those candidates to be recommended favorably for promotion by the Departmental Committee shall be forwarded in an order to be specified by the faculty and eligible professional personnel in Academic Affairs to the ex officio member of the Academic Affairs Promotion and Tenure Committee. Included with the credentials shall be the area director's or the departmental chairperson's evaluations.

1.331 If in presenting evaluations, the area director or departmental chairperson has serious reservations concerning a faculty member's qualifications, the area director or departmental chairperson shall inform the Department Committee of the bases of the reservations. If the differences between the Department Committee and the area director or department chairperson are not resolved, the area director or department chairperson may forward to the academic dean his or her evaluations and recommendations concerning the faculty member's qualifications.

1.34 The ex officio member of the Academic Affairs Promotion and Tenure Committee shall forward credentials to the Academic Affairs Promotion and Tenure Committee and charge it with the responsibility for evaluating each individual's credentials and determining whether or not candidates are to be recommended for promotion.

1.341 Any recommendations from the Academic Affairs Committee not receiving approval by the ex officio member of the Academic Affairs Promotion and Tenure Committee shall be returned to the committee with reasons for the disapproval. A two-thirds vote of the committee shall be required to override the disapproval after which the dean must forward the recommendation.

1.35 The ex officio member of the Academic Affairs Promotion and Tenure Committee shall forward recommendations 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 ex officio member about the differences.

1.36 The Provost and Vice President for Academic Affairs, upon reviewing and being satisfied with the recommendations from the Academic Affairs Committee, shall forward these recommendations to the President.

1.37 Final recommendations in all matters pertaining to promotion reside with the President who forwards these recommendations to the Board of Trustees.

2. Procedures for Tenure

2.1 Faculty Personnel--Regular

2.11 Departmental policies and criteria must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and

ARCHIVE

shall be on file with the academic dean and the ex officio member of the University Promotion and Tenure Committee.

2.12 Each department shall have a specific evaluation form for rating a faculty member in relation to tenure. This form shall be used when a faculty member is being considered for tenure. This rating form must be kept on file with the chairperson of the department and must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee.

2.13 Recommendations concerning tenure shall be initiated at the departmental level.

2.14 The recommendations of the Department Promotion and Tenure Committee shall be forwarded to the academic dean. Included with the recommendations will be the department chairperson's evaluations and recommendations, if there is a difference of opinion between the department chairperson and the Department Committee.

2.15 If it chooses to do so, the College Committee shall review and evaluate the credentials of all collegiate tenure-track persons and forward those credentials, with recommendations, to the dean.

2.151 Any recommendation from the College Committee not receiving approval by the dean shall be returned to the committee with reasons for the disapproval. A two-thirds vote of the committee shall be required to override the disapproval after which the dean must forward the recommendation.

2.16 The academic dean shall forward recommendations concerning the tenure credentials, including his or her evaluations, to the Provost and Vice President for Academic Affairs. If the recommendations are not acceptable, the Provost and Vice President for Academic Affairs shall consult with the academic dean about the differences.

2.17 The Provost and Vice President for Academic Affairs, upon reviewing and being satisfied with the recommendations from the academic deans, shall forward these recommendations to the President.

2.18 Final recommendations in all matters pertaining to tenure reside with the President who forwards these recommendations to the Board of Trustees.

2.19 Specific conditions of appointment stated in writing at the time of appointment by the President shall be given in writing to the individual, the department, the school director or chairperson, the appropriate dean, the appropriate Vice President and the President.

VII Right of Reconsideration[33]

1. Reconsideration

1.1 Reconsideration is the act whereby a candidate may request that an initial adverse decision by a departmental or collegiate committee 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 Promotion and Tenure Committee, then the candidate must ask for a reconsideration of that recommendation by the Department Committee before he or she may proceed 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 him or her. For example, if a Department Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 tenure. 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 or tenure. No additional materials may be introduced or added to the documents or the process.

ARCHIVE

1.24 After meeting to reconsider the candidate's materials, the committee shall vote to overturn or affirm the previous decision. This vote supercedes the previous vote.

1.25 The candidate's materials for promotion and/or tenure shall be held in the departmental office.

1.3 If the initial adverse recommendation has been made by the College Committee or Dean, then he or she 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 him or her. For example, if a College Dean or College Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 tenure. 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 Collegiate Committee or Dean must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the documents or the process.

1.34 After meeting to reconsider the candidate's materials, in cases where the committee made the initial adverse decision, the committee shall vote to overturn or affirm the previous decision. This vote supercedes the previous vote.

1.35 In colleges where the Dean makes the decision, the Dean will inform the candidate of his or her decision following reconsideration.

1.36 The candidate's materials for promotion and/or tenure shall be held in the collegiate office and shall not be forwarded to the University promotion and Tenure Committee until all requests for reconsideration have been exhausted.

VIII Right of Appeal

1. Appeals from Adverse Decisions

1.1 Regular full-time faculty and regular professional personnel may appeal promotion and tenure decisions which adversely affect such individuals in accordance with provisions set forth in this Part VIII.

2. Bases for Request for Reconsideration and/or Appeal

2.1 There are three permissible reasons to request reconsideration or appeal:

2.11 Allegation of violation of approved departmental, collegiate, and/or University policies, including those set forth in the Faculty and Professional Personnel Handbook;

2.12 Allegation of unfair treatment on the part of the decision makers;

2.13 Allegation of discriminatory treatment on the part of the decision makers.

2.2 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 he or she must cite the specific policies which a committee or administrator failed to follow. When filing a request for reconsideration or 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.

2.3 When an appellant alleges unfair treatment on the part of the decision makers, then he or she must cite the specific treatment engaged in by a committee or administrator. When filing a request for reconsideration or 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

ARCHIVE

decisions which are arbitrary or capricious or which are clearly not supported by the evidence.

2.4 When an appellant alleges discriminatory treatment on the part of the decision makers, then he or she must cite the specific treatment engaged in by a committee or administrator. When filing a request for reconsideration or 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.

2.5 When a request for reconsideration or 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 his or her 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 and tenure 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."

2.6 In all cases, the appellant has the burden of proving his or her allegations.

3. Appeals Which Begin at the Departmental Level

3.1 If the initial adverse recommendation has been made by the Department Promotion and Tenure Committee, then the appellant must ask for a reconsideration of that recommendation by the Department Committee before he or she may proceed further.

3.11 The appellant 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 him or her. For example, if a Department Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 tenure. 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.

3.12 The written request for reconsideration shall be filed in the office of the department chairperson. The request shall cite the basis or bases for the request for reconsideration. See "Bases for Request for Reconsideration and/or Appeal" VII, 2., for information on the bases for appeal and what should be included in the request for reconsideration.

3.13 If the request for reconsideration cites discriminatory treatment on the part of the Department Promotion and Tenure Committee, then the University's Director of Equal Opportunity and Affirmative Action, or his or her designee, shall serve in an advisory capacity to the Department Committee.

3.2 After receiving a request for reconsideration, the Department Committee must meet to reconsider its initial adverse recommendation. The Department Committee must meet with the appellant if he or she so requests. The Department Committee must then state in writing its position regarding each of the bases for appeal set forth by the appellant, and must furnish a copy of this statement to the appellant within fifteen (15) calendar days of its receipt of the request for reconsideration. The chairperson of the Department Committee may, with good cause, extend the fifteen day deadline.

3.21 The appellant's materials for promotion and/or tenure shall be held in the departmental office and shall not be forwarded to the College Promotion and Tenure Committee until all requests for reconsideration or appeals have been exhausted.

3.3 If the appellant is not satisfied with the response of the Department Committee, then he or she may appeal to the College Promotion and Tenure Committee. 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. See "Bases for Request for Reconsideration and/or Appeal" VII, 2., for information on the bases of appeal and what should be included in the request for a hearing. 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.

3.4 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 when it reconsidered its initial adverse recommendation. The appeal file will be forwarded to the

APPROVED

chairperson of the hearing panel who will make certain that it is made available to all parties to the hearing.

3.41 The academic dean will assist the chairperson of the hearing panel in arranging the hearing at the collegiate level.

3.5 A formal hearing will take place.

3.51 Timing. The College Committee 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.

3.52 Membership of the hearing panel. The College Promotion and Tenure 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 Promotion and Tenure Committee establishing the panel. The chairperson of the College Promotion and Tenure Committee, or his or her designee, will serve as chairperson of the hearing panel.

3.521 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. If the College Promotion and Tenure 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) 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 College Promotion and Tenure 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.

3.522 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 his or her designee, shall serve in an advisory capacity to the hearing panel.

3.523 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.

3.53 Parties. Parties participating in the hearing are (a) the appellant; and (b) the department chairperson and the Department Promotion and Tenure Committee chairperson, who together shall serve as the responding party (unless the chairperson of the College Promotion and Tenure Committee appoints a different individual or individuals to serve as the responding party).

3.54 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 he or she may deem appropriate, or upon the request of either party for good cause shown.

3.55 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:

ARCHIVED

3.551 Copies of all documents upon which they intend to rely but which are not already a part of the appeal file;
3.552 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.

3.56 Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.
3.561 A full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.
3.562 Representative of the academic dean's office.
3.563 Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.
3.564 Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.
3.565 Witnesses called by either party. Such witnesses shall be present only while they are testifying.
3.566 A recording secretary designated by the appellant, if he or she desires. 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.

3.57 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.

3.58 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.

3.59 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.

3.510 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.

3.511 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.
3.5111 The decision of the hearing panel shall be deemed to be the decision of the College Promotion and Tenure Committee, without further action on the part of the committee.

ARCHIVE

3.51111 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 University Promotion and Tenure Committee.

3.51112 When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the University Promotion and Tenure Committee.

3.6 If an appellant or respondent wishes to appeal the decision of a collegiate hearing panel, either may request a hearing before the University Promotion and Tenure Committee. The request must be made within ten (10) calendar days following receipt by the appealing party of the collegiate hearing panel's decision and must be filed in the Office of the Provost and Vice President for Academic Affairs. See "Bases for Request for Reconsideration and/or Appeal" VII, 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.

3.7 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 when it reconsidered its initial adverse recommendation; (c) the responses and any other materials submitted by the College Committee when it considered the appeal. 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.

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

3.8 A formal hearing will take place.

3.81 Timing. The University Promotion and Tenure 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 of the University Committee may, with good cause, extend the thirty day deadline.

3.82 Membership of the hearing panel. The University Promotion and Tenure 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 Promotion and Tenure Committee establishing the panel. The chairperson of the University Promotion and Tenure Committee, or his or her designee, shall serve as chairperson of the hearing panel.

3.821 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.

3.822 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.

3.823 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. If the University Promotion and Tenure Committee serves as the hearing panel, the Committee may (to meet the requirements of this paragraph) be required to add to the

ARCHIVE

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 University Promotion and Tenure 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.

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

3.84 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 he or she may deem appropriate, or upon the request of either party for good cause shown.

3.85 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:

3.851 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;

3.852 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.

3.86 Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.

3.861 A full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.

3.862 Representative of the Provost and Vice President for Academic Affairs' Office.

3.863 Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.

3.864 Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.

3.865 Witnesses called by either party. Such witnesses shall be present only while they are testifying.

3.866 A recording secretary designated by the appellant, if he or she desires. 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.

3.87 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.

3.88 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 present, including the chairperson.

3.89 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.

ARCHIVE

3.810 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.

3.811 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.

3.8111 The decision of the hearing panel shall be deemed to be the decision of the University Promotion and Tenure Committee, without further action on the part of the committee.

3.81111 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.

3.81112 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.

3.9 If either the appellant or the respondent is not satisfied with the response of the University 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 University 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.

3.10 The decision of the Provost and Vice President for Academic Affairs is final.

4. Appeals Which Begin at the College Level

4.1 If the initial adverse recommendation has been made by the College Promotion and Tenure Committee or academic dean, then the appellant may request a hearing before the University Promotion and Tenure Committee.

4.2 The procedures outlined above in 3.6-3.10 shall then be in effect.

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

5.1 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.

5.2 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.

5.3 The decision of the President is final.

ARCHIVE

COLLEGIATE PROMOTION AND TENURE DOCUMENTS

COLLEGE OF APPLIED SCIENCES AND TECHNOLOGY[34]

PREAMBLE

The College of Applied Sciences and Technology values a teacher-scholar model that strives for excellence in the areas of teaching, scholarship, and professional service. The goal of the process is to tenure and promote teacher-scholars that will continue to contribute to the university and their discipline throughout their careers.

Faculty have the responsibility to assist in the promotion and tenure process by evaluating and mentoring a candidate's performance in the areas of teaching, scholarship, and professional service. Furthermore, the evaluation of a candidate's performance should be a process whereby each faculty member receives meaningful feedback that can be used for the individual's professional growth and development. Appropriate feedback and goal setting can foster an environment that encourages each faculty member to achieve maximum potential.

This document describes the procedural requirements and policies for promotion and tenure in the College of Applied Sciences and Technology. All parties involved are encouraged to familiarize themselves with the rights, responsibilities and procedures that are outlined in the university, college, and department promotion and tenure documents. In cases where questions arise, the university document takes precedence over the college document and the college over the department.

I. GUIDELINES FOR PROMOTION AND TENURE

1. The evaluation of a faculty member's eligibility for promotion or tenure shall be based on evidence of a continuing pattern of achievement throughout the individual's professional career in the following areas:

   1.1 Teaching;

   1.2 Scholarship;

   1.3 Service in a professional capacity.

   (From the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, Section I, Guidelines for Promotion and Tenure.)

2. Faculty are encouraged to achieve excellence in the areas of teaching, scholarship and professional service. However, to this end faculty should be guided to spend greater time and effort in the areas of teaching and scholarship.

3. Tenure and promotion decisions shall be based on these three factors as well as any employment conditions outlined in the contract.

4. The following criteria are to be used to evaluate creative activities (e.g., video productions, interactive computer projects, CD ROM programs, interior design works, consulting with outside organizations, proprietary research, etc.) during the promotion and tenure process in the College of Applied Sciences and Technology:

   4.1 The activity must be useful to others in the profession. There must be evidence that the end product is being used by others as opposed to just the creator.

ARCHIVE

4.2 There must be a planned and disciplined approach to the activity's development, design and implementation. The activity must reflect contemporary content, strategies, design or media components.

4.3 The completed activity must be publicly verifiable. The activity must be documented via product, pictures, programs, models or other appropriate means.

4.4 The Promotion and Tenure Vita must indicate whether the activity is nonrefereed, refereed, juried, competitive, invited, etc.

5. Publications, creative activities, and grants may be included in the evaluation for tenure once they have been officially submitted, accepted, or completed. Departments shall determine the hierarchy for valuing submitted, accepted and published works and grants. Publications in print, completed creative activities that meet criteria listed in 4.1-4.4 above, and funded external grants shall be weighted more heavily during all evaluation periods.

5.1 Verification of submission, acceptance and published status must be included in the supplemental materials: but only publications in print and completed activities may be evaluated for promotion.

6. For personnel decisions, each department must regularly conduct evaluations of teaching which include student ratings.

6.1 The student ratings will be conducted in accordance with the Official University Policy for the Evaluation of Teaching and the Procedures to be followed in the Evaluation of Teaching as stated in the Faculty and Professional Personnel Handbook.

6.2 Near the end of the semester, but not during final exam week, a rating form adopted by the department to evaluate teaching will be available to students enrolled in classes being taught during the semester.

6.3 After data have been analyzed, summaries will be available for the department chairperson and for the faculty member. The summary must be included in the faculty member's promotion and tenure materials.

7. In addition to mandatory student ratings, each faculty member's teaching must be evaluated by at least one of the following methods: peer review of teaching, chairperson review of teaching, or peer and chairperson review of the teaching portfolio.

7.1 Each department must choose at least one of the above methods to evaluate faculty for personnel decisions.

7.2 Each department may decide whether only one, all, or a combination of the above methods will be used to evaluate faculty for personnel decisions.

7.3 Each department must devise forms to assist in the review method(s) chosen.

ARCHIVE

II. DEFINITIONS

1. Department and departmental refers to the Department of Family and Consumer Sciences; Department of Technology; School of Nursing; School of Physical Education, Sport, and Exercise Science; and the Fisher Institute for Wellness and Gerontology.

2. College or collegiate refers to the College of Applied Sciences and Technology.

3. Reconsideration refers to the initial action required when there is an adverse recommendation concerning promotion or tenure at the departmental level. Request for reconsideration by the departmental Promotion and Tenure Committee is the first step to be taken by a candidate.

4. Appeal refers to the action taken by a candidate when the outcome of the departmental reconsideration is the same as the original recommendation or when an adverse recommendation is made at the College or Provost and Vice President of Academic Affairs level.

5. Working days are those days when Ball State University administrative offices are open.

6. Calendar days are the days which appear on a calendar, including Saturday, Sunday and holidays. They do not relate to the Ball State academic schedule or calendar.

7. Tenure-track faculty are those faculty who are currently in the seven year probationary tenure period.

8. Tenured faculty are those faculty who have been granted tenure.

9. An external reviewer is an individual from outside the university who has demonstrated expertise in the candidate's area.

10. Scholarship is the process of attaining new knowledge, creating a new work, or re-creating/interpreting existing works, and disseminating the results. Generally this takes the form of appropriate peer reviewed publications, presentations or exhibits, performances, other creative endeavors, and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching

    10.1 The scholarship of discovery is traditional research and creative endeavors that pursue and contribute to new knowledge for its own sake.

    10.2 The scholarship of integration makes connections across disciplines bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.

    10.3 The scholarship of application applies knowledge to address significant societal issues.

    10.4 The scholarship of teaching studies the development of knowledge, skill, mind, character, and/or ability of others.

(From the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, Section II, Definitions.)

III. PROMOTION AND TENURE COMMITTEE STRUCTURE AND FUNCTION

1. Membership/Organization of the College Promotion and Tenure Committee

ARCHIVE

1.1 The College Promotion and Tenure Committee shall consist of the Dean and Associate Dean of the college as ex officio, non-voting members; one voting representative from each Department Promotion and Tenure Committee; and the college representative to the University Promotion and Tenure Committee, as a non-voting liaison person. A quorum is a simple majority of the voting members.

1.2 The department representative serving on the College Promotion and Tenure Committee shall be elected by each department in accordance with the department guidelines. The representative must be a tenured faculty member and a member of the Department Promotion and Tenure Committee.

1.3 No person may serve as a member of the College Promotion and Tenure Committee who is a candidate for promotion. An individual elected, who later becomes a candidate for promotion, must resign from the committee. The affected department would be informed and requested to select an appropriate person to fill the vacancy.

1.4 No person may serve as a member of the College Promotion and Tenure Committee who is related by family or by marriage or is a former spouse of a faculty member being evaluated for promotion and/or tenure. The affected department would be informed and requested to select an appropriate person to fill the vacancy.

1.5 If an appeal is brought before the College Promotion and Tenure Committee, no person 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.

1.6 The name of the department representative must be submitted to the Dean by the department chairperson no later than the second week of Fall semester.

1.7 The Dean shall call an organizational meeting of the college committee no later than the end of September to elect a chairperson and a secretary.

1.8 The chairperson of the college committee shall be responsible for calling meetings as needed and the secretary shall keep minutes of all committee actions.

2. Responsibilities of the College Promotion and Tenure Committee

2.1 In consultation with departmental faculty, the committee shall implement university promotion and tenure policies and procedures and shall establish and implement college promotion and tenure policies and procedures that do not conflict with university policies and procedures.

2.2 The committee shall make recommendations for policy changes to the university committee.

2.3 The committee shall review all department promotion and tenure documents, including the department tenure evaluation rating form, and may give a recommendation of approval to the Dean only when the documents comply with college and university policies and procedures.

2.4 The committee shall keep all information and all action taken confidential. Committee minutes shall be taken, will be distributed only to committee members, and will be maintained on file in the Dean's office.

ARCHIVE

2.5 To assist the college committee, the Dean's office shall inform the Department Promotion and Tenure Committees of the date promotion and tenure credentials are due to the college committee.

2.6 The faculty shall evaluate the tenure credentials and consider the recommendations for all tenure-track faculty at the third and sixth year of the candidate's review period and forward those credentials, with recommendations to the Dean.

2.7 The Dean shall evaluate the tenure credentials and consider the recommendations for all tenure-track faculty every year of the candidate's review period and forward those credentials when appropriate with recommendations, to the Provost.

2.8 The committee shall evaluate the promotion credentials and consider the recommendations for all candidates forwarded from the department and forward those credentials, with recommendations, to the Dean. The names of all candidates favorably recommended must be forwarded to the Dean in unranked alphabetical order. The committee must forward a letter of explanation to the Dean for each candidate who is not recommended for promotion.

2.9 The committee shall hear appeals from individuals who feel aggrieved by the action of the Department Committee, and/or department chairperson.

IV. POLICY STATEMENTS

1. Policy Statements for Tenure

1.1 Faculty and eligible professional personnel shall be evaluated in the light of the University Mission Statement.

(From the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, 2.1, Section III, Policy Statements.)

1.2 A tenure recommendation will be made by the department, academic dean, and the Provost and Vice President for Academic Affairs at least one year prior to the end of a faculty member's probationary period. That recommendation will be either a recommendation to grant tenure at the end of the following year or a recommendation to terminate the faculty member at the end of the following year.

(From the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, 2.11, Section III, Policy Statements.)

1.3 When a candidate is hired, academic rank (if other than assistant professor) and years toward tenure (if any) must be recommended by the department chairperson/director (hereafter referred to as chairperson) in conjunction with the department Promotion and Tenure Committee or, if unavailable, the search committee. The recommendation subsequently must be approved by the Dean, Provost and Vice President for Academic Affairs, President, and the Board of Trustees.

Work accomplished before being hired at Ball State University will be considered in tenure deliberations. Greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of quality and continuous activity.

1.4 Before the end of the academic year, the Department Promotion and Tenure Committee, after consultation with the department chairperson, shall provide each tenure-track faculty member in

ARCHIVE

the department a written assessment of that faculty member's work. This assessment shall include an evaluation of strengths and weaknesses in the areas of (1) teaching, (2) scholarship, and (3) service in a professional capacity. The committee may also give suggestions for improvement.

The College Promotion and Tenure Committee forwards one of the following recommendations to the Dean of the College following its evaluation:

1. Satisfactory progress toward tenure
2. Unsatisfactory progress toward tenure
3. Termination

1.5 Significant evidence of excellent performance and the expectation for a continuance of such must be available.

1.6 If a Department Promotion and Tenure Committee recommends termination of the appointment of a tenure-track faculty member at the end of any academic year during the probationary period, a letter to that effect must be filed in the Dean's office at least three weeks prior to the final date set forth in the promotion and tenure calendar provided by the Provost and Vice President for Academic Affairs. The faculty member will be provided a copy of the committee's letter.

1.7 Before the end of each academic year, the Provost and Vice President for Academic Affairs will notify each tenure-track faculty member, in writing, about his or her status with regard to progress toward tenure.

2. Policy Statements for Promotion

2.1 Faculty and eligible professional personnel shall be evaluated in the light of the University Mission Statement.

2.2 Any department member or eligible professional personnel member has the right to present herself or himself to the Department Promotion and Tenure Committee for consideration for promotion.

(From the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, 1.1 and 1.4, Section III, Policy Statements.)

2.3 Work accomplished before being hired at Ball State University and work accomplished while a faculty member at Ball State will be considered in promotion deliberations. Greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of quality and continuous productivity.

2.4 Evaluation for promotion shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the areas of teaching; scholarship; and service in a professional capacity.

2.4.1 Candidates being considered for promotion to professor must include in supporting materials two letters from external reviewers who have reviewed and commented upon the evidence of excellence in scholarship. (See Appendix A)

2.4.2 Recommendations must be supported by documentation demonstrating that the candidate satisfies established criteria. Documentation shall include evaluation forms approved by the administrative unit concerned.

ARCHIVE

2.4.3 The first committee or individual in the promotion process not recommending a faculty member for promotion shall provide that faculty member with a written statement delineating his or her strengths and weaknesses. This assessment shall include an evaluation of strengths and weaknesses in the areas of (1) teaching, (2) scholarship, and (3) service in a professional capacity. The committee or individual may also give suggestions for improvement. The faculty member will be notified in writing on the status of their promotion.

2.5 Department policies and criteria must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and shall be on file with the Dean and the exofficio member of the University Promotion and Tenure Committee.

3. Policy Statements for Materials Presented for Promotion and Tenure Purposes

3.1 Materials shall be presented to the Department Promotion and Tenure Committee by individual faculty members according to guidelines and format established by the department and college. The college Guidelines for Completing the Curriculum Vita for Tenure or Promotion Materials and the Curriculum Vita Format documents are to be delivered by the first working day in September to the candidate by the department promotion and tenure committee chair.

3.1.1 Failure to substantially comply with format and guidelines may result in a letter indicating unsatisfactory progress toward tenure for the year in question.

3.2 A personnel file for every faculty member shall be kept in the department chairperson's office. A promotion and tenure file will be part of the personnel file. This promotion and tenure file shall be open to the faculty member concerned and will contain information relevant to promotion and/or tenure. Appropriate materials shall be placed in the personnel file by the department chairperson in a timely manner.

All information placed in an individual's personnel file shall immediately be brought to his or her attention in writing by the department chairperson. The faculty member shall have the opportunity to place materials in the file which may rebut or explain any detrimental information. Detrimental information that has not been brought to the attention of the faculty member cannot be used in promotion or tenure deliberations. Anonymous letters shall not be made a part of this file.

An individual’s promotion and tenure file shall be examined by the Department Promotion and Tenure Committee during promotion and tenure deliberations. All materials used by the Department Promotion and Tenure Committee shall be made available to the College Promotion and Tenure Committee, Dean, Provost and Vice President for Academic Affairs, and President, upon request.

V. ACADEMIC RANK

1. There are three basic academic ranks: Assistant Professor, Associate Professor, and Professor. Advancement in rank is based on a continuing pattern of documented achievement throughout the faculty member's professional career in teaching, scholarship, and professional service.

2. Qualifications for rank are set by the college and must be approved by the University Promotion and Tenure Committee.

ARCHIVE

2.1 Assistant Professor is the rank usually assigned to a person who has achieved an earned terminal degree or an appropriate alternative as designated by the department and approved by the Dean and the Provost and Vice President for Academic Affairs. Ordinarily, a person nearing the completion of the terminal degree or one who has a Master's degree plus 30 semester hours of approved graduate work may be appointed or promoted to this rank. Individuals who hold a Master's degree and have exceptional training and/or previous experience related to the discipline may be considered for appointment as an assistant professor. These exceptions shall be approved by the Department Promotion and Tenure Committee, department chairperson, Dean, and the Provost and Vice President for Academic Affairs.

2.1.1 Quality of Work: To be promoted or hired at the rank of assistant professor, the individual must provide evidence of potential for success in teaching, scholarship and service in a professional capacity.

2.1.2 Professional Growth: Documentation of consistent professional growth sustained over a period of years must be coupled with evidence pointing to reasonable expectation of continued growth.

2.2 Associate Professor is the rank usually assigned to a person who has achieved an earned terminal degree. An exceptional individual who does not hold a terminal degree but is an excellent teacher and extremely productive scholar recognized by regional/national/international experts in the discipline may be assigned the rank of associate professor. These exceptions shall be approved by the Department Promotion and Tenure Committee, department chair, Dean, and the Provost and Vice President for Academic Affairs.

2.2.1 Quality of Work: Promotion or hiring at the rank of associate professor is granted in recognition of excellent work at the rank of assistant professor. The individual under consideration must demonstrate the impact of his or her scholarly work in the state or region beyond the confines of the University, as well as excellence in teaching and examples of professional service to the department, the University, the discipline and/or the community.

2.2.2 Professional Growth: Documentation of consistent professional growth sustained over a period of years must be coupled with evidence pointing to reasonable expectation of continued growth.

2.3 Professor is a rank ordinarily limited to a person who has an earned terminal degree. An exceptional individual who does not hold a terminal degree but is an excellent teacher and extremely productive scholar recognized by regional/national/international experts in the discipline may be assigned the rank of professor. These exceptions shall be approved by the Department Promotion and Tenure Committee, department chairperson, Dean, and the Provost and Vice President for Academic Affairs.

2.3.1 Quality of Work: Promotion or hiring at the rank of professor is granted in recognition of superior work at the rank of associate professor. The candidate must document regional, national or international impact of his or her scholarly work, excellence in teaching and examples of professional service to the department, the University, the discipline and/or the community.

ARCHIVE

2.3.2 Professional Growth: Documentation of consistent professional growth sustained over a period of years must be coupled with evidence pointing to reasonable expectation of continued growth.

VI. PROCEDURES FOR PROMOTION AND TENURE

1. Procedures for Tenure

1.1 Submit tenure vita and support documentation to School or Department on or before the first working day in October.

1.1.1 Annual evaluations for tenure shall focus on a faculty member's accumulated body of work, with particular attention given to accomplishments during the past year (defined as the 12 months ending on the last day of September of the current year).

1.1.2 Failure to submit materials by the established deadline will result in a letter indicating unsatisfactory progress toward tenure for the year in question.

1.1.3 Due to extenuating circumstances, such as a death or major illness in the family or another major unexpected event, the candidate may request an extension to the Department/School Chair. The request must be made in writing prior to the October deadline. The Department/School Chair in consultation with the chair of the department Promotion and Tenure Committee and the dean will determine if an extension is warranted and will establish a new deadline for the candidate. The decision including the appropriate deadline will be submitted in writing to the candidate within 5 business days of receiving the request for an extension.

1.2 The recommendations of the Department Promotion and Tenure Committee shall be forwarded to the Dean. Included with the recommendations will be the department chairperson's evaluations and recommendations, if there is a difference of opinion between the department chairperson and the Department Promotion and Tenure Committee. The faculty member will be provided a copy of the department chairperson's letter to the Dean.

1.3 Candidates' credentials and all recommendations from the department committee and department chairperson regarding progress toward tenure shall be forwarded to the Dean's office. Credentials shall be reviewed and recommendations considered by the College Promotion and Tenure Committee for those faculty in the third and sixth years of the probationary period. During years not reflected above, the College Committee shall review a faculty member's performance if a faculty member has appealed the departmental recommendations (see section VII regarding policies for appeal). The College Committee's recommendation shall be submitted to the Dean.

1.3.1 During the tenure deliberations, the college committee shall review the conditions for appointment and/or the initial letter of appointment to assure compliance and shall request from the department committee any supporting evidence needed.

1.3.2 The evaluation of the faculty member's eligibility shall comply with the criteria identified in the University Promotion and Tenure Document, the College Promotion and Tenure Document, and the Department Promotion and Tenure Document.

1.4 Dean of the College will review the departmental recommendations each year. The Dean of the College will review the college committee's recommendations and supporting materials during

ARCHIVE

years when the committee completes a review of a candidate for tenure**.** The Dean may consult with and/or solicit additional supporting materials from the faculty member, the department chairperson, and/or other persons the Dean may deem to have relevant information.

1.4.1 Any recommendation from the college committee not receiving approval by the Dean shall be returned to the college committee with reasons for the disapproval. A two-thirds vote of the college committee shall be required to override the Dean's decision, after which the Dean must forward the committee's recommendation, along with the recommendation of the Dean, to the Provost and Vice President for Academic Affairs. The faculty member will be provided a copy of the Dean's letter to the Provost and Vice President for Academic Affairs.

1.5 The Dean shall forward tenure recommendations 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. Procedures for Promotion

2.1 The evaluation of the faculty member's eligibility for promotion shall comply with criteria identified in the University Promotion and Tenure Document, the College Promotion and Tenure Document, and the Department Promotion and Tenure Document.

2.1.1 Failure to meet all department and college deadlines will result in no review of the promotion materials during the year in question.

2.2 Recommendations for promotion shall be initiated at the department level. After evaluating the candidate's qualifications, the Department Promotion and Tenure Committee must indicate whether the candidate is to be recommended for promotion.

2.3 Credentials and support materials of candidates favorably recommended for promotion by the department committee shall be forwarded to the Dean. The names of all candidates favorably recommended must be forwarded in an unranked alphabetical order. The department committee must forward a letter of explanation to the Dean and to each candidate who is not recommended for promotion.

2.3.1 If in presenting evaluations, the department chairperson has serious reservations concerning a faculty member’s qualifications, the department chairperson shall inform the Department Promotion and Tenure Committee of the bases of the reservations. If the differences between the chairperson and the Department Promotion and Tenure Committee are not resolved, the department chairperson may forward to the Dean his or her evaluations and recommendations concerning the faculty member’s qualifications. The faculty member will be provided a copy of the chairperson's letter to the Dean.

2.4 The Dean shall forward credentials to the College Promotion and Tenure Committee and charge it with the responsibility for evaluating the credentials and determining whether candidates are to be recommended for promotion. The names of all candidates favorably recommended must be forwarded to the Dean in an unranked alphabetical order. The committee must forward a letter of explanation to the Dean for each candidate who is not recommended for promotion.

2.4.1 Any recommendations from the college committee not receiving approval by the Dean shall be returned to the committee with reasons for the disapproval. A two-thirds vote of

ARCHIVE

the college committee shall be required to override the disapproval, after which the Dean must forward the committee's recommendation, along with the Dean's recommendation to the Provost and Vice President for Academic Affairs. The faculty member will be provided a copy of the Dean's letter to the Provost and Vice President for Academic Affairs.

2.5 The Dean shall forward the recommendations, including his or her evaluations, to the Provost and Vice President for Academic Affairs and provide a letter of explanation to all candidates reviewed at the college level.

VII. RECONSIDERATION AND APPEAL

1. Any faculty member may ask for reconsideration of a negative recommendation given by the Department Promotion and Tenure Committee, the College Dean or College Promotion and Tenure Committee. 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 him or her.

   (From the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, VII, Right of Reconsideration.)

   1.1 The request for reconsideration is made to the committee or dean where the initial adverse recommendation originated and filed within that office.

   1.2 After receiving a request for reconsideration, the Committee must meet to reconsider the adverse recommendation, or in cases when only the college dean reviews the candidate, the Dean must reconsider the initial adverse recommendation. The Committee or Dean must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the document or the process.

   1.3 For specific details related to reconsideration at the department level and/or college level, refer to the Right of Reconsideration described in the University Promotion and Tenure document, Section VII

2. An appellant or respondent may appeal adverse decisions of the department, college, Dean, University P&T Committee, or Provost.

   2.1 After reconsideration, faculty may appeal an adverse recommendation made by the Department Promotion and Tenure Committee to the College Promotion and Tenure Committee. 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.

   2.2 An appeal of the College Promotion and Tenure Committee or Dean is made to the University Promotion and Tenure Committee and must be submitted in writing within ten (10) calendar days following the date of the receipt of the college's decision. The appeal must be filed in the Office of the Provost and Vice President for Academic Affairs.

   2.3 For specific details related to appeal at the college or university level, refer to the Right of Appeal described in the University Promotion and Tenure document, Section VIII.

ARCHIVE

APPENDIX A

College of Applied Sciences and Technology

Guidelines for Supplemental External Review of Scholarship for Promotion to Professor

1. The candidate will provide the Department/School Chair in writing with names of three proposed external reviewers who have demonstrated expertise in the candidate's area of scholarship. This list will include a statement of the qualifications of each external reviewer.

2. The Department/School Chair will propose three additional external reviewers. The Department/School Chair will consult with the candidate and other knowledgeable individuals to develop sources from which a list of appropriate reviewers may be drawn. The Department/School Chair will provide the candidate in writing the list of three external reviewers proposed by the Chair. This list will include a statement of the qualifications of each external reviewer.

3. If the candidate objects to any of the reviewers proposed by the Department/School Chair, the candidate will provide the Chair reasons in writing why a particular reviewer is inappropriate. If the Chair objects to any of the reviewers proposed by the candidate, the Chair will provide the candidate reasons in writing why a particular reviewer is inappropriate. If a compromise on proposed external reviewers cannot be reached between the Department/School Chair and candidate, the Dean will decide the issue.

4. The Department/School Chair is responsible for contacting one reviewer from each list and securing the external letters within a time frame specified within the department/ school Promotion and Tenure document. The process of identifying reviewers will continue until two external reviewers return required letters.

2

5. Letters requesting external reviews will be accompanied by a copy of the (1) candidate's curriculum vitae, (2) department/school and college promotion criteria, and (3) a selection of publications or other scholarly productivity materials relevant to the area(s) of excellence agreed to by the Department/School Chair and the candidate. A copy of the letters and list of materials sent to external reviewers will be included with required supporting promotion materials.

6. When external review letters are received, a copy of each letter is to be made which protects the anonymity of the reviewer. All evidence of the reviewers' identities and affiliations are to be removed. The copy shall be placed in a candidate-accessible file.

7. The candidate shall be given an opportunity to read all letters placed into the candidate-accessible file prior to the beginning of promotion deliberations. The candidate may write a rebuttal to any content of received review letters perceived as inaccurate or inappropriately detrimental to the request for promotion to Professor. The rebuttal information is to be included with the external review letters.

ARCHIVE

8. The supporting materials, including all external letters and rebuttal information, will be available for review by the department/school Promotion and Tenure Committee in accordance with the department/school's promotion calendar.

9. If the department/school recommends the candidate for promotion, complete supporting materials, the external letters, and any rebuttal information, will be forwarded to the Dean.

10. Upon completion of all deliberations and appeals for the promotion to Professor, all candidate-accessible external review letter files are to be destroyed (see respective departmental documents). The original letters are to be placed into a separate confidential file in the Dean's Office and cannot be reopened for purposes of subsequent promotion deliberations at any level of consideration unless requested by the candidate.

Approved by CAST P&T Committee: 10/27/11
Approved by University P&T Committee: 2/7/12

ARCHIVE

COLLEGE OF ARCHITECTURE AND PLANNING[35]

I. Guidelines for Promotion and Tenure

1. The evaluation of a faculty member's eligibility for promotion and tenure shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the following areas:
   1.1 Teaching;
   1.2 Scholarship;
   1.3 Service in a professional capacity.
2. All promotion and tenure guidelines contained in the University and Promotion and Tenure Document shall apply. This document is intended to clarify and augment, but not replace or supersede, the language of the University Promotion and Tenure Document. In the event that language of this College document is found to contradict the University Promotion and Tenure Document, the language in the University document shall take precedence.

II. Definitions

1. Department and departmental refer to the departments of Architecture, Landscape Architecture, and Urban Planning.

2. College refers to the College of Architecture and Planning.

3. Reconsideration refers to the initial action required when there is an adverse recommendation concerning promotion and tenure at the departmental level. Request for reconsideration by the department is the first step to be taken by the appellant.

4. Appeal refers to action taken by the appellant when the outcome of the departmental reconsideration is the same as the original recommendation or when an adverse recommendation is made at the College or Provost and Vice President for Academic Affairs level.

5. Working Days are those days when Ball State University administrative offices are open.

6. Calendar days are the days which appear on a calendar, including Saturday, Sunday, and holidays. They do not relate to the Ball State academic schedule or calendar.

7. Eligible professional personnel are those individuals who hold academic rank and/or tenure or who are eligible for tenure.

8. Tenure-track faculty are those faculty who are currently in the seven- year probationary tenure period.
9. Tenured faculty are those faculty who have been granted tenure.

10. Environmental design professions for the purposes of this document shall be considered to be the fields of Architecture, Landscape Architecture, Urban Planning and Historic Preservation.

ARCHIVE

11. Scholarship is the process of attaining new knowledge, creating a new work, or re-creating/interpreting existing works, and disseminating the results. Generally this takes the form of appropriate peer reviewed publications, presentations or exhibits, performances, other creative endeavors, and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching

    11.1 The scholarship of discovery is traditional research and creative endeavors that pursue and contribute to new knowledge for its own sake.

    11.2 The scholarship of integration makes connections across disciplines bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.

    11.3 The scholarship of application applies knowledge to address significant societal issues.

    11.4 The scholarship of teaching studies the development of knowledge, skill, mind, character, and/or ability of others.

Faculty shall not be required to participate in each of the four areas of scholarship.
From: Faculty and Professional Personnel Handbook -University P&T document.

III. Committee Structure and Function

1. Committee Membership

    1.1 All tenured or tenure-track faculty are eligible to serve on the College Promotion and Tenure Committee, which shall be comprised of nine (9) members.

    1.2 Seven (7) members shall be elected as follows:

        1.21 Two (2) representatives from the Department of Architecture;

        1.22 Two (2) representatives from the Department of Landscape Architecture;

        1.23 Two representatives from the Department of Urban Planning;

        1.24 One (1) representative from the College faculty at-large.

    1.3 Two (2) members shall be non-voting ex officio members:

        1.31 Dean of the College; and

        1.32 College representative to the University Promotion and Tenure Committee.

    1.4 Elected departmental representatives to the Committee shall serve two-year overlapping terms, with one representative elected each year from each of the departments.

        1.41 Terms shall begin at the first College faculty meeting of the fall semester.

        1.42 Election of departmental representatives shall occur at a departmental faculty meeting at least one month before the end of the spring semester and prior to the last College faculty meeting of the spring semester.

    1.5 The elected representative from the College at-large shall serve a one-year term, with the election occurring at the last College faculty meeting of the spring semester.

        1.51 The electorate shall consist of all tenured or tenure-track faculty of the College.

        1.52 The College representative to the University Promotion and Tenure Committee shall prepare and distribute a list of all those eligible for at-large membership and shall conduct the election in accordance with the regulations of the College and University.

        1.53 A quorum, consisting of fifty-one percent (51%) of the tenured and tenure-track faculty of the College, shall be necessary for the election to be held. Election to the Committee shall require a clear majority of the votes cast. In case a majority is

ARCHIVE

lacking, a run-off election shall be held to choose among those candidates having the largest pluralities.

1.6 An individual so elected who later becomes a candidate for promotion must resign from the Committee.

1.7 A committee member who must terminate membership on the Committee prior to serving a full term shall be replaced for the remainder of the term by an elected representative from the same membership category if possible, otherwise at-large.

1.71 The election of the replacement may take place during a regularly scheduled College or departmental meeting, depending upon the membership category, or at a special faculty meeting convened for that purpose with five (5) working days notice.

1.72 The election of the replacement shall be conducted in accordance with procedures set forth in Sections III.1.4, and III.1.5 above.

1.8 When no eligible faculty member or only one eligible faculty member exists in a department, a faculty member shall be elected from the eligible College faculty by the electorate of that department.

1.9 The Committee structure shall not violate the "Anti-Nepotism Policies and Procedures for Faculty and Professional Personnel" as described in the University Handbook.

2. Committee Responsibilities

2.1 To develop and implement College promotion and tenure policies, procedures, and criteria which are in accordance with those of the University.

2.2 To review departmental appointment, promotion and tenure procedures and criteria for concurrence with those of the College.

2.3 To review College Promotion and Tenure policies, procedures and criteria and make recommendations to the College Faculty for revisions thereof.

2.4 To make recommendations, originating either on the College or departmental levels, regarding University promotion and tenure policies.

2.5 To establish a calendar each year for the College Promotion Process, and to provide copies of same to each departmental chairperson and departmental promotion and tenure committee chairperson.

2.6 To hear departmental appeals.

2.61 No one may serve to hear an appeal who has a demonstrated conflict of interest, such as previous involvement with the case, business involvement, or relationship to any of the principals.

2.62 Decisions regarding such conflicts shall be made by vote of the Committee as a whole, using a written ballot.

2.7 To review the candidates for promotion recommended by the departmental promotion and tenure committee.

2.8 To maintain complete and approved minutes of all Committee actions. Minutes from the previous meeting shall be distributed prior to or at each meeting. One copy of all minutes shall be kept in the Committee's permanent files, to be maintained by the Office of the Dean of the College.

2.9 All Committee business shall be conducted in strictest confidence.

ARCHIVE

IV. Policy Statements

1. Tenure
   - 1.1 Faculty and eligible professional personnel shall be evaluated in the light of the University Mission Statement.
   - 1.2 A tenure recommendation will be made by the department, academic dean, and the Provost and Vice President for Academic Affairs at least one year prior to the end of a faculty member's probationary period. That recommendation will be either a recommendation to grant tenure at the end of the following year or a recommendation to terminate the faculty member at the end of the following year.
   - 1.3 The evaluation of a faculty member's eligibility for promotion or tenure shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the following areas:
     - 1.31 Teaching;
     - 1.32 Scholarship;
     - 1.33 Service in a professional capacity.
   - 1.4 Tenure for those who hold academic rank is earned in an academic department and held in the University.
     - 1.41 When a candidate is hired, academic rank must be recommended to the Dean by the department chairperson in conjunction with the departmental promotion and tenure committee, and subsequently approved by the Dean, the Provost and Vice President for Academic Affairs, the President and the Board of Trustees.
     - 1.42 Years granted toward tenure at the time of hiring must be recommended by the department chairperson in conjunction with the departmental promotion and tenure committee, and subsequently approved by the Dean, the Provost and Vice President for Academic Affairs and the Board of Trustees.
   - 1.5 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in tenure deliberations. Much greater attention and significance will be given to work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuing productivity.

2. Promotion
   - 2.1 Faculty and eligible professional personnel shall be evaluated in the light of the University Mission Statement.
   - 2.2 To be eligible for promotion, a candidate must present evidence of a continuing pattern of achievement in all of the following areas:
     - 2.21 Teaching;
     - 2.22 Scholarship;
     - 2.23 Service in a professional capacity.
   - 2.3 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in promotion deliberations. Much greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuing productivity.

ARCHIVE

3. Materials to be presented for Promotion and Tenure

3.1 Tenure Materials

3.11 Decisions regarding progress toward tenure shall be based on documented evidence of a faculty member's progress during the past year, as well as evidence of cumulative progress toward tenure. This evidence shall include but not be limited to the following, referred to hereinafter as the "tenure documentation."

3.111 Each tenure-track faculty member shall provide the following to the departmental promotion and tenure committee:

3.1111 An annual report following the format prescribed in the "Guidelines for Promotion and Tenure Documentation," available through the Office of the Dean of the College, and

3.1112 An up-to-date curriculum vita.

3.12 A file shall be kept in the department chairperson's office for every faculty member who is eligible for promotion or tenure. This file shall be open to the faculty member concerned and will contain information relevant to promotion and/or tenure. Materials shall be placed into the file by the department chairperson.

3.121 When information detrimental to receipt of tenure is placed in a faculty member's file, it shall be brought to his or her attention in writing at once by the chairperson. The faculty member shall have the opportunity to place into the file materials which might rebut or explain the detrimental information. Detrimental material that has not been brought to the attention of the faculty member cannot be used in subsequent tenure deliberations. Anonymous letters shall not be made a part of this file.

3.122 This file shall be examined by the departmental promotion and tenure committee during tenure deliberations. Materials used by the departmental promotion and tenure committee as a basis for progress toward tenure decisions shall be made available to the Dean, the Provost and Vice President for Academic Affairs, and the President.

3.2 Promotion Materials

3.21 Promotion decisions shall be based on documented evidence of contributions to the department, College, University, community, and the environmental design professions. This evidence shall include the following, referred to hereinafter as the "promotion documentation":

3.211 Each candidate for promotion shall provide the following to the departmental promotion and tenure committee:

3.2111 A single notebook following the format and containing the material specified in "Guidelines for Promotion and Tenure Documentation," available through the Office of the Dean of the College; and

3.2112 An up-to-date curriculum vita.

3.212 A file shall be kept in the department chairperson's office for every faculty member who is eligible for promotion or tenure. This file shall be open to the faculty member concerned and will contain information relevant to promotion and/or tenure. Materials shall be placed into the file by the department chairperson.

3.2121 When information detrimental to promotion is placed in a faculty member's file, it shall be brought to his or her attention in writing at once by the chairperson. The faculty member shall have the opportunity

ARCHIVE

to place into the file material which might rebut or explain the detrimental information. Detrimental material that has not been brought to the attention of the faculty member cannot be used in subsequent promotion deliberations. Anonymous letters shall not be made a part of this file.

3.2122 This file shall be examined by the departmental promotion and tenure committee during promotion deliberations. Materials used by the departmental promotion and tenure committees as basis for promotion decisions shall be made available to the College Promotion and Tenure Committee, the Dean, the Provost and Vice President for Academic Affairs, and the President.

V. Academic Rank

1. There are three basic academic ranks: Assistant Professor, Associate Professor, and Professor. Qualifications for each rank as set by the College and approved by the University Promotion and Tenure Committee are as follows:
   - 1.1 Assistant Professor
     - 1.11 Evidence of potential for quality performance as a teacher in the specialty(ies) for which the candidate is hired;
     - 1.12 Evidence of the potential for scholarship;
     - 1.13 Evidence of the potential for service in a professional capacity.
   - 1.2 Associate Professor
     - 1.21 Evidence of effective teaching;
     - 1.22 Evidence of quality scholarship;
     - 1.23 Evidence of service in a professional capacity.
   - 1.3 Professor
     - 1.31 Evidence of outstanding contributions in one of the following: teaching; or scholarship;
     - 1.32 Evidence of effective teaching;
     - 1.33 Evidence of quality scholarship;
     - 1.34 Evidence of service in a professional capacity.

2. A terminal degree in the faculty member's specialty area is usually required for either hiring at, or advancement to, associate or full professor. However, certain kinds of expertise, experience and/or recognition may be accepted as appropriate qualifications for either rank, upon approval of the Provost and Vice President for Academic Affairs.

VI. Procedures

1. Tenure
   - 1.1 Each tenure-track faculty member shall be reviewed by the departmental promotion and tenure committee during each academic year using procedures and criteria which are clear, specific, and familiar to all faculty. This review shall make use of a specific evaluation form which must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and must be kept on file with the departmental chairperson. This review shall result in one of the following decisions and/or

ARCHIVE

recommendations: satisfactory progress toward Tenure, unsatisfactory progress toward tenure, or termination/dismissal.

1.2 Subsequent to the review, and upon consultation with the department chairperson, the departmental promotion and tenure committee chairperson shall provide each tenure-track faculty member with a written assessment of his or her progress toward tenure. This assessment shall include an evaluation of strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, 3) service in a professional capacity. This assessment may also suggest areas for improvement. This assessment shall be provided within ten (10) working days of the meeting in which the review occurred, and shall constitute the written notice referred to in Section VII.311 of the University Promotion and Tenure Document.

2. Promotion

2.1 Each candidate for promotion shall be reviewed by the departmental promotion and tenure committee using procedures and criteria which are clear, specific, and familiar to all faculty. These policies must be approved by the College Promotion and Tenure Committee and by the University Promotion and Tenure Committee and shall be kept on file with the Dean of the college and the ex officio member of the University Promotion and Tenure Committee.

2.11 The departmental promotion and tenure committee shall, for each candidate for whom it recommends promotion, forward said candidate's promotion documentation to the department chairperson who shall forward it, through the Dean, to the College Promotion and Tenure Committee. Said materials shall be forwarded in the form in which they were submitted by the candidate to the departmental promotion and tenure committee.

2.12 The departmental promotion and tenure committee's evaluations and recommendations for each candidate, whether recommended for promotion or not, shall be forwarded to the departmental chairperson.

2.2 The department chairperson shall, for each candidate put forward for promotion, deliver the following to the Dean for forwarding to the College Promotion and Tenure Committee:

2.21 The promotion documentation referred to above in section III.3, which may not be changed from the form in which it was originally submitted by the candidate;

2.22 A letter of recommendation, written by the department chairperson, summarizing the candidate's qualifications.

2.3 A candidate for promotion to Professor must include external review letters addressing his or her scholarship. Those external review letters will be obtained according to procedures outlined in the Appendix A, Procedures for Supplemental External Review of Scholarship Letters for Candidates for Promotion to Professor.

2.4 The list of candidates recommended for promotion shall be determined by the collective judgment of the individual College of Promotion and Tenure Committee members.

2.41 The College Promotion and Tenure Committee chairperson shall make available in a central location the promotion documentation for each candidate for review by each College Promotion and Tenure Committee member at least five (5) working days prior to the Committee's meeting.

2.42 By their participation in the promotion review process, College Promotion and Tenure Committee members signify that they have read the documents submitted and have sufficient information to evaluate each candidate.

ARCHIVE

2.43 The College Promotion and Tenure Committee members shall independently evaluate each candidate on Form B, "Member's Rating Form," according to the criteria listed in section III.1 above. The committee will compile information on Form C, "Composite Rating and Weighting Form," using the information from Form B. The completed Form C is to be used to focus the discussion regarding each candidate's strengths and weaknesses and to identify discrepancies, if any, in committee members' views regarding the ratings of each candidate.

2.44 Based on all information, both that developed by the College Promotion and Tenure Committee and that submitted to the committee from the department, the Committee shall vote, by written ballot, to recommend or not recommend each candidate for promotion.

2.45 The chairperson of the College Promotion and Tenure Committee shall immediately inform each candidate of the Committee's final recommendation and of the right of appeal. This shall be done orally, if possible, and in writing.

2.46 The names of candidates recommended for promotion shall be forwarded in alphabetical order to the Dean of the College, along with the completed Form C for each candidate.

2.5 The Dean of the College shall forward the College Promotion and Tenure Committee's recommendations, along with her or his evaluations, to the Provost and Vice President for Academic Affairs.

2.6 In the event that the Dean disagrees with the College Promotion and Tenure Committee's recommendations for the promotion of any candidate, the Dean shall inform the College Committee Chairperson of her or his recommendation in writing. The College Committee shall then review the Dean's recommendations and vote whether or not to uphold the Dean. A decision to override the Dean's recommendation shall require a two-thirds vote of the College Committee. Should the College Committee vote to override the Dean's recommendation, the Dean must forward the College Promotion and Tenure Committee's recommendation to promote the candidate, but retains the option to forward her or his recommendation as well.

2.7 At any step in the promotion process (the departmental promotion and tenure committee, department chairperson, College Promotion and Tenure Committee, Dean) the first committee or individual not recommending a faculty member favorably for promotion shall provide that faculty member with a written statement delineating her or his strengths or weaknesses in each of the areas of 1) teaching, 2) scholarship, 3) service in a professional capacity. The committee or individual may also suggest areas for improvement. The above written statement shall be provided within ten (10) working days of the meeting in which the review occurred, and shall constitute the written notice referred to in Section VII.311 of the University Promotion and Tenure Document.

VII. RIGHT OF RECONSIDERATION

1. Reconsideration

1.1 Reconsideration is the act whereby a candidate may request that an initial adverse decision by a departmental or collegiate committee be examined.

ARCHIVE

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 Promotion and Tenure Committee, then the candidate must ask for a reconsideration of that recommendation by the Department Committee before he or she may proceed 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 him or her. For example, if a Department Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 tenure. 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 or tenure. 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 super cedes the previous vote.

1.25 The candidate's materials for promotion and/or tenure shall be held in the departmental office.

1.3 If the initial adverse recommendation has been made by the College Committee or Dean, then he or she may ask for reconsideration at the collegiate level.

1.3.1 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 him or her. For

ARCHIVE

example, if a College Dean or College Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 the faculty members who have been awarded tenure. 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.

1.3.2 The written request for reconsideration shall be filed in the office of the college dean.

1.3.3 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 Collegiate Committee or Dean must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the documents or the process.

1.3.4 After meeting to reconsider the candidate's materials, in cases where the committee made the initial adverse decision, the committee shall vote to overturn or affirm the previous decision. This vote super cedes the previous vote.

1.3.5 The candidate's materials for promotion and/or tenure shall be held in the collegiate office and shall not be forwarded to the University Promotion and Tenure Committee until all requests for reconsideration have been exhausted.

VIII. RIGHT OF APPEAL

1. Appeals from Adverse Decisions

1.1 Regular full-time faculty and regular professional personnel may appeal promotion and/or tenure decisions which adversely affect such individuals in accordance with provisions set forth in this Part VIII. 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 he or she may appeal to the College Promotion and Tenure Committee. 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

ARCHIVE

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 he or she 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 he or she 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 an 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 he or she 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 ids 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 his or her 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 and tenure 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 his or her 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 when it reconsidered its initial adverse recommendation. 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.

2.9.1 Timing. The College Committee must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing. Days outside the regular

ARCHIVE

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.

2.9.2 Membership of the hearing panel. The College Promotion and Tenure 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 Promotion and Tenure Committee establishing the panel. The chairperson of the College Promotion and Tenure Committee, or his or her 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. If the College Promotion and Tenure 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) from within the college who shall participate fully in the appeal hearing. If the addition of faculty member(s) is requires, 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 College Promotion and Tenure 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 his or her designee, shall serve in 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.

ARCHIVE

2.10 Parties. Parties participating in the hearing are (a) the appellant; and (b) the department chairperson and the Department Promotion and Tenure Committee chairperson, who together shall serve as the responding party (unless the chairperson of the College Promotion and Tenure Committee appoints a different individual or individuals to 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 he or she 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 hearing:

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 regular 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 he or she desires. This person must be a full-time Ball State faculty, professional personnel, or staff member.

Failure, without good cause, of the appellant or ht 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.

ARCHIVE

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 Promotion and Tenure 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 an appellant). If the responding party does not agree with this recommendation that party may appeal to the University Promotion and Tenure Committee.

2.1812 When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the University Promotion and Tenure Committee.

ARCHIVE

2.19 If an appellant or respondent wishes to appeal the decision of a colligate hearing panel, either may request a hearing before the University Promotion and Tenure Committee. The request must be made within ten (10) calendar days following receipt by the appealing party of the collegiate hearing panel'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 when it reconsidered its initial adverse recommendation; (c) the responses and any other materials submitted by the College Committee when it considered the appeal. 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 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 University Promotion and Tenure Committee must hold the hearing within thirty (30) calendar days of its receipt of the request or hearing. Days outside the regular academic year shall not be counted in the thirty day computation. The chair person of the University Committee may, with good cause, extend the thirty day deadline.

2.212 Membership of the hearing panel. The University Promotion and Tenure 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 Promotion and Tenure Committee establishing the panel. The chairperson of the University Promotion and Tenure 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

ARCHIVE

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 I 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 a minority. Also, at least one (1) member of the hearing panel shall be of the same gender as the appellant. If the University Promotion and Tenure 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 members(s) is required, the faculty member(s) selected must be approved by the University Promotion and Tenure 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 Promotion and Tenure Committee at the level of the initial adverse recommendation; and (c) if applicable, the dean and the chairperson of the College Promotion and Tenure Committee.

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 he or she may deem appropriate, or upon the 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.

ARCHIVE

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 designated by the appellant, if he or she desires. 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 of 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 chair person of the hearing panel shall preside at the hearing and shall make all procedural rulings. These rulings ma y be reversed by a majority vote of the panel members present, including the chairperson.

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.

ARCHIVE

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 University Promotion and Tenure 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 of 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 University hearing panel, then either may request a conference with the Provost and Vice President of Academic Affairs. This request must be made with in then (10) calendar days following the requesting party's receipt of the University 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 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 College Promotion and Tenure Committee or academic dean, then the appellant may request a hearing before the University Promotion and Tenure Committee.

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

ARCHIVE

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.

Approved by College: March 1, 2012
Approve by University P&T: April 13, 2012

ARCHIVE

APPENDIX A – PROCEDURES FOR SUPPLEMENTAL EXTERNAL REVIEW OF SCHOLARSHIP LETTERS FOR CANDIDATES FOR PROMOTION TO PROFESSOR

The candidate will provide the department Promotion and Tenure Committee a minimum of two (2) names for external reviewers and explain in writing why each individual was proposed as a reviewer. The candidate will also describe the relationship, if any, between the candidate and each reviewer.

The department chair and the department Promotion and Tenure Committee will collaborate in selecting a minimum of two (2) additional reviewers and will record for the file why each individual was proposed as a reviewer. In selecting the list, the department chair and Committee will consult with the candidate and other knowledgeable individuals to develop sources from which a pool of appropriate reviewers may be drawn. The Department chair will provide the candidate with the list of reviewers selected by the chair and Committee.

If the candidate objects to any of the reviewers selected by the department chair/Promotion and Tenure Committee, s/he will provide the Committee written reasons why a particular reviewer is inappropriate. If the Committee objects to any of the reviewers selected by the candidate it will provide the candidate with written reasons why a particular reviewer is inappropriate. If a compromise cannot be reached between the Committee and the candidate on external reviewers and a compromise cannot be reached within the Department, the dean will decide the issue. Because reviewer letters will focus on a review of the candidate's scholarship – using the department's, college's, and university's definitions of scholarship – most of the external reviewers should have university affiliations. Those who are not affiliated with a university should be selected because their position qualifies them to provide a perspective that is relevant to the candidate's work, and their qualifications as a reviewer should be explained. All letters requesting outside evaluations will be accompanied by a copy of the candidate's curriculum vitae, a copy of the department and college promotion criteria, and an adequate and appropriate selection of publications or other materials sufficient to provide reviewers the basis by which they can evaluate the candidate's scholarship. A copy of the letters sent to external reviewers and a list of the materials provided them must be included as a required supplement to the promotion documentation file.

The department chair is responsible for contacting the reviewers identified, half from the candidate's list and half from the department's list, and securing the external letters. A minimum of two external letters received will be required, but as many letters as are received will be included in the promotion documentation file reviewed by the department and forwarded to the dean.

In the event that the minimum of two review letters are not received by the stated deadline, the promotion evaluation to Professor proceedings for the candidate shall be terminated for the current academic year

The complete promotion documentation file, including the external review letters will be available for review by the department Promotion and Tenure Committee in accordance with the department's promotion calendar.

The complete promotion documentation file, including the external review letters will be forwarded to the college, if the department recommends the candidate for promotion.

The candidate has the right to examine all external review letters received. For the examination of the letters by the candidate, anonymity of the external reviewers will be protected by placing their letters in a separate candidate-accessible file in which the identities and affiliations of the reviewers have been removed. [From Faculty Handbook, U P and T document, Policy Statements Section III 3.3]
The candidate has the right to respond to the information contained in the letters. If the candidate chooses to respond in writing, the response must become part of the promotion documentation file prior to its review by the

ARCHIVE

committee. Any candidate-supplied written responses must remain with promotion documentation throughout all stages of the current promotion review (department, college, and university).

At the conclusion of these deliberations, the letters (and any candidate-supplied responses regarding the letters –) shall be removed from the candidate's promotion and tenure file and transferred to a separate confidential file in the Office of the Dean of the College. Once these letters are placed in this separate confidential file, they cannot be reopened for purposes of subsequent promotion and tenure deliberations at any level of consideration, unless requested by the candidate.

At the end of these deliberations, the candidate-accessible file will be acquired and destroyed by the Dean.

ARCHIVE

COLLEGE OF ARCHITECTURE & PLANNING
Promotion and Tenure Committee

FORM B -- MEMBER'S RATING FORM FOR PROMOTION

_____	_____	_____
Name of Candidate	Purpose of Review	Academic Year

EVIDENCE OF EXCELLENCE IN TEACHING

Continuing achievement in teaching as defined by Section I of the College of Architecture and Planning *Promotion and Tenure Policies and Procedures* document, at a level commensurate with the purpose of this review.

Inadequate	Marginal	Satisfactory	Commendable	Demonstrated Excellence	Outstanding Contribution
1	2	3	4	5	6

Comments: _____

_____

EVIDENCE OF EXCELLENCE IN SCHOLARSHIP

Continuing achievement in scholarship as defined by Section I of the College of Architecture and Planning *Promotion and Tenure Policies and Procedures* document, at a level commensurate with the purpose of this review.

Inadequate	Marginal	Satisfactory	Commendable	Demonstrated Excellence	Outstanding Contribution
1	2	3	4	5	6

Comments: _____

_____

EVIDENCE OF EXCELLENCE IN PROFESSIONAL AND INSTITUTIONAL SERVICE
Continuing achievement in professional and institutional service as defined by Section I of the College of Architecture and Planning *Promotion and Tenure Policies and Procedures* document, at a level commensurate with the purpose of this review.

Inadequate	Marginal	Satisfactory	Commendable	Demonstrated Excellence	Outstanding Contribution
1	2	3	4	5	6

Comments: _____

_____

ARCHIVE

MILLER COLLEGE OF BUSINESS[36]

Preamble

The Miller College of Business Guidelines for Promotion and Tenure specify the organization of the Promotion and Tenure Committee (College Committee) and the procedures and criteria used for promotion and tenure within the framework of University policy specified in the University Promotion and Tenure Document as stated in the Faculty and Professional Personnel Handbook.

The general purpose of the evaluation policy of the Miller College of Business is to encourage the pursuit of excellence in teaching, scholarship, and service in a professional capacity.

1. **Membership and organization of the College Committee**
   - 1.1 The College Committee shall consist of the Dean of the College (Dean), an ex officio, non-voting member; the Associate Dean of the College, a non-voting observer; and one person from each Departmental Promotion and Tenure Committee (Departmental Committee) within the College. The College representative to the University Promotion and Tenure Committee shall meet with the College Committee as a non-voting liaison person.
   - 1.2 The departmental person serving on the College Committee shall be elected by each department in accordance with his or her departmental guidelines but must be a member of the Departmental Committee.
   - 1.3 No person may serve as a member of a College Committee who is a candidate for promotion. An individual so elected who later becomes a candidate for promotion must resign from the committee.
   - 1.4 Any members resigning will be replaced by their departments using their procedures for naming the departmental representative to the college committee.
   - 1.5 No person may serve as a member of a Departmental Committee who is a candidate for promotion.
   - 1.6 The name of the departmental representative to the College Committee should be submitted to the Dean by the department chairperson no later than the first week in April of each year.
   - 1.7 The Dean shall call an organizational meeting of the College Committee no later than the end of October for the purpose of electing a chairperson and a secretary.
   - 1.8 The Associate Dean of the College or a departmental member of the College Committee will serve as secretary to the College Committee and coordinate all activities of the Committee with the Committee chairperson and Dean.
   - 1.9 The chairperson shall have the responsibility for calling meetings as needed and the secretary will keep minutes of all committee actions.
   - 1.10 The terms of the Departmental Representative to the College Committee will be two years.

2. **Responsibilities of the College Committee shall be as follows:**
   - 2.1 The Committee is responsible for implementing University and College promotion and tenure policies and procedures. During its deliberations, the Committee shall follow the University Official policy for The Evaluation of Teaching and Procedures to be followed in Evaluation of Teaching as stated in the Faculty and Professional Personnel Handbook.

ARCHIVE

2.2 The Committee is responsible for reviewing all departmental promotion and tenure guidelines and may give approval only when the procedures, policies and criteria comply with College and University policies and procedures;

2.3 The Committee is responsible for receiving departmental recommendations for tenure, reviewing evidence concerning these recommendations and making its own recommendation to the Dean for consideration in the preparation of annual evaluation letters for non-tenured faculty;

2.4 The Committee is responsible for receiving departmental recommendations for promotion, reviewing the recommendations in light of accepted promotion policy, considering the evidence of the candidate's qualifications for promotion and making recommendations regarding promotion to the Dean;

2.5 The Committee is responsible for hearing appeals from faculty members who believe they have been aggrieved by the departmental action for promotion and/or tenure;

2.6 The Committee chairperson is responsible for keeping the Departmental Committees informed of the dates by which information must be submitted for consideration by the College Committee;

2.7 Members of the College Committee should keep all information considered and all actions taken CONFIDENTIAL.

2.8 The Dean shall inform the department chairpersons of the College Committee's decision about their candidates for tenure and/or promotion.

2.9 The Dean shall provide a written notice to each promotion/tenure candidate of the College Committee's promotion/tenure recommendation regarding the candidate's promotion/tenure.

3. **Definitions**

3.1 Department and departmental refers to an academic department within the Miller College of Business.

3.2 College or collegiate refers to the Miller College of Business.

3.3 Reconsideration refers to the initial action required when there is an adverse recommendation concerning promotion or tenure at the departmental level. Request for reconsideration by the departmental Promotion and Tenure Committee is the first step to be taken by a candidate.

3.4 Appeal refers to the action taken by a candidate when the outcome of the departmental reconsideration is the same as the original recommendation or when an adverse recommendation is made at the College or Provost and Vice President for Academic Affairs level.

3.5 Calendar days are the days which appear on a calendar, including Saturday, Sunday, and holidays. They do not relate to the Ball State academic schedule or calendar.

3.6 Non-tenure faculty are those faculty who are currently in the seven-year probationary tenure period.

3.7 Scholarship is the process of attaining new knowledge, creating a new work, or recreating/interpreting existing works, and disseminating the results. Generally this takes the form of appropriate peer reviewed publications, presentations or exhibits, performances, other creative endeavors and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching.

ARCHIVE

3.7.1.1 The scholarship of discovery is traditional research and creative endeavors that pursue and contribute to new knowledge for its own sake.

3.7.1.2 The scholarship of integration makes connections across disciplines bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.

3.7.1.3 The scholarship of application applies knowledge to address significant societal issues.

3.7.1.4 The scholarship of teaching studies the development of knowledge, skill, mind, character, and/or ability of others.

3.7.2 Faculty shall not be required to participate in each of the four areas of scholarship

4. **Criteria for Promotion and Tenure**

The evaluation of a faculty member's eligibility for promotion or tenure shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the following areas:

4.1 Teaching

4.2 Scholarship

4.3 Service in a professional capacity.

5. **Promotion—Procedures for considering evidence for promotion**

5.1 Procedures for considering evidence for promotion shall comply with the University policy and procedures included in the University Promotion and Tenure Document.

5.2 Recommendations for promotion shall be initiated by the Departmental Committees and forwarded to the College Committee.

5.3 The College Committee shall determine the documentation required for considering promotion recommendations and communicate this information to the Departmental Committees.

5.31 Candidates being considered for promotion to professor must include in their documentation a minimum of two letters from external reviewers commenting on their scholarship.

5.4 Qualifications for promotion shall be considered in light of the initial letter of appointment and established Departmental qualifications.

5.5 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in promotion deliberations. It is understood that greater attention and significance will be give to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuing activity.

5.6 Publications which are in print, in press, or accepted for publication may be counted in promotion deliberations. Bona fide evidence must be presented to document "in press" or "accepted" status.

5.7 In matters of promotion, publications may be counted only once.

5.8 If the College Committee disagrees with a favorable promotion recommendation from the Department Committee, the College Committee shall provide the faculty member and the Dean with a written statement delineating his or her strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity.

ARCHIVE

5.9 Credentials of those candidates recommended for promotion by the College Committee will be forwarded to the Dean in alphabetical order.

5.10 If the Dean disagrees with a favorable promotion recommendation from the College Committee, the Dean shall provide that faculty member and the College Committee with a written statement delineating his or her strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity.

5.11 Any recommendation from the College Committee not receiving approval by the Dean shall be returned to the committee with reasons for the disapproval. A two-thirds vote of the committee shall be required to override the disapproval after which the Dean must forward the recommendation.

5.12 Candidates shall be notified of the College Committee's recommendation as well as the Dean's decision within 10 calendar days of the College Committee's decision.

6. **Tenure—Procedures for annual recommendations for non-tenured faculty members.**

6.1 Departmental Committees shall be notified in the fall of the dates when recommendations for non-tenured faculty should be submitted in order to comply with University policy of notification of faculty members for continuation of service to the University.

6.2 Recommendations by the Departmental Committees of progress toward tenure shall be reported to the College Promotion and Tenure Committee.

6.3 The College Committee shall review the departmental recommendations for all non-tenured faculty.

6.31 The Committee shall review the conditions for appointment and/or the initial letter of appointment and shall request from the Departmental Committee any supporting evidence needed for the evaluation of the faculty member.

6.32 The Committee's recommendation shall be submitted along with the departmental recommendation to the Dean of the College.

6.4 Qualifications for tenure shall be considered in light of the initial letter of appointment and established departmental qualifications.

6.5 For all individuals hired by the University after June 30, 1981, tenure may be granted only to those who hold academic rank in an academic department

6.6 When a candidate is hired, academic rank of associate professor or professor must be recommended by the Department Chairperson in conjunction with the Departmental Committee, the College Committee, and approved by the Dean. Years granted toward tenure at the time of hiring must be recommended by the Department Committee in conjunction with the Department Chairperson, the College Committee, and subsequently approved by the Dean, University Administrators and the Board of Trustees.

6.7 The College Committee can make one of three recommendations: satisfactory progress toward tenure, unsatisfactory progress toward tenure, or termination. If the College Committee disagrees with a favorable progress towards tenure (or a tenure) recommendation from the Department Committee, the College Committee shall provide that faculty member, the Department Committee and the Dean with a written statement delineating his or her strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity.

6.8 If the Dean disagrees with a favorable progress towards tenure (or a tenure recommendation from the College Committee), the Dean shall provide that faculty member and the College Committee with a written statement delineating his or her strengths and

ARCHIVE

weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity.

6.9 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in tenure deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuing activity.

6.10 Publications which are in print, in press, or accepted for publication may be counted in tenure deliberations. Bona fide evidence must be presented to document "in press" or "accepted" status.

6.11 In matters of tenure, publications may be counted only once.

6.12 Any recommendation from the College Committee not receiving approval by the Dean shall be returned to the committee with reasons for the disapproval. A two-thirds vote of the committee shall be required to override the disapproval after which the Dean must forward the recommendation.

6.13 Candidates shall be notified of the College Committee's recommendation as well as the Dean's decision within 10 calendar days of the College Committee's decision.

7. **Academic Rank**

There are four basic academic ranks: Instructor; Assistant Professor; Associate Professor; and Professor. (After January, 1991, no person will be hired into a tenure-track position at the rank of instructor.)

Qualifications for rank include 1) consideration of degrees; 2) teaching; 3) scholarship; and 4) service in a professional capacity.

A terminal degree in the faculty member's specialty area is usually required for either hiring at or advancement to associate professor or professor. However, certain kind of expertise, experience and/or recognition may be accepted as appropriate qualifications for either rank, upon approval of the Provost and Vice President for Academic Affairs.

7.1 Qualifications for each rank are

7.11 Assistant Professor

7.111 Potential to be an effective teacher in the specialty in which the candidate is hired.

7.112 Evidence of the potential for conducting scholarship resulting in published works.

7.113 Evidence of the potential for service in a professional capacity.

7.12 Associate Professor

7.121 Evidence of effective teaching.

7.122 Evidence of scholarship resulting in published refereed journal articles and other published works..

7.123 Evidence of service in a professional capacity.

7.13 Professor

7.131 Evidence of effective teaching.

7.132 Evidence of high quality scholarship resulting in published refereed journal articles and other published works, including at least two letters from

ARCHIVE

external reviewers who have reviewed and commented on the evidence. The external review process will follow departmental and University policy for external reviews for candidates for promotion to professor.

7.133 Evidence of significant service in a professional capacity.

7.2 Advancement in rank is based on a continuing pattern of achievement throughout the faculty member's professional career in

7.21 Teaching;

7.22 Scholarship;

7.23 Service in a professional capacity.

8. **Reconsideration**

8.1 A faculty member's request for reconsideration of a promotion or tenure decision shall follow the procedures specified in the University Promotion and Tenure Document as stated in the Faculty and Professional Personnel Handbook.

9. **Appeals**

9.1 A faculty member's appeal of a promotion or tenure decision shall follow the procedures specified in Part VIII of the University Promotion and Tenure Document as stated in the Faculty and Professional Personnel Handbook.

.

10. **Establishing procedural guidelines for promotion and tenure**

10.1 Miller College of Business Guidelines for Promotion and Tenure shall be based on University Policy.

10.2 The College Guidelines provide a framework within which Departmental Guidelines must be established.

10.3 Any changes to the Miller College of Business Promotion and Tenure Document must be approved by the Miller College of Business faculty.

Approved by University Promotion and Tenure Committee: February 15, 2012

ARCHIVE

COLLEGE OF COMMUNICATION, INFORMATION, AND MEDIA[37]

1. Guidelines for Promotion and Tenure
   - 1.1 The evaluation of a faculty member's eligibility for promotion or tenure shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the following areas:
     - 1.11 Teaching;
     - 1.12 Scholarship
     - 1.13 Service in a professional capacity.
   - 1.2 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in promotion and tenure deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State.
   - 1.3 Scholarship shall be defined as the process of attaining new knowledge, creating a new work, or re-creating/interpreting existing works, and disseminating the results. Generally this takes the form of appropriate peer reviewed publications, presentations or exhibits, performances, other creative endeavors, and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching. Faculty will not be required to participate in each of the four areas of scholarship.
     - 1.31 The <u>scholarship of discovery</u> is traditional research and creative endeavors that pursue and contribute to new knowledge for its own sake.
     - 1.32 The <u>scholarship of integration</u> makes connections across disciplines bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.
     - 1.33 The <u>scholarship of application</u> applies knowledge to address significant societal issues.
     - 1.34 The <u>scholarship of teaching</u> studies the development of knowledge, skill, mind, character, and/or ability of others.

2. Definitions
   - 2.1 Department and departmental refer to the Departments of Journalism, Telecommunications, Communication Studies, and Center for Information and Communication Sciences.
   - 2.2 College or collegiate refers to the College of Communication, Information and Media.
   - 2.3 Reconsideration is the act whereby a candidate may request that an initial adverse decision by a departmental or by the Dean of the College be reexamined. Reconsideration can take place before an appeal. Reconsideration provides an opportunity for a candidate to clarify content of material.
   - 2.4. <u>Appeal</u> refers to the action taken by the appellant when the outcome of the departmental reconsideration is the same as the original recommendation or when an adverse recommendation is made at the collegiate or Provost and Vice President for Academic Affairs level. Appeals examine the process followed and not the content of materials.
   - 2.5 Working days are those days when Ball State University administrative offices are open.
   - 2.6 Calendar days are the days which appear on a calendar, including Saturday, Sunday, and holidays. They do not relate to the Ball State academic schedule or calendar.
   - 2.7 Tenure-track faculty are those faculty who are currently in the seven-year probationary tenure period.
   - 2.8 Tenured faculty are those faculty who have been granted tenure.
3. Qualifications for Tenure-Track or Tenured Faculty Academic Rank
   - 3.1 There are three basic ranks for tenure-track or tenured faculty: Assistant Professor, Associate Professor, and Professor. The qualifications for each rank are as follows:
     - 3.11 Assistant professor
       - 3.111 Evidence of effective teaching performance or evidence of potential for excellence as a teacher
       - 3.112 Evidence of, or potential for Scholarship
       - 3.113 Evidence of, or potential for, significant professional service
     - 3.12 Associate Professor
       - 3.121 Evidence of high quality teaching
       - 3.122 Evidence of high quality Scholarship
       - 3.123 Evidence of high quality professional service
     - 3.13 Professor
       - 3.131 Evidence of excellence as a teacher
       - 3.132 Evidence of excellence in Scholarship
       - 3.133 Evidence of excellent professional service

ARCHIVE

3.2 Unit promotion and tenure documents must specify the earned degrees, professional training, professional experiences, and/or other appropriate certifications that the unit requires for each academic rank. A unit may require an appropriate earned doctorate for the ranks of associate professor or professor.

3.3 Unit promotion and tenure documents may provide more specific articulations of the qualifications for academic rank as appropriate to the unit's disciplines.

3.4 For new hires, academic rank will be recommended by the unit and approved by the Dean of the College and the Provost and Vice President for Academic Affairs.

3.5 Candidates being considered for promotion to professor must include in their supporting materials file a minimum of two letters from external reviewers who have reviewed and commented upon the evidence of excellence in scholarship and service. Procedures for the procurement of the external letters is to be outlined in unit documents.

4. Annual College Procedures

4.1 Each year the College Promotion and Tenure Committee will review college procedures including the vita form and the evaluation form. After review, the committee will approve procedures and forms to be used by that committee. Once approved, the procedures and forms will be forwarded by December 1 to the University Promotion and Tenure Committee for their review, will be distributed to unit chairpersons, and will be placed on file in the Office of the Dean.

5. College Promotion and Tenure Committee

5.1 The regular full-time faculty of each unit in the College of Communication, Information, and Media will elect a Unit Promotion and Tenure Committee, consisting of no fewer than three persons. The unit chairperson shall be an ex officio non-voting member. By unanimous consent of those voting in the unit, one of those serving on the unit committee may be from another unit. The unit committee shall elect its own chairperson, but no faculty member who has served as a regular faculty member for less than one year at Ball State University shall be eligible to become chairperson.

The chairpersons of the unit promotion and tenure committees will generally comprise the Promotion and Tenure Committee of the College of Communication, Information, and Media (hereafter referred to as the College Committee). A unit committee, however, for reasons it deems good and appropriate may be represented on the College Committee by someone other than the chairperson of the unit committee. In addition, the Dean will be a non-voting ex officio member, and the college's representative on the University Promotion and Tenure Committee will serve as a non-voting liaison to the College Committee. In the event that a member of the College Committee or his or her spouse is considered for promotion, he or she must resign from the College Committee. The member will be replaced by the unit from which s/he comes. In the event that a college committee member resigns, that member's unit will select another representative to the college committee.

5.2 The College Promotion and Tenure Committee will elect the following officers:

5.21 A chairperson

5.22 A secretary

5.23 A chairperson of the Appeals Committee who will organize Appeals Committees as they become necessary. The chairperson of the Appeals Committee will serve as the designee of the chairperson of the College Promotion and Tenure Committee.

6. College Procedures for Tenure and Promotion

6.1 The chairperson of each unit promotion and tenure committee should forward by November 1 of each year to the College Committee a copy of the unit's current policies, procedures, and criteria for promotion and tenure and should note any changes made during the intervening year. These materials will be reviewed by the members of the College Committee which shall report regarding compliance with the college policies and procedures. The chairperson of the unit committee will be consulted when clarification of the unit's document is needed. Each unit's policies, procedures, and criteria must comply with those of the University and the College.

6.2 Promotion and Tenure

6.21 In accordance with the unit's policies, procedures and criteria, the Unit Promotion and Tenure Committee chairperson and/or the chairperson of the unit will prepare recommendations on promotion and tenure. Recommendations for promotion and tenure will be submitted to the Dean of the College by the date established each year by the College Committee.

6.211 Recommendations for tenure and/or promotion will be supported by documented and specific evidence pertinent to criteria adopted by the unit, college, and University. Each candidate

ARCHIVE

must complete the standard vita form prepared by the College Committee and available in the Office of the Dean.

6.22 The Dean of the College will receive unit recommendations and supporting documentation for promotion and tenure and check them for compliance with current college criteria. Any recommendations and documentation not meeting the criteria will be returned immediately to the unit for review and resubmission.

6.3 Procedures for Tenure

6.31 Written recommendations from the candidate's unit chair and the dean should be used for stating a candidate's progress toward tenure. Lack of satisfactory progress toward tenure should be identified as early as possible in the standard probationary period of seven (7) years and no later than May 1 of the sixth year. It is recommended that if any reasonable doubt exists as to satisfactory progress toward tenure that an unsatisfactory progress toward tenure letter be given as early as the first year of employment.

6.32 It is mandatory that units record the nature of any problems along with the dates and the names of those present in meetings in which these problems related to tenure were discussed with the candidates and retain these notes in the unit files. The names of regular faculty who are to be dismissed in the first year of their employment are to be sent to the Dean of the College by February 1 and those to be dismissed at the end of their second year by November 15. For those employed two or more years, notice of non-reappointment, or intention not to recommend reappointment, shall be given in writing at least twelve (12) months before the expiration of the appointment.

6.33 The unit chairperson will submit the credentials of candidates eligible for tenure to the Dean in accordance with University, College, and unit policies. This will include the recommendations of the unit promotion and tenure committee and the unit chairperson.

6.34 The Unit Promotion and Tenure Committee chairperson and/or the Unit chairperson will contact candidates in writing regarding positive recommendations toward tenure.

6.35 The Dean of the College each year will review the unit recommendations and supporting vita for each untenured tenure-track faculty. The Dean may consult with and/or solicit additional supporting materials from the faculty member, the unit chairperson, and/or other persons the Dean may deem to have relevant information. The Dean of the College will make recommendations to the Provost and Vice President for Academic Affairs.

6.351 During the first five (5) years of the probationary period, the Dean will recommend satisfactory or unsatisfactory progress toward tenure, or dismissal,
or

6.352 During the sixth year of the probationary period, the Dean will recommend for tenure or for dismissal,
or

6.353 During the seventh year of the probationary period, the Dean will recommend that tenure be granted or that employment be terminated in accordance with University Promotion and Tenure policy as described in Section III, 2.113, of the Faculty and Professional Personnel Handbook.

6.4 Procedures for Promotion

6.41 The unit chairperson will forward to the Dean a list of candidates for promotion recommended by the unit promotion and tenure committee with appropriate supportive evidence and a letter indicating the unit chairperson's endorsement or non-endorsement. A list of items to be treated in the supportive letter will be distributed by the Office of the Dean.

6.42 The Dean of the College will distribute the unit recommendations for promotion and the supporting vitae to the members of the College Committee. The Dean will make available to the members of the Committee other documentation that has been submitted with the recommendation for promotion.

6.43 The College Committee will study the recommendations with supportive materials from units for compliance with policies and procedures established for the College. The committee:

6.431 Will request additional evidence to support recommendations if needed;

6.432 Will hold interviews with the candidate at the candidate's request;

6.433 Will meet with unit promotion and tenure committees in those instances when in its judgment policies and/or procedures have not been adhered to or some other question exists and request that alterations in recommendations be made;

ARCHIVE

6.434 Will hold interviews with recommending officers or take whatever action is needed to discharge its above review function;

6.44 Any recommendation from the College Committee not receiving approval by the Dean of the College shall be returned to the College Committee with reasons for the disapproval. A majority vote of the College Committee shall be required to override the disapproval after which the Dean must forward the recommendation.

For those persons not being recommended favorably for promotion by the College Committee and/or the College Dean, a letter from the College Committee Chair to the candidate must be provided and include written statements delineating the person's strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity. The College Committee and/or the College Dean may also suggest areas for improvement.

For those recommended favorably for promotion by the College Committee and/or the College Dean, a letter from the College Committee Chair and/or the College Dean will be sent to the candidate notifying him or her of the favorable recommendation.

7. College Reconsideration and Appeals Policies and Procedures

7.1 Reconsideration

7.11 Reconsideration is the act whereby a candidate may request that an initial adverse decision by a department Promotion and Tenure Committee, the College Promotion and Tenure Committee, or by the Dean of the College be reexamined. Reconsideration can take place before an appeal. Reconsideration provides an opportunity for a candidate to clarify content of material.

7.12 If the initial adverse recommendation has been made by the Department Promotion and Tenure Committee, then the candidate must ask for a reconsideration of that recommendation by the Department Committee before he or she may proceed further. Refer to the Department P & T document and the Faculty and Professional Handbook for procedures.

7.13 If the initial adverse recommendation has been made by the College Committee or Dean, then he or she may ask for reconsideration at the collegiate level.

7.131 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 him or her. For example, if the College Dean or College Promotion and Tenure Committee advises a faculty member in writing that the recommending against awarding tenure 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 tenure. 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.

7.132 The written request for reconsideration shall be filed in the office of the college dean.

7.133 After receiving a request for reconsideration, the Dean must reconsider the initial adverse recommendation. The Dean must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the documents or the process.

7.134 The Dean will inform the candidate of his or her decision following reconsideration.

7.135 The candidate’s materials for promotion and/or tenure shall be held in the collegiate office and shall not be forwarded to the University Promotion and Tenure Committee until all requests for reconsideration have been exhausted.

7.2. Right of Appeal

7.21 Appeals from Adverse Decisions

ARCHIVE

7.211 Regular full-time faculty and regular professional personnel may appeal promotion and/or tenure decisions which adversely affect such individuals in accordance with provisions set forth in this Part VIII. Appeals examine the process not the content.

7.22 Bases for Request for Appeal

7.221 If the appellant is not satisfied with the decision of the Department Committee, then he or she may appeal to the College Promotion and Tenure Committee. 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.

7.222 There are three permissible reasons to request appeal:

7.2221 Allegation of violation of approved departmental, collegiate, and/or University policies, including those set forth in the Faculty and Professional Personnel Handbook;

7.2222 Allegation of unfair treatment on the part of the decision makers;

7.2223 Allegation of discriminatory treatment on the part of the decision makers.

7.223 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 he or she 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.

7.224 When an appellant alleges unfair treatment on the part of the decision makers, then he or she 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.

7.225 When an appellant alleges discriminatory treatment on the part of the decision makers, then he or she 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.

7.226 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 his or her 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 and tenure 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."

7.227 In all cases, the appellant has the burden of proving his or her allegations.

7.228 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

ARCHIVE

other materials submitted by the Department Committee when it reconsidered its initial adverse recommendation. 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.

7.2281 The academic dean will assist the chairperson of the hearing panel in arranging the hearing at the collegiate level.

7.229 A formal hearing will take place.

7.2291 Timing. The College Committee 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.

7.2292 Membership of the hearing panel. The College Promotion and Tenure 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 Promotion and Tenure Committee establishing the panel. The chairperson of the College Promotion and Tenure Committee, or his or her designee, will serve as chairperson of the hearing panel.

7.22921 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. If the College Promotion and Tenure 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) 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 College Promotion and Tenure 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.

7.2293 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 his or her designee, shall serve in an advisory capacity to the hearing panel.

7.2294 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.

7.230 Parties. Parties participating in the hearing are (a) the appellant; and (b) the department chairperson and the Department Promotion and Tenure Committee chairperson, who together shall serve as the responding party (unless the chairperson of the College Promotion and

ARCHIVE

Tenure Committee appoints a different individual or individuals to serve as the responding party).

7.231 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 he or she may deem appropriate, or upon the request of either party for good cause shown.

7.232 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:

7.2321 Copies of all documents upon which they intend to rely but which are not already a part of the appeal file;

7.2322 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.

7.233 Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.

7.2331 A full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.

7.2332 Representative of the academic dean's office.

7.2333 Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.

7.2334 Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.

7.2335 Witnesses called by either party. Such witnesses shall be present only while they are testifying.

7.2336 A recording secretary designated by the appellant, if he or she desires. 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.

7.234 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.

7.235 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.

7.236 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.

7.237 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.

7.238 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

ARCHIVE

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.

7.2381 The decision of the hearing panel shall be deemed to be the decision of the College Promotion and Tenure Committee, without further action on the part of the committee.

7.23811 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). If the responding party does not agree with this recommendation, that party may appeal to the University Promotion and Tenure Committee.

7.23812 When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the University Promotion and Tenure Committee.

7.239 If an appellant or respondent wishes to appeal the decision of a collegiate hearing panel, either may request a hearing before the University Promotion and Tenure Committee. The request must be made within ten (10) calendar day following receipt by the appealing party of the collegiate hearing panel's decision and must be file the Office of the Provost and Vice President for Academic Affairs. See "Bases for Request for Appeal" VIII, 2., for information on the bases f 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.

7.240 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 when it reconsidered its initial adverse recommendation; (c) the responses and any other materials submitted by the College Committee when it considered the appeal. 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.

7.2401 The Provost and Vice President for Academic Affairs shall assist the chairperson of the hearing panel in arranging the hearing at the University level.

7.241 A formal hearing will take place.

7.2411 Timing. The University Promotion and Tenure 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 of the University Committee may, with good cause, extend the thirty day deadline.

7.2412 Membership of the hearing panel. The University Promotion and Tenure 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 Promotion and Tenure Committee establishing the panel. The chairperson of the University Promotion and Tenure Committee, or his or her designee, shall serve as chairperson of the hearing panel.

7.24121 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

ARCHIVE

"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.

7.24122 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.

7.24123 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. If the University Promotion and Tenure 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 University Promotion and Tenure 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.

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

7.243 Notice of hearing. The parties shall be given at least ten (10) calendar day 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 he or she may deem appropriate, or upon the request of either party for good cause shown.

7. 244 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:

7.2441 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;

7.2442 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.

7.245 Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.

7.2451 A full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.

7.2452 Representative of the Provost and Vice President for Academic Affairs' Office.

7.2453 Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.

7.2454 Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.

7.2455 Witnesses called by either party. Such witnesses shall be present only while they are testifying.

ARCHIVE

7.2456 A recording secretary designated by the appellant, if he or she desires. 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.

7.246 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.

7.247 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 present, including the chairperson.

7.248 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.

7.249 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.

7.250 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.

7.2501 The decision of the hearing panel shall be deemed to be the decision of the University Promotion and Tenure Committee, without further action on the part of the committee.

7.25011 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.

7.25012 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.

7.251 If either the appellant or the respondent is not satisfied with the response of the University 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 University 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

ARCHIVE

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.

7.252 The decision of the Provost and Vice President for Academic Affairs is final.

7.3 Appeals Which Begin at the College Level

7.31 If the initial adverse recommendation has been made by the College Promotion and Tenure Committee or academic dean, then the appellant may request a hearing before the University Promotion and Tenure Committee.

7.311 The procedures outlined above in 2.19-2.32 shall then be in effect.

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

7.321 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.

7.322 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.

7.323 The decision of the President is final.

8. Promotion and Tenure Policies and Procedures

8.1 University (See Faculty and Professional Personnel Handbook).

8.2 College (A complete set of documents pertaining to the policies and procedures of the College Committee and subcommittees is available upon request in the Office of the Dean).

APPROVED BY COLLEGE: November 4, 2011
APPROVED BY UNIVERSITY P&T: April 13, 2012

ARCHIVE

College of Fine Arts
Promotion and Tenure Document

All Parties involved are encouraged to familiarize themselves with the rights, responsibilities, and procedures that are outlined in the University, College, and Department promotion and tenure documents. In cases where questions arise, these two documents take precedence over the department document.

Preamble

I. Guidelines for Promotion and Tenure

1. *The evaluation of a faculty member's eligibility for promotion or tenure shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the following areas:*
   1.1 Teaching
   1.2 Scholarship;
   1.3 Service in a professional capacity

   (The italicized material is from the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, Section I, Guidelines for Promotion and Tenure)

II. Definitions

1. *Department and departmental refer to schools, academic departments located within the seven colleges and those comparable units which have faculty and/or eligible professional personnel but are not located within colleges.*

2. *College or collegiate refers to the College of Fine Arts.*

3. *Reconsideration is the act-whereby a candidate may request that an initial adverse decision by the departmental or collegiate committee be reexamined. Reconsideration provides an opportunity for the candidate to clarify content of materials.*

4. *Appeal refers to the action taken by the appellant when the outcome of the departmental reconsideration is the same as the original recommendation or when an adverse recommendation is made at the collegiate or Provost and Vice President for Academic Affairs level. Appeals examine the process followed and not the content of materials.*

5. *Working days are those days when Ball State University administrative offices are open.*

6. *Calendar days are the days which appear on a calendar, including Saturday, Sunday, and holidays. They do not relate to the Ball State academic schedule or calendar.*

7. *Eligible professional personnel are those individuals who hold academic rank and/or tenure or who are eligible for tenure.*

8. *Tenure is a means to certain ends; specifically: (1) freedom of teaching and research, and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. (Faculty Handbook, Appointment, Academic Freedom, and Tenure 2.3). Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.*

9. *Tenure-track faculty are those who are currently in the seven-year probationary tenure period.*

10. *Tenured faculty are those faculty who have been granted tenure.*

ARCHIVE

11. Scholarship is the process of attaining new knowledge, creating a new work, or recreating/interpreting existing works, and disseminating the results. Generally this takes the form of appropriate peer reviewed publications, presentations or exhibits, performances, other creative endeavors and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching.
11.1 The scholarship of discovery is traditional research and creative endeavors that pursue and contribute to new knowledge for its own sake.
11.2 The scholarship of integration makes connections across disciplines bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.
11.3 The scholarship of application applies knowledge to address significant societal issues.
11.4 The scholarship of teaching studies the development of knowledge, skill, mind, character, and/or ability of others.

(The italicized material is from the Faculty and Professional Personnel Handbook,, University Promotion and Tenure Document, Section IV, Definitions.)

III. Committee Structure and Function

1. Membership of the College of Fine Arts Promotion and Tenure Committee shall be

1.1 Two members each from the Department of Art, the School of Music, and the Department of Theatre and Dance elected at large for staggered two year terms.

1.2 One non-voting liaison member from the current University Promotion and Tenure Committee.

1.3 The Dean of the College of Fine Arts as a non-voting ex-officio member.

1.4 Representatives to the College Promotion and Tenure Committee may not serve as members of the Department/School Promotion and Tenure Committees.

1.5 *In the event a member of the College Promotion and Tenure Committee must resign their position, or is unable because of a medical issue or because of a conflict of interest is unable to complete their duties, their department will elect another faculty member to replace them. A temporary replacement can be appointed by the department chairperson if an immediate replace is necessary.*

1.6 *No person may serve as a member of the College Promotion and Tenure Committee who is a candidate for promotion. An individual so elected who later becomes a candidate for promotion must resign from the committee.*

1.7 No person 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 of the principles in the case, business involvement, or relationship to any of the principles. Decisions regarding such conflicts shall be made by the committee chairperson.

1.8 No person may serve as a member of the College Promotion and Tenure Committee who is related by family or by marriage or is a former spouse of a faculty member being evaluated for promotion and/or tenure.

(The italicized material is from the Faculty and Professional Personnel Handbook, and from the University Promotion and Tenure Document, Section IV, Responsibilities.)

2. Elections

2.1 Elections shall be conducted each spring semester by the Office of the Dean.

ARCHIVE

2.2 Annually, the Department of Art, The School of Music, and the Department of Theatre and Dance each shall nominate two people from among its eligible faculty. The names of these six candidates shall be placed on a ballot and separated by department/school. The total college faculty shall vote for one of the two nominees from each department/school.

2.3 The nominee from each department/school receiving the higher number of votes is the elected to the committee for a two-year term. The nominee from each department receiving the lower number of votes is the alternate to the committee for a two-year term.

2.4 In the event the person elected to the college committee is unable to serve, the alternate shall become a member of the college committee. In the event a vacancy occurs in the position of the alternate, the concerned department/school shall nominate a two-member slate on which the total college faculty shall vote. The nominee receiving the highest vote shall complete the term as alternate.

2.5 The newly elected committee assumes its official responsibilities the first day following the end of spring semester. The term of office ends the last day of spring semester except for appeals generated during the tenure of the committee.

3. Responsibilities

3.1 The college committee shall deliberate in the following ways:

3.11 A quorum shall be a simple majority except at meetings involving evaluation of credentials seeking promotion or tenure. Then a quorum shall be five of the six department/school representatives.

3.12 Deliberations and recommendations on tenure shall be accomplished name-by-name and department/school-by-department/school.

3.13 Deliberations and recommendations for promotion shall be accomplished name-by-name and department/school-by-department/ school.

3.14 Each member of the committee shall use the adopted "Worksheet" (See Appendix B to this document.) to evaluate the evidence presented by the candidates from each department/school. Only documented evidence can be considered in committee deliberations. Rumor and hearsay evidence are inadmissable.

3.15 A motion to recommend promotion for each candidate shall be made. Recommendations for promotion shall require a "yes" vote from four of the six departmental/school representatives.

3.16 All motions shall be positive.

3.17 All votes shall be by written ballot.

3.18 The chairperson shall notify each candidate in writing of the committee's recommendation regarding promotion and tenure decisions.

3.19 The College committee shall meet to review the above letters (3.18) written to each candidate regarding promotion and progress toward tenure.

ARCHIVE

3.2 *The college committee shall establish and implement collegiate promotion and tenure policies and procedures. These must not conflict with University policies.*

3.3 The college shall implement University promotion and tenure policies and procedures.

3.4 *The committee shall make recommendations for policy changes to the University Committee.*

3.5 The committee shall review departmental compliance with policy implementation.

3.6 The committee shall review and evaluate the credentials of all collegiate candidates for promotion. It shall forward the credentials of those candidates being recommended favorably for promotion, with recommendations, to the Dean.

3.7 The College Committee shall review and evaluate the credentials of collegiate tenure track person in the 4th, 6th, and 7th years and forward these credentials, with recommendations, to the Dean. In cases where the Department/School committee or Department/School chairperson has forwarded a letter recommending unsatisfactory progress toward tenure, the College Committee must review all relevant material-including any rebuttal letters from the candidate regarding said decisions about tenure. The recommendation of the College Committee shall then be reflected in a letter from the chairperson of the College Committee to the Dean regarding concurrence with or disagreement with the department/school committee's progress toward tenure recommendations.

3.8 *The committee shall hear appeals from individuals who feel aggrieved by the action of the Department Committee, and/or the department chairperson.*

3.9 Minutes of all committee actions must be maintained on file in the Dean's office.

(The italicized material is from the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, Section IV, Responsibilities.)

3.91 Minutes shall be distributed at each meeting, and after Approval, returned to the secretary before the close of the meeting.

IV. Policy Statements

1. Tenure

1.1 *<u>Faculty and eligible professional personnel shall be evaluated in the light of the University Mission Statement.</u>*

(The italicized material is from the <u>Faculty and Professional Personnel Handbook</u>, University Promotion and Tenure Document, Section III, Policy Statements)

1.2 A tenure recommendation will be made by the department, academic Dean, and the Provost and Vice President for Academic Affairs at least one year prior to the end of a faculty member's probationary period. That recommendation will be either a recommendation to grant tenure at the end of the following year or a
recommendation to terminate the faculty member at the end of the following year.

1.3 *Policies and criteria related to recommended tenure shall be clear, specific, and*

ARCHIVE

familiar to all personnel.

1.4 Policies and criteria for tenure shall be subject to annual evaluation and review and to periodic revision.

1.5 The departmental and collegiate policies and criteria for tenure must be approved by the University Promotion and Tenure Committee and must be on file with the University Promotion and Tenure Committee and the Office of the Provost and Vice President for Academic Affairs.

1.6 A faculty member must complete at least one semester of full-time service during any academic year in order to receive a full year's credit for purposes of tenure consideration.

(The italicized material is from the Faculty and Professional Personnel Handbook,, University Promotion and Tenure Document, Section III, Policy Statements)

1.7 Tenure for those who hold academic rank is earned in an academic department and held in the University.

1.71 For all individuals hired by the university after June 30, 1981, tenure may be granted only to those who hold academic rank in an academic department. When a candidate is hired, academic rank must be recommended by an academic department chairperson in conjunction with the Department/School Promotion and Tenure Committee, approved by the Dean of the College of Fine Arts, and subsequently approved by appropriate administrators, and the Board of Trustees. Years granted toward tenure at the time of hiring must be recommended by an academic department chairperson in conjunction with the Department/School Promotion and Tenure Committee, approved by the Dean of the College of Fine Arts, and subsequently approved by appropriate schools, colleges, administrators, and the Board of Trustees.

1.8 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in tenure deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuous activity.

1.9 *When a faculty member is employed in a tenure-track position, a probationary period of seven years is ordinarily required before tenure is granted by the Board of Trustees. Generally, the probationary period will not exceed seven full-time years of tenure-creditable service as a faculty member at Ball State University.*

When transferred from one academic or professional area to another, a tenure-track person may, in addition to the normal probationary period, be required to complete an additional probationary period not to exceed two years. The length of the extension time must be established and stated in writing at the time of the new appointment.

1.91 *A faculty member may request that certain years (normally not to exceed two years total) not be counted as tenure-creditable years if any of the following pertain:*

1.911 The faculty member is seriously ill;

1.912 The faculty member is the principal care-giver for a son/ stepson or daughter/stepdaughter;

ARCHIVE

1.913 The faculty member is the principal care-giver for a family member who is seriously ill;

1.914 The faculty member will be on leave for at least one semester of the academic year.

A request that a year not be counted as tenure-creditable shall be made to the department chairperson prior to the beginning of the next academic year. The request shall include documentation of the circumstances involved. The request shall be given immediately by the department chairperson to the Department Promotion and Tenure Committee. The request requires approval of the Department Promotion and Tenure Committee, the department chairperson, the appropriate Dean, and the Provost and Vice President for Academic Affairs.

1.92 *In cases where the exceptional achievements of a candidate in, teaching, research, publication, creative endeavors, scholarly productivity, and other meritorious activities resulted in appointment at the associate or full professor ranks, tenure may be recommended to the trustees as early as the completion of the third year, following a recommendation from the Department Promotion and Tenure Committee, and the approval from the department chairperson, academic Dean, and the Provost and Vice President for Academic Affairs, the Board of Trustees may grant tenure in special cases to an individual who holds academic rank without any probationary period, or with a probationary period of fewer than three years,*
if all of the following conditions are fulfilled:

1.921 *The Board obtains the prior positive recommendations of the Promotion and Tenure Committee of the academic department in which the candidate holds (or will hold) academic rank, department chairperson, the academic Dean, the Provost and Vice President for Academic Affairs, and the President.*

1.922 The Board concurs with the recommendation that the individual possesses superior academic and/or creative qualifications;

1.923 *The Board concurs with the recommendation that waiver of the normal probationary period is necessary to induce the individual to accept an offer of employment or to continue his or her employment with the University; and*

1.10 Specific conditions of employment that must be fulfilled by a tenure-track faculty member (in addition to the general standards of performance) will be stated in writing by the University administration at the time of employment. In order to be eligible for a favorable tenure recommendation, the faculty member must meet these employment conditions unless he or she is released therefrom, in whole or in part, by means of a written departmental recommendation that is approved by the academic Dean, the Provost and Vice President for Academic Affairs, and the President.

1.11 *No later than February 15 of each academic year, each department will send a letter to the Provost and Vice President for Academic Affairs, via the academic Dean, and the faculty member, setting forth the status of each tenure-track faculty member with respect to his or her fulfillment of the conditions of appointments and any matters pertaining to the quality of his or her performance. This letter will contain the recommendations of the department chairperson and the academic Dean.*

ARCHIVE

1.111 Before the end of each academic year, the Provost and Vice President for Academic Affairs will notify each tenure-track faculty member in writing as to the University's official assessment of his or her status with regard to progress toward tenure. The contents of the letter will reflect:

1.1111 The University's official record of the individual's status with respect to fulfillment of specific conditions of employment which were stated in the letter of employment; and

1.1112 The University's assessment of the individual's performance and progress toward tenure.

If the members of a department wish to recommend termination of the appointment of a tenure-track faculty member at the end of any academic year during the probationary period, a letter to that effect shall be filed in the Office of the Provost and Vice President for Academic Affairs at least two weeks in advance of the final date set forth not later than March 1 of the first academic year of service, if the appointment is to expire on the day the spring semester closes; or if a one-year appointment terminates during an academic year, at least three months in advance of its termination; or

1.1113 Notice of non-reappointment, or of intention not to recommend reappointment to the Board of Trustees shall be given to the faculty member in writing in accordance with the following standards:

1.11131 Not later that March 1 of the first academic year of service if the appointment is to expire on the day the spring semester closes; or if a one-year appointment terminates during and academic year, at least three months in advance of its termination.

1.11132 Not later than December 15 of the second academic year of service, if the appointment is to expire on the day the spring semester closes; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its terminations; or

1.11133 At least twelve months before the expiration of an appointment after two or more years in the institution for giving written, notice of non-reappointment or of intention not to recommend reappointment to the Board of Trustees. The letter must contain the recommendations of the academic Dean.

1.12 A tenure recommendation will be made by the department, academic Dean and the Provost and Vice President for Academic Affairs at least one year prior to the end of a faculty member's probationary period. That recommendation will either be a recommendation to grant tenure at the end of the following year or a recommendation to terminate the faculty member at the end of the following year.

1.121 If the recommendation is to grant tenure, then the tenure review in the seventh year will usually be less comprehensive and will generally result in a affirmation of the favorable recommendation unless a substantial change in the level of the faculty member's performance has occurred or a specific condition of employment or tenure has not been met.

1.122 If the recommendation is not to grant tenure, then the faculty member's

ARCHIVE

seventh year is the final one at the University.

1.123 If a faculty member is recommended for tenure at the end of the sixth year and there is evidence of substantial change in the level of the faculty member's *performance in the seventh year or a specific condition of employment or tenure has not been met, then the faculty member may be recommended for termination at the end of the seventh year. In this case, the faculty member shall be granted an eight and final year, as a contract faculty member, at the University.*

1.13 The following are necessary prerequisites in order to be eligible for tenure:

1.131 The faculty member must have satisfied any specific conditions of employment set forth in his or her letter of appointment;

1.132 The faculty member must have received a positive tenure recommendation from his or her academic department; and

1.133 There must be available significant evidence of excellent performance by the faculty member, and there must be the expectation for a continuance of such in the future.

1.14 Tenure may be attained only through official action by the Board of Trustees of the University. The Board will make its decision after receiving and reviewing the recommendations of the department, academic Dean, Provost and Vice President for Academic Affairs, and the President, but the Board will not be bound to follow any of said recommendations.

1.15 Notice of non-reappointment, or of intention not to recommend reappointment to the Board of Trustees shall be given to the faculty member in writing in accordance with the following standards:

1.151 Not later than March 1 of the first academic year of service, if the appointment is to expire on the day the spring semester closes; or, if a one-year appointment terminates during the academic year, at least three months in advance of its termination;

1.152 Not later than December 15 of the second academic year of service, if the appointment is to expire on the day the spring semester closes, or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;

1.153 At least twelve months before the expiration of an appointment after two or more years in the institution.

1.16 Contract full-time appointment service may be considered as part of the probationary period for those who are later placed on regular full-time faculty and professional personnel status.

1.17 Prior service at Ball State University may be counted toward tenure after the person has completed a one-year probationary period following the return.

1.18 Years of service remain with the individual when regular full-time faculty and professional personnel transfer from one academic or professional area to another.

(The italicized material is from the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document Section III, Policy Statements.)

1.19 Any tenure-track individual serving as a member of a Department/School or the

ARCHIVE

College of Fine Arts Promotion and Tenure Committee must excuse himself from deliberations concerning his or her progress toward tenure.

1.110 Before the end of the academic year, the Department/School Promotion and Tenure Committee, after consultation with the department chairperson/director of school, shall provide each tenure-track faculty member with a written assessment of that faculty's work. This assessment shall include an evaluation of strengths and weakness in each of the areas of 1)teaching, 2 scholarship, and 3) service in a professional capacity. The committee may also suggest areas for improvement.

At any other step in the tenure process, the first committee or individual (department chair-person/director of school if his or her recommendation is different from the Department/School Promotion and Tenure Committee; the College of Fine Arts Promotion and Tenure Committee; the Dean of the College of Fine Arts; the Provost and Vice President for Academic Affairs) not recommending satisfactory progress for a faculty member shall provide that member with a written statement in the form of a letter indicating the negative decision and delineating candidate strengths and weaknesses in each of the areas of 1)teaching, 2) scholarship, and 3) service in a professional capacity. The committee or individual may also suggest areas for improvement.

2. Promotion

2.1 Faculty and eligible professional personnel shall be evaluated in the light of the University Mission Statement.

2.2 Any department member or eligible professional personnel member has the right to present herself or himself to the Department Promotion and Tenure Committee for consideration for promotion.

2.3 Policies and criteria related to recommending promotions shall be clear, specific, and familiar to all personnel.

2.4 Policies and criteria for promotions shall be subject to annual evaluation and review and to periodic revision.

2.5 Recommendations for promotion shall be initiated at the level where the candidate's qualifications can be best identified and evaluated. In most instances this would be the department/school.

(The italicized material is from the Faculty and Professional Personnel Handbook, University promotion and Tenure Document, Section III, Policy Statements.)

2.6 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in promotion deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuous activity.

2.7 The departmental and collegiate policies and criteria for promotions must be approved by the University Promotion and Tenure Committee and must be on file with the University Promotion and Tenure Committee and the office of the Provost and Vice President for Academic Affairs.

2.8 All promotions to Associate Professor and Professor will be granted on the basis of the spring recommendations. Regular Instructors will be promoted to Assistant Professor in September on the basis of provisions made in appointment

letters. Regular Instructors appointed in 1978 and thereafter must have appointment letters that specify conditions for promotion. Regular Instructors appointed prior to 1978 whose appointment letters do not specifically state such conditions will be considered for promotion each September in accordance with criteria contained in approved departmental promotion and tenure documents.

(The italicized material is from the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, Section III, Policy Statements.)

2.9 At any step in the promotion process (Department/School Promotion and Tenure Committee; department chairperson/director of school; Provost and Vice President for Academic Affairs) the first committee or individual not recommending a faculty member favorably for promotion shall provide that faculty member with a written statement in the form of a letter indicating that negative decision and delineating his or her strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity. The committee or individual may also suggest areas for improvement.

3. Policy Statements for Materials to be presented for Promotion and Tenure Purposes

3.1 Materials shall be presented to the Department/School Promotion and Tenure Committees by individual faculty members according to guidelines established by department/school and the College of Fine Arts.

3.2 A file shall be kept in the department chairperson/director of school for every individual faculty member who is eligible to be considered for promotion and/or tenure. This file shall be open to the faculty member concerned and will contain all information which, in the judgment of the department chairperson/director of school, is relevant to promotion and/or tenure. Materials shall be placed in the file by the department chairperson/director of school either at his or her own discretion or at the request of the candidate.

When any information relevant to promotion or receipt of tenure of an individual is to be placed in the file, it shall be brought to his or her attention in writing at once by his or her administrative head. The faculty member shall have the opportunity to place in the file materials which might rebut or explain any information which he or she considers detrimental. Any material that has not been brought to the attention of the faculty member and/or has not been placed in the file cannot be used in subsequent promotion and tenure deliberations. Anonymous letters shall not be made a part of this file.

This file shall be examined by the Department/School Promotion and Tenure Committees during promotion and tenure deliberations. Materials used by the Department/School Promotion and Tenure Committees as a basis for recommendations shall be made available to the College of Fine Arts Promotion and Tenure Committee, the Dean of the College of Fine Arts, the Provost and Vice President for Academic Affairs, and the President upon request.

(The italicized material is from the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, Section III, Policy Statements.)

3.3 In the case of a candidate seeking promotion to Professor, a minimum of two letters from reviewers external to the University shall be included. Such letters shall provide supplementary review of the candidate's scholarship, creative endeavors, and other scholarly productivity. These letters shall be acquired and presented in accordance with departmental/school and college policies and procedures. The candidate shall be fully involved in the selection of reviewers, with one-half of the contacted reviewers being from the candidate's list. Challenges to the list of reviewers will be

ARCHIVE

handled according to departmental/school and college policies. All letters received from external reviewers will be available to reviewers in the promotion review process.

The College will uphold the department and school policies and procedures specific to Supplemental External Review Letters. These external letters are meant to be review of scholarship.

(See Promotion and Tenure documents: Department of Art, Appendix I; School of Music, Section VI, 2.3; Department of Theatre and Dance, Section V, 1.33.-)

External review letters shall be inserted and retained in the candidate's Promotion and Tenure file for use by departmental/school, collegiate, and, in the case of an appeal, University Promotion and Tenure Committees, and by the Provost in promotion deliberations for the current year. The candidate has the right to examine all external review letters received. For the examination of the letters by the candidate, anonymity of the external reviewers must be protected in accordance with procedures established by departments/school and college. The candidate has the right to respond to information contained in the letters. At the conclusion of these deliberations, the letters shall be retained in a confidential file in the Office of the Dean. Once letters are placed in this separate confidential file, they cannot be reopened for purposes of subsequent promotion deliberations at any level of consideration unless requested by the candidate.

(The italicized material is from the Faculty and Professional Personnel Handbook, University Promotion and Tenure Document, Section III, Policy Statements.)

V. Academic Rank

1. There are three basic academic ranks: Assistant Professor, Associate Professor, and Professor.

Qualifications for each rank are as follows:

1.1 Assistant Professor

1.11 Evidence of quality performance as a teacher or practitioner in the specialty in which the candidate is hired;

1.12 Evidence of the potential for conducting research, for publishing, for contributing other scholarly products, and/or creative works;

1.13 Evidence of participation in professional organizations.

1.2 Associate Professor

1.21 Evidence of a continued pattern of excellent teaching.

1.22 Evidence of high quality contributions to one's specialty through research, publication or other scholarly productivity, which must include refereed outlets, and/or creative works;

1.23 Evidence of high quality contributions in the capacity of professional service.

1.3 Professor

1.31 Evidence of regional, national, or international recognition in at least one of the following, teaching, research, creative endeavors, or other scholarly productivity; or service in a professional capacity;

ARCHIVE

1.32 Evidence of a continued pattern of excellent teaching.

1.33 Evidence of significant contribution to one's specialty through research, publication or other scholarly productivity, which must include refereed outlets, and/or creative works; additionally, at least two letters from external evaluators who have reviewed and commented upon the evidence of significant contribution are required**.**

(Refer to Section IV, 3.3.)

1.34 Evidence of significant contributions in the capacity of professional service.

2. Advancement in rank is based on a continuing pattern of achievement throughout the faculty member's professional career in:

2.1 Teaching

2.2 Research, publication, creative endeavors, or other scholarly productivity;

2.3 Service in a professional capacity

(The italicized material is from the Faculty and Professional Personnel Handbook*, University Promotion and Tenure Document, Section V, Academic Rank.)*

3. A terminal degree in the faculty member's specialty area is usually required for either hiring at or advancement to associate or full professor. However, certain kinds of expertise experience, and/or recognition may be accepted by the College of Fine Arts as appropriate qualifications for either rank, upon approval of the Provost and the Vice President for Academic Affairs.

VI. Procedures for Promotion and Tenure

1. Procedures for Promotion

1.1 Faculty personnel—Regular

1.11 Departmental policies and criteria must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and shall be on file with the academic Dean and the ex officio member of the University promotion and Tenure Committee.

1.12 Recommendations for promotion shall be initiated at the department level. After evaluating the candidate's qualifications, the Department Promotion and Tenure Committee must indicate whether or not the candidate is to be recommended for promotion. (All candidates will be notified of recommendations in writing.)

(The italicized material is from the Faculty and Professional Personnel Handbook*, University Promotion and Tenure Document, Section V, Academic Rank.)*

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 Promotion and Tenure Committee's evaluations and recommendations.

ARCHIVE

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 bases 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.

(The italicized material is from the Faculty and Professional Personnel Handbook *University Promotion and Tenure Document, Section V, Academic Rank.)*

1.14 The Dean shall forward credentials to the College Promotion and Tenure Committee and charge it with the responsibility for evaluating each individual's credentials and determining whether or not candidates are to be recommended for promotion.

1.141 Any recommendations from the College Committee not receiving approval by the Dean shall be returned to the committee with reasons for the disapproval. A two-thirds vote of the committee shall be required to override the disapproval after which the Dean must forward the recommendation.

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. Procedures for Tenure

2.1 Faculty Personnel—Regular

2.11 Departmental policies and criteria must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and shall be on file with the academic Dean and the ex officio member of the University Promotion and Tenure Committee.

2.12 Each department shall have a specific evaluation form for rating a faculty member in relation to tenure. This form shall be used when a faculty member is being considered for tenure. This rating form must be kept on file with the chairperson of the department/school director and approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee.

2.13 Recommendations concerning tenure shall be initiated at the department/school level. Such recommendations include:

1. *Satisfactory progress toward tenure*
2. *Unsatisfactory toward tenure*
3. *Termination/dismissal*

2.14 The recommendations of the Department/School Promotion and Tenure Committee shall be forwarded to the academic Dean. Included with the recommendations will be the department chairperson/school director's

ARCHIVE

evaluations and recommendations, if there is a difference of opinion between the department chairperson/school director and the Department/School Committee.

(The italicized material is from the Faculty and Professional Personnel Handbook, *University Promotion and Tenure Document, Section VI, Procedures for Tenure.)*

2.15 In the seventh year of tenure consideration, the College Committee shall review and evaluate the credentials of all collegiate tenure-track persons and forward those credentials, with recommendations, to the Dean.

2.151 Any recommendation from the College Committee not receiving approval by the Dean shall be returned to the committee with reasons for the disapproval. A two-thirds vote of the committee shall be required to override the disapproval after which the Dean must forward the recommendation.

2.16 The 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.

2.17 *The Provost and Vice President for Academic Affairs, upon reviewing and being satisfied with the recommendations from the academic Deans, shall forward these recommendations to the President.*

2.18 Final recommendations in all matters pertaining to tenure reside with the President who forwards these recommendations to the Board of Trustees.

2.19 Specific conditions of appointment stated in writing at the time of the appointment by the President shall be given in writing to the individual, the department, the school director or chairperson, the appropriate Dean, the appropriate Vice President and the President.

(The italicized material is from the Faculty and Professional Personnel Handbook, *University Promotion and Tenure Document, Section VI, Procedures for tenure).*

3. Policy for Evaluation of Scholarship

Ball State University recognizes the importance of providing a climate in which professors pursue independent or collaborative scholarly activities or creative endeavors.

3.1 Departments will recognize and reward the four areas of scholarship: discovery, integration, application, and teaching.

3.2 Each department or school shall define its own emphases and the appropriateness of each faculty member's scholarly productivity and creative endeavors.

3.21 Faculty shall NOT be required to participate in each of the four areas of scholarship.

ARCHIVE

3.3 Each faculty member shall communicate clearly to the chairperson or director his or goals and accomplishments which contribute to the departmental goals and emphases.

3.4 Each faculty member shall communicate clearly to the chairperson or director the appropriateness of his or her 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.

VII Right of Reconsideration

1. Reconsideration

1.1 Reconsideration is the act whereby a candidate may request that an initial adverse decision by a departmental or collegiate committee 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 Promotion and Tenure Committee, then the candidate must ask for a reconsideration of that recommendation by the Department Committee before he or she may proceed further.

1.2.1 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 him or her. For example, if a Department Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 tenure. 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.

1.2.2 The written request for reconsideration shall be filed in the office of the department chairperson.

1.2.3 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 or tenure. No additional materials may be introduced or added to the documents or the process.

1.2.4 After meeting to reconsider the candidate’s materials, the committee shall vote to overturn or affirm the previous decision. This vote super cedes the previous vote.

1.3 If the initial adverse recommendation has been made by the College Committee or Dean, then he or she may ask for reconsideration at the collegiate level.

1.3.1 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 him or her. For example, if a College Dean or College Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 tenure. 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.

1.3.2 The written request for reconsideration shall be filed in the office of the college dean.

1.3.3 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 Collegiate Committee or Dean must meet with the candidate if he or she so requests. The

ARCHIVE

candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the documents or the process.

1.3.4 After meeting to reconsider the candidate's materials in cases where the committee made the initial adverse decision, the committee shall vote to overturn or affirm the previous decision. This vote super cedes the previous vote.

VIII. Right of Appeal

1. Appeals from Adverse Decisions
   1.1 Regular full-time faculty and regular professional personnel may appeal promotion and/or tenure decisions which adversely affect such individuals in accordance with provisions set forth in this Part VIII. 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 he or she may appeal to the College Promotion and Tenure Committee. 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 he or she 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 he or she 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 he or she 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 his or her 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 and tenure 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 his or her 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 when it reconsidered its initial adverse recommendation. 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.

ARCHIVE

2.9 A formal hearing will take place.

2.91 Timing. The College Committee 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 College Promotion and Tenure 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 Promotion and Tenure Committee establishing the panel. The chairperson of the College Promotion and Tenure Committee, or his or her 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. If the College Promotion and Tenure 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) 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 College Promotion and Tenure 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 his or her 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 Promotion and Tenure Committee chairperson, who together shall serve as the responding party (unless the chairperson of the College Promotion and Tenure Committee appoints a different individual or individuals to 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 he or she 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

ARCHIVE

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 regular 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 he or she desires. 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 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 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 Promotion and Tenure 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). If the responding party does not agree with this recommendation, that party may appeal to the University Promotion and

ARCHIVE

Tenure Committee.

2.1812 When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the University Promotion and Tenure Committee.

2.19 If an appellant or respondent wishes to appeal the decision of a collegiate hearing panel, either may request a hearing before the University Promotion and Tenure Committee. The request must be made within ten (10) calendar days following receipt by the appealing party of the collegiate hearing panel'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 when it reconsidered its initial adverse recommendation; (c) the responses and any other materials submitted by the College Committee when it considered the appeal. 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 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 University Promotion and Tenure 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 of the University Committee may, with good cause, extend the thirty day deadline.

2.212 Membership of the hearing panel. The University Promotion and Tenure 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 Promotion and Tenure Committee establishing the panel. The chairperson of the University Promotion and Tenure 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 University Promotion and Tenure 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 University Promotion and Tenure 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

ARCHIVE

Opportunity Commission.

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

2.23 Notice of hearing. The parties shall be given at least ten (10) calendar days notice of the date, time, and lace 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 he or she may 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 designated by the appellant, if he or she desires. 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 present, including the chairperson.

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

ARCHIVE

(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 University Promotion and Tenure 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 University 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 University 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 College Promotion and Tenure Committee or academic dean, then the appellant may request a hearing before the University Promotion and Tenure Committee.

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.

For specific details on the right of appeal refer to the Faculty and Professional Personnel Handbook, Handbook, University Promotion and Tenure Document, Section VII, numbers 2.1-5.4, Right of Appeal.

ARCHIVE

ARCHIVE

APPENDIX A

BALL STATE UNIVERSITY
COLLEGE OF FINE ARTS
VITA FORM

(For Tenure and Progress toward Tenure):

STATEMENT OF PROFESSIONAL ACTIVITIES SUBMITTED IN CONSIDERATION FOR TENURE OR PROGRESS TOWARD TENURE

(For Promotion):

STATEMENT OF PROFESSIONAL ACTIVITIES SUBMITTED IN CONSIDERATION FOR PROMOTION TO THE RANK OF _____

(List all information in reverse chronological order, i.e., most recent first.)

1. Name, current rank, department or school

2. Education

   2.1 Degree(s), date(s), school(s), major(s), minor(s)

   2.2 Non-degree study

3. Curriculum vitae [summary of employment history]

4. Teaching, Curriculum Development, Administrative History

   4.1 Teaching responsibilities (peer and student evaluations--subdivided into objective [cafeteria form] and subjective [letters, anecdotal, etc.]--on file)

      4.11 Credit classes (List each course and indicate the number of quarters or semesters each has been taught.)

      4.12 Master's theses (chair responsibilities marked with *)

      4.13 Doctoral committees (chair responsibilities marked with *)

      4.14 Honors, awards, and special recognitions for teaching

      4.15 Other

   4.2 Program, Curriculum, Course Development

   4.3 Administration

5. Research, scholarly productivity, creative endeavors (Where applicable, indicate if juried or refereed, local or state or regional or national or international, invited or competitive, honorarium paid.)

   5.1 Publications

   5.2 Papers read, lectures

   5.3 Unpublished (or unpublishable) creative works within the discipline, e.g., contracted professional work, compositions, sculptures, paintings, historical editions, etc.

ARCHIVE

5.4 Concerts, recitals, readings, shows, major purchases of work by collectors or galleries, etc., of a public nature

5.5 Conducting, directing, coaching, special preparation of students for competitions, etc. (Applicants must use their own judgment to determine whether this information is best placed here or in Teaching, Section 4.)

5.6 Funded grants

5.7 Work in progress

5.71 Contracted publications in progress

5.72 Lectures in progress

5.73 Creative endeavors in progress

5.74 Directing, coaching in progress

5.75 Grants pending

5.3 Consulting

5.9 Professional growth

5.91 Attendance at professional meetings (program participation indicated by *)

5.92 Study

5.10 Honors, awards, and special recognitions

6. Professional service

6.1 Institutional service

6.2 Professional service outside the university

6.21 Local

6.22 Regional

6.23 National

6.24 International

6.3 Honors, awards for professional service

6.4 Advising and other student support activities

6.5 Professional memberships

ARCHIVE

APPENDIX B

COLLEGE OF FINE ARTS
PROMOTION WORKSHEET: RANK OF ASSISTANT PROFESSOR

Candidate: _____

I. DEGREE AND LEVEL OF ACHIEVEMENT (Candidate must meet one of the following.)

Terminal degree in specialty or _____

Evidence of extraordinary experience/expertise as approved by Provost in letter of appointment _____

II. QUALITY OF WORK (See stipulations in departmental/school documents.)

		Low			High		Comments
A.	Teaching						
1.	Student evaluations	O	O	O	O	O	
2.	Peer evaluations	O	O	O	O	O	
3.	Chairperson/Director evaluation(s)	O	O	O	O	O	
4.	Other	O	O	O	O	O	
B.	Scholarly work/creative endeavors						
1.	Publications	O	O	O	O	O	
2.	Performances	O	O	O	O	O	
3.	Creative productivity	O	O	O	O	O	
4.	Dramatic or musical productivity	O	O	O	O	O	
5.	Other	O	O	O	O	O	
C.	Service of a professional nature						
1.	Department	O	O	O	O	O	
2.	College	O	O	O	O	O	
3.	University	O	O	O	O	O	
4.	Artistic discipline	O	O	O	O	O	
5.	Non-university community	O	O	O	O	O	

III. PROFESSIONAL GROWTH

A. Has the candidate sustained and demonstrated professional growth throughout his/her professional career?

B. Does the candidate demonstrate through documentation that there is reasonable expectation for continued growth?

IV. ON THE BASIS OF THE DOCUMENTATION FOR THIS CANDIDATE:

_____ Promotable at this time
_____ Not promotable at this time

ARCHIVE

APPENDIX B

COLLEGE OF FINE ARTS
PROMOTION WORKSHEET: RANK OF ASSOCIATE PROFESSOR

Candidate: _____

I. DEGREE AND LEVEL OF ACHIEVEMENT (Candidate must meet one of the following.)

Terminal degree in specialty or _____

Evidence of extraordinary experience/expertise as approved by Provost in letter of appointment _____

II. QUALITY OF WORK (See stipulations in departmental/school documents.)

		Low			High		Comments
A.	Teaching						
	1. Student evaluations	O	O	O	O	O	
	2. Peer evaluations	O	O	O	O	O	
	3. Chairperson/Director evaluation(s)	O	O	O	O	O	
	4. Other	O	O	O	O	O	
B.	Scholarly work/creative endeavors						
	1. Publications	O	O	O	O	O	
	2. Performances	O	O	O	O	O	
	3. Creative productivity	O	O	O	O	O	
	4. Dramatic or musical productivity	O	O	O	O	O	
	5. Other	O	O	O	O	O	
C.	Service of a professional nature						
	1. Department	O	O	O	O	O	
	2. College	O	O	O	O	O	
	3. University	O	O	O	O	O	
	4. Artistic discipline	O	O	O	O	O	
	5. Non-university community	O	O	O	O	O	

III. PROFESSIONAL GROWTH

A. Has the candidate sustained and demonstrated professional growth throughout his/her professional career?

B. Does the candidate demonstrate through documentation that there is reasonable expectation for continued growth?

IV. ON THE BASIS OF THE DOCUMENTATION FOR THIS CANDIDATE:

_____ Promotable at this time

_____ Not promotable at this time

ARCHIVE

APPENDIX B

COLLEGE OF FINE ARTS
PROMOTION WORKSHEET: RANK OF PROFESSOR

Candidate: _____

I. DEGREE AND LEVEL OF ACHIEVEMENT (Candidate must meet one of the following.)

Terminal degree in specialty or _____

Evidence of extraordinary experience/expertise as approved by Provost in letter of appointment _____

ARCHIVE

II. QUALITY OF WORK (See stipulations in departmental/school documents.)

			Low			High		Comments
A.	Teaching							
	1.	Student evaluations	O	O	O	O	O	
	2.	Peer evaluations	O	O	O	O	O	
	3.	Chairperson/Director evaluation(s)	O	O	O	O	O	
	4.	Other	O	O	O	O	O	
B.	Scholarly work/creative endeavors							
	1.	Publications	O	O	O	O	O	
	2.	Performances	O	O	O	O	O	
	3.	Creative productivity	O	O	O	O	O	
	4.	Dramatic or musical productivity	O	O	O	O	O	
	5.	Other	O	O	O	O	O	
C.	Service of a professional nature							
	1.	Department	O	O	O	O	O	
	2.	College	O	O	O	O	O	
	3.	University	O	O	O	O	O	
	4.	Artistic discipline	O	O	O	O	O	
	5.	Non-university community	O	O	O	O	O	
D.	**External evaluations**		**O**	**O**	**O**	**O**	**O**	

III. PROFESSIONAL GROWTH

A. Has the candidate sustained and demonstrated professional growth throughout his/her professional career?

B. Does the candidate demonstrate through documentation that there is reasonable expectation for continued growth?

IV. ON THE BASIS OF THE DOCUMENTATION FOR THIS CANDIDATE:

_____ Promotable at this time

_____ Not promotable at this time

ARCHIVE

APPENDIX B

COLLEGE OF FINE ARTS
TENURE WORKSHEET

Candidate: _____

I. DEGREE AND LEVEL OF ACHIEVEMENT (Candidate must meet one of the following.)

Terminal degree in specialty or _____

Evidence of extraordinary experience/expertise as approved by Provost in letter of appointment ____

II. QUALITY OF WORK (See stipulations in departmental/school documents.)

			Low			High	Comments
A.	Teaching						
	1.	Student evaluations	O	O	O	O	O
	2.	Peer evaluations	O	O	O	O	O
	3.	Chairperson/Director evaluation(s)	O	O	O	O	O
	4.	Other	O	O	O	O	O
B.	Scholarly work/creative endeavors						
	1.	Publications	O	O	O	O	O
	2.	Performances	O	O	O	O	O
	3.	Creative productivity	O	O	O	O	O
	4.	Dramatic or musical productivity	O	O	O	O	O
	5.	Other	O	O	O	O	O
C.	Service of a professional nature						
	1.	Department	O	O	O	O	O
	2.	College	O	O	O	O	O
	3.	University	O	O	O	O	O
	4.	Artistic discipline	O	O	O	O	O
	5.	Non-university community	O	O	O	O	O

III. PROFESSIONAL GROWTH

A. Has the candidate sustained and demonstrated professional growth throughout his/her professional career?

B. Does the candidate demonstrate through documentation that there is reasonable expectation for continued growth?

IV. ON THE BASIS OF THE DOCUMENTATION FOR THIS CANDIDATE:

_____Recommend tenure

_____Deny tenure

Approved by the CFA Promotion and Tenure Committee January 13, 2012

ARCHIVE

COLLEGE OF SCIENCES AND HUMANITIES[39]

1. Guidelines for Promotion and Tenure
   1.1 The evaluation of a faculty member's eligibility for promotion or tenure shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the following areas:
      1.11 Teaching;
      1.12 Scholarship;
      1.13 Service in a professional capacity.
   1.2 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in promotion and tenure deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State.
   1.3 Promotion to Associate Professor is not coupled to the initial tenure decision during the sixth creditable year in rank. Candidates for promotion to Associate Professor are encouraged to take the time necessary to provide evidence of sustained productivity at Ball State University. Candidates should present a vita that clearly demonstrates high quality in the areas of teaching, scholarship; and service in a professional capacity. This does not preclude application for promotion to Associate Professor prior to the fifth or sixth creditable year in rank in cases when sustained productivity can be demonstrated earlier.

2. Definitions
   2.1 Department and departmental refers to the twenty departments housed within the College.
   2.2 College and collegiate refers to the College of Sciences and Humanities.
   2.3 Reconsideration is the act whereby a candidate may request that an initial adverse decision by the departmental or collegiate committee be reexamined. Reconsideration provides an opportunity for the candidate to clarify content of materials.
   2.4 Appeal refers to the action taken by the appellant when the outcome of the departmental reconsideration is the same as the original recommendation or when an adverse recommendation is made at the College or Provost and Vice President for Academic Affairs level. Appeals examine the process followed and not the content of materials.
   2.5 Working days are those days when Ball State University administrative offices are open.
   2.6 Calendar days are the days which appear on a calendar, including Saturday, Sunday, and holidays. They do not relate to the Ball State academic schedule or calendar.
   2.7 Tenure-track faculty are those who are currently in the seven-year probationary tenure period.
   2.8 Tenured faculty are those faculty who have been granted tenure.
   2.9 An external reviewer is an individual from outside the university who has demonstrated expertise in the candidate's area.
   2.10 Scholarship is the process of attaining new knowledge, creating a new work, or re-creating/interpreting existing works, and disseminating the results. Generally this takes the form of appropriate peer reviewed publications, presentations or exhibits, performances, other creative endeavors, and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching
      2.101 The scholarship of discovery is traditional research and creative endeavors that pursue and contribute to new knowledge for its own sake.

ARCHIVE

2.102 The scholarship of integration makes connections across disciplines bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.

2.103 The scholarship of application applies knowledge to address significant societal issues.

2.104 The scholarship of teaching studies the development of knowledge, skill, mind, character, and/or ability of others.

3. Policy for Evaluation of Scholarship

3.1 Ball State University recognizes the importance of providing a climate in which professors pursue independent or collaborative scholarly activities or creative endeavors.

3.12 Departments will recognize and reward the four areas of scholarship: discovery, integration, application, and teaching.

3.13 Each department or school shall define its own emphases and the appropriateness of each faculty member's scholarly productivity and creative endeavors.

3.131 Faculty shall NOT be required to participate in each of the four areas of scholarship.

3.14 Each faculty member shall communicate clearly to the chairperson or director his or her goals and accomplishments, which contribute to the departmental goals and emphases.

3.15 Each faculty member shall communicate clearly to the chairperson or director the appropriateness of his or her 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.

4. Policy for the Evaluation of Teaching

4.1 Ball State University recognizes the importance of its teaching mission. Evaluation of teaching plays a primary role in providing students with the best possible educational experience and in allowing faculty to develop to their full potential as teachers. Therefore faculty must annually evaluate their teaching by a variety of means.

4.2 Each department shall devise procedures, to be approved by its college, for regularly conducted evaluation of teaching, including student ratings. Ratings by students shall be conducted each year on a regular schedule that meets departmentally approved standards, suitably administered, summarized, and available for review during promotion and tenure decisions.

4.3 In addition, each faculty member's teaching shall be evaluated by at least one of the following means, and all of the following means shall be available to the individual faculty member:

4.31 Peer review of teaching, such as classroom visitation, evaluation of syllabi, examinations and other classroom materials;

4.32 Chairperson review of teaching, such as classroom visitation, evaluation of syllabi, or evaluation of examinations;

4.33 Peer and chairperson review of the teaching portfolio.

4.4 Departments are encouraged to use as many other means of evaluation as they see fit. Examples may include evidence of significant involvement in curriculum development; significant contribution to the pedagogy of the field; personal statement describing teaching goals.

4.5 Annually, each department chairperson must make each faculty member aware of the departmentally approved methods that will be used for the evaluation of teaching.

5. Policy for the Evaluation of Service

5.1 Ball State University recognizes the importance of providing a climate in which professors can remain active in their professional activities and organizations and can provide service to the University, community and state. Such activities can include consulting; officer of/membership in professional organizations; officer of/membership in departmental, school, college, or University committees; and advising, etc.

APPROVED

5.11 Each department shall define its own emphases and the appropriateness of each faculty member's professional citizenship and outreach activities.
5.12 Each faculty member shall communicate clearly to the chairperson or director his or her goals and accomplishments which support the departmental goals and emphases.
5.13 Each faculty member shall communicate clearly to the chairperson or director the appropriateness of the service and how it enhances his or her teacher/scholar role.

6. Qualifications for Tenure-track or Tenured Faculty Academic Rank
   6.1 There are three basic ranks for tenure-track or tenured faculty: Assistant Professor, Associate Professor and Professor. The qualifications for each rank are as follows.
      6.11 Assistant Professor
         6.111 Evidence of effective teaching performance or evidence of potential for excellence as a teacher
         6.112 Evidence of, or potential for Scholarship
         6.113 Evidence of, or potential for, significant professional service
      6.12 Associate Professor
         6.121 Evidence of high quality teaching
         6.122 Evidence of high quality Scholarship
         6.123 Evidence of high quality professional service
      6.13 Professor
         6.131 Evidence of excellence as a teacher
         6.132 Evidence of excellence in scholarship, including at least two letters from external reviewers who have reviewed and commented upon the evidence of excellence.
         6.133 Evidence of excellent professional service
   6.2 Departmental promotion and tenure documents must specify the earned degrees, professional training, professional experiences and/or other appropriate certifications that the department requires for each academic rank. A department may require an appropriate earned doctorate for the ranks of associate professor or professor.
   6.3 Departmental promotion and tenure documents may provide more specific articulations of the qualifications for academic rank as appropriate to the department's disciplines.
   6.4 For new hires, academic rank will be recommended by the department and approved by the Dean of the College and the Provost and Vice President for Academic Affairs.

7. Annual College Procedures
   7.1 Each year the College Promotion and Tenure Committee will review college procedures including the vita form and the evaluation form. After review, the committee will approve procedures and forms to be used by that committee. Once approved, the procedures and forms will be forwarded by December 1 to the University Promotion and Tenure Committee for their review, will be distributed to department chairpersons, and will be placed on file in the Office of the Dean.

8. College Promotion and Tenure Committee
   8.1 The regular full-time faculty of each department in the College of Sciences and Humanities will elect a Department Promotion and Tenure Committee. The committee shall consist of tenure-track and tenured faculty members of the department. However, by unanimous consent of the regular full-time faculty, one of those serving on the departmental committee may be from another department. No candidate shall be evaluated by a Promotion and Tenure Committee of fewer than three (3) eligible voting members. An untenured member of the committee must recuse herself/himself from consideration of his/her own candidacy. The department chairperson shall be an ex officio non-voting member. The departmental committee shall elect its own chairperson, but no faculty member who has served as a regular faculty member for less than one year at Ball State University shall be eligible to become chairperson. The chairpersons of the Department Promotion and Tenure Committees will generally comprise the Promotion and Tenure Committee of the College of Sciences and Humanities (hereafter referred to as the College Committee). In the event that a member of the College Committee cannot continue his/her duties for any reason, the approved

ARCHIVE

departmental replacement policy shall be invoked to find an immediate replacement for the college committee. A department committee, for reasons it deems good and appropriate, may be represented on the College Committee by someone other than the chairperson of the department committee. In addition, the dean and associate deans will be non-voting ex officio members, and the college's representative on the University Promotion and Tenure Committee will serve as a non-voting liaison to the University Committee. In the event that a member of the College Committee or his or her spouse is considered for promotion, he or she must resign from the College Committee.

8.2 The College Promotion and Tenure Committee will elect the following officers:

8.21 A chairperson.

8.22 A secretary.

8.23 A chairperson of the Criteria Subcommittee who will appoint two additional members from the College Committee to the Criteria Subcommittee;

8.24 A chairperson of the Appeals Subcommittee who will organize appeal panels as they become necessary. The chairperson of the Appeals Subcommittee will serve as the designee of the chairperson of the College Promotion and Tenure Committee.

9. College Procedures

9.1 The chairperson of each department promotion and tenure committee should forward by November 1 of each year to the College Committee a copy of the department's current policies, procedures, and criteria for promotion and tenure and should note any changes made during the intervening year. These materials will be reviewed by the members of the Criteria Subcommittee which shall report regarding compliance with the College policies and procedures. The chairperson of the department committee will be consulted when clarification of the department's documents is needed. Each department's policies, procedures, and criteria must comply with those of the University and the College.

9.2 Promotion and Tenure

9.21 In accordance with the department's policies, procedures and criteria, the Department Promotion and Tenure Committee chairperson and/or the chairperson of the department will prepare recommendations on promotion and tenure. Recommendations for promotion and tenure will be submitted to the Dean of the College by the date established each year by the College Committee. Persons recommended for promotion to the College Promotion and Tenure Committee must be informed by the department (in writing) of their rank order on the departmental promotions list at least five working days prior to the submission deadline in the Office of the Dean.

9.211 Recommendations for tenure and/or promotion will be supported by documented and specific evidence pertinent to criteria adopted by the department, college, and University. Each candidate must complete the standard vita form prepared by the College Committee and available in the Office of the Dean.

9.212 In the case of a candidate seeking promotion to Professor, a minimum of two letters from reviewers external to the University shall be included.
Department chairs shall ask external reviewers to describe their relationship, if any, to the candidate. The review letter shall provide the reviewer's assessment of the quality of the candidate's scholarship, creative endeavors, and other scholarly productivity. The department chair shall include a copy of the letter soliciting external reviews.

9.213 To select external reviewers, the candidate will provide the Department Promotion and Tenure Committee Chair the names of at least two external reviewers and explain in writing why each individual was proposed as a reviewer. The candidate will also describe the relationship, if any, between the candidate and each reviewer. The Department Promotion and Tenure Committee will select at least two additional external reviewers and record in writing why each individual was proposed as a reviewer. The candidate and the Department Promotion and Tenure Committee will jointly decide on the reviewers to be contacted for letters. One-half of the contacted reviewers must be from the candidate's list. If an agreement on the reviewers to be contacted cannot be reached, the dean will decide the

ARCHIVED

issue.

9.214 All letters received from external reviewers will be available to evaluators in the promotion review process. These review letters shall be inserted and retained in the candidate's Promotion and Tenure file for use by the departmental, collegiate, and, in the case of an appeal, University Promotion and Tenure Committee, and by the Provost in promotion deliberations for the current year.

9.215 Not later than one week prior to the beginning of the Departmental Promotion and Tenure Committee's consideration of the candidate's promotion to Professor, the chair of the committee shall make a copy of the set of external letters received available to the candidate for review. In the set of external letters presented to the candidate, the anonymity of the external reviewers will be protected by blocking out all information in the letter that could be used to identify a reviewer (such as her/his name, position, letterhead identifying the location of employment, etc.). This set of letters shall be referred to as the redacted file. The candidate may respond in writing to information included in the redacted file for inclusion in the promotion file. Any written responses and all copies in the redacted file must be delivered by the candidate to the chair of the Departmental Promotion and Tenure Committee before the scheduled beginning of the committee's consideration of the candidate's promotion to Professor.

9.216 At the conclusion of promotion deliberations, the redacted file will be destroyed by the Office of the Dean. The original letters from external reviewers shall be retained in a confidential file in the Office of the Dean. Once letters are placed in this separate confidential file, they cannot be reopened for the purposes of subsequent promotion deliberations at level of consideration unless requested by the candidate.

9.22 The Dean of the College will receive department recommendations and supporting documentation for promotion and tenure and check them for compliance with current college criteria. Any recommendations and documentation not meeting the criteria will be returned immediately to the department for review and resubmission.

9.3 Procedures for Tenure

9.31 Whenever possible, standard letters should be used for stating a candidate's progress toward tenure. Lack of satisfactory progress toward tenure should be identified as early as possible in the standard probationary period of seven years and no later than May 1 of the sixth year. It is recommended that if any reasonable doubt exists as to satisfactory progress toward tenure that an unsatisfactory progress toward tenure letter be given as early as the first year of employment.

9.32 It is mandatory that departments record the nature of any problems along with the dates and the names of those present in meetings in which these problems related to tenure were discussed with the candidates and retain these notes in the department files. The names of regular faculty who are to be dismissed in the first year of their employment are to be sent to the Dean of the College by February 1 and those to be dismissed at the end of their second year by November 15. For those employed two or more years, notice of non-reappointment, or intention not to recommend reappointment, shall be given in writing at least twelve months before the expiration of the appointment.

9.33 The department chairperson will submit the credentials of candidates eligible for tenure to the Dean in accordance with University, College and departmental policies. This will include the recommendations of the departmental promotion and tenure committee and the department chairperson.

9.34 The Dean of the College each year will review the department recommendations and supporting vita for each untenured tenure-track faculty. The Dean may consult with and/or solicit additional supporting materials from the faculty member, the department chairperson, and/or other persons the Dean may deem to have relevant information. The Dean of the College will recommend to the Provost and Vice President for Academic Affairs.

ARCHIVE

9.341 During the first five years of the probationary period, the Dean will recommend satisfactory or unsatisfactory progress toward tenure, or dismissal, or

9.342 During the sixth year of the probationary period, the Dean will recommend for tenure or for dismissal, or

9.343 During the seventh year of the probationary period, the Dean will recommend that tenure be granted or that employment be terminated in accordance with University Promotion and Tenure policy as described in Section III 2.113 of the Faculty and Professional Personnel Handbook.

9.4 Procedures for Promotion

9.41 The department chairperson will forward to the Dean two ranked lists of candidates, one for promotion to Associate Professor and one for promotion to Professor, recommended by the department promotion and tenure committee with appropriate supportive evidence and an indication of the department chairperson's endorsement or non-endorsement. A list of items to be treated in the supportive letter will be distributed by the Office of the Dean.

9.42 The Dean of the College will distribute the department recommendations for promotion and the supporting vitae to the members of the College Committee. The Dean will make available to the members of the Committee other documentation that has been submitted with the recommendation for promotion.

9.43 The College Committee will study the recommendations with supportive materials from departments for compliance with policies and procedures established for the College. The Committee

9.431 Will request additional evidence to support recommendations if needed;

9.432 Will meet with department promotion and tenure committees in those instances when in its judgment policies and/or procedures have not been adhered to or some other question exists and request that alterations in recommendations be made;

9.433 May hold interviews with recommending officers or take whatever action is needed to discharge its above review function;

9.434 Will rank the candidates for promotion. In cases where department rankings have been violated and the College Committee does not feel simple modification of the ranking is warranted, the Committee will consult with the Department Committee to effect a reconciliation.

9.44 The College Committee is responsible for submitting two ranked lists, one for promotion to Associate Professor and one for promotion to Professor, along with each candidate's promotion ratings, to the Dean for forwarding to the Provost and Vice President for Academic Affairs. Each ranked list must respect the department rankings originally submitted or those that may have been adjusted after consultation between the College Committee and respective Department Promotion and Tenure Committee(s).

9.441 Any recommendation from the College Committee not receiving approval by the Dean of the College shall be returned to the College Committee with reasons for the disapproval. A two-thirds vote of the College Committee shall be required to override the disapproval after which the Dean must forward the recommendation.

9.442 The Dean of the College is instructed to mail letters to all persons whose names have been submitted for promotion by their department informing them of the committee's recommendations.

9.443 For those persons not being recommended favorably for promotion by the College Committee and/or the College Dean, the letter must include written statements delineating the person's strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity. The College Committee and/or the College Dean may also suggest areas for improvement.

10. Right of Reconsideration

10.1 Reconsideration is the act whereby a candidate may request that an initial adverse decision by a departmental or collegiate committee be reexamined. Reconsideration can take place before an appeal. Reconsideration provides an opportunity for a candidate to clarify content of material.

ARCHIVE

10.2 If the initial adverse recommendation has been made by the Department Promotion and Tenure Committee, then the candidate must ask for a reconsideration of that recommendation by the Department Committee before he or she may proceed further. Refer to the Department P&T document and the Faculty and Professional Personnel Handbook for procedures.

10.3 If the initial adverse recommendation has been made by the College Committee or Dean, then he or she may ask for reconsideration at the collegiate level.

10.31 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 him or her. For example, if a College Dean or College Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 tenure. 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.

10.32 The written request for reconsideration shall be filed in the office of the college dean.

10.33 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 Collegiate Committee or Dean must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the documents or the process.

10.34 After meeting to reconsider the candidate's materials in cases where the committee made the initial adverse decision, the committee shall vote to overturn or affirm the previous decision. This vote supersedes the previous vote.

10.35 In colleges where the Dean makes the decision, the Dean will inform the candidate of his or her decision following reconsideration.

10.36 The candidate's materials for promotion and/or tenure shall be held in the collegiate office and shall not be forwarded to the University Promotion and Tenure Committee until all requests for reconsideration have been exhausted.

11. College Appeals Subcommittee Policies and Procedures

11.1 Regular full-time faculty and regular professional personnel may appeal promotion and/or tenure decisions which adversely affect such individuals. Appeals examine the process not the content.

11.2 Appeals regarding promotion or tenure will be based upon

11.21 Allegation of violation of approved departmental, collegiate, and/or University Policies, including those set forth in the Faculty and Professional Personnel Handbook;

11.22 Allegation of unfair treatment on the part of the decision makers;

11.23 Allegation of discriminatory treatment on the part of the decision makers.

11.3 The Appeals Subcommittee will adhere to the University Promotion and Tenure Committee Policies.

11.4 The Appeals Subcommittee Chairperson will review the appeals documents to determine whether the appeal specifies a criterion established in **11.2.** Documents which do not specify any of these criteria will be returned immediately to the appellant for review and resubmission. The appellant must resubmit or withdraw the appeal within five (5) working days from the date of notification by the Appeals Subcommittee Chairperson. Upon resubmission the Appeals Subcommittee Chairperson will form an appeal panel to hear the appeal.

11.5 Persons who will be involved in an appeal hearing:

11.51 The appellant who has the prerogative of being accompanied by a full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant and/or a recording secretary;

11.52 The department chairperson and the Department Promotion and Tenure Committee chairperson (unless the chairperson of the Appeals Subcommittee appoints a different individual or individuals to represent the department) who would present the case for the department including such

APPROVED

material as minutes of promotion and tenure meetings involving the appellant;

11.53 Witnesses who may be called by the appellant, the department and/or the chairperson of the appeal panel. Each witness will be present at the appeal hearing only during his or her testimony;

11.54 The Dean or the Dean's designee who will be an ex officio non-voting attendant at the hearing;

11.55 The appeal panel who will hear the appeal.

11.6 Persons who will serve on the appeal panel:

11.61 The Chairperson of the Appeals Subcommittee or his or her designee who will chair the appeal panel;

11.62 Four additional faculty members who will be appointed by the chairperson of the Appeals Subcommittee, at least two (2) of whom must also be members of the College Promotion and Tenure Committee. Appointed members must be from four departments other than that of the appellant. The appeal panel must be in accordance with University Promotion and Tenure policy as described in Sections IV 2.3 and VII 3.52 and 3.522 of the Faculty and Professional Personnel Handbook. The chairperson of the appeal panel will appoint one member of the appeal panel as the panel's recording secretary. When the appellant is from the same department as the chairperson of the Appeals Subcommittee or the chairperson of the Appeals Subcommittee has a conflict of interest, the chairperson of the College Promotion and Tenure Committee will organize the appeal panel in accordance with the policies and procedures established by the College.

11.7 Appeals will be conducted only when all members of an appeal panel are present.

11.8 Preparation for and conduct of the appeal hearing:

11.81 At least five (5) working days prior to the date of the hearing, the appellant must submit a written statement clearly detailing the basis (bases) of the appeal along with copies of all pertinent related documents to the chairperson of the appeal panel;

11.82 At least five (5) working days prior to the date of the hearing, the appellant's department (department chairperson and/or chairperson of the Promotion and Tenure Committee) must submit a written statement clearly detailing responses by previous committees that have heard the appeal along with copies of all pertinent related documents to the chairperson of the appeal panel;

11.83 At least (5) working days prior to the date of the hearing, both the appellant and the departmental representatives must submit a list of witnesses (if applicable) to the chairperson of the appeal panel;

11.84 The materials listed above in Sections 11.81, 11.82 and 11.83 will be distributed for review to all parties participating in the hearing, excluding witnesses, at least three working days prior to the hearing;

11.85 The chairperson of the appeal panel will open the hearing by outlining the procedure to all participants;

11.86 The procedure will include the following steps:

11.861 The appeal panel and the College Dean or a designee will have reviewed all materials previously submitted;

11.862 The appellant and faculty colleague will make a presentation not to exceed thirty (30) minutes (the time used by witnesses will be included within the thirty (30) minutes);

11.863 At the close of the appellant’s time period, members of the appeal panel may question the appellant and witnesses;

11.864 After the panel’s questions have been answered, the departmental representatives may give a rebuttal not to exceed five (5) minutes;

11.865 Following the rebuttal, members of the appeal panel may ask questions;

11.866 The departmental representatives will make a presentation not to exceed thirty (30) minutes (the time used by witnesses will be included within the thirty (30) minutes;

11.867 At the close of the department’s time period, members of the appeal panel may question the departmental representatives and witnesses;

11.868 After the panel’s questions have been answered, the appellant may give a rebuttal not to exceed five (5) minutes;

11.869 Following the rebuttal, members of the appeal panel may ask questions;

ARCHIVED

11.8610 The chairperson of the appeal panel will ask both parties if they believe the hearing was conducted fairly (responses will be recorded in the minutes of the hearing);

11.8611 The chairperson of the appeal panel may extend the time limitations with the approval of the majority of the panel.

11.9 The chairperson of the appeal panel shall call a separate meeting of the appeal panel only to deliberate the appeal. Before the final decision, both the appeal panel and the Dean, or the Dean's designee, may request a meeting with each other. Decisions will be made by anonymous written ballot and will require a simple majority. The chairperson of the appeal panel will orally notify the appellant, the department, and the Dean's Office of the decision and will provide written confirmation to the parties with copies provided to the proper College and University officials for appropriate action. When the appeal panel upholds an appeal, it must specify a remedy for the situation or specify a recommended course of action to the appropriate parties.

12. Promotion and Tenure Policies and Procedures

12.1 University (See Faculty and Professional Personnel Handbook).

12.2 College (A complete set of documents pertaining to the policies and procedures of the College Committee and subcommittees is available upon request in the Office of the Dean).

APPROVED BY COLLEGE: 10/28/11
APPROVED BY UNIVERSITY P&T: 01/27/2012

ARCHIVE

TEACHERS COLLEGE[40]

I. Guidelines

1. The evaluation of a faculty member's eligibility for promotion or tenure shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the following areas:
   - 1.1 Teaching.
   - 1.2 Scholarship. Publications that are in print, in press, or accepted for publication will be counted in promotion deliberations. Bona fide evidence must be presented to document "in press" or "accepted" status. In matters of tenure, publications may be counted only once.
   - 1.3 Service in a professional capacity.

II. Definitions

1. Department and departmental refer to the Departments of Counseling Psychology and Guidance Services, Educational Leadership, Educational Psychology, Educational Studies, Elementary Education, and Special Education.
2. College or collegiate refers to Teachers College.
3. Reconsideration refers to the initial action required when there is an adverse recommendation concerning promotion or tenure at the departmental or collegiate levels. Reconsideration is made by the candidate for the purpose of reviewing content and can only occur at the first level where an adverse recommendation is made.
4. Appeal refers to the action taken by a candidate when an adverse outcome occurs at any level of decision making related to process.
5. Working days are those days when Ball State University administrative offices are open.
6. Calendar days are the days which appear on a calendar, including Saturday, Sunday, and holidays. They do not relate to the Ball State academic schedule or calendar.
7. Tenure-track faculty are those faculty who have not yet been granted tenure by the Board of Trustees.
8. Tenured faculty are those faculty who have been granted tenure.
9. Scholarship is the process of attaining new knowledge, creating a new work, or re-creating/ interpreting existing works, and disseminating the results. Generally this takes the form of appropriate peer-reviewed publications, presentations or exhibits, performances, other creative endeavors, and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching.

   The scholarship of discovery is traditional research and creative endeavors that pursue and contribute to new knowledge for its own sake.

   The scholarship of integration makes connections across disciplines bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.

   The scholarship of application applies knowledge to address significant societal issues.

   The scholarship of teaching studies the development of knowledge, skill, mind, character, and/or ability of others.

III. Committee Structure and Function

1. Committee Membership

ARCHIVE

1.1 The Teachers College Promotion and Tenure Committee is composed of one tenured faculty member from each department in the College. Members and their alternates are elected for two years.

1.2 Elections shall be conducted each Spring Semester by the Deans Office and selected members of the College Promotion and Tenure Committee.

1.3 Each year the departments in the College whose representatives are completing their second year will nominate three persons from among its eligible faculty. The names of these persons will be placed on a ballot and separated by department. Regular, full-time faculty in the College will vote for one of the three nominees from each department.

1.4 The nominee from each department receiving the highest number of votes is elected to the committee for a two-year term. The nominee from each department receiving the second highest number of votes is the alternate to the Committee for a two-year term. In the case of a tie, there will be a run-off election. The nominee receiving the highest number of votes in the run-off is elected to the committee for a two-year term and the other nominee serves as an alternate for two years.

1.5 In the event the person elected to the College Committee is unable to serve, the alternate shall become a member of the College Committee. In the event a vacancy occurs in the position of alternate, the concerned department will nominate a three-member slate on which the total College faculty will vote. The nominee receiving the highest vote will complete the term as alternate.

1.6 The newly elected Committee assumes its official responsibilities the first day following the end of Spring Semester. The term of office ends the last day of Spring Semester except for appeals generated during the tenure of the Committee.

1.7 The academic dean or his designee is an ex-officio, non-voting member.

1.8 A quorum shall be a simple majority except at meetings involving evaluation of credentials of candidates seeking promotion. A quorum shall be five of the six departmental representatives.

1.9 The elected college representative to the University Promotion and Tenure Committee shall meet with the College Committee as a non-voting liaison person.

1.10 No person may serve as a member of the College Promotion and Tenure Committee who is a candidate for promotion or tenure. An individual so elected who later becomes a candidate for promotion or tenure must resign from the committee.

1.11 Please refer to the University "Anti-Nepotism Policy and Procedures for Faculty and Professional Personnel" in the *Faculty and Professional Personnel Handbook*.

1.12 At the first meeting, the College Promotion and Tenure Committee will elect a chairperson and secretary to serve for that academic year.

2. Committee Responsibilities

2.1 The College Committee is responsible for implementing University and College Promotion and Tenure policies and procedures.

2.2 The Dean's Office is responsible for informing the Department Promotion and Tenure Committees of due dates for promotion and tenure consideration by the College Committee.

2.3 Members of the College Committee are responsible for keeping all information and all action taken confidential.

2.4 The College Committee is responsible for reviewing all department promotion and tenure documents, including the department evaluation teaching policy and rating form, and may give a recommendation of approval to the Dean only when the documents comply with College and University policies and procedures.

ARCHIVE

2.5 The College Committee shall evaluate the credentials and consider the recommendations of all candidates forwarded from the department for promotion and tenure (typically at the pre-tenure and conclusion of probationary period) and forward those credentials along with a vote count for each candidate, with recommendations submitted on the Teachers College Pre-Tenure, Tenure, and Promotion Recommendation Form to the Dean. The names of all candidates favorably recommended must be forwarded in an unranked alphabetical order. The Committee must forward a letter of explanation to the Dean for each candidate who is not recommended for promotion or tenure..

2.6 The Committee shall hear reconsiderations and appeals at a specially called meeting.

2.7 Minutes of all Committee actions are maintained by the Committee secretary and kept on file in the Office of the Dean. Copies are distributed to members of the Committee. Minutes of actions regarding recommendations for promotion or tenure of individual faculty (including completed rating forms) and of reconsiderations and appeals are distributed for Committee review and approval at a regularly scheduled meeting, then collected, and one official copy is kept in the Office of the Dean.

IV. Policy Statements

1. Tenure

2. Promotion

3. Materials to be Presented for Promotion and Tenure

1. Tenure

1.1 Faculty and eligible professional personnel shall be evaluated in light of the University Mission Statement.

1.2 Departmental policies and criteria related to recommending tenure shall be clear, specific, and familiar to all personnel.

1.3 Policies and criteria for tenure shall be subject to annual evaluation and review and to periodic revision.

1.4 The departmental and collegiate policies and criteria for tenure must be approved by the University Promotion and Tenure Committee and must be on file with the University Promotion and Tenure Committee and the office of the Provost and Vice President for Academic Affairs.

1.5 A faculty member must complete at least one semester of full-time service during any academic year in order to receive a full year's credit for purposes of tenure consideration.

1.6 Tenure for those who hold academic rank is earned in an academic department and held in the University.

1.61 For all individuals hired by the University after June 30, 1991, tenure may be granted only to those who hold academic rank in an academic department. When a candidate is hired, academic rank and tenure must be recommended by an academic department chairperson in conjunction with the Department Promotion and Tenure Committee, approved by the Dean of Teachers College, and subsequently approved by appropriate administrators, and the Board of Trustees. Years granted toward tenure at the time of hiring must be recommended by an academic department chairperson in conjunction with the Department Promotion and Tenure Committee, approved by the Dean of Teachers College, and subsequently approved by appropriate schools, colleges, administrators, and the Board

ARCHIVE

of Trustees.

1.7 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in tenure deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuous activity.

1.8 When a faculty member is employed in a tenure-track position, a probationary period of seven years is ordinarily required before the Board of Trustees grants tenure. Generally, the probationary period will not exceed seven full-time years of tenure-creditable service as a faculty member at Ball State University.
When transferred from one academic or professional area to another, a tenure-track person may, in addition to the normal probationary period, be required to complete an additional probationary period not to exceed two years. The length of the extension of time must be established and stated in writing at the time of the new appointment.

1.81 A faculty member may request that certain years (normally not to exceed two years total) not be counted as tenure-creditable years if any of the following pertain:

1.811 The faculty member is seriously ill;

1.812 The faculty member is the principal care-giver for a son/stepson or daughter/ stepdaughter;

1.813 The faculty member is the principal care-giver for a family member who is seriously ill;

1.814 The faculty member will be on leave for at least one semester of the academic year.

A request that a year not be counted as tenure-creditable shall be made to the Department Chairperson prior to the beginning of the next academic year. The request shall include documentation of the circumstances involved. The request shall be given immediately by the department chairperson to the Department Promotion and Tenure Committee. The request requires approval of the Department Promotion and Tenure Committee, the Department Chairperson, the appropriate Dean, and the Provost and Vice President for Academic Affairs.

1.82 In cases where the exceptional achievements of a candidate in teaching, scholarship, and other meritorious activities resulted in appointment at the associate or professor ranks, tenure may be recommended to the trustees as early as the completion of the third year, following a recommendation from the Department Promotion and Tenure Committee, and approval from the Department Chairperson, Academic Dean, and Provost and Vice President of Academic Affairs. The Board of Trustees may grant tenure in special cases to an individual who holds or will hold academic rank without any probationary period, or with a probationary period of fewer than three years, if all of the following conditions are fulfilled.

1.821 The Board obtains the prior positive recommendations of the Promotion and Tenure Committee of the academic department in which the candidate holds (or will hold) academic rank, Department Chairperson, the Academic Dean, the Provost and Vice President for Academic Affairs, and the President.

ARCHIVE

1.822 The Board concurs with the recommendation that the individual possesses superior academic and/or creative qualifications;

1.823 The Board concurs with the recommendation that waiver of the normal probationary period is necessary to induce the individual to accept an offer of employment or to continue his or her employment with the University; and

1.9 Specific conditions of employment that must be fulfilled by a tenure-track faculty member (in addition to the general standards of performance) will be stated in writing by the University administration at the time of employment. In order to be eligible for a favorable tenure recommendation, the faculty member must meet these employment conditions unless he or she is released therefrom, in whole or in part, by means of a written departmental recommendation that is approved by the Academic Dean, the Provost and Vice President for Academic Affairs, and the President.

1.10 No later than February 15 of each academic year, each department will send a letter to the Provost and Vice President for Academic Affairs, via the Academic Dean, and the faculty member, setting forth the status of each tenure-track faculty member with respect to his or her fulfillment of the conditions of appointment and any matter pertaining to the quality of his or her performance. This letter will contain the recommendations of the Department Chairperson and the Academic Dean.

1.101 Before the end of each academic year, the Provost and Vice President for Academic Affairs will notify each tenure-track faculty member in writing as to the University's official assessment of his or her status with regard to progress toward tenure. The contents of the letter will reflect:

1.1011 The University's official record of the individual's status with respect to fulfillment of specific conditions of employment which were stated in the letter employment; and

1.1012 The University's assessment of the individual's performance and progress toward tenure. If the members of a department wish to recommend termination of the appointment of a tenure-track faculty member at the end of any academic year during the probationary period, a letter to that effect shall be filed in the office of the Provost and Vice President for Academic Affairs at least two weeks in advance of the final date set forth in 1.14-1.143 below for giving written notice of non-reappointment or of intention not to recommend reappointment to the Board of Trustees. The letter must contain the recommendation of the Academic Dean.

1.11 A pre-tenure recommendation will be made by the Department Promotion and Tenure Committee, Department Chairperson, and College Promotion and Tenure Committee to the Academic Dean at a midpoint during the probationary period (typically during the fourth year of the probationary period). That recommendation will be satisfactory progress or unsatisfactory progress, recorded on the Teachers College Pre-Tenure, Tenure, and Promotion Recommendation Form along with the vote count.

1.12 A tenure recommendation will be made by the Department Promotion and Tenure Committee, Department Chairperson, College Promotion and Tenure Committee, Academic Dean, and the Provost and Vice President for Academic Affairs at least one year prior to the end of a faculty member's probationary period. At all levels that recommendation will be either a recommendation to grant tenure at the end of

ARCHIVE

the following year or recommendation to terminate the faculty member at the end of the following year. At each level of department and college review, the recommendation will be recorded on the Teachers College Pre-Tenure, Tenure, and Promotion Recommendation Form along with the vote count.

1.121 If the recommendation is to grant tenure, then the tenure review in the seventh year will usually be less comprehensive and will generally result in a reaffirmation of the favorable recommendation unless a substantial change in the level of the faculty member's performance has occurred or a specific condition of employment or tenure has not been met.

1.122 If the recommendation is not to grant tenure, then the faculty member's seventh year is the final one at the University.

1.123 If a faculty member is recommended for tenure at the end of the sixth year and there is evidence of substantial change in the level of the faculty member's performance in the seventh year or a specific condition of employment or tenure has not been met, then the faculty member may be recommended for termination at the end of the seventh year. In this case, the faculty member shall be granted an eighth and final year, as a contract faculty member, at the University.

1.13 The following are necessary prerequisites in order to be eligible for tenure:

1.131 The faculty member must have satisfied any specific conditions of employment set forth in his or her letter of appointment;

1.132 The faculty member must have received a positive tenure recommendation from his or her academic department; and

1.133 There must be available significant evidence of excellent performance by the faculty member, and there must be the expectation for a continuance of such in the future.

1.14 Tenure may be attained only through official action by the Board of Trustees of the University. The Board will make its decision after receiving and reviewing the recommendations of the department, Academic Dean, Provost and Vice President for Academic Affairs, and the President, but the Board will not be bound to follow any of said recommendations.

1.15 Notice of non-reappointment, or of intention not to recommend reappointment to the Board of Trustees, shall be given to the faculty member in writing in accordance with the following standards:

1.151 Not later than March 1 of the first academic year of service, if the appointment is to expire on the day the spring semester closes; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination;

1.152 Not later than December 15 of the second academic year of service, if the appointment is to expire on the day the spring semester closes; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;

1.153 At least twelve months before the expiration of an appointment after two or more years in the institution.

1.16 Contract full-time appointment service may be considered as part of the probationary period for those who are later placed on regular full-time faculty and professional personnel status.

1.17 Prior service at Ball State University may be counted toward tenure after the person has completed a one-year probationary period following the return.

ARCHIVE

1.18 Years of service remain with the individual when regular full-time faculty and professional personnel transfer from one academic or professional area to another.

1.19 Any tenure-track individual serving as a member of a Department or College Promotion and Tenure Committee must be absent from deliberations concerning his or her progress toward tenure.

1.20 Before the end of the academic year, the Department Promotion and Tenure Committee, after consultation with the Department Chairperson, shall provide each tenure-track faculty member in its department with a written assessment of that faculty member's work. This assessment shall include an evaluation of strengths and weaknesses in each of the areas of 1) teaching; 2) **s**cholarship; and 3) service in a professional capacity. The committee may also suggest areas for improvement.

1.201 At any other step in the tenure process (department chairperson if his or her recommendation is different from the Department Promotion and Tenure Committee; College Promotion and Tenure Committee; academic dean; Provost and Vice President for Academic Affairs) the first committee or individual not recommending satisfactory progress for a faculty member shall provide that faculty member with a written statement delineating his or her strengths and weaknesses in each of the areas of 1) teaching, 2) scholarship, and 3) service in a professional capacity. The committee or individual may also suggest areas for improvement.

2. Promotion

2.1 Faculty and eligible professional personnel shall be evaluated in light of the University Mission Statement.

2.2 Departmental policies and criteria related to recommending promotions shall be clear, specific, and familiar to all personnel.

2.3 Policies and criteria for promotions shall be subject to annual evaluation and review and to periodic revision.

2.4 Any department member or eligible professional personnel member has the right to present herself or himself to the Department Promotion and Tenure Committee for consideration for promotion.

2.5 Recommendations for promotion shall be initiated at the level where the candidate's qualifications can be best identified and evaluated. In most instances this would be the department.

2.51 Each affected department, school, and college must have formal criteria, procedures, and policies for recommendations for promotions.

2.52 Recommendations shall be supported by ample documentary evidence demonstrating that the candidate for promotion satisfies established criteria. Documentation shall include evaluation forms approved by the administrative unit concerned.

2.6 Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in promotion deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuous activity.

2.7 The department and collegiate policies and criteria for promotions must be approved by the University Promotion and Tenure Committee and must be on file with the University Promotion and Tenure Committee and the office of the Provost and Vice President for Academic Affairs.

2.8 All promotions to Associate Professor and Professor will be granted on the basis of the spring recommendations. Regular Instructors will be promoted to Assistant

ARCHIVE

Professor in September on the basis of provisions made in appointment letters. Regular Instructors appointed in 1978 and thereafter must have appointment letters that specify conditions for promotion. Regular Instructors appointed prior to 1978 whose appointment letters do not specifically state such conditions will be considered for promotion each September in accordance with criteria contained in approved departmental promotion and tenure documents.

2.9 No person may serve as a member of a Department Promotion and Tenure Committee who is a candidate for promotion.

2.91 An individual so elected who later becomes a candidate for promotion must resign from the committee.

2.92 The one exception to these provisions involves the chairperson of the department when he or she is a candidate for promotion. In that circumstance, he or she shall not vote on any candidate, but may participate in all committee deliberations concerning promotions except those involving his or her own candidacy.

2.93 Departments which under these or any other conditions cannot form a Promotion and Tenure Committee of at least three members may develop specific provisions subject to the approval of the College and the University Promotion and Tenure Committees.

2.10 At all levels of review in the promotion process, each committee or individual (Department Promotion and Tenure Committee; Department Chairperson; College Promotion and Tenure Committee; Academic Dean; Provost and Vice President for Academic Affairs) reviewing the application shall provide that faculty member with a written statement delineating positive or negative recommendations and provide written comments on his or her strengths and weaknesses in each of the areas of 1) teaching; 2) scholarship; and 3) service in a professional capacity. The Committee or individual may also suggest areas for improvement. At all levels in the Teachers College this written statement will be recorded on the Teachers College Pre-Tenure, Tenure, and Promotion Recommendation Form.

3. Materials to be Presented for Promotion and Tenure

3.1 Materials shall be presented to the Department Promotion and Tenure Committee by individual faculty members according to guidelines listed below.

3.2 A personnel file for every faculty member shall be kept in the Department Chairperson's office. A promotion and tenure file will be part of the personnel file. This promotion and tenure file shall be open to the faculty member concerned and will contain information relevant to promotion and/or tenure. Appropriate materials shall be placed in the personnel file by the Department Chairperson in a timely manner. All information placed in an individual's personnel file shall immediately be brought to his or her attention in writing by the Department Chairperson. The faculty member shall have the opportunity to place materials in the file which may rebut or explain any detrimental information. Detrimental information that has not been brought to the attention of the faculty member cannot be used in promotion or tenure deliberations. Anonymous letters shall not be made a part of this file. An individual's promotion and tenure file shall be examined by the Department Promotion and Tenure Committee during promotion and tenure deliberations. All materials used by the Department Promotion and Tenure Committee shall be made available to the College Promotion and Tenure Committee, Dean, Provost and Vice President for Academic Affairs, and President, upon request.

ARCHIVE

3.3 For tenure, credentials will take the form of a professional vitae for the tenurable year or the year in which progress toward tenure is being considered. In addition, a comprehensive professional vitae (including work completed prior to employment at Ball State University) must be submitted. The letter, signed by the Chairperson of the Committee and by the Chairperson of the Department, must accompany the vitae. The letter must indicate tenure or satisfactory progress toward tenure, unsatisfactory progress toward tenure, or dismissal. In the case of an unsatisfactory progress toward tenure letter or a dismissal letter, specific causes for the recommendations must be stipulated. At the mid-point pre-tenure review and at the conclusion of the probationary period, a Notebook of Professional Evidence as described in 3.4 below must be submitted. The Teachers College Pre-Tenure, Tenure, and Promotion Recommendation Form must accompany materials submitted by the Department to the College Promotion and Tenure Committee and subsequently from the College Promotion and Tenure Committee to the Academic Dean.

3.4 For promotion, credentials will take the form of a Notebook of Professional Evidence, submitted to the Chairperson of the Departmental Committee. Once the notebook is submitted, no additional material may be added to it.

3.41 A three-ring notebook shall be used to organize the professional evidence.

3.42 Dividers shall be used to classify and structure the evidence submitted for teaching; scholarship; and service in a professional capacity.

3.43 Evidence presented should emphasize the overall competence of the candidate and offer a context for evaluation. Introductory summaries highlighting contributions to innovative teaching practices, the integration of scholarship into teaching/service and the scholarship's impact on the field of study, and the total scope of service to the profession and the university should be included. Materials specific to each section should be incorporated in the portfolio.

3.431 Teaching. A summary page of student evaluation ratings, peer and chair evaluations, and any documents speaking to novel teaching practices/techniques should be present.

3.432 Scholarship. Departments will recognize and reward the four areas of scholarship: discovery, integration, application, and teaching. Faculty are not required to participate in each of the four areas for promotion and tenure. Teachers College will expect evidence of scholarship operationalized as a minimum of an average of one refereed publication (i.e., journal article) per year for a significant time period prior to application for promotion.

3.433 Service. A summary of activities emphasizing the contributions the candidate makes to committees, professional organizations, and community agencies that enhance professional development should be provided.

3.44 Each department shall evaluate each candidate, using a rating scale approved by the Departmental and College Promotion and Tenure Committees. This rating shall be available to the candidate and shall become a part of the candidate's cumulative record.

3.45 Names of candidates recommended for promotion will be forwarded in alphabetical order to the Academic Dean.

3.5 The Department Promotion and Tenure Committee shall forward the credentials of those candidates being recommended favorably for promotion, with a vote count and written recommendations recorded on Teachers College Pre-Tenure, Tenure,

ARCHIVE

and Promotion Recommendation Form, to the Academic Dean. Letters, one signed by the Chairperson of the Committee, indicating support, and one signed by the Chairperson of the Department indicating support or non-support for promotion, must accompany the credentials. Additionally, departments from which candidates are being considered for promotion to Professor shall submit at least two external review letters addressing the quality of the candidate's scholarship, creative endeavor, and other scholarly productivity (see Appendix C for procedures).

V. Academic Rank

1. There are three basic academic ranks: Assistant Professor, Associate Professor, and Professor. Expectations for each rank are:
   - 1.1 Assistant Professor
     - 1.11 Evidence of quality performance as a teacher or practitioner in the specialty in which the candidate is hired.
     - 1.12 Evidence of the potential for scholarship.
     - 1.13 Evidence of participation in professional organizations.
   - 1.2 Associate Professor
     - 1.21 Evidence of consistently excellent teaching.
     - 1.22 Evidence of quality contributions to one's specialty through scholarship.
     - 1.23 Evidence of quality contributions in the capacity of professional service.
   - 1.3 Professor
     - 1.31 Evidence of a continuing record of excellence in teaching.
     - 1.32 Evidence of significant contribution to one's specialty through scholarship.
     - 1.33 Evidence of significant contributions in the capacity of professional service.
2. Advancement in rank is based on a continuing pattern of achievement throughout the faculty member's professional career in:
   - 2.1 Teaching;
   - 2.2 Scholarship;
   - 2.3 Service in a professional capacity.
3. The doctorate in the faculty member's specialty area is required for advancement to associate or professor.
4. Academic Rank for Professional Personnel
   - 4.1 A non-teaching employee of the University may be granted academic rank only after the approval of the faculty of the department in which such rank is sought. The extent of the majority required and those faculty members participating in the vote shall be determined by the department in question. Any person with such rank who is not tenured or eligible for tenure shall not participate in tenure discussions or make recommendations concerning tenure as a member of either a Department College Promotion and Tenure Committee.

VI. Procedures: Tenure and Promotion

Recommendations made at each stage of deliberation for tenure and promotion must be shared with the candidate.

1. Tenure
   - 1.1 Departmental policies and criteria must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and shall be on file with the Academic Dean and the ex-officio member of the University Promotion and Tenure Committee.

ARCHIVE

1.2 Each department shall have a specific evaluation form for rating a faculty member in relation to tenure. This form shall be used when a faculty member is being considered for tenure. This rating form must be kept on file with the Chairperson of the Department and must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee.

1.3 Recommendations concerning tenure shall be initiated at the department level.

1.4 The recommendations of the Department Promotion and Tenure Committee shall be forwarded to the Academic Dean. Included with the recommendations will be the Department Chairperson's evaluations and recommendations, if there is a difference of opinion between the Department Chairperson and the Department Committee. Pre-tenure and tenure recommendations will be recorded on the Teachers College Pre-Tenure, Tenure, and Promotion Recommendation Form. All recommendations will be accompanied by a vote count.

1.5 The Dean shall forward credentials to the College Promotion and Tenure Committee and charge it with the responsibility of evaluating pre-tenure and tenure credentials and providing a recommendation of satisfactory or unsatisfactory progress." Recommendations will be forwarded to the Academic Dean and recorded on the Teachers College Pre-Tenure, Tenure, and Promotion Recommendation Form along with a vote count.

1.6 The Academic Dean shall forward recommendations concerning the tenure credentials, 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 Academic Dean about the differences.

1.7 The Provost and Vice President for Academic Affairs, upon reviewing and being satisfied with the recommendations from the Academic Dean, shall forward these recommendations to the President.

1.8 Final recommendations in all matters pertaining to tenure reside with the President who forwards these recommendations to the Board of Trustees.

1.9 Specific conditions of appointment stated in writing at the time of appointment by the President shall be given in writing to the individual, the department, the school director or chairperson, the appropriate Dean, the appropriate Vice President and the President.

2. Promotion

2.1 Departmental policies and criteria must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and shall be on file with the Academic Dean and the ex-officio member of the University Promotion and Tenure Committee.

2.2 Recommendations for promotion shall be initiated at the departmental level. After evaluating the candidate's qualifications, the Department Promotion and Tenure Committee must indicate whether or not the candidate is to be recommended for promotion.

2.3 Credentials of those candidates to be recommended favorably for promotion by the Departmental Committee shall be forwarded to the Academic Dean in alphabetical order. Included with the credentials will be the Department Promotion and Tenure Committee's evaluations and recommendations recorded on the Teachers College Pre-Tenure, Tenure, and Promotion Recommendation Form along with a vote count.

2.31 If in presenting evaluations, the Department Chairperson has serious reservations concerning a faculty member's qualifications, the Department Chairperson shall inform the Department Committee of the bases of the

ARCHIVE

reservations. If the differences between the Chairperson and the Department Committee are not resolved, the Department Chairperson may forward to the Academic Dean his or her evaluations and recommendations concerning the faculty member's qualifications.

2.4 The Dean shall forward credentials to the College Promotion and Tenure Committee and charge it with the responsibility for evaluating each individual's credentials and determining whether or not candidates are to be recommended for promotion (See Appendices A and B for rating forms).

2.5 The College Committee will forward its recommendations to the Academic Dean recorded on the Teachers College Pre-Tenure, Tenure, and Promotion Recommendation Form along with a vote count.

2.51 Any recommendations from the College Committee not receiving approval by the Academic Dean shall be returned to the Committee with reasons for the disapproval. A two-thirds vote of the Committee shall be required to override the disapproval after which the Dean must forward the recommendations.

2.6 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 Academic Dean about the differences.

VII. College Reconsideration

1. Steps to Reconsideration

1.1 Reconsideration is the act whereby a candidate may request that an initial adverse decision at the departmental or collegiate level 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 Promotion and Tenure Committee, then the candidate must ask for a reconsideration of that recommendation by the Department Committee before he or she may proceed 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 him or her. For example, if a Department Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 tenure. 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 or tenure. No additional materials may be introduced or added to the documents or the process.

ARCHIVE

1.24 After meeting to reconsider the candidate's materials, the committee shall vote to overturn or affirm the previous decision. This vote supercedes the previous vote.

1.25 The candidate's materials for promotion and/or tenure shall be held in the departmental office

1.3 If the initial adverse recommendation has been made by the College Committee or the Dean, then he or she may ask for reconsideration at the collegiate level.

1.3.1 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 him or her. For example, if the College Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure 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 tenure. 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.

1.3.2 The written request for reconsideration shall be filed in the office of the college dean.

1.3.3 After receiving a request for reconsideration, the College Committee or Dean must meet to reconsider its or his initial adverse recommendation. The College Committee or Dean must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the documents or the process.

1.3.4 After meeting to reconsider the candidate's materials, the committee shall vote or the Dean shall decide to overturn or affirm the previous decision. This vote supercedes the previous vote.

1.3.5 The College Committee or Dean will inform the candidate of its or his decision following reconsideration.

1.3.6 The candidate's materials for promotion and/or tenure shall be held in the collegiate office and shall not be forwarded to the University Promotion and Tenure Committee until all requests for reconsideration have been exhausted.

VIII. College Appeals

1. Steps to the Appeal

Appeals examine the process, not the content.

1.1 The Appellant writes a letter to the Dean

1.11 The letter has to be written within ten (10) calendar days of receipt of the official letter from the previous recommendation adversely affecting him or her.

1.12 The letter must state specific reasons for appeal. The appeal must be based on at least one of the following reasons:

1.121 Allegation of violation of approved departmental, collegiate, and/or University policies, including those set forth in the *Faculty and Professional Personnel Handbook*;

1.122 Allegation of unfair treatment on the part of the decision makers;

ARCHIVE

1.123 Allegation of discriminatory treatment on the part of the decision makers.

1.13 The letter must provide detail about what the specific allegations are.

1.14 The letter is limited to a maximum of four (4) pages.

1.2 The Dean will review the appeals letter to determine whether the appeal specifies a criterion listed in 1.12. A letter which does not specify any of the criteria will be returned immediately to the Appellant for review and resubmission. The Appellant must resubmit or withdraw the appeal within five (5) working days from the date of notification by the Dean. Upon resubmission, assuming an established criterion has been specified, the Dean will form an appeal panel to hear the appeal.

1.3 The Dean prepares files and arranges the hearing within 30 calendar days.

1.4 The Dean and Chair of the College Promotion and Tenure Committee meet with the Appellant and Respondents to explain the appeals process.

1.5 The materials and witness list must be to the Dean five (5) working days before the hearing.

1.6 Documentation shall not exceed twenty (20) pages (one side) plus a comprehensive vita.

1.7 All parties are given ten (10) calendar days notice of the hearing.

1.8 The Dean distributes copies of the documentation provided by the Appellant and Respondents to the Appellant, Respondents, and Panel at least three (3) working days prior to the Hearing.

1.81 Challenges to documented evidence must be made in writing by 1:00 p.m. on the working day before the Hearing to the Chair of the Hearing Panel.

1.82 A decision on the admissibility of materials must be made by the Hearing Panel before the Hearing begins in a closed session by vote using a written ballot. A simple majority vote is required to support a decision.

1.9 Both parties are given the names of the panel as early as the Hearing date is set.

1.91 Challenges to panel members must be made in writing, four (4) days before the Hearing to the Chair of the Hearing Panel.

1.92 A decision on the challenge to the Panel must be made in a closed session by the Hearing Panel, by vote using a written ballot. A simple majority vote is required to support a decision.

1.93 If a successful challenge results in fewer members than needed for a quorum, the Hearing will be rescheduled.

2. The Hearing Panel

2.1 Persons who will be involved in the Appeal Hearing:

2.11 The Appellant has the prerogative of being accompanied by a full-time regular Ball State faculty or professional personnel member to serve as a faculty colleague who may also serve as a recording secretary.

2.12 The Department Chairperson and the Department Promotion and Tenure Committee Chairperson who will present the case for the department including such material as minutes of promotion and tenure meetings involving the Appellant.

2.13 The Dean or the Dean's designee who will be an ex-officio, non-voting attendant at the hearing.

2.14 The Appeal Panel, which will be comprised of the elected representatives of six (6) of the seven (7) departments or alternates. The representative or alternate of the Appellant's department will not serve on the Appeal Panel.

2.2 Appeals will be conducted only when all members of an Appeal Panel are present.

2.3 The Chairperson of the Hearing Panel reads an introductory script to participants reviewing procedures.

ARCHIVE

2.4 Each side is given 30 minutes total for presentation. The 30 minutes may be divided in any way that seems appropriate. The time used by witnesses will be included within the 30 minutes. Only one witness may appear and be present at a time.

2.5 No presentation may be interrupted.

2.6 At the close of each presentation, members of the Hearing Panel may question participants, witnesses, or observers.

2.7 Opportunity for rebuttal will be given each party following the questions from the Hearing Panel. Rebuttals are limited to five (5) minutes for each party.

2.8 Following the rebuttals, members of the Hearing Panel may ask additional questions.

2.9 The Chairperson of the Hearing Panel will ask both parties if they believe the Hearing was conducted fairly. Responses will be recorded in the minutes of the hearing.

2.10 All copies of materials distributed to participants, except those prepared by and belonging to them, are to be left with the Hearing Panel. A copy is available in the Office of the Dean in the event it is needed for further appeals.

2.11 The Hearing Panel will seek an immediate decision. However, deliberations may continue at another time and/or location convenient to the members, if necessary.

2.12 Appellants and Respondents will be notified informally of the outcome of the Hearing as soon as possible.

2.13 Formal notification of the Hearing Panel's recommendation will be sent to both parties and to the Dean.

2.14 The approved minutes of the Hearing will be available to the parties, upon request. The secretary of the College Promotion and Tenure Committee will serve as secretary for the Hearing, unless another person is designated by the Chair.

Approved by College Committee: November 21, 2011
Approved by University Promotion and Tenure Committee: July, 2012

ARCHIVE

Appendix A

TEACHERS COLLEGE PROMOTION RATING SHEET

Assistant to Associate Professor

The evidence submitted by the candidate and the Departmental Promotion and Tenure Committee will be rated by each member of the Teachers College Promotion and Tenure Committee.
Each section to be rated will be assigned a number from 1 through 7, with 7 representing substantial evidence of excellence and 1 representing little to no evidence of excellence.

Only evidence of contributions during the period of time since the date of last promotion shall be acceptable.

SECTION I: Evidence of consistently excellent teaching

1 2 3 4 5 6 7

SECTION II: Evidence of quality contributions to one's specialty through scholarship.

1 2 3 4 5 6 7

SECTION III: Evidence of quality contributions in the capacity of professional service

1 2 3 4 5 6 7

_____

Name of Candidate

ARCHIVE

Appendix B

TEACHERS COLLEGE PROMOTION RATING SHEET

Associate to Professor

The evidence submitted by the candidate and the Departmental Promotion and Tenure Committee will be rated by each member of the Teachers College Promotion and Tenure Committee. Each section to be rated will be assigned a number from 1 through 7, with 7 representing substantial evidence of excellence and 1 representing little to no evidence of excellence.

Only evidence of contributions during the period of time since the date of last promotion shall be acceptable.

SECTION I: Evidence of a continuing record of excellence in teaching

1 2 3 4 5 6 7

SECTION II: Evidence of significant contribution to one's specialty, through scholarship.

1 2 3 4 5 6 7

SECTION III: Evidence of significant contributions in the capacity of professional service

1 2 3 4 5 6 7

_____

Name of Candidate

ARCHIVE

Appendix C

Policies and Procedures for the Use of Supplemental External Letters of Review of Scholarship in Promotion to Professor

1. Candidates shall submit to the Department Promotion and Tenure Committee or Department Chairperson, a list of external reviewers (i.e., not in the employ of BSU) from their field of study and from whom letters of review may be solicited. Candidates shall disclose relationships, if any, between the candidate and a potential reviewer (e.g., collaborators on research/publications, advisor). Such letters shall provide supplementary review of the candidate's scholarship.

2. The Department Chairperson and/or Department Promotion and Tenure Committee and the candidate shall be involved in the selection of reviewers from the list and from whom reviews will be solicited. The department may develop a policy to supplement the candidate's list of reviewers; however, one-half of contacted reviewers must come from the candidate's list. Challenges to the list of reviewers shall be handled according to departmental policies. The Department Chairperson or Chairperson of the Department Promotion and Tenure Committee will be responsible for contacting the selected reviewers and securing the external letters.

3. Candidates shall provide to the Department Chairperson a comprehensive vita and a representative sampling or their work (e.g., reprints, book chapters, awards) that can be sent to reviewers. Documentation can include information using a digital format. Additionally, information about the candidate (e.g., teaching load, service, involvement in undergraduate and graduate programs), Ball State's philosophy, and department and college procedures for promotion should be provided to the reviewers to offer them a frame of reference.

4. All letters received from external reviewers will be available for the promotion review process. At least two external letters will be required to be included before consideration of promotion to Professor can commence. External review letters shall be inserted and retained in the candidate's Promotion and Tenure file for use by departmental, collegiate, and, in the case of an appeal, University Promotion and Tenure Committees, and by the Provost in promotion and tenure deliberations for the current year.

    1. The candidate has the right to examine all external review letters. For examination of the letters by the candidate, anonymity of the external reviewers must be assured in accordance with procedures established by the department. The candidate has the right to respond in writing to information contained in the letters. Should a response occur, this document shall be made available with the external review letters during the promotion review process.

    2. At the conclusion of deliberations for the current year, the letters and any response shall be retained only in a separate confidential file in the Office of the Dean of the College. Once letters are placed in this separate confidential file, they cannot be reopened for purposes of subsequent promotion deliberations at any level of consideration unless requested by the candidate.

ARCHIVE

Appendix D

Teachers College

Pre-Tenure, Tenure, and Promotion Recommendation Form

Candidate's name:	
Department:	
Date tenure track began:	Current rank:
Years earned toward tenure: or	Years completed at current rank:
Years tenured:	Years since last promotion:

Committee or Person Making the Recommendation:
Department Committee ___ Department Chair ___ College Committee ___ Dean ___

Pre-tenure Recommendation:
Satisfactory Progress ___ Unsatisfactory Progress ___

Tenure Recommendation: Tenure ___ Not Tenure ___

Promotion Recommendation: For Promotion ___ Against Promotion ___

Supporting Reasons (Strengths, Weaknesses, Recommendations, and Statement of Progress Toward Tenure)

ARCHIVE

_____ _____
Committee Chair, Department Chair, or Dean Date

POLICIES FOR ANNUAL SALARY ADJUSTMENTS
FACULTY AND PROFESSIONAL PERSONNEL[41]

1. Statement of Policy
   1.1 The general purposes of the salary program at Ball State University are to attract, retain, and reward faculty and other professional personnel who enable the University to realize its mission. The salary program should contribute positively to the morale of the faculty and professional personnel and provide both incentive and reward for achievement. The salary program at Ball State University is designed to recognize the differences in performance and characteristics among faculty and professional personnel. The salary program rewards meritorious performance and exceptional achievement and also takes into account other factors, such as marketability, that affect the University's ability to pursue excellence.
   1.2 The President of the University is responsible for developing salary programs consistent with the mission of the academic and administrative units of the University in accordance with this Statement of Policy.

2. Definitions
   2.1 Definition of Faculty and Professional Personnel.
   University salary administration guidelines for faculty and professional personnel apply to all continuing professional personnel employees and those currently tenured or on tenure-track or continuing contract[42] appointment classified as follows:
      2.11 Faculty employed on academic or fiscal year contract;
      2.12 Professional personnel employed on academic or fiscal year contract (including professional personnel holding rank in academic departments);
      2.13 Faculty and professional personnel returning from approved leave of absence during present or next fiscal year.
   2.2 Definition of Salary Units.
   The units covered by these guidelines are each of the colleges headed by a Dean and the non-collegiate units headed by the Vice Presidents or President.
   2.3 Definition of Salary Subunits.[43]
   Subunits are those academic and non-academic (e.g., centers, departments, institutes, museums, schools, special programs) entities which are under the administrative supervision of the respective salary unit.

3. Promotions in Academic Rank
   3.1 The value of the promotions in academic rank shall be determined by the salary unit and be charged against the salary increment funds allocated to the salary unit.

4. General Salary Increases
   4.1 Each year funding for continuing professional employees' salary increases will be allocated to each salary unit.
   4.2 Salary increment funds to each salary unit will be equal to the previous year's base salaries for all continuing employees multiplied by eighty-five percent (85%) of the maximum percentage attainable for salary increases. Money not allocated to the salary units will be distributed by the President or appropriate Vice President for reasons such as:
      4.21 to allow the University, as necessary, to meet offers received by faculty and professional personnel from competing employers when such action is recommended by the salary subunit; the decision to distribute money shall be accompanied by appropriate documentation;
      4.22 to recognize differential merit or market circumstances between and among salary units and salary subunits; differential market decisions shall be accompanied by appropriate documentation;
      4.23 to deal with inequitable salary circumstances in which an individual by virtue of initial salary inequity is paid demonstrably less than comparable colleagues;
      4.24 to fund appeals that have been approved by the head of the salary unit. (Salary units will be expected to repay funds needed for appeals from their next year's salary allotment.);
      4.25 to fund legally required salary adjustments.
   4.3 Although incremental money distributed for market purposes will become part of the faculty member's salary base, annual University reviews will be conducted by the University Salary and Benefits Committee to assess changing market conditions and to make appropriate recommendations for adjustments.

ARCHIVE

4.4 Any funds committed for purposes designated in 4.2 but eventually not so used, must be returned to the total University salary increment pool for distribution the next fiscal year.

4.5 Total remaining compensation adjustment dollars available for continuing personnel each year will be distributed in ways established by majority vote of the continuing professional employees within each salary unit, except for promotion money to be distributed in accordance with 3.1.

All subunits must, however, award no less than fifteen percent (15%) of their total increment funds for meritorious service in accordance with the subunit criteria. These "merit" funds cannot be distributed on an "across the board" basis. Meritorious service must be determined annually.

4.6 Criteria and processes shall be developed within each salary unit for salary administration and approved by written ballot by a majority of a quorum of the members of each such unit who are eligible to vote. Subunits must develop criteria consistent with their unit's criteria. These criteria and processes shall be reviewed and approved annually by the appropriate subunit head (e.g., chairperson, director, coordinator)[44] and unit head (Dean, Vice President, Provost and Vice President for Academic Affairs, President). The President or Provost and Vice President for Academic Affairs and the University Salary and Benefits Committee must approve all criteria and processes for all units. The criteria and processes shall be made known in advance of salary administration implementation. Discretionary awards need not be given to every individual. To be eligible for a salary increment, an individual's performance must be deemed to be satisfactory by the salary subunit. However, a faculty member's failure to receive a "satisfactory progress" recommendation in the tenure review process is not necessarily a determination that his or her performance is unsatisfactory for salary purposes.[45]

Salary units or subunits that do not develop approved criteria and processes may have all merit and discretionary dollars withheld from them.

4.7 Personnel on joint appointments between colleges or between a college and a non-collegiate unit shall be evaluated for purpose of discretionary awards in proportion to their full- time equivalent appointments in the unit. These personnel must be apprised of criteria and procedures used in all units to which they are appointed.

4.7 Each individual shall be informed in writing by the department chairperson or equivalent administrator at the first level of recommendation prior to forwarding the recommendation. Any changes at subsequent levels of review within the University shall be communicated to the initial administrator for purposes of informing the affected individual.

4.8 Salary grievance procedures shall be developed within the salary unit and it is expected that salary grievances will be resolved within the salary unit. All recommended salary adjustments based upon grievances or appeals must be approved by the head of the salary unit, appropriate University officer and the President. Any salary adjustment based on a grievance shall be made as soon as possible and no later than the beginning of the next academic year.

5. Implementation and Amendment Procedures

5.1 The President or the Provost and Vice President for Academic Affairs, working with the Salary and Benefits Committee of the Faculty Council, will review annually salary administration guidelines to assure compliance.

5.2 Recommendations for improvements in the salary process, with rationale, may be made to the Salary and Benefits Committee of the Faculty Council. Such recommendations should be submitted in writing as early as possible each year to allow any revisions to be implemented in the salary administration process.

5.3 The timetable for the salary administration process and any changes in University guidelines shall be announced prior to the start of the salary administration process each year.

5.4 Once approved by the Board of Trustees, changes in these guidelines will be recommended by the President after obtaining the assistance and consultation of the University community.

ARCHIVE

SUMMER SESSION SALARY POLICIES[46]

Introduction

The summer session salary policies at Ball State University will complement the overriding goals of course and program scheduling. These goals are serving identified student needs with appropriately qualified faculty in a cost-efficient manner and attracting students not ordinarily attending the University.

The University will consider and implement experimental strategies such as out-of-state tuition waivers, acquisition and use of lists of prospective summer school students, and increased advertising. Departments and colleges are encouraged to develop new course offerings or programming in order to attract new student clienteles. For example, workshops, especially those that attract out-of-state students, are possibilities. Programs such as START are included in this category. Non-credit bearing activities must also be considered.

1. The rate of compensation for faculty who are assigned load hours during the summer session will be as follows:
   - 1.1 The summer salary shall be calculated as fifteen percent of the faculty member's previous academic year salary for each six load hours (regardless of whether the load occurs during the intersession, a five-week session, or across the ten-week summer session);
   - 1.2 For assignments other than six load hours, salary will be computed on a proportional basis (examples: an individual who is assigned five load hours during a five-week session will receive five-sixths of fifteen percent of his or her previous academic year salary as compensation; an individual who is assigned nine load hours during a five-week session will receive nine-sixths of fifteen percent of his or her previous academic year salary as compensation);
   - 1.3 With consent of the faculty member and approval of the college dean, a department chairperson may assign classes with enrollment below minimum standard class size. In such instances, compensation will be determined as outlined in subsections 4.2 and 4.3 below.
2. Summer activities not assigned specific load hours for faculty or professional personnel will be compensated on a negotiated basis. Such negotiable compensation must be mutually agreed upon and approved via the usual process (department chairperson, college dean, Provost and Vice President for Academic Affairs, President).
3. A salary plan may be developed by a non-teaching salary unit consistent with the following:
   - 3.1 The rate of compensation will be one-seventh of the individual's previous academic year salary for a full load;
   - 3.2 The plan will specify the measure to be used in computing a full load. Assignments other than a full load will be compensated on a proportionate basis.
4. Any salary plan that is developed by a teaching salary unit must be consistent with the preceding items 1 and 2 as well as the following:
   - 4.1 Minimum class sizes for graduate and undergraduate courses University-wide will be: graduate - 6 and undergraduate - 10.
     Class sections shall not be split to add additional sections unless enrollment exceeds the section limits set for the academic year. Multiple class sections may be scheduled with approval of the department head and dean.
   - 4.2 Any class which does not meet the established minimum size may be taught without reduction in compensation if approved by the Dean on the basis of programmatic considerations.
   - 4.3 Partial compensation may be paid a faculty member for teaching a class which does not meet the established minimum size. Exceptions are noted in 4.2 above.
   - 4.4 The summer program budget will make available salary dollars to fund classes which meet the criteria as stated in 4.1, 4.2, and 4.3 above.
5. Each salary unit plan must be approved by a majority of the members of the salary unit, the head of the salary unit, the Provost and Vice President for Academic Affairs and the Salary and Benefits Committee of the Faculty Council.
6. The Summer Session Salary Policies Statement supercedes conflicting departmental, collegiate and/or University summer salary policies.

APPROVED

POLICY ON CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT[47]

I Preamble

1. Ball State University is committed to providing quality teaching, research, and service. Often, this mission is served by the active participation of its employees in activities outside the University. Interaction with business, government, not-for-profit groups, professional societies, academic institutions, and private individuals or organizations contributes to the professional growth of employees and to the enrichment of University programs. University employees are therefore encouraged to share their professional knowledge and expertise through outside activities that do not interfere with their University responsibilities.

2. While such interaction is encouraged, an employee's professional or other activities outside the University may result in a real or perceived conflict of interest or conflict of commitment. These conflicts may affect the way in which the employee carries out his or her University responsibilities. Conflicts of interest or conflicts of commitment may also adversely impact the University's mission, and they may undermine public confidence in the University. It is therefore necessary to assess and to eliminate or manage conflicts of interest and conflicts of commitment, so that the integrity and the interests of the University, as well as those of its employees, are protected.

3. The purpose of this policy is to provide guidance for recognizing and dealing with actual or potential conflicts of interest and conflicts of commitment. It sets forth University-wide procedures for disclosing and resolving such conflicts. Colleges, departments and other administrative units may adopt additional policies and procedures covering conflicts of interest and conflicts of commitment provided they are consistent with the provisions of this policy. All such policies and procedures must be approved by the President, following review by the policy coordinator for consistency with this policy. In no way should this policy be interpreted or implemented so as to infringe upon matters of academic freedom, freedom of speech or political expression (Bill of Rights and Responsibilities for Faculty, Professional Personnel, and Staff of Ball State University, page ix, Faculty and Professional Personnel Handbook).

4. The Appendix to this Policy lists other University policies that deal with related issues.

II Definitions

1. Definitions Related to Conflicts of Interest:
   - 1.1 A "conflict of interest" exists when a University employee is in a position to influence, either directly or indirectly, University business, research or other decisions in matters in which the employee or a dependent of the employee has a significant financial interest.
   - 1.2 A "significant financial interest" means anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:
     - 1.21 salary, royalties or other remuneration from the University;
     - 1.22 income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities;
     - 1.23 income from service on advisory committees or review panels for public or nonprofit entities;
     - 1.24 an equity interest that, when aggregated for the employee and the employee's dependents, meets both of the following tests: (a) it does not exceed $10,000 in value as determined through reference to public prices or other reasonable measures of fair market value; and (b) it does not represent more than a five percent ownership interest in any single entity;
     - 1.25 salary, royalties or other payments that, when aggregated for the employee and the employee's dependents over the next twelve months, are not reasonably expected to exceed $10,000; or
     - 1.26 any financial interest arising solely by means of investment in a mutual, pension, or other institutional investment fund over the management and investments of which the employee does not exercise control.

   Note that this definition of "significant financial interest" differs from the definition of "pecuniary interest" under the Indiana Conflicts of Interest Law.

2. Definitions Related to Conflicts of Commitment:
   - 2.1 A "conflict of commitment" arises when a University employee's activities outside of the University affect--or appear reasonably likely to affect--the manner or extent to which the employee carries out his or her University responsibilities.

ARCHIVAL

2.2 "University responsibilities" are the responsibilities of a University employee to perform University activities as defined by a University or administrative unit policy or contract.

2.3 "Activities outside of the University" and "outside activities" are activities not directly related to the research, teaching and service mission of the University.

2.4 "University activities," by contrast, are activities directly related to the research, teaching and service mission of the University.

Note: the line separating "University activities" and "activities outside of the University" for faculty is imprecise at best and may differ among disciplines and professions. One useful guideline for faculty is the question: is this an activity a faculty member would list on his or her annual faculty report for which he or she would expect to receive credit during the tenure, promotion, and/or salary-setting processes?

2.5 "Professional activities" are activities related to the research, teaching and service mission of the University or to an employee's discipline, profession or craft, irrespective of whether those activities are compensated or constitute University activities.

3. Other Definitions:

3.1 A "dependent" of an employee includes: (a) the employee's spouse; (b) a child, stepchild, or adoptee of the employee who is unemancipated and less than eighteen years of age; and (c) any person, whether or not related to the employee, who receives more than one-half of his or her annual support from the employee.

3.2 The "disclosure form" is the Statement of Disclosure of a Conflict of Interest and/or Conflict of Commitment form.

3.3 An "employee" is any person employed by the University, whether full- or part-time; except that the term does not include student employees other than graduate assistants.

3.4 The "policy coordinator" is the Coordinator of Research Compliance, in the University's Sponsored Programs Office. The policy coordinator will coordinate the implementation and administration of this Policy, maintain appropriate records, and provide expertise for the identification, disclosure and resolution or management of conflicts of interest and conflicts of commitment.

3.5 The "University" refers to Ball State University.

III Conflicts of Commitment; Principles Applicable to Outside Activities

1. Right to Engage in Activities Outside of the University. A University employee may engage in activities outside of the University, provided that those activities do not interfere with the the employee's performance of his or her University responsibilities or otherwise constitute a conflict of interest.

2. Use of University Resources. No employee shall use University resources in the performance of outside activities without the permission of his or her dean or administrative unit head and without reimbursing the University.

3. Outside Professional Activities of Full-time Faculty. Full-time faculty shall be permitted to spend an average of up to one day a week on professional activities other than University activities, provided that those activities do not otherwise constitute a conflict of interest.

4. Income From Outside Activities Not a Factor. An employee's compliance with this Section III or with any other University or administrative unit policy on conflicts of commitment shall not be determined on the basis of income earned from outside activities or the percentage of the employee's University compensation that such income constitutes, unless required by law.

5. This Section III sets forth four basic principles applicable to all outside activities:

5.1 University employees are permitted and encouraged to engage in those activities to the extent that they do not interfere with the employees' University responsibilities.

5.2 Employees may not use University resources in the performance of outside activities without reimbursing the University and obtaining appropriate permission.

5.3 Issues relating to these activities should be resolved within the lowest administrative unit whenever possible.

5.4 The limits on collegiate, departmental and other administrative unit policies are: (a) they may not interfere with the University's policy permitting full-time faculty to spend an average of up to one day each week on professional, but not necessarily University, activities; and (b) they may not substitute a 20% of compensation rule for the one-day-per-week policy or add such a rule to the policy.

6. The reference in Section III(3) to "full-time" faculty reflects the conclusion that University policy need not provide that part-time faculty be permitted at least one day each week to engage

ARCHIVE

in professional activities outside of the University, because University policy does not, and should not, place any limit on the time that part-time faculty spend on outside activities. Part-time faculty, however, are subject to Sections III(1) and (2) and the other sections of this Policy.

IV Obligation to Identify and Avoid or Manage Conflicts

1. University employees share an obligation to conduct their professional activities in a manner consistent with the University's mission and to conduct their relationships with each other and with the University with candor and integrity. Pursuant to that obligation, employees have a responsibility to identify and, when possible, avoid conflicts of interest and conflicts of commitment. When they cannot be avoided, employees must disclose conflicts of interest and conflicts of commitment, and they must work with University officials to manage or resolve those conflicts.

V Procedures for Disclosing and Managing Conflicts

1. Obligation to Disclose Conflicts of Interest and Conflicts of Commitment:
It is the responsibility of each employee to promptly and prospectively disclose a conflict of interest or a conflict of commitment involving the affairs or activities of that employee.

   Examples of activities that may, depending on the facts and circumstances, constitute such a conflict are: (i) activities of the employee which advance his or her own financial, professional, or other interests, or those of a dependent, to the detriment of the University; (ii) teaching by a full-time faculty member at another educational institution, including teaching through the Internet; (iii) utilizing University students, employees, facilities or materials in the pursuit of outside activities from which the University will derive no benefit; and (iv) engaging in research or consulting activities that interfere or compromise the employee's execution of his or her University responsibilities.

2. Procedure for disclosing conflicts: To disclose a conflict of interest or conflict of commitment, the employee must complete and file the disclosure form with his or her department head or other supervisor. If the employee is uncertain about his or her disclosure obligation, the employee should review the circumstances with his or her department head or other supervisor prior to making a formal disclosure. In such cases, the department head or other supervisor should then discuss the situation with the policy coordinator. If the department head or other supervisor and the policy coordinator agree that no conflict of interest or conflict of commitment exists, then no formal disclosure is required; however, the policy coordinator should maintain a record of the substance of his or her discussion with the department head or other supervisor. In all other cases, the employee should complete the disclosure form and submit it to his or her department head or other supervisor.

   Notwithstanding the above, any University employee who is unsure whether he or she has a disclosure obligation or who has other questions about the policy's application may request advice directly from the policy coordinator without being required to disclose his or her name or identifying details concerning a potential conflict of interest or conflict of commitment. A college, department or other administrative unit may also request advice from the policy coordinator about a potential conflict of interest or conflict of commitment, providing no more identifying information than is necessary for such purpose except as required by law or University policy.

3. Procedure for assessing, eliminating or managing conflicts: The department head or other supervisor, after consulting with the employee, should: (i) sign the disclosure form and, where possible, include written recommendations of conditions or restrictions which might be used to manage, reduce or eliminate the actual or perceived conflict, and (ii) forward the disclosure form to the dean or appropriate official for written endorsement and/or comment.

   Examples of measures that, depending on the facts and circumstances, might be used to manage or resolve conflicts include: (i) monitoring of the outside activity by an independent reviewer; (ii) disqualifying the employee from participating in decisions that might affect the employee's financial interests; (iii) divestiture of the financial interest which creates the conflict; and (iv) severance of any relationships that create the actual or potential conflict.

   The disclosure form, along with the recommendations of how the conflict can be managed, reduced or eliminated, should then be submitted to the policy coordinator. If the policy coordinator determines that the proposed resolution or management of the conflict is consistent with applicable University policies, including additional college, department, or other administrative unit policies, if any, the policy coordinator will add his or her written endorsement and/or comments and forward the disclosure form to the President for final approval.

ARCHIVE

4. Procedure for resolving disagreements: If agreement for managing or resolving the conflict is not obtained among all of the parties participating in the procedures under Section V(3), the policy coordinator will convene an ad hoc advisory committee to review the facts and circumstances and recommend a solution. This committee will consist of a representative appointed by the dean or comparable official, a representative appointed by the chairperson of the Academic Freedom and Ethics Committee, and a third member appointed by the Provost and Vice President for Academic Affairs who will act as chairperson. The policy coordinator will serve as a non-voting ex officio member. The employee has the right to appear before the committee, and/or to provide additional information. Also, the committee may request additional information from the employee and others to aid it in making its findings and recommendations. The written findings and recommendations of the committee will be forwarded to the President who will make the final decision on the matter.

5. Administration and record-keeping: The policy coordinator will administer this policy and maintain records of all filed disclosure forms and associated documents, including, but not limited to, documentation of actions taken by University administrators and committees to eliminate, reduce and/or manage conflicts of interest or conflicts of commitment. All such records will be retained for a period of three years following completion or termination of the activity that prompted the filing of the disclosure form. All employees who file disclosure forms under this policy shall update the information promptly if the circumstances that caused the filing of the disclosure change and shall notify the policy coordinator within thirty days following the cessation of the activity.

6. Enforcement: Employees who violate this policy by either: (i) failing to make a required disclosure of a conflict of interest or a conflict of commitment, or (ii) failing to comply with conditions or restrictions imposed by the University on their outside activities or affairs for the purpose of eliminating, reducing or managing a conflict of interest or a conflict of commitment, may be subject to disciplinary action and appropriate sanctions in accordance with the provisions of the Faculty and Professional Personnel Handbook. If the violation involves a government-funded sponsored program or project, the University may be obligated under federal, state, or local law to report any corrective action taken.

NOTE: The Appendix and Attachments to the policy are available in the departmental offices or the Sponsored Programs Office.

VI. Performing Outside Services Activities[48]

1. **Indiana Ghost Employment Law –** The Indiana Ghost Employment law, with a limited exception which is set forth below, makes it a criminal and civil law offense for Ball State University to employ and pay an employee when that employee is not assigned duties or is assigned duties not related to the operation of the University. Both the supervisor and employment may be subject to criminal and civil penalties for such violations.
2. **Exception to the Indiana Ghost Employment Law –** The Indiana Ghost Employment Law does permit an employee of a governmental entity, such as Ball State University, to voluntarily perform services during the normal hours of employment as long as those services do not:
   2.1 Promote religion,
   2.2 Attempt to influence legislation or governmental policy, or
   2.3 Attempt to influence elections to public office;
   And, the services may only occur:
   2.4 For the benefit of another governmental entity or a not-for-profit organization exempt from taxation under IRC 501(c)(3),
   2.5 With the approval of the employee's supervisor, and
   2.6 In compliance with a written policy approved by the governmental entity.
3. **Outside Services Activities of Employees** – Employees may be permitted to perform one or more outside services activities provided that such activities conform to this policy and do not otherwise constitute a conflict of interest or commitment. Employees may be permitted to spend up to a total of Four Hundred and Sixteen (416) university compensable hours in a fiscal year in performing outside services activities for a governmental entity or one or more 501(c)(3) not-for-profit organizations as determined in the sole discretion of and with the prior approval of the employee's supervisor. In the administration of this policy the University may take any measures in its sole discretion which are reasonable and necessary for the orderly and efficient

ARCHIVE

operation of its business, including but not limited to altering or terminating the outside services activities that have been approved. An employee who performs the university approved outside services activities during normal hours of employment as provided herein shall be considered to be performing duties related to the operation of the University.

4. **Administration and Record-Keeping** – It is the responsibility of the employee to keep a record of the time spent on outside services activities and it is the supervisor's responsibility to oversee the employee's record-keeping and to ensure that such records are maintained for audit purposes.
5. **Exceptions**
   - **5.1** The President shall determine the limitation on the total time during any fiscal year and any record keeping requirements that the President and members of the President cabinet may spend on performing outside services activities.
   - **5.2** It is anticipated that employees in professional and faculty positions will be asked to serve on particular outside boards because of their University related areas of expertise or the offices or positions they hold. "Outside Board" means the board, council, or other governing or advisory body of a business, educational, civic, professional, or social organization, whether for-profit or not-for-profit. Service on an Outside Board is of particular value to the University and is actively encouraged because of the recognition it provides to the University, and the additional information, exposure, understanding, and insight the person will receive. This service is deemed to be service to the University and need not require the use of a person's own time. This service is considered to be a duty or duties related to the operation of the University. The conflict of interest and commitment policies still apply to any service on an Outside Board.
   - **5.3** The service of officials elected or appointed to public office is not included in the definition of service on an Outside Board and such officials are not eligible to perform the duties of their office during University compensable time under this policy.

EMPLOYEE BENEFITS

Employee benefits other than salary are explained in the Benefits Handbook.

ARCHIVE

PROCEDURES FOR COLLECTING DELINQUENT ACCOUNTS OWED THE UNIVERSITY BY ITS FACULTY/PROFESSIONAL PERSONNEL[49]

1. This policy applies to the collection of delinquent accounts owed the University by its faculty/professional personnel; accounts may include but are not limited to unpaid charges for:
   - 1.1 Fines (such as traffic and library fines) and penalties;
   - 1.2 Charges for lost or damaged books and other materials; personal telephone calls; use of University facilities; printing, duplicating, and other services rendered by the University;
   - 1.3 Unpaid student fees and related charges;
   - 1.4 Processing charges for checks returned by banks.

2. Definitions
   - 2.1 A "delinquent account" is an account recorded on the University accounts receivable system that contains any charges, not library related, that remain unpaid for a period of 60 calendar days, 97 calendar days if only library related charges, after appropriate hearings and other appeals procedures, if any, have been concluded.
   - 2.2 A "paid account" is an account recorded on the University accounts receivable system that has been liquidated.
   - 2.3 The "date paid" is the date that final payment, permanently liquidating the account on the University accounts receivable system, is received at the Bursar and Loan Administration's Office.

3. Procedures--Employees Who Have Delinquent Accounts and Who Fail to Pay Them
   - 3.1 Withholding employee privileges:
     - 3.11 The following privileges are to be suspended until the debt is liquidated unless such privileges are already under suspension as a result of previous action: parking privileges when unpaid parking charges are involved; waiving of fees for dependents and for the employee; special assigned leave with pay; assigned leave with pay; leave without pay for study or for government arranged leave.
   - 3.2 Recording in personnel files:
     A record of the failure to pay the debt is to be made in the personnel file, and this information shall be considered in future employment decisions regarding the employee.
   - 3.3 Withholding salary increases:
     - 3.31 No general pay increases (those generally given annually at the start of the fiscal or academic year) are to be granted and promotions and/or upgrading of positions are to be withheld.
     - 3.32 If an employee subsequently pays the delinquent account, the salary increase in question, if awarded, will be effective the date that day classes begin for the academic semester or summer sessions next following the date the account is liquidated. The proposed salary increase will be applicable only to the remainder of the contract year and will be prorated accordingly. Likewise, the effective date of the promotion or upgrading will be the date that day classes begin for the academic semester or summer sessions next following the date the account is liquidated.
   - 3.4 Prior to registration for classes (employee or dependent) the employee must pay all charges (delinquent or otherwise) except those charges being appealed.
   - 3.5 Ten calendar days prior to initiating the foregoing actions a final notice will be delivered personally or mailed (certified mail) to the employee advising of the actions to be taken unless the debt is paid.
   - 3.6 To defray the cost of pursuing collection and impose a penalty charge for the account not being paid when due, a delinquency processing and late payment fee in the amount of $25 is to be assessed and included in the balance owed the University when the account becomes delinquent.
   - 3.7 Voluntary Payroll Deduction Loan Program
     - 3.71 Employees may elect to pay their delinquent account in full by executing a Voluntary Payroll Deduction Loan Program promissory note and payroll deduction authorization to the University within ten calendar days after the date of the final notice. The proceeds of the promissory note will be applied to the delinquent account as of the date executed. The employee will then be subject to the terms of the promissory note. However, should the employee subsequently default in repaying the promissory note, delinquent account collection procedures may be resumed, at the option of the University, as though the delinquent account had not been paid.

ARCHIVE

3.72 Interest is to accrue on the unpaid principal balance, until paid, at the Ball State Federal Credit Union one year note loan rate in effect on the date the loan is made plus one percent. A $10 document processing fee is to be paid to defray the costs of processing the loan and may be included in the loan.

3.73 The minimum payroll deduction amount is to be $22 monthly ($10 biweekly) or .0017 monthly (.000785 biweekly) times gross annual salary/wages rounded up to the nearest dollar, whichever is greater.

3.8 At the option of the University, delinquent accounts may be referred to collection agencies or pursued in court.

4. Reports to Board of Trustees
Reports of delinquent employee accounts receivable are to be submitted annually to the Board of Trustees setting forth the employee's name and all amounts owed the University including the delinquent portion.

5. Responsibility for Administration
It shall be the responsibility of the Vice President for Business Affairs and Treasurer or the Vice President's designee to pursue with due diligence the collection of delinquent employee accounts.

6. Procedures for collecting delinquent accounts owed the University by its employees as amended effective August 30, 1988, are hereby superseded, only as they pertain to Faculty/Professional Personnel, effective January 28, 1994.

PROCEDURES IN CASES WHERE TERMINATION OF A TENURED FACULTY OR TENURED PROFESSIONAL PERSONNEL MEMBER'S APPOINTMENT IS PROPOSED[50]

I Informal Proceedings

When specific written allegations are made and signed by the complainant with respect to a tenured faculty or tenured professional personnel member which may provide cause for terminating his or her permanent appointment, the matter will be brought to the attention of the faculty or professional personnel member's department Chairperson and College Dean,* who will discuss the subject with the faculty or professional personnel member in a private conference. The faculty or professional personnel member may have a supporting faculty or professional personnel member present if he or she so desires.

If, as a result of this initial conference, an appropriate solution is found which satisfies the faculty or professional personnel member, the department Chairperson, and the Dean, the matter will be closed and the solution will be implemented. If no solution is found, within thirty (30) working days, the Dean: will (1) if he or she determines that the allegations are clearly unsupported, drop the matter; (2) if he or she determines that the allegations are supported but that formal proceedings for termination of the appointment are not warranted, submit all information concerning the case to the Academic Freedom and Ethics Committee and subsequent proceedings will be governed by the "Procedures for Disciplinary Actions Other Than Termination"; or (3) if he or she determines that formal proceedings should be initiated, draw up the written statement specified under II-1 below. The Dean will discuss the matter with the department Chairperson before deciding which action to take.

The Dean will provide a written record of the conclusions reached in the informal proceedings to the Provost and Vice President for Academic Affairs, the President, the faculty or professional personnel member, and other University personnel determined by the Dean to have a direct interest.

* See section IV-1 Definitions.

ARCHIVE

II Formal Proceedings

1. Initiation of Formal Proceedings.
If the College Dean determines that formal proceedings to terminate the appointment of a tenured faculty or professional personnel member should be initiated, a written statement setting forth the specific cause or causes for terminating the appointment must be submitted to the Provost and Vice President for Academic Affairs and to the individual involved. The statement must be specific enough to provide the faculty or professional personnel member with adequate notice of the charges against him or her. The Provost and Vice President for Academic Affairs will forward all information and a request for formal proceedings to the Chairperson of the University Senate.

2. Non-disciplinary Suspension of Faculty or Professional Personnel Member.
The Provost and Vice President for Academic Affairs may recommend to the President that a faculty or professional personnel member be suspended from his or her duties if the Provost and Vice President for Academic Affairs feels that immediate harm might result to the faculty or professional personnel member or to others by his or her continued presence on campus or in the classroom. Such suspensions must be approved by the President and will be with pay.

3. Formation of Hearing Committee.[51]
Upon receipt of a request for formal proceedings, the Chairperson of the University Senate will select a five person Hearing Committee from the membership of the University Senate Judicial Committee. No one may be selected who has had previous involvement with the case or who is a member of the department in which the faculty or professional personnel member is employed. If the faculty or professional personnel member is tenured, the Hearing Committee must be composed entirely of tenured faculty and/or tenured professional personnel members.

   Each party involved in the hearing--the faculty or professional personnel member and the representative of the University--will have the right to challenge no more than two members of the Hearing Committee. The Chairperson of the University Senate will replace any potential member of the Hearing Committee who is challenged with another member from the Judicial Committee. If five members cannot be selected from the University Senate Judicial Committee after challenges are made, the University Senate will be asked to elect additional members from among whom the Chairperson of the University Senate will select suitable replacements for the challenged members of the Hearing Committee.

   The Hearing Committee will elect its own Chairperson. Five members of the Hearing Committee will constitute a quorum.

   When the Hearing Committee is formally constituted, the Chairperson of the University Senate will notify each party of the Committee membership.

4. Response to Written Statement.
Within ten (10) working days after receiving notice of the Hearing Committee membership, the faculty or professional personnel member will deliver to the Chairperson of the Hearing Committee a written response to the charges, setting forth the faculty or professional personnel member's position with respect to each charge. The Chairperson will provide copies of the written response to the President, Provost and Vice President for Academic Affairs, the representative of the University, the Dean, the department Chairperson, and the Chairperson of the University Senate. Along with the written response, the faculty or professional personnel member will advise the Chairperson of the Hearing Committee in writing whether he or she desires a hearing. If the faculty or professional personnel member does not desire a hearing, the Hearing Committee will decide the case on the basis of the evidence already in the Committee's file (which will include all information relating to the case previously submitted during the informal proceedings) and other relevant evidence available to the Committee.

5. Hearing Committee's Prerogative to Discontinue Formal Proceedings. If at any time during the formal proceedings prior to a hearing the Hearing Committee determines that termination of the faculty or professional personnel member's appointment is clearly not warranted based upon the information already in the Committee's file, the Committee may discontinue the formal proceedings.

   In such event, the Chairperson of the Hearing Committee will provide conclusions and the Committee's rationale in writing to the appropriate College Dean, the Provost and Vice President for Academic Affairs, the President, the faculty or professional personnel member, and other University personnel determined by the Hearing Committee Chairperson to have a direct interest. If the Hearing Committee decides that the charges against the faculty or professional

ARCHIVED

personnel member are clearly unsupported, and no disciplinary action is taken, the Committee may direct that all references to the charges be deleted from the individual's personnel record, if the individual agrees. If the Hearing Committee decides that the charges are supported but that termination of the faculty or professional personnel member's appointment is clearly not warranted, the Committee may refer the matter to the Academic Freedom and Ethics Committee for disposition in the manner provided under the informal proceeding described above.

6. Establishment of Hearing Date.
If there is to be a hearing, the Hearing Committee will establish a time, date, and place for the hearing, after consulting with the faculty or professional personnel member and the University representative. The hearing will be scheduled at such time as to allow the parties sufficient time to prepare their case. However, the hearing will be held within twenty (20) working days after receipt of the request for a hearing, unless the Hearing Committee determines that good cause exists for an extension. All parties will be advised of the procedures to be followed at the hearing, as set forth below.

7. Hearing Procedures.

7.1 The hearing will be private. Individuals permitted to be present throughout the hearing include: the members of the Hearing Committee, the Dean, the department Chairperson, the representative of the University, the faculty or professional personnel member, an advisor chosen by the faculty or professional personnel member (who may be an attorney), the Provost and Vice President for Academic Affairs, the President and/or his or her designee(s), the Chairperson of the University Senate, and a recorder chosen by the Hearing Committee. Witnesses, other than the above, may be present only when they are testifying.

If requested by the Hearing Committee, University counsel will meet with the Hearing Committee and/or attend the hearing to advise the Committee on procedural matters. In addition, the representative of the University who presents the case for termination of the appointment of the faculty or professional personnel member may be assisted at the hearing by an advisor (who may be an attorney if the faculty or professional personnel member's advisor is an attorney).

7.2 The Chairperson of the Hearing Committee will rule on all procedural matters. Any such ruling will be final unless it is overturned by a majority vote of the Committee members present. In such event the decision of the majority of the Committee will be final.

7.3 The parties must present copies of all documents on which they intend to rely (if not already a part of the Committee's file), and a list of the witnesses they intend to call, to the Chairperson of the Hearing Committee no later than five working days prior to the scheduled hearing date. The Chairperson will distribute copies of all documents presented and the witness lists to the members of the Hearing Committee and to the other party. No other documents or other witnesses may be presented at the hearing by either party without the approval of the Hearing Committee, which approval will only be given for good cause (e.g., the document or witness was not previously known to the party through no fault of the party, or the document or witness is needed for direct rebuttal of evidence submitted by the other party).

All witnesses will be expected to testify personally, if reasonably available. If they are not available, the party offering the witness will furnish a copy of the witness' notarized statement to the Chairperson of the Hearing Committee and to the other party with his or her witness list if possible, and if not, at the hearing. Parties will be responsible for securing the attendance of their own witnesses at the hearing but upon the request of a party, the Hearing Committee will provide reasonable assistance in securing the attendance of a witness.

7.4 The representative of the University will present his or her witnesses, documents, and arguments first, followed by the faculty or professional personnel member. Then the parties may present their rebuttal evidence, if any, and the Hearing Committee may call any additional witnesses or obtain any additional documents which it feels are necessary or helpful for a complete understanding of the matter. After all documents have been presented and all witnesses have testified, each party will be allowed time for a brief final summation.

The Hearing Committee will ordinarily establish time limits for the presentation of evidence, with a view towards completing the hearing as efficiently as possible, taking into consideration its obligation to hear all relevant and non-repetitive evidence which either party desires to present. The Committee will establish the time limits, if any, after

ARCHIVE

conferring with the parties, and will inform the parties of the time limits promptly after they are established.

7.5 All statements and remarks made by the parties or by witnesses will be directed to the Hearing Committee. Each party will be given the opportunity to ask questions of the other party or of the witnesses presented by the other party, but all such questions will be directed to the Chairperson, who will then direct the question to the intended party or witness. The Hearing Committee may vary these procedures for asking questions if it so desires.

The Chairperson will screen questions to avoid repetition and eliminate clearly irrelevant matters. None of the parties may interrupt the proceedings, but may gain the attention of the Chairperson by raising a hand. Any person accompanying a party as an advisor may participate fully in the proceedings.

7.6 A verbatim record of the hearing will be made by the recorder and a copy of the transcript of the hearing record will be sent to the faculty or professional personnel member, and to the Provost and Vice President for Academic Affairs as soon as it is available. The Hearing Committee will keep an official file, which will include the transcript of hearing record, all documents, statements and exhibits presented at the hearing (identified for convenient reference), and all information relating to the case previously submitted in either the informal or formal proceedings. The official file may be reviewed by any member of the Hearing Committee, by the parties and their advisors, and by any other person approved by the Provost and Vice President for Academic Affairs and the Chairperson of the Hearing Committee.

8. Findings and Conclusions.

8.1 The Hearing Committee's confidential deliberations may commence immediately after the conclusion of the hearing, or may be postponed by the Hearing Committee to a later time or date. All decisions of the Hearing Committee must be by a majority vote. The Hearing Committee must make explicit findings with respect to each of the charges contained in the written statement referenced in II-1 above, and it must also make recommendations with respect to the actions, if any, to be taken against the faculty or professional personnel member. If actions are recommended, they may include terminating the appointment of the faculty or professional personnel member or appropriate disciplinary action. The findings and recommendations will be communicated in writing to (1) the faculty or professional personnel member; (2) the immediate administrative superiors; (3) the Provost and Vice President for Academic Affairs; (4) the President; and, (5) the representative of the University, no later than ten (10) working days after the conclusion of the hearing, unless the Hearing Committee informs the President that it needs additional time.

8.2 The Provost and Vice President for Academic Affairs, upon receiving the findings and recommendations of the Hearing Committee, will review those findings and recommendations, along with the procedures followed in all of the activities relating to the charges and the hearing. The Provost and Vice President for Academic Affairs is charged with ensuring that appropriate procedures were followed. If the Provost and Vice President for Academic Affairs determines that appropriate procedures were not followed, then he or she may remand the case back to the Hearing Committee along with instructions for rehearing and/or specific remedial action.

8.3 Upon being satisfied with the procedures followed by the Hearing Committee, the Provost and Vice President for Academic Affairs will forward the findings and recommendations of the Hearing Committee to the President, along with any comments or recommendations that he or she might wish to append.

8.4 The President, upon receiving the report of the Provost and Vice President for Academic Affairs, may ask for additional information and/or may interview any individual connected with the charges and the hearing. Upon being satisfied with the Provost and Vice President for Academic Affairs' report, the President will append any comments or recommendations of his or her own and send the report, along with the official file, to the Board of Trustees. In most circumstances, the time period following the President's receipt of the Provost and Vice President for Academic Affairs' report, until he or she sends it to the Board of Trustees, should not exceed thirty (30) working days.

If the recommendation is to terminate the appointment of the faculty or professional personnel member, the Board must review the case; if the recommendation is not to terminate the appointment, the Board has the prerogative of reviewing the case. If a review is held, it will be based solely on the information and materials in the official file and the reports of the Provost and Vice President for Academic Affairs and the President.

ARCHIVE

The Board may, if it desires, extend to the parties (and/or their designated advisors) the opportunity to present arguments in support of their respective positions, but no new evidence will be presented except in unusual circumstances where the Board determines that such evidence was not available to the party presenting it at the time of the hearing through no fault of the party.

8.5 If, after review, the Board decides to sustain the findings and recommendations of the Hearing Committee, it will officially adopt such findings and recommendations and arrange for their implementation. If the Board questions one or more of the findings and recommendations, it will confer with the Hearing Committee in executive session, after which it will decide whether to overrule all or part of the findings and recommendations. In either event, the final decision regarding terminating the appointment of the faculty or professional personnel member, or taking other appropriate disciplinary or administrative actions, rests with the Board of Trustees and must be delivered within sixty-five (65) days of receipt of the file from the President. If the Board of Trustees decides that the charges against the faculty or professional personnel member were unsupported by the evidence, the Board may direct that all references to the charges be deleted from the individual's personnel record if the individual so desires.

III Cause for Termination

Cause for Terminating the Appointment of a Faculty Member or Professional Personnel Member on Tenure[52]

The appointment of a faculty member or professional personnel member on tenure may be terminated, in the manner specified above, only for adequate cause related to the fitness of the member in his or her professional capacity. Adequate cause may include, but is not limited to, one or more of the following: (1) incompetence; (2) dishonesty; (3) substantial and manifest neglect of duty; (4) willful disobedience of University rules and regulations.

IV Miscellaneous

1. Definitions.

1.1 If a faculty or professional personnel member is not assigned to an academic unit when action is taken under these procedures, the faculty or professional personnel member's "department chairperson" refers to his or her immediate supervisor, and the faculty or professional personnel member's "College Dean" refers to the appropriate University officer (the Executive Assistant to the President or the University Vice President superior to the person whose conduct is in question). In such cases, the Provost and Vice President for Academic Affairs' responsibilities under Subsections 1, 2, 8.2, and 8.3 of the Formal Proceedings (Section II) will be carried out by the President instead of the Provost and Vice President for Academic Affairs.

1.2 The term "working days" refers to days in which the University is in session (i.e., formally scheduled class days), excluding Saturdays, Sundays, and holidays officially recognized by the University.

1.3 The term "representative of the University" refers to the person appointed by the Provost and Vice President for Academic Affairs to present the case against the faculty or professional personnel member.

2. Confidentiality.

All actions, hearings, evidence, files, and records from these proceedings will be private and confidential unless otherwise provided by law, or unless otherwise required by a final court order or in the written opinion of University counsel. Access will be limited to the parties and their advisors, the Hearing Committee, and other persons with a legitimate interest as approved by the Provost and Vice President for Academic Affairs and the Chairperson of the Hearing Committee. Final action by the Board of Trustees or a Committee of the Board will be taken at a public meeting.

3. Other Cases to Which Procedures Apply.

The procedures described in I and II above will also apply in any case (1) where the University proposes to release a non-tenured regular full-time faculty or professional personnel member during the probationary period with less advance notice than that specified in the Faculty and Professional Personnel Handbook, under "Policy Statements for Tenure," or (2) where the University proposes to dismiss a faculty or professional personnel member (whether in a regular or a special assignment) during the term of his or her contract.

4. Cases to Which Procedures Do Not Apply.

The procedures described in I and II above will not apply in any cases (1) involving termination of the appointment of a non-tenured faculty or professional personnel member, except as provided in IV.3 above, (2) involving a reduction in force when the University declares a state of

ARCHIVE

exigency, (3) involving termination of the appointment of a tenured or non-tenured faculty or professional personnel member for medical reasons, or (4) involving the mandatory retirement of a faculty or professional personnel member on account of age. The University may adopt separate procedures applicable to such cases.

5. Time Limitations.
Time limitations for actions to be taken under I and II above will not apply where precluded by legal action.

PROCEDURES FOR DISCIPLINARY ACTIONS OTHER THAN TERMINATION[53]

I Functions

The Academic Freedom and Ethics Committee (AF&E) of the Faculty Council (FC) will serve two basic functions.

1. It will develop and review guidelines and policies for academic freedom and ethics issues for the University.

2. It will review cases involving allegations of (a) violations of ethical standards; (b) interference with academic freedom; (c) other inappropriate behavior by faculty or professional personnel members.*

II Procedures for Handling Cases

1. Processing Cases
   - 1.1 Cases within the jurisdiction of the committee may be brought to the Committee's attention by any faculty member or professional personnel member.
   - 1.2 Allegations must be submitted in writing to the Chairperson of the Faculty Council and must contain specific documentation supporting each of the allegations.
   - 1.3 The Chairperson of the Faculty Council will forward a copy of the allegations and supporting documentation to the Chairperson of the Academic Freedom and Ethics Committee and to the person whose behavior is in question. These documents shall be delivered within 10 working days following their receipt by the Chairperson of the Faculty Council.
   - 1.4 After completing its review of a case, and prior to submitting its written report to the Chairperson of the Faculty Council, the Academic Freedom and Ethics Committee may arbitrate the differences between the person(s) who initiated the matter and the person(s) whose behavior is in question (the involved parties). If agreement is reached, the written report to the Chairperson of the Faculty Council shall set forth the terms of the agreement.
   - 1.5 The findings and recommendations of the Academic Freedom and Ethics Committee will be submitted in writing to the Chairperson of the Faculty Council, the involved parties, the appropriate University officer** and other University personnel determined by the Academic Freedom and Ethics Committee to have a direct interest. This report will be forwarded within 10 working days of its approval by the Academic Freedom and Ethics Committee.

* Examples of inappropriate behavior include, but are not limited to: moral turpitude, neglect of duty, insubordination, and violation of institutional rules.

** The phrase "appropriate University officer" used in these procedures refers to the Executive Assistant to the President or the University Vice President superior to the person whose conduct is in question, unless that Officer is an involved party. If the Vice President or Executive Assistant to the President is an involved party, then the President is considered to be the "appropriate University officer."

2. Procedures
   - 2.1 The Academic Freedom and Ethics Committee will examine the documentation and other information it deems pertinent to the case. The Academic Freedom and Ethics Committee will do this by receiving statements from the involved parties and anyone else the committee believes may be able to provide relevant information.
   - 2.2 The involved parties shall have the right to be accompanied during any appearance before the committee by an observer who is a full-time (regular or contract)[54] faculty or professional personnel member. An involved party will be given at least 10 working days advance written notice by the Chairperson of the Academic Freedom and Ethics Committee of the date, time, and place of any meeting of the committee which the party is requested to attend. Within 5 working days after receiving this notice, the party will

ARCHIVE

submit to the Chairperson of the Academic Freedom and Ethics Committee in writing the name of the observer, if any, who will accompany the party. The party may consult with the observer during the meeting, but the observer will not actively participate in the proceedings.

2.3 The Academic Freedom and Ethics Committee's review of the case will be conducted in an informal manner. All participants shall maintain the confidentiality of the proceedings. All actions, evidence, files, and records from the proceedings will be private and confidential, unless otherwise provided by law, as interpreted in writing by University counsel, or unless otherwise required by a final court order. Because the matters under consideration by the committee may be extremely sensitive to the persons involved, only persons invited by the Academic Freedom and Ethics Committee may attend its meetings. For the same reasons, recording devices will not be allowed.

2.4 Minutes of all meetings will be kept.[55] All minutes and documentary evidence submitted to the committee will be open to inspection by the involved parties, the Academic Freedom and Ethics Committee members, and the appropriate University officer. The minutes and documentary evidence will be kept by the appropriate University officer for at least one year from the close of the case by the Academic Freedom and Ethics Committee or until appeals and/or sanctions are completed (whichever is longer).

2.5 Upon completion of the deliberations, the Academic Freedom and Ethics Committee will formulate a report containing its findings and recommendations (see 1.5 above).

2.6 All personal notes taken by individual Academic Freedom and Ethics Committee members will be kept confidential by the Chairperson and destroyed after approval of the final report by the Academic Freedom and Ethics Committee.[56]

III Recommended Dispositions

1. The Academic Freedom and Ethics Committee may recommend to the appropriate University officer the exoneration of the faculty or professional personnel member whose behavior is in question.

2. The Academic Freedom and Ethics Committee may find that the person did engage in inappropriate behavior and may recommend to the appropriate University officer:
   - 2.1 No sanctions be imposed;
   - 2.2 A written reprimand;
   - 2.3 A fine (not exceeding 5 percent of the person's annual contract base salary);
   - 2.4 Probation (not exceeding one year). Probation is defined as the conditional withholding of a more severe sanction. The Academic Freedom and Ethics Committee will recommend the length and terms of probation and the monitoring officer(s). If a person is believed by the designated monitoring officer(s) to have violated the terms of probation, the officer(s) may recommend to the appropriate University officer that the withheld sanction be imposed and, in appropriate cases, that formal proceedings for dismissal be instituted;
   - 2.5 Suspension without pay, or with partial pay (not exceeding one year);
   - 2.6 Institution of formal proceedings for dismissal.

3. Combinations of sanctions may be recommended where appropriate. When a sanction other than 2.6 is recommended, the terms may include a recommendation that the person take reasonable action to remedy or to make restitution for a situation created by his or her behavior.

4. The Academic Freedom and Ethics Committee may find the allegation(s) submitted by the person(s) who initiated the matter to be baseless and appear to have been made in bad faith. In these cases the Academic Freedom and Ethics Committee may recommend to the appropriate University officer that he or she institute an investigation in relation to this matter.

IV Finding and Conclusions

The appropriate University officer will review the findings and recommendations of the Academic Freedom and Ethics Committee along with the procedures followed in all of the activities relating to the charges. He or she is charged with ensuring that appropriate procedures were followed. If he or she determines that appropriate procedures were not followed, then he or she may remand the case back to the committee along with instructions for specific remedial action. If the affected faculty or professional personnel member believes that prescribed procedures have not been followed or does not feel the findings and recommendations of the Academic Freedom and Ethics Committee are appropriate, he or she may, within 10 working days of receipt of the written findings and recommendations of the Academic Freedom and Ethics Committee, request a conference with the appropriate University officer. Upon receiving such a request, the officer will meet with the affected faculty or professional personnel member, and the officer will not take any disciplinary action against the faculty or professional personnel member prior to such meeting. The faculty or professional

ARCHIVE

personnel member may have a supporting faculty or professional personnel member present if he or she so desires. The decision regarding the action, if any, to be taken rests with the appropriate University officer. The decision of the appropriate University officer will be communicated to the faculty member or professional personnel member in writing with copies of action taken being sent to the following persons: Department Chairperson or Unit Head, College Dean (if appropriate), and the Provost and Vice President for Academic Affairs. The Office of the Provost and Vice President for Academic Affairs would serve as the repository for the Academic Freedom and Ethics Committee on all completed proceedings pertaining to disciplinary action other than termination. No disciplinary action will be taken until all possible appeals have been completed.

V Appeals

1. If the decision of the appropriate University officer is that formal proceedings for dismissal should be instituted (sanction 2.6), the case will thereafter be subject to the "Procedures in Cases Where Termination of a Tenured Faculty or Professional Personnel Member's Appointment is Proposed," Section II (Formal Proceedings).

2. If the decision of the appropriate University officer is that disciplinary action other than formal proceedings for dismissal should be taken, the faculty or professional personnel member may appeal that decision to the President (unless the appropriate University officer is the President, in which event no further appeal will lie). Such appeals must be filed in writing by the faculty or professional personnel member within 10 working days of receipt of the written decision of the appropriate University officer, setting forth the reasons(s) why the decision should be overturned. In all such cases the President will make the final decision and no further appeals will be permitted.

POLICY FOR THE EVALUATION OF TEACHING[57]

1. Ball State University recognizes the importance of its teaching mission. Evaluation of teaching plays a primary role in providing students with the best possible educational experience and in allowing faculty to develop to their full potential as teachers. Therefore faculty must annually evaluate their teaching by a variety of means.

2. In addition to its primary role in improving teaching, evaluation of teaching plays a role in personnel decisions such as promotion, tenure, and merit pay. The evaluation of teaching for personnel decisions must be fair and systematic. The variety of course delivery formats, such as interdisciplinary, team-taught, Internet, and hybrid, requires evaluations which reflect the unique aspects of these delivery systems. Departments are required to review the items and evaluation procedures at least once every three years to determine if their evaluation methods remain valid and reliable.
   - 2.1 Each department shall devise procedures, to be approved by its college, for regularly conducted evaluation of teaching, including student ratings. Ratings by students shall be conducted each year on a regular schedule that meets departmentally approved standards, suitably administered, summarized, and available for review during personnel decisions. When the faculty member's assignment includes teaching, these ratings shall be done in at least one class per year. In appropriate circumstances, the College Dean may waive this requirement.
   - 2.2 In addition, each faculty member's teaching shall be evaluated by at least one of the following means, and all of the following means shall be available to the individual faculty member:
     - 2.21 Peer review of teaching, such as classroom visitation, evaluation of syllabi, examinations and other classroom materials;
     - 2.22 Chairperson review of teaching, such as classroom visitation, evaluation of syllabi, or evaluation of examinations;
     - 2.23 Peer and chairperson review of the teaching portfolio.
   - 2.3 Colleges and departments are encouraged to use as many other means of evaluation as they see fit. Examples may include evidence of significant involvement in curriculum development; significant contribution to the pedagogy of the field; personal statement describing teaching goals.
   - 2.4 Annually, each department chairperson must make each faculty member aware of the departmentally approved methods that will be used for the evaluation of teaching.

ARCHIVE

GUIDELINES TO BE FOLLOWED IN EVALUATION OF TEACHING[58]

To facilitate the fair and systematic evaluation of teaching, the University has developed the following requirements.

1. Student ratings are to be used for two purposes: first the improvement of teaching and second, when used as part of the evidence upon which decisions are based, for personnel matters.
   - 1.1 Improvement of Teaching
     During the term, student feedback may be solicited to assist in making improvements in a current course or subsequent offerings. A variety of methods can be used, such as formal surveys, open-ended questionnaires, or informal essays, but any student statistical ratings are to be anonymous. Departments, with the approval of colleges, shall make provisions to assure that no student is penalized for expressing his or her opinion. This student feedback, designed to improve teaching, is not appropriate for making personnel decisions.
   - 1.2 Personnel Decisions
     Near the end of the semester, but not during final exam week, a rating form adopted by departments to evaluate teaching shall be administered to students enrolled in classes currently taught within the department. This rating form can include formal surveys, open-ended questionnaires and/or informal essays. Every reasonable effort will be made to protect the anonymity of student responses. Departments, with the approval of colleges, shall make provisions to assure that no student is penalized for expressing his or her opinion.

     The statistical data gathered from student ratings will be summarized by a designated University office. Departments, with the approval of colleges, shall make provision to ensure the confidentiality and integrity of the data. Pooled data, without any traceable reference to the instructor, may be maintained for norming and research. The individual rating forms, or transcripts thereof, at the discretion of the department, are considered property of the faculty member and must be given back to the faculty member when the tabulation of results is complete.
   - 1.3 Implementation of Policy
     Policies for selection of courses, frequency of evaluation, timing of administration/completion, adjustment for exceptional circumstances, and reporting of results will be developed by departments and approved by appropriate college committee(s).
   - 1.4 Methodological and Statistical Considerations
     Sound methods and statistical procedures are to be followed. Among these are the following:
     - 1.41 Statistical summary of information from classes with enrollment of ten (10) or fewer should be avoided. Other methods of evaluation are recommended in this case.
     - 1.42 Information derived from teaching rating forms shall not be disseminated to or received by a professor's peers, department chairperson, any Promotion and Tenure committees, or anyone else unless it is accompanied by a copy of the evaluation form used and copies of any instructions provided to those filling out the forms.
     - 1.43 Information relating to any individual faculty member and derived from different evaluation forms which include different items and configurations of items shall never be averaged nor co-mingled.

2. Administration of Student Ratings Used for Personnel Decisions
   - 2.1 The rating form is to be administered in a professional manner by someone other than the instructor. The instructor is to be absent throughout the evaluation process.
   - 2.2 Instructors and/or students are not in any way to attempt to influence unfairly the outcome of this rating.
   - 2.3 Students shall be instructed that if there are any violations of 2.1 or 2.2 above, the nature of the violation(s) should be reported to the chairperson of the department or the college dean if the department chairperson is teaching the course.
   - 2.4 The instructor shall not have access to the ratings or the data before the semester's grades are posted.
   - 2.5 To ensure a uniform and professional standard of administration, each department shall develop a statement of instructions to be clearly presented to students before they respond to rating forms. In addition, each department shall develop standard instructions for those who administer the rating forms.

ARCHIVE

3. In accordance with the Policy for the Evaluation of Teaching, the following guidelines are provided:
   3.1 Each department shall devise a form for assisting the chairperson's review of faculty members' teaching. Samples of suggested forms will be available in each dean's office. The adopted form shall be appended to the department's Promotion and Tenure Document and Merit Pay Document and be submitted to the appropriate college and University committees for approval.
   3.2 Each department shall devise a form for assisting peer review of faculty members' teaching. Samples of suggested forms are available to each dean's office. The adopted form shall be appended to the department's Promotion and Tenure Document and Merit Pay Document and be submitted to the appropriate college and University committees for approval.
   3.3 For chairperson and peer review of teaching portfolios the department and colleges shall develop guidelines to standardize and limit materials in consultation with the Office of Teaching and Learning Advancement.

4. The Teaching Evaluation Committee shall review these procedures at least every three years. This committee shall review and report on the student rating forms and departmental policies.

POLICY FOR EVALUATION OF SCHOLARSHIP[59]

1. Ball State University recognizes the importance of providing a climate in which professors pursue independent or collaborative scholarly activities or creative endeavors.
   1.1 Departments will recognize and reward the four areas of scholarship: discovery, integration, application, and teaching.
   1.2 Each department or school shall define its own emphases and the appropriateness of each faculty member's scholarly productivity and creative endeavors.
      1.21 Faculty shall NOT be required to participate in each of the four areas of scholarship.
   1.3 Each faculty member shall communicate clearly to the chairperson or director his or her goals and accomplishments which contribute to the departmental goals and emphases.
   1.4 Each faculty member shall communicate clearly to the chairperson or director the appropriateness of his or her 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.

POLICY FOR EVALUATION OF SERVICE[60]

1. Ball State University recognizes the importance of providing a climate in which professors can remain active in their professional activities and organizations and can provide service to the University, community and state. Such activities can include consulting; officer of/membership in professional organizations; officer of/membership in departmental, school, college, or University committees; and advising, etc.
   1.1 Each department or school shall define its own emphases and the appropriateness of each faculty member's professional citizenship and outreach activities.
   1.2 Each faculty member shall communicate clearly to the chairperson or director his or her goals and accomplishments which support the departmental goals and emphases.
   1.3 Each faculty member shall communicate clearly to the chairperson or director the appropriateness of the service and how it enhances his or her teacher/scholar role.

MEETING CLASSES AND FOLLOWING EXAMINATION SCHEDULE[61]

When a faculty member persists in violating the policy on meeting classes and/or following the examination schedule, the following steps will be followed.

1. A personal conference will be held between the faculty member and the department chairperson concerned (at the call of the department chairperson) to outline the policy and alert the faculty member to the need for change in his or her method of meeting his or her responsibilities.

2. If the violations do not cease, a formal letter of censure will be written, signed by the department chairperson and the college dean, with copies going to the faculty member and into his or her official University personnel file.

ARCHIVE

3. If the violations still do not cease, a reduction in the faculty member's pay will be made; such reduction to be approved by the department chairperson, the college dean, and the Provost and Vice President for Academic Affairs. The faculty member will be notified in writing that this action is being taken as soon as the decision is confirmed by all three administrators involved.

4. If violations still do not cease, these violations will be sufficient cause for dismissal from the faculty through dismissal and appeal procedures for tenured and non-tenured faculty as outlined in the Faculty and Professional Personnel Handbook.

5. At any time in the steps outlined in 2, 3, and 4 above, the faculty member may petition for and must be granted an appeals hearing according to established University policy.

ARCHIVE

LEAVES AND ABSENCE FROM DUTY[62]

I Special Assigned Leave With Pay Program[63]

1. Purpose
   1.1 The purpose of the special assigned leave with pay program is to enable the faculty and professional personnel to carry out with increased effectiveness teaching, scholarly productivity, and public service.

2. Eligibility
   2.1 All tenured and tenure-track faculty and those professional personnel (including contract coaches) who are in their fifth or subsequent year of full-time employment at the University are eligible to apply for a special assigned leave with pay. An individual may not receive a special assigned leave with pay more often than once within any five year period, but may apply for his or her special assigned leave with pay during the fifth year of full-time employment or fifth year since a previous special assigned leave with pay.

3. Committee Composition
   3.1 The membership of the Special Leave Committee shall consist of the following: Seven tenure and tenure track faculty members, one elected from each college, for staggered two year terms. The Provost and Vice President for Academic Affairs, ex officio, or a designee, will be a non-voting member of the Special Leave Committee. Any applicant for Special Leave will not be eligible for membership on the committee during that year.[64]

4. Committee Responsibilities
   4.1 The responsibilities of the Special Leave Committee are: to initiate, monitor, evaluate, and recommend policies and procedures concerning leaves of absence; to solicit applications for special assigned leaves with pay, to evaluate and rank the applications according to established criteria, to report its findings according to established policies; and to act in an advisory capacity to those who administer other leaves of absence programs.

5. Application Procedures[65]
   5.1 Copies of application blanks and contract forms should be obtained from the appropriate dean's office. In order for an application to be considered, the application forms must be completed and in the hands of the applicant's department chairperson and the chairperson of the University Special Leave Committee on or before 5:00 p.m. on the fourth Monday in October in order to assure consideration for the subsequent academic year. Special assigned leaves with pay are recommended by the Special Leave Committee to the Provost and Vice President for Academic Affairs, who in turn makes his or her recommendations to the President. The President presents his or her recommendations for special assigned leaves with pay to the Board of Trustees. Applications will be processed as follows:
      5.11 Applicants must file the original and eleven (11) copies of the following with the department chairperson or, if the applicant is a professional personnel member, with the University officer. Copies must include:
         5.111 SPECIAL LEAVE APPLICATION COVER SHEET
         5.112 CURRICULUM VITAE (not to exceed 6 typewritten pages)
         5.113 APPLICATION FOR SPECIAL LEAVE (not to exceed 6 typewritten pages)

         The original must have COMMENT FORMS attached.

         In the event that an individual has major responsibilities in two departments or administrative units, he or she should file a copy with each department chairperson or immediate supervisor involved.
      5.12 The applicant shall file the yellow copy of the first page of the application form with the chairperson of the Special Leave Committee. This page should be submitted to the chairperson of the Special Leave Committee by the above stated deadline.
      5.13 Within five (5) school days after the fourth Monday in October, the department through the chairperson will review the applications and, with suitable comments, will forward recommendations, applications, and comments to the College Dean.
      5.14 Within ten (10) school days after the fourth Monday in October, the College Dean will forward eleven copies of his or her recommendations, applications, and any comments to the chairperson of the Special Leave Committee.
      5.15 The department chairperson, college dean or University officer, and Special Leave Committee will consider the following three factors (listed in order of importance) in forming their recommendations:

ARCHIVE

5.151 The nature of the proposed leave and its probable value to the applicant, his or her department, college, and the University in light of the leave purpose stated in Section 1 above;

5.152 The applicant's service to the University (defined to mean teaching and curriculum development, departmental leadership, grants, research, publications, advising, committees and offices, community activities, participation in state, regional, and national organizations and other activities which benefit or bring recognition to the University).

5.153 The years the applicant has accrued since his or her most recent leave at the University.

5.16 The Special Leave Committee will notify the applicant when the above steps in processing have been completed and will indicate a date when the applicant may expect to receive final word concerning the disposition of the application.

5.17 After careful study, the Special Leave Committee will rank applications recommended according to the above criteria (stated in 5.151 through 5.153) and will submit a general report to the Faculty Council. The report will contain the following elements:

5.171 A statement of the total number of applications filed;

5.172 Procedures employed by the Committee in accomplishing its work;

5.173 Certification that the policies outlined herein were followed in arriving at ranking of applications.

5.174 The committee will reject applications which do not conform to the guidelines.

5.18 After acting on this report, the Faculty Council will instruct the Special Leave Committee to present the approved report by the day after the first Faculty Council meeting in spring semester, but no later than January 31, with rankings to the Provost and Vice President for Academic Affairs, who will consult with the President as to the total number of leaves to be granted. The Provost and Vice President for Academic Affairs and the President will honor the rankings submitted by the Special Leave Committee and report their recommendations to the committee. The President is responsible for the ultimate recommendation concerning leaves that is made to the Board of Trustees and will announce those leaves that have been approved by the Board[66]

6. Guarantees

6.1 The person on such leave must agree in writing to return to the institution for at least one academic year or equivalent time if total leaves are of more than one year duration, or to return proportional leave payments to the University. This provision may be waived at the discretion of the President and Board of Trustees. The University guarantees the returning person the former position. This is interpreted to include teaching of the same courses taught prior to taking leave insofar as is possible. Persons on special assigned leave with pay for the academic year must indicate on or before March 15 their intention to return.

7. Time-and-Pay Combinations[67]

7.1 Leaves with pay are taken as follows:

7.11 One semester at full pay or two semesters at half pay after five years' service at the institution;

7.12 After such leave, computation of accrued time toward eligibility status begins anew with the fall semester of the next academic year.

8. Leave Payments

8.1 Leave salary is paid in equal monthly payments, as is the salary of regularly scheduled personnel, or according to some other plan mutually agreeable to the University and the person going on leave. Specifications of manner of payment of leave salaries are included in the specified Leave Contract.

9. Implementation

9.1 Suggestions for orderly implementation of the program are as follows:

9.11 Whenever possible, leaves should be arranged when the class load is light in a department;

9.12 Other instructors should not be asked to carry an extra class load;

9.13 Well-qualified persons should be hired as substitutes. Graduate assistants should not be widely used for this purpose;

9.14 Hiring of substitutes for college courses should be at the lower salary levels whenever possible.

10. Contract Status
    10.1 While on such leave the individual is considered to be in the employ of the University and is entitled to all benefits accruing to personnel performing regular duties.

11. Specified Leave of Absence With Pay Documents
    11.1 Approved leave application and leave contract forms are provided by the University and must be used for any leave obtained under these arrangements. These forms are available in the office of the college dean.

12. Report
    12.1 Upon conclusion of the special assigned leave, a report is to be filed within ninety (90) days with the department chairperson to be forwarded via the appropriate dean to the Provost and Vice President for Academic Affairs. Failure to file this report may jeopardize consideration of the person for further leaves.

13. Non-Use of Leave[68]
    13.1 Special Leaves shall be granted only in the year for which they are approved. Changes within the academic year shall be granted by the Provost and Vice President for Academic Affairs with the approval of the Department Chairperson and Dean.

II Assigned Leave With Pay Program[69]

1. In addition to leaves approved by the University Special Leave Committee following the normal normal procedure set forth herein, the Dean of a College, or the appropriate University officer in the case of professional personnel, has the authority to grant assigned leaves with pay, in such cases where University salary funds are not needed to replace the individual who receives such a leave. All such leaves must be approved by the Provost and Vice President for Academic Affairs, the President, and the Board of Trustees, and may be granted only for purposes that benefit the University and assist it in fulfilling its educational mission.

2. The person on such leave must agree in writing to return to the institution for at least one academic year or equivalent time if total leaves are of more than one year duration, or to return proportional leave payments to the University. This provision may be waived at the discretion of the President and Board of Trustees. The University guarantees the returning person the former position. This is interpreted to include teaching of the same courses taught prior to taking leave insofar as is possible.

III Paid Sick Leave[70]

1. Faculty and professional personnel unable to work as a result of illness or injury are eligible to participate in the paid sick leave program.

2. An allowance of twelve days of paid sick leave are provided each fiscal year for full-time faculty and professional personnel assigned on an academic or fiscal year basis. Paid sick leave allowance may accumulate to a maximum of 90 days.

3. This policy also applies to full-time contract faculty assigned at least one academic semester. The number of paid sick days allowed is prorated on a semester basis.

4. Paid sick leave regulations apply only if the person is actively employed at the time of illness. Paid sick leave is to be used only for illness of the faculty member or for the care of a family member during an illness of that family member. The total paid sick leave days used for care of a family member shall not exceed five days in any fiscal year.

IV Military Leave[71]

1. A leave of absence will be granted to an employee who is called to tours of training duty. Eligible employees are entitled to a leave of absence with pay not to exceed fifteen (15) calendar days in any one calendar year. The maximum number of paid military leave days in any one calendar year is ten (10). Evidence, such as military orders, must be submitted to University Human Resource Services before approval for pay will be given.

2. Active duty military leave of more than fifteen (15) calendar days will be without pay. Military leave without pay of up to and including five (5) years may be granted after the date of induction, enlistment, or call to active duty.

3. Benefit plans may be continued during military leave.
   (Please refer to:
   http://cms.bsu.edu/About/AdministrativeOffices/HumanResources/EmployeeInfo/LeavesofAbsence.aspx for most current leave policies)

ARCHIVE

V Family and Medical Leave[72]

1. Under the Family and Medical Leave Act (FMLA), regular full-time, continuing contract, and contract, and other faculty and professional personnel who have been employed by the University for at least 12 months and have worked at least 1,250 hours during the 12 months prior to the start of the leave, are eligible to take up to 12 weeks of unpaid, job-protected leave in a 12-month period (defined as the 12-month period measured backward from the date the employee uses FMLA leave): (a) to care for his or her child after birth, or placement for adoption or foster care; (b) to care for his or her spouse, son, daughter or parent who has a serious health condition; or (c) for a serious health condition that makes the faculty or professional employee unable to perform his or her job. The FMLA permits employees to take this leave on an intermittent basis or to work a reduced schedule under certain circumstances.

2. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider. With continuing treatment, the period of incapacity must require absence of more than three calendar days from work, school, or other regular daily activities; except that the three day requirement does not apply in the case of incapacity: (a) due to pregnancy or for prenatal care; (b) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or (c) that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.).

3. If the need to take FMLA leave is foreseeable, faculty and professional personnel must notify their department chairperson or administrative supervisor sufficiently in advance to allow time for replacement teaching and other arrangements to be made, but in no event less than 30 days before the leave is to begin. If the need is not foreseeable, notice must be given as soon as practicable (generally within one or two business days of learning of the need to take FMLA leave).

4. FMLA leave shall be concurrent with existing maternity, child care, paid sick leave, and other paid/unpaid leaves of absence which are taken for FMLA reasons and designated as FMLA leave. FMLA leave will not be provided beyond the end date of a fixed-term appointment.

VI Other Leaves of Absence

1. Leave for Study
For regular full-time faculty and professional personnel with over five years of continuous full-time service, a leave of absence without pay of up to and including 12 months may be granted to an employee to provide an opportunity to gain additional education and skills to better fulfill the specified responsibilities of an employee's present position at the university, related to his/her potential development with the university, or as part of a program leading to a degree. Benefit plans may be continued for eligible employees.

For Ball State University classes only, the Educational Assistance Program may be available to an eligible employee using Leave for Study.

A Leave for Study form, available in University Human Resource Services, requires the approval of the supervisor, department head, dean/vice president, and University Human Resource Services. An eligible employee may use the "Educational Assistance Program" or the "Sixty Years or Older Policy", but not both during Leave for Study.

If the employee fails to return to work at the university on or before the expiration of the Leave for Study, the employee will be considered to have resigned from the university. If the employee fails to return to work at the university at the end of the leave and work for a period of time equal to the length of the leave, he or she must repay the portion of the benefit costs, including insurances and Educational Assistance if applicable, paid by the university during the Leave for Study.

2. Leave for Danforth, Fulbright, or Government-Arranged Assignments
   2.1 Faculty and professional personnel may be granted a leave without pay Danforth, or Fulbright fellowship appointment or Government-arranged assignments.

3. Leave for Family Emergencies
   3.1 Faculty and professional personnel may be granted a leave for family emergencies without pay for a period of time not to exceed six consecutive months.

ARCHIVE

4. Leave for Personal Reasons
   4.1 Faculty and professional personnel may be granted a leave without pay for personal reasons for a period of time not to exceed one calendar year.

5. Pregnancy, Maternity, and Child Care Leaves
   5.1 Pregnancy Leave--Unpaid leave taken by a pregnant woman prior to the time she and her physician determine her pregnant condition makes her unable to continue working.
   5.2 Maternity Leave--Leave taken at time determined by a woman and her physician to be when she is unable to work for pregnancy related reasons. Leave is treated the same as any other sick leave. The employee is paid earned sick leave benefits effective with the beginning date of the leave. Vacation days earned may be taken contiguous to paid sick leave days.
   5.3 Child Care Leave--Unpaid leave taken by a woman following the birth of the child after that time her physician has declared her able to return to work. Child Care Leave is also available for men.
   5.4 Pregnancy and/or Child Care Leave combined will be granted for a period not to exceed six months.

6. Funeral and Bereavement Leave[73]
   6.1 Funeral Leave may be taken in the event of the death of a member of a faculty or professional personnel employee's immediate family or household: husband, wife, father, mother, son, daughter, grandfather, grandmother, grandchild, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepfather, stepmother, stepson, and stepdaughter. Funeral leave is also extended to qualified same sex domestic partners if they meet certain requirements as defined in the Board Report dated July 18, 2003 (see Section VI, Appendix, page 259-260 for requirements). The period of paid leave is determined by the distance of funeral services from Muncie, Indiana, as follows:
      6.11 Three work days – within 150 mile radius of Muncie;
      6.12 Four work days – between 150-300 mile radius of Muncie;
      6.13 Five work days – beyond 300 mile radius of Muncie;

   6.14 Seven work days – outside of North America.

   If a faculty or professional personnel employee is unable to attend funeral services as outlined above, that employee will be allowed three paid days for bereavement.

   Funeral Leave may be taken in the event of the death of a faculty or professional personnel employee's other relatives: stepmother-in-law, stepfather-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, and niece. Paid leave is limited to one work day.

VII Absence From Duty

1. Illness/Emergency
   1.1 Faculty and professional personnel unable to meet any scheduled class or attend work due to illness or emergency are responsible for notifying the office of the department chairperson or supervisor.

2. Professional Reasons/University Business
   2.1 Faculty absent for professional reasons and/or University business, such as attendance at educational organizations, conferences, visits to schools or other educational institutions, will make provisions for classes during their absence with the department chairperson. In advance of the absence, the faculty member is to complete a Faculty-Service Absence form or other written form used by the department.
   2.2 Professional personnel absent from work due to professional reasons and/or University business will obtain supervisor approval in advance of absence.

3. University Approved Travel
   3.1 Faculty and professional personnel may be authorized to travel for professional reasons and/or on University business. The Authorization for Travel form must be submitted and approved prior to dates of planned travel. The approved form will indicate travel with or without reimbursement and/or other limitations. The Authorization for Travel forms are available in each department or office.
   3.2 University travel regulations and reimbursement procedures are sent to each department or office and to each faculty and professional personnel employee annually. Questions concerning travel regulations should be directed to the Physical Plant Motor Pool Office.

ARCHIVE

4. Jury Duty and Court Witness

4.1 Faculty and professional personnel summoned to report for jury duty or to serve as a witness in court during regularly scheduled working hours will be provided time off with pay. Written notice or a copy of the subpoena must be submitted to department chairperson/supervisor and the Office of the Provost and Vice President for Academic Affairs prior to such duty. This policy does not apply to an employee who is a party to the legal action involved.

VIII Continuation of the Benefit Programs While on Leave

1. The following table outlines benefit programs applicable to specific leaves. The table is included for information purposes only and is subject to change by action of the Board of Trustees. Official University employee benefit policies are outlined in the Benefits Handbook. Questions concerning employee benefits should be directed to the Payroll and Employee Benefits Office.

ARCHIVE

Faculty/Professional Personnel-Continuation of Benefit Programs While on Leave

Benefit Programs	Leaves With Pay	Leaves Without Pay	
	Special Assigned Assigned Military (15 calendar days or less) - Note A -	Study Fulbright Grant Government Arranged Mutual - Note B Pregnancy and/or Child Care Family Emergencies - Note C, D -	Mutual - Note E Military - Note D Personal - Note D
Health Care Plan	Program continues. Premium shared on a 25% (employee) and 75% (University) basis utilizing payroll deduction.	Program optional at discretion of employee. The employee's share (25%) of the premium for the period of the leaves must be paid in advance or it may be deducted from the last paycheck prior to the leave.	Program discontinued; coverage terminates at the end of the month in which the last day of work occurs, except as provided in Notes F and G.
Group Life and Accidental Death and Dismemberment Insurance Plans	Program continues. Premium shared on a 25% (employee) and 75% (University) basis utilizing payroll deductions.	Program optional at discretion of employee. The employee's share (25%) of the premium for the period of the leave must be paid in advance or it may be deducted from the last paycheck prior to the leave - Note I.	Program discontinued; coverage terminates as follows, except as provided in Notes F and H: . Life - 31 days after the last day of work. . accidental death and dismemberment - on the last day of work.
Salary Continuance Insurance Plan	Program continues. Premium shared on a 25% (employee) and 75% (University) basis utilizing payroll deduction.	Program optional at discretion of employee. The employee's share (25%) of the premium for the period of the leave must be paid in advance or it may be deducted from the last paycheck prior to the leave - Note I.	Program discontinued.
Indiana State Teachers' Retirement Fund (TRF)	Program continues. University "up" 3% of gross pay contribution and also provides the pension contributions.	Contributions are discontinued while on leave. Under certain conditions, service credit may be earned for study and professional development.	Program discontinued.
Supplement to TRF	Program continues. All contributions are made by the University.	Program continues. All contributions are made by the University.	Program discontinued.
Alternate Pension Plan	Program continues. The University makes contributions equal to 12.27% of gross pay.	Program discontinued.	Program discontinued.
Social Security	Pay subject to tax.	May be subject to tax if employed elsewhere.	

Notes:

A. In the event an employee on leave fails to return as agreed, the employee must repay proportional leave payments. Leave payments include: (1) salary, (2) the University's contributions to retirement programs (TRF 3% "pick-up"; Supplement to TRF; 12.27% Alternate Pension Plan) made on behalf of the employee, and (3) the University's portion of premiums paid for benefit programs during the period of leave. This provision may be waived at the discretion of the President and Board of Trustees.

B. When employed for at least one continuous year.

C. In the event an employee on leave fails to return as agreed, the employee must repay the University's portion of premiums paid for benefit programs during the period of leave. If an employee does not choose to continue benefit programs, coverages terminate as follows: (1) health care - at the end of the month in which the last day of work occurs; (2) life - 31 days after the last day of work; (3) accidental death and dismemberment - on the last day of work; (4) salary continuance - on the last day of work.

D. Vacation days earned may be utilized; however, such use will not extend period of leave.

E . When employed for less than one continuous year.

F. If employed on an academic year basis and (1) if the leave commences after the end of the academic year, and (2) upon payment of the employee's share (25% of premium, life insurance coverage is provided through September 30 and health, accidental death and dismemberment and salary continuance insurance coverage is provided through August 31 next following the end of the academic year in which actively employed.

G. If eligible, coverage may be continued in accordance with federal regulations. See *Appendix V*.

H. You may convert life insurance to an individual-contract basis and pay all of the premiums directly to the insurance company.

I. Coverage is based on amount of insurance in force on the last day of work.

ARCHIVE

ANTI-NEPOTISM POLICY AND PROCEDURES FOR FACULTY AND PROFESSIONAL PERSONNEL[74]

1. This anti-nepotism policy is intended to reinforce the University's commitment to employment practices which create and maintain constructive working relationships within the University community and which reflect the University's commitment to management practices that are fairly, efficiently, and evenhandedly applied to all faculty and professional personnel and to applicants for employment in faculty and professional personnel positions without actual or apparent bias or favoritism.

2. Persons related by family or marriage may be employed by the University provided they meet regular University employment standards. However, faculty or professional personnel shall not actively participate in the hiring process or the direct supervision of persons related by family or marriage. A person related by family or marriage, for the purposes of this policy, is defined as a person for whom a faculty or professional or staff or service employee has been assigned legal responsibility in a guardianship capacity, parent, child, brother, sister, spouse, aunt, uncle, niece, nephew, grandparent, grandchild, or such persons related by marriage. Moreover, faculty and/or professional personnel shall not initiate, participate in, or influence in any way departmental or institutional decisions involving a direct benefit (initial appointment, retention, promotion, tenure, salary, leave of absence, grievance adjustment, etc.) to any employee of the University related by family or marriage. To avoid actual or apparent bias or favoritism, faculty and professional personnel shall not initiate, participate in, or influence in any way departmental or institutional decisions involving a direct benefit to a former spouse.

3. Whenever any administrative supervisor proposes in the best interests of the University to employ a person, or to continue the employment of a person, in a position where he or she would be under the direct supervision of a relative as defined in Paragraph 2, such administrative supervisor shall prepare a written request for approval of such employment setting forth the reasons for the request. The request shall be submitted to his or her immediate administrative supervisor for review and recommendation, through each higher supervisory level, to the University officer (defined as a vice president or the senior assistant to the president) responsible for the affected unit. The University officer may reject the request or grant it subject to such conditions as he or she may deem appropriate and in the best interests of the University and in such a way as to be consistent with the general purposes of this policy. If the request is granted, it shall be for a period of no more than 12 months and shall be conditional upon the annual review procedure set forth in the following paragraph.

4. The University officer shall review annually each request previously approved for faculty or professional personnel within his or her area of responsibility. If the University officer finds that the circumstances under which the approval was granted have materially changed or that the conditions attached to the approval, if any, are ineffective or inadequate, the University officer shall take such action as he or she finds to be in the best interests of the University, including termination of employment or continuance of employment under different conditions. If the University officer decides to terminate the employment of, or change the conditions of employment for, a faculty or professional employee, the University officer will inform the affected faculty or professional employee of his or her decision by written notice.

5. The faculty or professional employee affected by the decision of the University officer as provided for in Paragraph 4 may appeal that decision. The affected faculty or professional employee shall prepare a written request for review of the University officer's decision stating the reasons for the appeal and shall submit that written request to the University officer within 10 working days after having received the written notice of the decision by the University officer.

6. Upon receiving the written request for a review of his or her decision as provided for in Paragraph 5, the University officer shall immediately request the chairperson of the Faculty Council of the University Senate to appoint an ad hoc committee to review the appeal. The committee shall be appointed within 15 working days of the receipt of the written request for appeal by the University officer. The committee shall consist of 3 members of the faculty or professional personnel. Two members of the committee shall be selected from departments, offices, or other units within the University officer’s area of responsibility and the chairperson of the committee shall be selected from departments, offices, or other units outside of the University officer’s area of responsibility. University officers are not eligible to serve on the committee.

Archive

7. The committee shall review the University officer's decision to terminate the employment of, or change the conditions of employment for, the affected faculty or professional employee; shall review the written appeal of the affected employee; and shall perform whatever further investigation it deems appropriate and necessary to render a recommendation regarding the decision and the appeal to that decision. The chairperson of the committee shall forward the written recommendation of the committee to the president. Final disposition of the request for appeal will be made by the president who will inform the faculty or professional employee of his or her decision in writing within 10 working days after receipt of the committee's written recommendation.

8. If any of the relationships defined in Paragraph 2 are created subsequent to the employment of the affected faculty or professional employee, the relationship must be reported to the appropriate University officer in writing within 20 working days. The University officer shall inform the affected employee in writing that
   8.1 One of the persons affected must give up his or her position by the earlier of the end of the fiscal year or 6 months from the date the relationship was established; or
   8.2 That the persons affected may continue their employment in their current positions subject to such conditions as the University officer may deem appropriate and in the best interests of the University and in such a way as to be consistent with the general purposes of this policy. If permission for continued employment in the current positions is granted, it shall be for a period of no more than 12 months and shall be conditional upon the annual review procedure set forth above.

9. In instances where a conflict of interest might occur because of general supervisory responsibilities (supervision at least one step above that of the direct administrative supervisor) under normal operating procedures, the responsibility for institutional decisions involving a direct benefit will pass to the next higher administrative level. Discretion for handling cases not specifically mentioned in this policy will rest with the appropriate University officer and the president.

3. If a University officer is made aware of possible violations of this policy, he or she shall have the matter investigated. Final disposition of the investigation will rest with that University officer and the president.

4. This policy applies to all persons employed after the effective date of the adoption of the policy. This policy also applies to persons whose employment precedes the adoption of this policy with the following exception: persons who directly supervise another person related by family or marriage upon the effective date of the adoption of this policy shall not be subject to the provisions of this policy in regard to that supervisory relationship as long as the administrative supervisor and the relative being supervised remain in their current positions.

POSITION VACANCY

In the event of a professional personnel or faculty vacancy, the administrative and/or academic unit must re-establish the justification for filling that position. The procedure to be followed shall be identical with that utilized in establishing the need for a new position.[75]

GRADUATE FACULTY POLICY[76]

As a member of the Council of Graduate Schools, Ball State University subscribes to the view that every University should have a recognizable graduate faculty that includes individuals who have a commitment to graduate education, whose scholarly activities are appropriate to the direction of advanced degree programs, and who collectively assume responsibility for equivalence of value across degree programs. Ball State also recognizes that definitions of scholarship vary among the academic disciplines, and we acknowledge that the use of a single criterion to define members of the graduate faculty discounts the diversity that characterizes scholarly and artistic competence, intellectual leadership, and experience with graduate education.

The purpose of the following policy is to outline the two classifications of graduate faculty, the responsibilities and prerogatives, the terms of membership, the articulation of departmental criteria, and the routing of appeals. Upon the approval of an initial application, all new tenure-track faculty are considered a regular graduate faculty member for a six year term. Other tenure-track or tenured faculty are eligible for Regular or Associate Membership. Full-time contract faculty may be eligible for Regular or Associate Membership. Part-time faculty are eligible for Associate Membership only. All faculty members teaching graduate courses mush apply for membership to the graduate faculty by

the end of the term in which they appear as an instructor of record.

1. Regular Member
   - 1.1 Criteria
     - 1.11 In judging the qualifications of an applicant for the Graduate Faculty, the primary consideration is whether the faculty member is an active and productive scholar and an effective teacher at the graduate level. Individual colleges and/or departments should determine the details of these criteria.
     - 1.12 In general, graduate faculty are expected to demonstrate:
       - 1.121 Scholarly competence, which is usually reflected by possession of the highest earned degree in the candidate's field or an exceptionally meritorious record as a scholar in lieu of the highest earned degree; and
       - 1.122 Intellectual leadership, which typically connotes active participation in contributing to the discipline at various levels, e.g., state, regional, national, and international. Successful applicants are recognized by scholars in the field for their intellectual attainments and creative contributions, and they may be sought out for their expertise to serve in positions of scholarly leadership such as membership on editorial boards and professional reviewing for scholarly journals and presses; and
       - 1.123 Potential to direct the research of graduate students, to teach graduate courses effectively, to plan and direct graduate programs, and to direct research/creative projects and theses.
   - 1.2 Responsibilities and Prerogatives
     - 1.21 Graduate faculty are eligible to:
       - 1.211 Teach all levels of graduate course work within their academic, artistic, or clinical competence;
       - 1.212 Serve on doctoral committees;
       - 1.213 Chair Ed.S., master's theses, and creative project committees;
       - 1.214 Serve on Ed.S., master's thesis, and creative project committees;
       - 1.215 Develop graduate programs and courses;
       - 1.216 Serve as members of the Graduate Education Committee;
       - 1.217 Vote on graduate faculty issues.
     - 1.22 Chairs of dissertation, theses, research papers, and creative projects who retire or who move to other institutions may be retained as chairs when such arrangements are advantageous to the student and convenient to the former faculty member and Ball State University.
   - 1.3 The Doctoral Committee Chair Endorsement
     - 1.31 Applicants who qualify for regular graduate faculty membership may apply for an endorsement to chair doctoral committees and direct doctoral dissertations.
     - 1.32 In addition to meeting the criteria listed in 1.1 above, applicants must have the earned doctorate and demonstrate a high level of competence in directing research/writing. Individual colleges and/or departments should determine the details of these criteria.

2. Associate Member
   - 2.1 Criteria
     - 2.11 Prospective associate members of the graduate faculty are expected:
       - 2.111 To have completed an advanced degree in an area relevant to the field of study, or in lieu of the advanced degree, to have developed a high level of competence in an area of special need not covered by a regular member of the graduate faculty;
       - 2.112 To provide reasonable assurance that their service will be available throughout the period of the special need.
     - 2.12 Members may also be drawn from across departmental and collegiate lines, from professionals, and others within the community, faculty emeriti, faculty who have moved to other institutions, or from any source which is reasonably convenient.
   - 2.2 Responsibilities and Prerogatives
     - 2.21 Members may teach all levels of graduate course work within their academic, artistic, or clinical competence;
     - 2.22 Members may serve as committee members, but not as chairpersons of theses, and creative projects.

ARCHIVE

3. Terms of Membership
   3.1 Regular members of the graduate faculty are appointed for a period of six years.
   3.2 Associate members are appointed for three years.
   3.3 Reappointments are subject to the departmental criteria and conditions in place at the time of reapplication;
      3.31 Faculty who fail to qualify for reappointment to the graduate faculty may complete their ongoing obligations; however, except under special circumstances, they may not take on new obligations that are specifically reserved for the graduate faculty;
      3.32 Faculty who fail to qualify for the endorsement may complete their obligations as doctoral committee chairs or dissertations directors; however, except under special circumstances, they may not take on new obligations as doctoral committee chairs or dissertation directors.

4. Departmental Guidelines and Procedures
   4.1 An appropriate departmental committee, e.g., the Graduate Faculty Committee or the Salary-Merit Committee, takes the primary role in defining the criteria for appointment and reappointment of the department's graduate faculty, in accordance with the general principles listed in this policy. New or revised criteria will be forwarded to the departmental faculty for approval.
   4.2 Departmental criteria for graduate faculty membership and the doctoral committee chair endorsement will be submitted every six years via the College Dean to the Graduate Education Committee for review and approval.
   4.3 Approval of an applicant's graduate faculty status is determined by the Dean of the Graduate School, upon the joint recommendation of the applicant's department and College Dean.
   4.4 The application will consist of the candidate's curriculum vitae together with a cover letter prepared by the department that includes the classification sought and an overview of significant professional activity. Only those professional accomplishments during the three (Associate) or six (Regular) years prior to the application will be considered.
   4.5 Exceptions to these policies and procedures are made on a case-by-case basis; occasionally individuals may be authorized to perform specific graduate faculty duties with the approval of the Dean of the College and the Dean of the Graduate School.

5. Appeals
   Appeals from an adverse departmental decision should be made to the Dean of the College; appeals from an adverse college decision should be made to the Dean of the Graduate School; appeals from an adverse decision of the Dean of the Graduate School should be made to the Faculty Affairs Committee of the Graduate Education Committee. In all cases the final decision will be made by the Dean of the Graduate School.

ARCHIVE

CRITERIA FOR CLASSIFICATION FOR PROFESSIONAL EDUCATION FACULTY: CATEGORY I AND CATEGORY II PROFESSIONAL EDUCATION FACULTY[77]

1. CATEGORY 1: "Professional Education Faculty"
   Category I Professional Education Faculty must meet the following criteria as requirements to teach courses designated as part of a professional education program, including courses in teaching methods and student teaching.
   - 1.1 Has a doctoral degree, specialists degree, or a master's degree and demonstrated scholarly competence and appropriate specialization for professional education.
   - 1.2 Has held or holds certification or licensure for teaching.
   - 1.3 Has early childhood elementary, secondary (middle school or high school), or adult education program teaching experience. (Early childhood teaching experience must be in a licensed program; adult education program teaching experience must be in a program sponsored by a K-12 education agency, or a formal post-secondary program for which professional licensure is required.)
   - 1.4 Has continuing and significant experience and involvement with early childhood, elementary, secondary, or adult education schools/programs and personnel.

2. CATEGORY II: "Professional Education Faculty"
   Category II Professional Faculty must meet the following criteria as requirements to teach courses in Educational Psychology and Educational Foundations designated as part of a professional education component in a professional education program.
   - 2.1 One who meets 1.1 above and at least one of 1.2, 1.3, or 1.4 above.

3. Professional Education Faculty classification is valid for five years from the date of approval. The Professional Education Committee is responsible for approving applications for classification as Professional Education Faculty and applications for renewal.

INDEMNIFICATION OF UNIVERSITY PERSONNEL

Pursuant to the authority granted to the Ball State University Board of Trustees by Indiana Code 20-12-1-4 for the defense of University officers, faculty, employees, consultants, counsel and Trustees in any suit arising out of the good faith performance of that person's duties for, or employment with Ball State University, and for saving any such person or member harmless from any liability, cost or damage in connection therewith except where such liability, cost or damage is predicated on, or arises out of the bad faith of such person or member, or is based on that person's malfeasance in office or employment, BE IT RESOLVED, that:

1. General. Subject to the provisions of Paragraph 2.1, any person against whom any action is brought or threatened by reason of the fact that such person is or was a trustee, officer, agent or employee of Ball State University, or is or was serving at the request of Ball State University as a trustee, director, officer, agent or employee of any corporation, partnership, trust or other entity or enterprise, shall be indemnified by Ball State University for:
   - 1.1 Reasonable cost and expenses, including reasonable attorneys' fees, actually paid or incurred by such persons in connection with proceedings related to the defense or settlement of such action;
   - 1.2 Any amount for which such person becomes liable by reason of any judgment in such action; and
   - 1.3 Reasonable costs and expenses, including reasonable attorneys' fees, actually paid or incurred in any action, to enforce his or her rights under this resolution, which results in a final judgment in favor of such person.

2. 2.1 Favorable Judgment on Merits. The indemnification provided for by Paragraph 1 shall be made in connection with any action which results in a final judgment on the merits in favor of such person.
   - 2.2 Settlement, Adverse Judgment or Judgment Other Than on Merits. In case of settlement of such action, final judgment against such person or final judgment in favor of such person, other than on the merits, the indemnification provided for in Paragraph 1 shall be made only if it is determined that such person was acting:
     - 2.21 In good faith;
     - 2.22 Within what he or she was reasonably entitled to believe under the circumstances was the scope of his or her employment or authority;

ARCHIVE

2.23 For a purpose which he or she was reasonably entitled to believe under the circumstances was in or not opposed to the best interests of Ball State University;

2.24 In a manner which he or she was reasonably entitled to believe under the circumstances was lawful and not in violation of the Constitution or the laws of the United States or of the state of Indiana.

3. The termination of any action by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, does not of itself create a presumption that the person did not meet the foregoing standards of conduct.

4. Provided, however, that no indemnification shall be made on account of any action brought by or on behalf of Ball State University to procure a judgment in its favor, or by or on behalf of the state of Indiana to procure a judgment in its favor, against any such trustee, director, officer, agent or employee in which such person shall have been adjudged to be liable for malfeasance in office or employment, unless and only to the extent that the court in which such action was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity and such expenses which the court shall deem proper.

5. The determination required by Paragraph 2.2 shall be made by the Ball State University Board of Trustees unless one or more members of the Trustees are parties to such action, in which case the determination shall be made by independent legal counsel in a written opinion.

6. Payment of Expenses. If the Ball State University Board of Trustees determines in connection with any action that any person ultimately may become entitled to indemnification under this Resolution, it may authorize the payment of reasonable costs and expenses which may include attorneys' fees, in connection with the defense or settlement of such action. Before any such costs or expenses are paid, the person in question shall enter into an agreement with the Ball State University Board of Trustees agreeing to repay such costs and expenses if he or she is ultimately determined not to be entitled to indemnification as authorized in this Resolution.

7. Definitions. As used in this Resolution:

7.1 "Action" means any action, suit, or other judicial, administrative or investigative proceeding, or threatened proceeding, whether civil, criminal, or otherwise, any appeal or other proceeding for review;

7.2 "Final judgment" means a judgment, decree, or order which issues from a court or body from which no further appeal may be taken or one which is appealable and as to which the period for appeal has expired and no appeal has been taken;

7.3 "Settlement" includes the entry of a judgment by consent or by confession or upon a plea of guilty or of nolo contendere; and

7.4 "Ball State University" includes, unless the context otherwise requires, the Ball State University Board of Trustees, a corporate body.

8. This resolution supersedes any prior practice or action of the Board of Trustees concerning the indemnification of Ball State University personnel.

9. In addition to the above, the University maintains a primary and umbrella policy which includes coverage for bodily injury and property damage. Personal injury encompasses bodily injury, mental anguish, false arrest, libel, slander, defamation of character, and invasion of the rights of privacy. Further coverage is provided by an Errors and Omissions Insurance Policy which provides protection for the Board of Trustees and all University faculty and staff in the event of suit brought about due to actual or alleged errors, misstatements, acts or omissions or neglect or breach of duty[78]

THE SELECTION AND APPOINTMENT OF CHAIRPERSONS/ DIRECTORS OF DEPARTMENTS, SCHOOLS, OR OTHER UNITS IN WHICH THERE IS A FACULTY ELECTORATE THAT RECOMMENDS APPOINTMENT [79]

1. In the event of a declared vacancy, the appropriate academic administrator will convene a meeting of all regular faculty members of the affected unit. At that meeting or before, copies of these procedures will be distributed to the regular faculty members of that unit. Through discussion with the academic administrator, it will be established whether external candidates might be considered. When external candidates might be considered, the faculty electorate as defined in Item 2 below will determine by a simple majority vote whether the position will be open only to candidates already holding positions within the unit or also to candidates external to

the unit. Subsequent to that decision, the faculty electorate will determine, through discussion, the qualifications required and the term of appointment to be recommended. The term of appointment shall be no more than five (5) years, with an incumbent eligible for re-election if the unit so chooses.

A simple majority of the voting membership is required for a candidate to be recommended. Procedures for achieving a majority vote will be determined by the electorate in advance of the election.

2. The electorate will consist of regular faculty members of the affected unit and, by invitation of a majority of the regular faculty, full-time contract faculty members of that unit. If an invitation is to be extended to full-time contract faculty members, it will occur prior to any voting on the appointment by the affected unit.

3. An election of the Chairperson/Director shall be conducted by a committee composed of two members, elected from and by the academic unit, and of the appropriate academic administrator, one of whom will serve as chairperson of the committee. The results of the election shall be announced immediately to the electorate in the affected unit. The name of the recommended Chairperson/Director shall be immediately forwarded to the appropriate academic administrator and communicated to the Provost and Vice President for Academic Affairs and the President of the University. The President will determine the appointment after receiving and reviewing the recommendations of the department, academic administrator, and Provost and Vice President for Academic Affairs.

4. In accordance with the Senate Constitution, in all matters of appointment, retention and reassignment, the faculty, through the Senate, act in an advisory capacity to the President. The final responsibility for these actions rests in that office.

EVALUATION OF CHAIRPERSONS/DIRECTORS OF DEPARTMENTS, CENTERS, INSTITUTES, SCHOOLS, OR OTHER UNITS[80]

1. Each administrator will have an evaluation or election no later than the fifth anniversary of his or her appointment or last evaluation. The appropriate dean will work with the affected units in developing the evaluation instruments and procedures. The evaluation will be conducted by a committee composed of the appropriate dean, who will serve as ex officio member of the committee and representatives to be identified by the membership of the academic unit.

2. The results of the evaluation shall be reported to the individual evaluated, the Provost and Vice President for Academic Affairs, and the President of the University.

3. The evaluation committee shall use these evaluations as a basis for making recommendations to the appropriate dean, Provost and Vice President for Academic Affairs, and the President of the University. This recommendation may include a call for an election or other appropriate measures.

REVIEW OF AN ACADEMIC UNIT BY ITS OWN ORGANIZATION[81]

If a department, center, institute, or other academic unit wishes, it may review its organization through initiation of a petition by one-third of the regular faculty or by the chairperson of the department concerned to the dean of the appropriate college. In any event, no fewer than three regular faculty members may call for a review. When such a review is requested, the dean of the college will then notify the department of the time of the review, which should be no earlier than the spring of the third year under the same leadership. The results of the review should be recorded by the dean of the college concerned who will then take such action as determined necessary and consistent with University policy on departmental reorganization. If such a review is called, a subsequent review may not be called for sooner than twelve months following it. In the case when the department chairperson's term is less than three years, the review of that chairperson will be in the autumn of the second year.

ARCHIVE

PROCEDURE FOR THE SELECTION OF A COLLEGE DEAN[82]

1. Each college must establish its own procedure for the selection of a college dean, such procedure to be approved by the Provost and Vice President for Academic Affairs.

2. Whatever the representation from within the college, the college-dean search committee shall have a) a faculty member of the University who is not a member of the college appointed by the Provost and Vice President for Academic Affairs to serve as chairperson of the search committee and b) a designated representative of the President.

DEAN'S STAFF[83]

1. Academic deans shall have the right to select their own staff, subject to approval by the Provost and Vice President for Academic Affairs, President, and Trustees.

2. Members of the dean's staff shall serve at the pleasure of the dean.

3. Members of the dean's staff may be given one of the following titles, subject to approval by the Provost and Vice President for Academic Affairs, President, and Trustees:
   3.1 Assistant Dean;
   3.2 Associate Dean;
   3.3 Acting Assistant Dean;
   3.4 Acting Associate Dean;
   3.5 Assistant to the Dean.

ARCHIVE

POLICIES FOR SCHOOL OF EXTENDED EDUCATION COURSES[84]

1. School of Extended Education courses are those offered live, electronically, on contract, or through independent learning at an off-campus location through the School of Extended Education.
   - 1.1 The following policies apply to School of Extended Education courses.
   - 1.2 Students enrolled in School of Extended Education courses shall be entitled to support services of the University Libraries and Information Technology Services. Access to other services and facilities shall only be available if the student has paid all necessary fees.
   - 1.3 Ball State students enrolled in School of Extended Education courses shall only receive residency credit for such courses that originate at Ball State University.
   - 1.4 The Extended Education Committee of the Academic Policies Council shall have the responsibility for initiating, recommending, and periodically evaluating policies for distance education programs of the University.
   - 1.5 The University Core Curriculum Subcommittee of the Undergraduate Education Committee shall have the additional responsibility for approval and assessment of School of Extended Education courses offered for University Core Curriculum credit.
   - 1.6 In order to receive credit for a School of Extended Education independent learning course:
     - 1.61 Students shall be admitted according to the School of Extended Education admission guidelines as stated on the undergraduate off-campus admissions application.
     - 1.62 The School of Extended Education course registration will take place year-round with an established withdrawal period. Students who withdraw from a course will receive a "W" (Withdrawal).
     - 1.63 The School of Extended Education course period will not exceed nine months without extensions of time. Final grades for independent learning courses are posted at the end of each semester. If an independent learning course is not completed by the end of the semester for which a student enrolls, an I (Incomplete grade) will be recorded for the course. Once the course has been completed, the instructor will replace the I with the final grade. Students not completing or withdrawing from the School of Extended Education course by the end of the nine-month period will receive a failing grade.
   - 1.7 Proposals by colleges or departments to offer existing or proposed degrees exclusively through the School of Extended Education will be reviewed as new or revised programs by the appropriate University Committee, including, but not limited to the Undergraduate Education Committee and the Graduate Education Committee. Approved guidelines for these proposals may be obtained from the appropriate Chair of the Committee.[85]
   - 1.8 Enrollment in School of Extended Education courses offered through independent learning or contract
     - 1.81 Enrollment in courses offered through, and enrollment limits for, independent learning and/or department courses taught by contract shall be approved by the Chairperson of the Department offering the course, the Dean of the college, and the Dean of the School of Extended Education.
     - 1.82 Students who are enrolled as on-campus, full-time students shall not be allowed to enroll in independent learning or contract courses, if an on-campus section of an equivalent course is available during the proposed period of enrollment in the independent learning or contract course without the approval of the Department Chairperson.
     - 1.83 Independent Learning or contract registrations for those incarcerated in a Department of Corrections facility shall be subject to the approval of the prison program director.
     - 1.84 Departments shall maintain a master syllabus for each independent learning or contract course.
2. Policies and Procedures for School of Extended Education courses offered through electronic media.
   - 2.1 Each department and college may propose to offer courses to students at remote locations via electronic media. The Dean of the School of Extended Education shall have the responsibility for reviewing these proposals and recommending those courses and programs that should be offered. Criteria for selection include suitability of the subject and syllabus for the School of Extended Education, projected enrollment, and availability of resources. In cases where a School of Extended Education course will be transmitted via public-access television, additional review of faculty qualifications for the course may be warranted.
   - 2.2 The Instructional Media Support Committee shall initiate and recommend policies for the operation of instructional media support and extended education technologies; receive and

ARCHIVES

consider recommendations for improving instructional media support and distance education technologies; conduct a continuing evaluation of instructional media support and extended education technologies; and submit any recommendations for changes in policies, procedures, and practices in instructional media support and extended education technologies to the Faculty Council.

2.3 Ball State students may enroll in and receive Ball State credit for courses offered by other institutions that are members of the Indiana Partnership for Statewide Education.

2.31 The institution, which is the source of a distance education course, shall remain responsible for the course.

2.32 Transcripts and official student records will denote partnership course credit through distance education, listing both the "home" institution and the "host" institution for the course. The "home institution" shall mean the institution from which the student has indicated his or her intention to graduate. The "host institution" shall mean the institution that offers a particular distance education course.

2.33 Grades for Partnership courses will be recorded as part of the student's Ball State grade point average.

2.34 Only the School of Extended Education courses that originate from Ball State shall receive residency credit.

3. Policies Governing Faculty Teaching School of Extended Education courses offered through electronic media.

3.1 Definition of Terms

3.11 "Course Creator(s)": The faculty member or faculty members who develop an electronic course.

3.12 "Instructor(s) of Record": The faculty member or faculty members who are assigned by the applicable department to implement an electronic course, including, but not limited to, responding to student inquiries, grading student work and issuing the grade for the School of Extended Education course.

3.2 Production Contract. Before an electronic course is created, a written agreement shall be drawn up between the Course Creator, the department, and the University (the "Production Contract" stipulating course content, provisions for the use of the electronic components of the course, and compensation to the Course Creator.

3.21 Course Content: The Course Creator will be responsible for the content and professional integrity of any electronic course, which is being offered through the School of Extended Education via electronic media.

3.22 The University shall own all copyrights in any and all materials that result or arise from electronic courses (e.g., videotapes, audio tapes, CD-ROMs, CDI's produced by or through the University) including but not limited to all intellectual property rights therein, unless otherwise stipulated in a written alternative agreement.

3.23 In accordance with the provisions of the Ball State University Copyright Policy, all rights in any and all materials prepared using the resources of the University for use in School of Extended Education courses including but not limited to all intellectual property rights therein, shall be owned by the University unless otherwise stipulated in a written alternative agreement.

3.24 Materials prepared for use in an electronic course may be used by any Instructor of Record assigned to teach the course.

3.25 If more than one Course Creator is responsible for the creation and production of the course, all rights and compensation will be shared on a basis equivalent to the responsibility involved. Course Creators shall determine the relative contributions of each in advance, and the agreed upon determination shall be in writing as part of the Production Contract.

3.3 Reuse, rebroadcast, retransmission of electronic courses

3.31 The Course Creator has the right to participate in the negotiation concerning non-commercial, educational uses by the University of the course he or she created. The agreement will be a part of the Production Contract signed before production begins. Unless otherwise agreed upon, any reuse, rebroadcast, or retransmission of an electronic course shall be with the permission of the Course Creator, whether or not the Course Creator is currently employed by Ball State University.

3.32 So long as a School of Extended Education course is offered by the University, the Course Creator will be responsible for the content of the School of Extended Education course and will be expected to recommend revisions when necessary.

3.33 If a non-real time version of the School of Extended Education course if offered, the University will first offer the Course Creator the opportunity to be the Instructor of Record for all students enrolled in the course.

ARCHIVE

3.34 If the Course Creator chooses not be the Instructor of Record for any use of the course or leaves the University, the Department Chairperson will name an Instructor of Record for the course.

3.4 Use of copyrighted materials: The Course Creator shall be responsible for identifying copyrighted materials used in the School of Extended Education course for which clearance must be sought. The responsibility for clearing copyrighted materials for use in the School of Extended Education courses rests with the University. This responsibility has been assigned to the University Libraries.

3.41 The clearing approvals must be in written form.

3.42 The clearing approvals must be filed with the University Libraries.

3.5 Visiting Lecturers

3.51 Performance by visiting lecturer(s) may be recorded for reuse when the written permission of the visiting lecture(s) involved is secured.

3.6 Lifetime of a School of Extended Education course

3.61 After three years, the School of Extended Education course will be reviewed by the Course Creator, the Dean of the respective college, and the Dean of the School of Extended Education. Should the Course Creator and the University agree that the School of Extended Education course should continue, a new agreement will be written. Should the decision be made to discontinue the School of Extended Education course, written notice will be sent by the Dean of the School of Extended Education to the University Libraries, the Ball State University Teleplex, the department, and, when appropriate, the Patent and Copyright Committee. Nothing in this policy shall be deemed as preventing the University from having one Course Creator develop a School of Extended Education course which is identical or similar to a course previously developed by another Course Creator.

4. Faculty compensation for School of Extended Education Electronic courses

4.1 The Course Creator shall receive compensation for the School of Extended Education Electronic course development, major revisions, production, and/or delivery of the School of Extended Education course.

4.2 The Course Creator shall be compensated for the delivery of the School of Extended Education course according to the contractual agreement signed prior to initial production.

4.3 In the case where the Course Creator is not the Instructor of Record, the live, interactive or non-real time delivery of the School of Extended Education course may be made part of the load of the Instructor of Record in accordance with the contractual agreement signed prior to initial production and with the approval of the Department Chairperson and College Dean.

5. Marketing Commercialized Materials of electronically created School of Extended Education courses

5.1 If electronically created, School of Extended Education courses or related materials are to be commercialized; they shall be subject to the Ball State University Copyright Policy. Disclosure to the Patent and Copyright Committee shall occur to permit the determination of royalty income distribution. The University may negotiate agreements with third parties for the marketing or licensing of such materials where it determines it to be appropriate to do so.

5.2 Under the guidelines of the Ball State University Copyright Policy, cost recovery for the University shall include initial investment in creating the School of Extended Education course, but will not include any faculty compensation for instruction in the School of Extended Education course.

ARCHIVE

POLICY FOR THE PROTECTION OF HUMAN SUBJECTS IN RESEARCH[86]

I Introduction

Ball State University, recognizing its responsibility to provide measures to reasonably protect individuals involved as subjects of research conducted under the auspices of the University, requires that all research projects involving human subjects will be reviewed by the Institutional Review Board (IRB). This review will be completed prior to the initiation of the research.

II Policy

1. Rationale
University policy entrusts the investigator with primary responsibility for the protection of individuals participating as human subjects. The University assumes its responsibility for meeting the conditions for the protection of human subjects as required by the National Research Act, Public Law 93-348 and implemented by the Department of Health and Human Services (Title 45 CFR 46, Protection of Human Subjects, as amended) and by other Federal agencies with appropriate jurisdiction.

In assuming its responsibility, the University intends to encourage the conduct of research which will benefit the human condition and, at the same time, protect the rights and welfare of human subjects participating in the research, the investigators doing the research, and the University. University faculty, staff, and students conducting human subject research under this policy are responsible for compliance with all federal regulations.

2. Administration
Executive functions to be performed by the University include the development of policy; the continuing education of personnel with respect to policy; the modification of this policy to maintain its conformity with laws and regulations; and providing appropriate administrative support and legal assistance for the Institutional Review Board. The University official responsible for carrying out or delegating these functions is the Provost and Vice President for Academic Affairs.

3. Applicability
This policy is applicable to all research involving human subjects which is conducted under the auspices of the University.

III Definitions of Terms and Phrases

1. "Human Subject":
means a living individual about whom an investigator (whether an employee of the University or a student) conducting research obtains: data, either through intervention or interaction with the individual, or identifiable private information.
   1.1 "Intervention": includes both physical procedures by which data are gathered and manipulations of the subject or the subject's environment that are performed for research purposes.
   1.2 "Interaction": includes communication or interpersonal contact between investigator and subject.
   1.3 "Private Information": includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public. Private information must be individually identifiable to an investigator through name or code in order for obtaining that information to constitute research involving human subjects.

2. "Legally Authorized Representative":
means an individual, judicial, or other body authorized under applicable law to consent on behalf of a prospective subject to the subject's participation in the procedures involved in the research.

3. "Minimal Risk":
means that the risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

4. "Research":
means a systematic investigation designed to develop or contribute to generalizable knowledge.

5. "Research Involving Human Subjects Under the Auspices of the University":
means for purposes of this policy, research involving human subjects shall be "under the auspices of the University" when:

ARCHIVE

5.1 The research is funded externally by way of grant, contract, or similar agreement between the sponsor (public or private) and the University;
5.2 The research is funded internally by the University by way of grant, contract, or similar agreement;
5.3 The research is conducted upon assignment by the University; or
5.4 The research is actively assisted by the use of University facilities, resources, supplies, equipment, or personnel.

6. "Consent to Participate in Research":
6.1 General Requirement
Except as otherwise permitted by this policy (See Section IV- 4.3), no investigator may involve a human subject in research covered by this policy unless the investigator has obtained the informed consent of the subject or the subject's legally authorized representative. The prospective subject or representative must have sufficient opportunity to consider whether or not to participate and there must be a minimal possibility of coercion or undue influence. The information that is given to the subject or representative shall be in language understandable to the subject or representative. No consent, whether oral or written, may include any exculpatory language through which the subject or representative is made to waive or to appear to waive any of the subject's legal rights, or to release the investigator, the sponsor, the University, or its agents from liability for negligence.
6.2 Elements of Consent
6.21 Except as provided in Section III-6.4 of this policy and in the Federal Regulations 45 CFR 46.116, the following basic elements of information shall be provided to the subject:
6.211 A statement that the study involves research, a fair explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed and identification of any procedures which are experimental;
6.212 A description of any reasonably foreseeable discomforts and risks to the subject;
6.213 A description of any benefits to the subjects or to others which reasonably may be expected as a result of doing the study;
6.214 A disclosure of any appropriate alternative procedures or course of treatment which might be advantageous for the subject;
6.215 A statement describing the extent to which confidentiality of records identifying the subject will be maintained;
6.216 For research involving more than minimal risk, an explanation as to whether any compensation and/or any medical treatments are available if injury occurs, and if so, what they consist of, or where further information may be obtained. This information must be in the exact wording approved in advance by the Provost and Vice President for Academic Affairs, or his or her designee;
6.217 An explanation of whom to contact for answers to pertinent questions about the research, procedures and research subject's rights, and whom to contact in the event of a research-related injury; and
6.218 A statement that participation is voluntary and that the subject is free to withdraw his or her consent and to discontinue participation in the project at any time without penalty or loss of benefits.
6.22 When determined to be appropriate by the investigator or the Institutional Review Board, one or more of the following optional elements of information shall also be provided to the subject:
6.221 A statement that the particular treatment or procedure may involve risks to the subject (or to the embryo or fetus, if the subject is or may become pregnant) which are currently unforeseeable;
6.222 Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent:
6.223 Any additional costs to the subject that may result from participation in the research;
6.224 The consequences of a subject's decision to withdraw from the research, and procedures for orderly termination of participation by the subject;
6.225 A statement that the researcher will communicate to the subject significant new findings developed during the course of research which may affect the subject's willingness to continue participation; and
6.226 The approximate number of subjects involved in the study.

ARCHIVE

6.3 Documentation of Informed Consent

Except as provided below, consent shall be documented by use of a written consent form approved by the Institutional Review Board and conforming to the then current requirements of the United States Department of Health and Human Services. The consent form shall be signed by the subject or the subject's legally authorized representative and a copy shall be given to the person signing the form.

Since the original document is a University record, it is to be kept in a secure department or unit file. Copies of the proposed consent form shall accompany the protocol submitted by the investigator to the Institutional Review Board.

The principal investigator must be properly identified with a signature and the consent form must include the investigator's name, affiliation with the University and with a department or unit of Ball State University.

Except as provided below, the consent form may be either of the following as determined by the Institutional Review Board:

6.31 A written consent document that embodies the elements of informed consent in accordance with the provisions of Section III-6. This document may be read to the subject or his or her legally authorized representative, but in any event, the investigator shall give either the subject or his or her representative adequate opportunity to read it before it is signed. This document shall be signed by the subject or his or her legally authorized representative; or

6.32 A "short form" written consent document stating that the elements of informed consent have been presented orally to the subject or the subject's legally authorized representative. When this method is used, there shall be a witness to the oral presentation. Also, the Institutional Review Board shall approve a written summary of what is to be said to the subject or the representative. Only the short form itself is to be signed by the subject or the representative. However, the witness shall sign both the short form and a copy of the summary, and the person actually obtaining consent shall sign a copy of the summary.

Copies of the summary and short form shall be given to the subject or the representative.

6.4 Waiver or Alteration of Consent Elements: Waiver of Consent

The Institutional Review Board may approve a consent procedure which waives or alters some or all of the above elements of consent provided the Institutional Review Board finds and documents any of the following:

6.41 The research is to be conducted for the purpose of demonstrating or evaluating:

6.411 Federal, state, or local benefit or service programs which are not themselves research programs;

6.412 Procedures for obtaining benefits or services under these programs; or

6.413 Possible changes in or alternatives to these programs or procedures;

and, the research could not practicably be carried out without the waiver or alteration;

6.42 The only record linking the subject and the research would be the consent document and the principal risk would be the potential harm resulting from a breach of confidentiality. Each subject shall be asked whether he or she wants documentation linking himself or herself with the research and the subject's wishes will govern; or

6.43 The research involves no more than minimal risk to the subjects; involves no procedures for which written consent is normally required outside the research context; the waiver or alteration will not adversely affect the rights and welfare of the subjects; the research could not practicably be carried out without waiver or alteration and, wherever appropriate, the subjects will be provided with additional pertinent information after participation.

ARCHIVE

When, for purposes of meeting the objectives of research, any degree of deception of subjects exists, the Institutional Review Board will ensure that all subjects shall have the right to withdraw their data after debriefing.

IV Institutional Review Board

1. General
The Institutional Review Board is responsible for the review and approval or modifications for approval or disapproval of all research subject to this policy. In applying for approval of their projects, investigators' written protocols must be presented to the Institutional Review Board; the format for the protocols will be supplied by the Institutional Review Board.

2. Membership
The Institutional Review Board shall be composed of eleven individuals, including eight faculty or professional personnel members, one student, an ex-officio member with voting privileges, and one member who is not otherwise affiliated with the University and who is not part of the immediate family of a person affiliated with the University. The Institutional Review Board shall include at least one member whose primary concerns are in a non-scientific area.

Members shall have varying backgrounds to promote complete and adequate review of research activities commonly conducted under the auspices of the University. The Institutional Review Board shall be sufficiently qualified through the experience and expertise of its members and the diversity of the members' backgrounds (including consideration of their sex, race, culture, and sensitivity to such issues as community attitudes) to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects. In addition to possessing the professional competence necessary to review specific research activities, the Institutional Review Board shall be able to ascertain the acceptability of proposed research in terms of University commitments and regulations, applicable law and standards of professional conduct and practice. The Institutional Review Board shall, therefore, include persons knowledgeable in these areas.

All members will be appointed by the President of the University for terms of no more than three (3) years. Membership of the Institutional Review Board shall be staggered so that the terms of no more than four members will expire in any given year. Except for the ex-officio member, members may be reappointed for no more than one additional consecutive term. In addition, the President will appoint one or more alternate members whose primary concerns are in a non-science area.

No member who has a conflicting interest in particular research may participate in the Institutional Review Board's initial or continuing review of that research except to provide information requested by the Institutional Review Board.

The Institutional Review Board, at its discretion, may invite individuals with competence in special areas to assist in the review of complex issues which require expertise beyond, or in addition to that available on the Institutional Review Board. These individuals may not vote with the Institutional Review Board. If the individual is not an employee of the University, such an invitation may be extended only with the approval of the Provost and Vice President for Academic Affairs, or his or her designee.

2.1 Procedures for Appointment of Board Members
The procedures for the selection, nomination, and appointment of members shall be:
2.11 The Institutional Review Board members will recommend one or more potential nominee(s) for each vacancy. These names will be forwarded in writing by the Chairperson to the Associate Provost for Research in the Sponsored Programs Office no later than February 15;
2.12 The Associate Provost for Research in the Sponsored Programs Office will forward his or her recommendations to the President of the University for appointment no later than March 15.

2.2 Officers of the Institutional Review Board and Elections
2.21 The officers of the Institutional Review Board shall consist of a Chairperson and a Secretary.
2.22 Members of the Institutional Review Board will elect a Chairperson and Secretary no later than April 15 of the year preceding the beginning of their term (July 1 to June 30).

3. Responsibilities and Functions of the Institutional Review Board
3.1 The Institutional Review Board shall develop and follow written procedures for:

ARCHIVE

3.11 Conducting its initial and continuing review of research and for reporting its findings and actions to the investigator and the University;

3.12 Determining which projects require review more often than annually and which projects need verification, from sources other than the investigators, that no material changes have occurred since previous Institutional Review Board review;

3.13 Assuring prompt reporting to the Institutional Review Board of proposed changes in research activity;

3.14 Assuring that changes in proposed research, during the period for which approval has been given, may not be initiated without Institutional Review Board review and approval except where necessary to eliminate apparent immediate hazards to the subjects;

3.15 Assuring prompt reporting to the Institutional Review Board of unanticipated problems involving risks to subjects or others; and

3.16 Assuring compliance with then current protections for vulnerable categories of subjects (e.g., Children, 45 CFR, Part 46, Subpart D).

3.2 Functions of the Institutional Review Board

3.21 Be responsible for the Full, Expedited, or Exempt Review (See Section IV-4) of proposed research protocols, involving human subjects, according to this policy. In order for the research protocol to be approved, it shall receive the approval of a majority of those members reviewing the protocol.

3.22 Review and have authority to approve, require modifications in, or disapprove all research covered by this policy.

3.23 Require that information given to subjects as part of consent is in accordance with this policy and applicable law. The Institutional Review Board may require that information, in addition to that specifically mentioned in Section III-6 of this policy, be given to subjects when in the Institutional Review Board's judgment the information would meaningfully add to the protection of the rights and welfare of the subject.

3.24 Require documentation of informed consent or waive documentation in accordance with this policy.

3.25 Notify investigators and the Provost and Vice President for Academic Affairs, or his or her designee, in writing of its decision to approve or disapprove the proposed research, or of modifications required to secure Institutional Review Board approval. If the Institutional Review Board decides to disapprove a research activity, it shall include in its written notification a statement of the reasons for its decision and give the investigator an opportunity to respond in person or in writing.

3.26 Be responsible for reporting to the Provost and Vice President for Academic Affairs, or his or her designee, and to any appropriate government agency, any serious or continuing non-compliance by investigators with the requirements and determinations of the Institutional Review Board.

3.27 Conduct continuing review of research covered by this policy at intervals appropriate to the degree of risk, but not less than once per year, and shall have authority to observe or have a third party observe the consent process and the research.

4. <u>Types of Research Reviews by the Institutional Review Board</u>

There are three types of review of proposed research protocols which investigators can submit to the Institutional Review Board: 1) Full Review which requires review by the Institutional Review Board at a convened meeting, 2) Expedited Review where the review is conducted by a Subcommittee of the Institutional Review Board, and 3) Exempt Review where the investigator submits a modified protocol under the exempt category which is then treated as an expedited review.

4.1 Full Review

Any member of the Institutional Review Board may request a Full Review of a research protocol. The review must be conducted by a majority of the members present at a convened meeting. Research protocols or activities may be disapproved only after a Full Review.

4.2 Expedited Review

The Institutional Review Board, with the approval of the Provost and Vice President for Academic Affairs, or his or her designee, may permit expedited review for:

4.21 Some or all of the categories of research then currently established by federal regulations as being eligible for an expedited review procedure if the research involves no more than minimal risk (e.g., 45 CFR 46, Subpart A 46.110);

ARCHIVE

4.22 Minor changes in previously approved research during the period for which approval is authorized; or

4.23 Determination of whether research involving human subjects is exempt from this policy.

Under the Expedited Review procedure, the review may be carried out by the Institutional Review Board Chairperson, Secretary, ex officio, and a rotating regular member(s) who will comprise a Subcommittee of the Institutional Review Board. The reviewer(s) of the Subcommittee may exercise all of the authorities of the Institutional Review Board except they may not disapprove the research.

The Institutional Review Board shall adopt a method for keeping all members advised of research protocols which are pending, have been approved, or determined to be exempt under this expedited procedure.

4.3 Exempt Review

An investigator may submit a research protocol to the Institutional Review Board for Exempt Review if the research involving human subjects will be in one or more of the following exempt categories:

4.31 Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as

4.311 Research on regular and special education instructional strategies, or

4.312 Research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

4.32 Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless:

4.321 Information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and

4.322 Any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation.

4.33 Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior that is not exempt under paragraph 4.32 of this section, if:

4.331 The human subjects are elected or appointed public officials or candidates for public office; or

4.332 Federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

4.34 Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

4.35 Research and demonstration projects which are conducted by or subject to the approval of Department or Agency heads, and which are designed to study, evaluate, or otherwise examine:

4.351 Public benefit or service programs;

4.352 Procedures for obtaining benefits or services under those programs;

4.353 Possible changes in or alternatives to those programs or procedures; or

4.354 Possible changes in methods or levels of payment for benefits or services under those programs.

4.36 Taste and food quality evaluation and consumer acceptance studies:

4.361 If wholesome foods without additives are consumed; or

4.362 If a food is consumed that contains a food ingredient at or below the level and for use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

4.37 Any other category specifically added to this list by the Department of Health and Human Services and published in the Federal Register.

Except as may be provided by law (e.g., research funded by the United States Department of Health and Human Services), the Institutional Review Board has final authority to

ARCHIVE

determine whether particular research is subject to this policy or exempt under one of the categories stated above. An investigator who believes his or her research is exempt under one of the stated categories shall submit his or her written protocol to the Institutional Review Board together with a statement that he or she believes it to be exempt and the reasons for his or her belief; the format of the protocol will be supplied by the Institutional Review Board. The determination of exempt status shall be made by means of the expedited review set forth in Section IV-4.2 of this policy.

5. Criteria for Approval of Research

In order to approve research covered by this policy, the Institutional Review Board shall determine that all of the following requirements are satisfied:

5.1 Risks to subjects are minimized: 1) by using procedures which have sound research design and which do not unnecessarily expose subjects to risk, and 2) whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes;

5.2 Risks to subjects are reasonable in relation to anticipated benefits (e.g., importance of the knowledge that may result);

5.3 Selection of subjects is equitable. In making this assessment the Institutional Review Board should take into account the purposes of the research and the setting in which the research will be conducted;

5.4 Informed consent will be sought from each prospective subject or the subject's legally authorized representative, in accordance with, and to the extent required by this policy;

5.5 Informed consent will be appropriately documented, in accordance with, and to the extent required by this policy;

5.6 Where appropriate, the research plan makes adequate provision of monitoring the data collected to insure the safety of subjects;

5.7 Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data;

5.8 Where some or all of the subjects are likely to be vulnerable to coercion or undue influence, such as persons with acute or severe physical or mental illness, or persons who are economically or educationally disadvantaged, appropriate additional safeguards have been included in the study to protect the rights and welfare of these subjects;

5.9 If the research involves the fetus, pregnant women, in vitro fertilization, abortoses, prisoners or other special classes of subjects which may be in the future identified by federal regulations, the Institutional Review Board's review shall be in accordance with any such regulations and shall determine that the requirements of any such regulations have been met (e.g., 45 CFR 46 Subpart D, Additional Protections for Children as Subjects in Research).

6. Suspension or Termination of Approval

The Institutional Review Board shall have authority to suspend or terminate approval of research that is not being conducted in accordance with the Institutional Review Board's requirements or that has been associated with unexpected, serious harm to subjects. Any suspension or termination of approval shall include a statement of the reasons for the Institutional Review Board's action and shall be reported promptly to the investigator, the Provost and Vice President for Academic Affairs, or his or her designee, and if the research is externally funded, to the sponsor.

7. The Institutional Review Board shall prepare and maintain documentation of its activities, including the following:

7.1 Copies of all research protocols reviewed, scientific evaluations, if any, that accompany the protocols, approved sample consent documents, progress reports submitted by investigators, and reports of injuries to subjects;

7.2 Minutes of Institutional Review Board meetings which shall be in sufficient detail to show attendance at the meetings; actions taken by the Institutional Review Board; the vote on these actions including the number of members voting for, against, and abstaining; the basis for requiring changes in or disapproving research; and a written summary of the discussion of controversial issues and their resolution;

7.3 Records of continuing review activities;

7.4 Copies of all correspondence between the Institutional Review Board and the investigators;

ARCHIVE

7.5 A list of Institutional Review Board members as required by the United States Department of Health and Human Services;
7.6 Written procedures for the Institutional Review Board as required by paragraph IV-3.1 of this policy;
7.7 Statements of significant new findings provided to subjects, as required by Section III-6 of this policy.

The records required by this policy shall be retained in the Sponsored Programs Office for at least six years after completion of the research.

8. Role of University Officials
Institutional Review Board approvals, actions, and recommendations are subject to review and to disapproval or further restrictions by the Provost and Vice President for Academic Affairs, or his or her designee. Such disapprovals or further restrictions shall then be returned to the Institutional Review Board for consultation among the Institutional Review Board, the investigator and the Provost and Vice President for Academic Affairs, or his or her designee. However, Institutional Review Board disapprovals, restrictions or conditions cannot be rescinded or removed except by further action of the Institutional Review Board, or in the case of federally funded research, by appeal to the Department of Health and Human Services or other federal agency with appropriate jurisdiction.

V Cooperative Research

In the event of research in which the University and another institution(s) or party cooperate in the conduct of some or all of the research, the investigator shall comply with this policy. To avoid duplications of effort, the Institutional Review Board with the concurrence of the Provost and Vice President for Academic Affairs, or his or her designee, may use joint review, or reliance upon the review of another qualified Institutional Review Board.

VI Interpretation

The provisions of the policy shall be interpreted in all respects to be consistent with the provisions of any law applicable to the research involved; in the event there should be any conflict or difference between this policy and the provisions of applicable law, the provisions of the applicable law shall control.

Because the provisions of this policy establish a high quality and standard of review for research involving human subjects, no provision of the policy shall be interpreted as establishing a minimum standard for safety, protection or due care which legally may be owed by an investigator, a member of the Institutional Review Board, the University or any University employee or agent, to a human subject.

Nothing in this policy prevents prior review by any subunit of the University of research proposals originating within that subunit, or proposing research to be conducted within that subunit. If approved by the subunit, such proposals must be forwarded to the Institutional Review Board for review. However, as provided in the last paragraph of Section IV-4.3 of this policy, the Institutional Review Board has final authority to determine whether particular research is subject to this policy and to approve, require modifications for approval or disapprove it.

POLICY FOR ANIMAL CARE AND USE[87]

I Introduction

1. The assurance of humane treatment and care for experimental animals is a professional and ethical responsibility recognized by the scientific community at Ball State University. Guidelines adopted by many scientific societies and institutions and applicable federal, state, and local laws, regulations, and policies reflect this commitment to the humane care and use of animals involved in research and experimentation.

2. To provide for the welfare of laboratory animals, as well as to improve the quality of such animals, comfortable and satisfactory animal housing must be provided. As stated by the National Research Council, "a good husbandry program provides a system of housing and care that permits animals to grow, mature, reproduce, and maintain good health."

3. Both the University and the individual investigator must bear responsibility for the humane treatment and care of animals. The need exists for flexibility and variety in the nature of the facilities provided for animals and the implementation of animal care programs. Although the necessary scientific control of particular experiments may justify modification of the recommendations made by a given agency, suitable animal-husbandry practices are requisite for obtaining useful data from research. This policy is in no way intended to limit the investigator's

ARCHIVE

obligation and freedom to plan and conduct animal experiments in accordance with accepted humane and scientific practices.

3. The animal care and use policy at Ball State University shall be consistent with the Guide for the Care and Use of Laboratory Animals, U.S. Department of Health and Human Services, Public Health Service, National Institutes of Health, Public Health Service Policy on Humane Care and Use of Laboratory Animals (revised September 1986), and other applicable federal, state, and local laws, regulations, and policies. The Sponsored Programs Office at Ball State University will provide a copy of the NIH Guide for the Care and Use of Laboratory Animals and all other appropriate documents to all animal users.

II Applicability

This policy is applicable to all activities involving animals at Ball State University. For purposes of this policy, "animal" shall mean "any live, warm or cold blooded, vertebrate animal used or intended for use in education, research, research training, experimentation, or biological testing, or for related purposes."

III The Animal Care and Use Committee

1. Purpose
The Animal Care and Use Committee (hereinafter "the Committee") shall be responsible for overseeing the University's animal program, facilities, and procedures.

2. Membership
2.1 The Committee shall consist of the following members, who shall be appointed by the President of the University or serve as ex officio members:
2.11 Appointed Members
2.111 Faculty members, one from each department experienced in research involving animals;
2.112 One faculty member whose primary concerns are in a non-animal area;
2.113 One member who is not affiliated with the University in any way other than as a member of the Committee, and is not a member of the immediate family of a person who is affiliated with the University.

2.12 Ex officio Members
2.121 The Associate Provost for Research in the Sponsored Programs Office or his or her designee;
2.122 One Doctor of Veterinary Medicine who is responsible for the supervision of housing, feeding, care, and use of all animals at the University and who has appropriate qualifying expertise in laboratory animal medicine (demonstrated either by certification from the American College of Laboratory Animal Medicine, or by other evidence of expertise determined by the Office of Laboratory Animal Welfare [OLAW] to be satisfactory).
2.2 All Committee members shall be voting members.
2.3 The faculty members will serve staggered three-year terms and may be reappointed for a second three-year term. The member not affiliated with the University will serve a one-year term, renewable up to three years.

3. Officers
Officers of the Committee shall consist of a Chairperson and a Secretary, both of whom shall be elected by the Committee by May 1 and may be reelected for a second one-year term.

4. Functions of the Committee
The Committee shall
4.1 Review at least once each academic semester the University's program for humane care and use of animals;
4.2 Inspect at least once each academic semester all of the University's animal facilities, including satellite facilities, if any;
4.3 Meet once during the summer to prepare materials for the academic year;
4.4 Review concerns involving the care and use of animals at the University;
4.5 Make recommendations to the Associate Provost for Research in the Sponsored Programs Office and others regarding any aspect of the University's animal program, facilities, or personnel training;
4.6 Review and approve, require modifications in (to secure approval), or withhold approval of experimental protocols for the care and use of animals for research and teaching;
4.7 Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the use of animals in ongoing activities;

ARCHIVE

4.8 Be authorized to suspend an activity involving animals if it determines that the activity is not being conducted in accordance with applicable provisions of the Animal Welfare Act, the NIH Guide for the Care and Use of Laboratory Animals, or other applicable federal, state, and local laws, regulations, and policies.

5. Recordkeeping
   5.1 The Committee shall prepare and maintain minutes of its meetings, including records of attendance, activities of the Committee, and Committee deliberations.
   5.2 All animal protocols shall be kept on file in the Sponsored Programs Office for three years.

V Responsibilities of the Sponsored Programs Office

The responsibilities of the Sponsored Programs Office shall be

1. To assist the Committee in performing its functions;
2. To maintain pertinent records and data relating to the use of animals in research and teaching;
3. To supply protocol application forms to animal users; and
4. To be consistent with changes in information on current federal, state, and local laws, regulations, and policies.

ARCHIVE

POLICY FOR RESEARCH INVOLVING RECOMBINANT DNA MOLECULES AND RESEARCH INVOLVING INFECTIOUS MATERIALS[88]

I Introduction

Ball State University, recognizing its responsibility to provide effective biological safety programs, requires that all research projects involving recombinant DNA molecules or organisms/viruses containing recombinant DNA molecules will be reviewed by the Institutional Biosafety Committee. This review will be completed prior to the initiation of the research. The University also requires that researchers file, with the Institutional Biosafety Committee, information about all infectious materials to be used in research projects, prior to initiating such research. Herein, reference to "research" includes procedures performed in laboratory classes, as well as in research labs, and the term "investigators" includes course directors for such laboratory classes, as well as researchers.

II Policy

1. Rationale

1.1 The Institutional Biosafety Committee shall assume its responsibility for meeting the conditions required by the NIH Guidelines for Research Involving Recombinant DNA Molecules published in the Federal Register, Vol. 51, No. 88, Wednesday, May 7, 1986, or subsequent guidelines which may supersede earlier versions. The Institutional Biosafety Committee will also assume its responsibility for other biosafety concerns by making recommendations to investigators regarding appropriate safety practices as outlined in Biosafety in Microbiological and Biomedical Laboratories, current edition, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, GA 30333, and National Institutes of Health, Bethesda, MD 20892. The directives presented in this policy document are in part based on the NIH Guidelines for Research Involving Recombinant DNA Molecules. A copy of these directives shall be provided to all investigators performing research involving either recombinant DNA or infectious materials and may be obtained from the Sponsored Programs Office.

1.2 University policy entrusts the investigator with primary responsibility for the protection of individuals using recombinant DNA technology and/or working with infectious materials.

1.3 Investigators applying for grants involving recombinant DNA research subject to NIH Guidelines for Research Involving Recombinant DNA Molecules will be required to submit an abstract of the proposed research to the Institutional Biosafety for Committee and to complete a form which will provide information for review and approval of the recombinant DNA aspects of the proposal. Prior to application to the Institutional Biosafety Committee for research approval, the investigator should consult the regulations for recombinant DNA research which are specified in the NIH Guidelines for Research Involving Recombinant DNA Molecules and/or determine the biosafety level from the Biosafety in Microbiological and Biomedical Laboratories (both are available at the Sponsored Programs Office).

1.4 Investigators anticipating use of any infectious agent or materials will be required to complete and submit to the Institutional Biosafety Committee a registration form for each infectious agent, or closely related group of agents. In anticipation of working with a particular infectious material, the investigator should consult the Biosafety in Microbiological and Biomedical Laboratories to determine the biosafety level and recommended practices. If the investigator intends to significantly alter or modify the way a previous registered infectious agent is used, a new registration form should be completed and submitted.

1.5 These policies, the NIH Guidelines for Research Involving Recombinant DNA Molecules, and the Biosafety in Microbiological and Biomedical Laboratories are intended to help the Institutional Biosafety Committee and the Principal Investigator determine the safeguards that should be implemented. Therefore, it is the responsibility of the institution and those associated with it to adhere to the intent of the guidelines in both of these documents, as well as to their specifics.

1.6 In assuming its responsibility, the Institutional Biosafety Committee and the University intends to encourage the conduct of biological research while protecting the rights and welfare of those participating in the research, the University, and the community. University faculty, staff, and students conducting research involving recombinant DNA or infectious materials under this policy are responsible for compliance with all federal regulations.

2. Administration

2.1 Executive functions to be performed by the University include the development of policy; the continuing education of personnel with respect to policy; the modification of the policy to maintain its conformity with laws and regulations; and the provision for appropriate

APPROVED

administrative support and legal assistance for the Institutional Biosafety Committee. The University official responsible for carrying out or delegating these functions is the Provost and Vice President for Academic Affairs.

3. Applicability
   3.1 This policy is applicable to all research involving recombinant DNA molecules or organisms/viruses containing DNA, and to all research involving any infectious material, which is conducted under the auspices of the University.

III Definitions of Terms and Phrases

1. "Recombinant DNA" or recombinant DNA molecules means either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules which result from the replication of a molecule described in (i) above. If the joined or synthetic DNA is not expressed in vivo as a biologically active polynucleotide or polypeptide product, it is exempt from the guidelines.

2. "Research involving recombinant DNA technology and/or infectious material under the auspices of the University" means for the purposes of this policy, research involving recombinant DNA molecules, recombinant organisms/viruses, or infectious materials shall be "under the auspices of the University" when
   2.1 The research is funded externally by way of a grant, contract, or similar agreement between the sponsor (public or private) and the University;
   2.2 The research is funded internally by the University by way of a grant, contract, or similar agreement;
   2.3 The research is conducted upon assignment by the University; or
   2.4 The research is actively assisted by the use of University facilities, resources, supplies, equipment, or personnel.

IV Biosafety Levels and Containment

1. Effective biological safety programs rely upon mechanisms that can be divided into categories (i) a set of standard practices that are generally used in microbiological laboratories, and (ii) special procedures, equipment, and laboratory installations and/or animal facilities that will provide physical barriers which are applied in varying degrees according to the estimated biohazard.

2. Experiments on recombinant DNAs also require the application of specific biological barriers which limit either (i) the infectivity of a vector or vehicle (plasmid or virus) for specific hosts or (ii) its dissemination and survival in the environment. The vectors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be genetically designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory.

3. There are four biosafety levels which consist of combinations of laboratory practices and techniques, safety equipment, and laboratory facilities appropriate for the operations performed and the hazard posted by agents and for the laboratory function and activity. The four biosafety levels (BL1-4) are described in detail in the Biosafety in Microbiological and Biomedical Laboratories.

V Institutional Biosafety Committee

1. Membership
   1.1 A roster of the members of the Institutional Biosafety Committee, who are appointed by the University president, including the names, addresses, occupations, qualifications, and curriculum vitae of the chairperson and members of the committee, shall be submitted to the National Institutes of Health Office of Biotechnology Activities. The Office of Biotechnology Activities will review the membership of the Institutional Biosafety Committee and, where it finds the Institutional Biosafety Committee in compliance with the requirements set forth in the current NIH Guidelines for Research Involving Recombinant DNA Molecules, will give its approval to the Institutional Biosafety Committee membership. Updated roster information will be submitted to the Office of Biotechnology Activities annually, and if interim changes in the membership of the Institutional Biosafety Committee occur, a revised roster will be submitted to the Office of Biotechnology Activities promptly.
   1.2 The Institutional Biosafety Committee shall comprise no fewer than five members so selected that they collectively have experience and expertise in recombinant DNA technology and microbiology, and the capability to assess the safety of recombinant DNA research experiments and work with infectious agents and any potential risk to the public health or environment. At least two members shall not be affiliated with the institution

ARCHIVE

and shall represent the interest of the surrounding community with respect to health and protection of the environment.

1.3 The term of appointment for each member shall be for three years and all members and officers shall be eligible for re-election and re-appointment. Beginning July 1, 1992, terms of members will be staggered.

1.4 The responsibilities of the Institutional Biosafety Committee are covered in detail in the NIH Guidelines for Research Involving Recombinant DNA Molecules in Section IV-B.

2. Responsibilities and functions of the Institutional Biosafety Committee

2.1 General

2.11 The Institutional Biosafety Committee shall develop and follow written procedures for reviewing recombinant DNA and infectious materials research. Modification of written procedures, including this policy and necessary forms, shall be made by a simple majority vote of the Institutional Biosafety Committee membership.

2.2 For reviewing recombinant DNA research, the Institutional Biosafety Committee shall develop and follow written procedures for

2.21 Conducting its initial and continuing review of research and for reporting its findings and actions to the investigator and the University;

2.22 Determining which projects require review more often than every three years and which projects need verification, for sources other than investigators, that no significant changes have occurred since previous Institutional Biosafety Committee review;

2.23 Assuring prompt reporting to the Institutional Biosafety Committee of proposed changes in research activity;

2.24 Assuring that changes in proposed research, during the period for which approval has been given, may not be initiated without Institutional Biosafety Committee review and approval;

2.25 Assuring prompt reporting to the Institutional Biosafety Committee of unanticipated problems involving risks;

2.26 Assuring compliance with the NIH Guidelines for Research Involving Recombinant DNA Molecules.

3. For reviewing research using infectious materials, the Institutional Biosafety Committee will develop and follow written procedures for

3.1 Conducting review of information provided by the investigator about each infectious agent or material to be used and making necessary recommendations to the investigator regarding biosafety practices;

3.2 Assuring prompt reporting to the Institutional Biosafety Committee when new infectious agents will be used in research;

3.3 Assuring adequate application of biosafety principles in work involving infectious agents.

4. For research involving recombinant DNA, the Institutional Biosafety Committee shall

4.1 Be responsible for the review of proposed research protocols involving recombinant DNA technology according to this policy at convened meetings. In order for the research protocol to be approved, it shall receive the approval of a majority of those members present;

4.2 Review and have authority to approve/require modifications in all research covered by this policy;

4.3 Be responsible for reporting to the Provost and Vice President for Academic Affairs, or his or her designee, and to any appropriate government agency, any serious or continuing non-compliance by investigators with the requirements and determinations of the Institutional Biosafety Committee;

5. For research involving infectious agents the Institutional Biosafety Committee shall

5.1 Be responsible for gathering information about the use of infectious materials in research and reviewing the agents which will be used;

5.2 Give the investigator recommendations for further measures which the committee determines will be necessary to ensure safety in work with the particular infectious agent.

VI Responsibilities of the Principal Investigator

1. On behalf of the University, the Principal Investigator conducting recombinant DNA research shall be responsible for complying fully with Institutional Biosafety Committee policies and NIH Guidelines for Research Involving Recombinant DNA Molecules by

ARCHIVE

1.1 Seeking prior approval by the Institutional Biosafety Committee before initiating or modifying recombinant DNA research. The research project must be reviewed at least every three years;

1.2 Determining which biosafety level is required by the research and ascertain that the experiments are covered by the NIH Guidelines for Research Involving Recombinant DNA Molecules. Determination of biosafety level classification of research microorganisms on the basis of hazard is described in Appendix B of the NIH Guidelines for Research Involving Recombinant DNA Molecules. The Principal Investigator will provide the Institutional Biosafety Committee with this information;

1.3 Reporting within 30 days to the Institutional Biosafety Committee and the National I Institutes of Health Office of Biotechnology Activities all significant problems with and violations of the NIH Guidelines for Research Involving Recombinant DNA Molecules and all significant research-related accidents and illnesses;

1.4 Being adequately trained in good microbiological techniques. Standard practices of training and physical containment as described in Appendices G (Physical Containment) and I (Biological Containment) of the NIH Guidelines for Research Involving Recombinant DNA Molecules must be adhered to;

1.5 Adhering to Institutional Biosafety Committee approved emergency plans for dealing with accidental spills and personnel contamination;

1.6 Complying with shipping requirements for recombinant DNA molecules. Information on packaging and labeling of etiologic agents is covered in detail in the NIH Guidelines for Research Involving Recombinant DNA Molecules.

1.7 Providing the Institutional Biosafety Committee the title of the project, the proposed beginning and ending dates, and the funding sources.

2. On behalf of the University, the Principal Investigator conducting research with infectious materials shall be responsible for

2.1 Informing the Institutional Biosafety Committee of each infectious agent or material that will be used in any of his or her research;

2.2 Determination of which biosafety level is appropriate for working with the infectious agent or material, according to the Biosafety in Microbiological and Biomedical Laboratories;

2.3 Ensuring that laboratory and animal facilities are adequate for appropriate containment practices;

2.4 Notifying all personnel involved in the work of the level of biohazard and training them in appropriate biosafety practices;

2.5 Adherence to recommended biosafety standards and shipping regulations described in the Biosafety in Microbiological and Biomedical Laboratories.

VII Types of Review by the Institutional Biosafety Committee

1. Review of Research Involving Recombinant DNA

1.1 Full Review

1.11 Full Review requires review by the Institutional Biosafety Committee membership, and approval of a protocol requires a simple majority vote of the Institutional Biosafety Committee membership by signature or at a convened meeting. Any member of the Institutional Biosafety Committee may request a Full Review of a research protocol at a convened meeting. Research protocols or activities may be disapproved only after a Full Review.

1.2 Expedited Review

1.21 Expedited Review is conducted by a Subcommittee of the Institutional Biosafety Committee at a convened meeting if the investigator submits a modified protocol, with minor changes in previously approved research during the period for which approval is authorized. Under the Expedited Review procedure, the review may be carried out by the Institutional Biosafety Committee chairperson, the ex officio, and a rotating regular member who will comprise the Subcommittee of the Institutional Biosafety Committee. The reviewers of the Subcommittee may exercise all of the authorities of the Institutional Biosafety Committee, except they may not disapprove the research or approve an entirely new research project.

2. Review of Research Involving Infectious Materials

2.1 Review of research using infectious agents or materials will be conducted by the Institutional Biosafety Committee membership, allowing each member input for recommendations to be forwarded to the investigator with an authorized signature. These recommendations will be based on the biosafety practices as described in the Biosafety in Microbiological and Biomedical Laboratories.

ARCHIVE

VIII Suspension or Termination of Approval for Recombinant DNA Projects

The Institutional Biosafety Committee shall have authority to suspend or terminate approval of research that is not being conducted in accordance with the Institutional Biosafety Committee's requirements or that has been associated with unexpected risk to the investigators, the University or the community. Any suspension or termination of approval shall include a statement of the reasons for the Institutional Biosafety Committee's action and shall be reported reported promptly to the investigator, the Provost and the Vice President for Academic Affairs, and if the research is externally funded, to the sponsor.

IX Documentation of Institutional Biosafety Committee Activities

1. The Institutional Biosafety Committee, in cooperation with the Sponsored Programs Office, shall prepare and maintain documentation of its activities, including the following:

   1.1 Copies of all completed forms and research protocols reviewed, scientific evaluations that accompany the protocols, any documents submitted by the investigators, and reports of research related accidents/spills/contamination;
   1.2 Minutes of Institutional Biosafety Committee meetings which shall be in sufficient detail to show attendance at meetings, actions taken by the Institutional Biosafety Committee, the vote on actions, the basis for requiring changes in or disapproving research, and a summary of the discussion of controverted issues and their resolution;
   1.3 Records of continuing review activities;
   1.4 Copies of all correspondence between the Institutional Biosafety Committee and the investigators;
   1.5 A list of Institutional Biosafety Committee members as required by the NIH Guidelines for Research Involving Recombinant DNA Molecules.

2. The records required by this policy shall be retained in the Sponsored Programs Office for at least five years after completion of the research.

X Cooperative Research

In the event of research in which the University and another institution(s) or party cooperate in the conduct of some or all of the research, the investigator shall comply with this policy. To avoid duplications of effort, the Institutional Biosafety Committee with the concurrence of the Provost and Vice President for Academic Affairs may use joint review or reliance upon the review of another qualified Institutional Biosafety Committee.

ON PREVENTING CONFLICTS OF INTEREST IN GOVERNMENT-SPONSORED RESEARCH AT UNIVERSITIES[89]

A Joint Statement of the Council of the American Association of University Professors and the American Council on Education

The increasingly necessary and complex relationships among universities, Government, and industry call for more intensive attention to standards of procedure and conduct in Government-sponsored research. The clarification and application of such standards must be designed to serve the purposes and needs of the projects and the public interest involved in them and to protect the integrity of the cooperating institutions as agencies of higher education.

The Government and institutions of higher education, as the contracting parties, have an obligation to see that adequate standards and procedures are developed and applied; to inform one another of their respective requirements; and to assure that all individuals participating in their respective behalfs are informed of and apply the standards and procedures so developed.

1. Favoring of outside interests. When a University staff member (administrator, faculty member, professional personnel member, or employee) undertaking or engaging in Government-sponsored work has a significant financial interest in, or a consulting arrangement with, a private business concern, it is important to avoid actual or apparent conflicts of interest between the Government-sponsored University research obligations and outside interests and other obligations. Situations in or from which conflicts of interest may arise are the
   1.1 Undertaking or orientation of the staff member's University research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the University and to the sponsoring agency;

ARCHIVE

1.2 Purchase of major equipment, instruments, materials, or other items for University research from the private firm in which the staff member has the interest without disclosure of such interest;

1.3 Transmission to the private firm or other use for personal gain of Government-sponsored work products, results, materials, records, or information that are not made generally available (This would not necessarily preclude appropriate licensing arrangements for invention, or consulting on the basis of Government-sponsored research results where there is significant additional work by the staff member independent of the Government-sponsored research.);

1.4 Use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's Government-sponsored activities (The term "privileged information" includes, but is not limited to medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for Government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements.);

1.5 Negotiation or influence upon the negotiation of contracts relating to the staff member's Government-sponsored research between the University and private organizations with which there are consulting or other significant relationships;

1.6 Acceptance of gratuities or special favors from private organizations with which the University does or may conduct business in connection with a Government-sponsored research project, or extension of gratuities or special favors to employees of the sponsoring Government agency, under circumstances which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

2. Distribution of effort. There are competing demands on the energies of a faculty member (for example, research, teaching, committee work, outside consulting). The way in which effort is divided among these various functions does not raise ethical questions unless the Government agency supporting the research is misled in its understanding of the amount of intellectual effort being devoted to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions performed are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a staff member will devote a certain fraction of effort to the Government- sponsored research, or agrees to assume responsibility in relation to such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of involvement that is to be expected. Each University, therefore, should--through joint consultation of administration and faculty--develop procedures to assure that proposals are responsibly made and complied with.

3. Consulting for Government agencies or their contractors. When staff members are engaged in Government-sponsored research and also serve as a consultant to a Federal agency, their conduct is subject to the provisions of the Conflict of Interest Statues (18 U.S.C. 201 Et.seq.) and the President's memorandum of May 2, 1963, Preventing Conflicts of Interest on the Part of Special Government Employees. When there is consultation for one or more Government contractors, or prospective contractors, in the same technical field as the research project, care must be taken to avoid giving advice that may be of questionable objectivity because of its possible bearing on other interests of the researcher. In undertaking and performing consulting services, the member should make full disclosure of such interests to the University and to the contractor insofar as they may appear to relate to the work at the University or for the contractor. Conflict of interest problems could arise, for example, in the participating of a staff member of the University in an evaluation for the Government agency or its contractor of some technical aspect of the work of another organization with which there is a consulting or employment relationship or a significant financial interest, or in an evaluation of a competitor to such other organization.

University Responsibility

Each University participating in Government-sponsored research should make known to the sponsoring Government agencies:

1. The steps it is taking to assure an understanding on the part of the University administration and staff members of the possible conflicts of interest or other problems that may develop in the foregoing types of situations.

2. The organizational and administrative actions it has taken or is taking to avoid such problems, including:

2.1 Accounting procedures to be used to assure that Government funds are expended for the purposes for which they have been provided, and that all services which are required in return for these funds are supplied;

ARCHIVE

2.2 Procedures that enable it to be aware of the outside professional work of staff members participating in Government-sponsored research, if such outside work relates in any way to the Government-sponsored research;

2.3 The formulation of standards to guide the individual University staff members in governing their conduct in relation to outside interests that might raise questions of conflicts of interest; and

2.4 The provision within the University of an informed source of advice and guidance to its staff members for advance consultation on questions they wish to raise concerning the problems that may or do develop as a result of their outside financial or consulting interests, as they relate to their participation in Government-sponsored University research. The University may wish to discuss such problems with the contracting officer or other appropriate Government official in those cases that appear to raise questions regarding conflicts of interest.

The above process of disclosure and consultation is the obligation assumed by the University when it accepts Government funds for research. The process must, of course, be carried out in a manner that does not infringe on the legitimate freedoms and flexibility of action of the University and its staff members that have traditionally characterized a University. It is desirable that standards and procedures of the kind discussed be formulated and administered by members of the University community themselves, through their joint initiative and responsibility, for it is they who are the best judges of the conditions which can most effectively stimulate the search for knowledge and preserve the requirements of academic freedom. Experience indicates that such standards and procedures should be developed and specified by joint administrative-faculty action.

Policy Concerning the Ownership, Distribution and Commercial Development of Ball State University Intellectual Property and Technology[90]

PART 1. INTRODUCTION AND SELECTED DEFINITIONS

1.0 INTELLECTUAL PROPERTY AND RELATED RIGHTS

The material set forth in this document addresses the ownership, distribution, and commercial development of technology developed by Ball State University ("Ball State") faculty, staff, and students and others participating in Ball State programs. The term "technology" is broadly defined in this document to include technical innovations, inventions, and discoveries, as well as writings, audiovisual or digital or other creative works, and other information in various forms, including computer software.

The principal rights governing the ownership and disposition of technology are known as "intellectual property" rights, which are derived primarily from federal and state legislation granting patent, copyright, trademark, trade secret and integrated circuit mask work protection.

In some instances, distribution and commercialization of technology may be accomplished by the transfer/assignment or licensing of the intellectual property rights, such as the licensing of patents or copyrights. In other instances, distribution and commercialization of technology may be aided by or depend upon access to the physical or tangible embodiment of the technology, as in the case of biological organisms, plant varieties or computer software through a material transfer arrangement.

Therefore, this policy will define not only the ownership, distribution, and commercialization rights associated with the technology in the form of intellectual property, but will also define policies and procedures which govern use and distribution of the technology in its tangible form.

The following overview of intellectual property rights is limited in scope. The Ball State Technology Transfer Officer ("TTO") at the Ball State Technology Transfer Office should be contacted for further information regarding any of these rights.

1.1 PATENTS AND PATENT RIGHTS

A patent is a grant issued by the United States Patent and Trademark Office giving an inventor the right to exclude all others

ARCHIVE

from making, using, or selling the invention within the United States, its territories and possessions, for a period which expires 20 years after the patent filing.

Patents may also be granted in foreign countries; procedures for filing, regulations for patentability, and term of patent grant vary considerably from country to country.

To be patentable in most countries, an invention must be new, useful, and nonobvious. In the United States, a grace period of 12 months from the first written or oral public disclosure of an invention is allowed to file a patent application. In most foreign countries, an invention is unpatentable unless the application is filed **before** public disclosure (written or oral). However, if one has filed a patent application in the United States prior to disclosure, the applicant has 12 months from the date of filing in the United States to file in most non-U.S. countries without losing filing rights.

1.2 COPYRIGHTS

A copyright owner has the exclusive right to reproduce or copy the work, prepare derivative works, distribute by sale or otherwise, and display or perform the work publicly.

Under federal copyright law, copyright subsists in "original works of authorship" which have been fixed in any tangible medium of expression from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

For an individual author, copyright protection of a work extends for the author's life plus 70 years. For employers, copyright protection of a work extends for 95 years from the date of publication as of 1998. An "author" is a person who creates copyrightable material in any form. A copyrightable work may have more than one author.

In contrast to a patent which protects the "idea", copyright protects the "artistic expression". This can include, without limitation, tangible mediums of expression such as: literary work, musical work, computer program or software, video or motion picture or sound recording, digital video or digital photograph, photograph, sculpture, and so forth, in which the "expression" is embodied, illustrated, or explained.

1.3 TRADE AND SERVICE MARKS

A trade or service mark is a word, name, symbol or device (or any combination thereof) adopted by an organization to identify its goods or services and distinguish them from the goods and services of others. In the United States, trademark ownership is generally acquired through use of a term or symbol to identify the origin of goods or services, although effective November, 1989, legislation enables organizations to file for trademark protection based on intent to use a particular term or symbol. Trade or service mark ownership is not dependent upon federal or state registration, but upon use of the mark. Registration of trade and service marks may be obtained on both the state and federal levels. However, to apply for a federal registration of a mark, it must be used in interstate commerce.

1.4 MASK WORKS

A mask work is defined as a series of related images representing a predetermined, three-dimensional pattern of metallic, insulating, or semiconducting layers of a semiconductor chip product. Under the Semiconductor Chip Act of 1984, mask work protection extends for 10 years and gives the owner of the qualifying mask work exclusive rights to its exploitation. Mask works are registered with the United States Copyright Office. Failure to apply within 2 years of the initial commercial exploitation results in the termination of the exclusive rights.

1.5 TANGIBLE RESEARCH PROPERTY

The term "tangible research property" refers to those research results which are in a tangible form as distinct from intangible (or intellectual) property. Examples of tangible property can include integrated circuit chips, computer software, biological organisms or tissue, engineering prototypes (whether functional or non-functional), computer generated three-dimensional models or prototypes, engineering drawings or renderings, and other property which can be physically distributed.

Although tangible research property may often have intangible property rights associated with it, such as biological organisms

ARCHIVE

which may be patented or computer software which may be either patented or copyrighted, where appropriate, tangible research property may be distributed without securing intellectual property protection by using some form of contractual agreement, such as formal contract, materials transfer or license agreement, loan agreement, letter agreement, memorandum of understanding, or user license as further set forth in this document.

1.6 TRADE SECRET

The law of trade secret may be applied to almost any secret which is used in business or commerce and gives the owner of the trade secret a competitive edge over others. It is used to protect valuable proprietary information and is a commonly used form of protection for software. Unlike copyrights, there is no federal trade secret statute. Trade secret laws are determined by the individual states but generally adhere to similar principles. The most important aspect of this type of protection is that of secrecy. The protection will remain legally valid only as long as a trade secret is maintained, and/or reasonable efforts are undertaken to maintain its secrecy. In order to maintain protection while a trade secret is being used, it is necessary to bind those individuals having access to the secret by a contractual agreement not to disclose it. Such agreements are usually called nondisclosure or confidentiality agreements.

PART 2. BALL STATE'S POLICY STATEMENTS

2.0 GENERAL POLICY STATEMENT

The prompt and open dissemination of the results of Ball State research and the free exchange of information among scholars are essential to the fulfillment of Ball State's obligations as an institution committed to excellence in education and research. Matters of ownership, distribution, and commercial development, nonetheless, arise in the context of technology transfer, which is an important aspect of Ball State's commitment to public service. Technology transfer is, however, subordinate to education and research; and the dissemination of information must, therefore, not be delayed beyond the minimal period necessary to define and protect the rights of the parties.

2.1 INTELLECTUAL PROPERTY OWNERSHIP POLICY STATEMENT

With the exception of the ***written content*** of student theses, dissertations and research reports as addressed more fully in Section 2.1.5, intellectual property rights in inventions, mask works, trade secrets, tangible research property and copyright ownership of materials made or created by Ball State faculty, students, staff, and others participating in Ball State programs, including visitors, are as follows:

BALL STATE OWNED

(a) Patents, copyrights (including copyrights on software), maskworks, trade secrets, and tangible research property and trademarks developed by faculty, students, staff and others, including visitors participating in Ball State programs or using Ball State funds, resources or facilities, are owned by Ball State when either of the following applies:

(1) The intellectual property was developed within the scope of employment and/ or by students as part of the student's participation and receipt of instruction in any Ball State class, funded project or independent study, internship or practicum under the supervision and direction of a faculty or staff member as outlined in the discussion below regarding Student Ownership and/or in the course of, or pursuant to, a sponsored research agreement with Ball State; or

(2) The intellectual property was developed with significant use of funds, other resources or facilities administered by Ball State, as defined in Section 2.1.2.

(b) Except as set forth herein, all copyrights, including copyrighted software, will be owned by Ball State when it is created as (1) a "work for hire" as defined by copyright law, (see Section 2.1.3), or (2) it is "specially commissioned" by Ball State pursuant to a written agreement whereby Ball State retains copyright ownership, (see Section 2.1.3), or (3) it is created pursuant to a written agreement with Ball State providing for transfer or assignment of copyright or ownership to Ball State.

ARCHIVE

INVENTOR/AUTHOR OWNED

Inventors/Authors, including students, will own patents/copyrights/other intellectual property when none of the situations defined above for Ball State ownership of intellectual property applies.

STUDENT OWNERSHIP

Except as set forth herein and in Section 2.1.5, under ordinary circumstances, students who independently develop intellectual property as part of, or arising outside, of their participation in programs of study at Ball State retain ownership rights to that intellectual property **unless any** of the conditions set forth in this section on Student Ownership and outlined above in Section 2.1(a) or Section 2.1(b) regarding Ball State owned intellectual property are applicable.

In this regard, any student engaging in research or development of intellectual property subject to Ball State ownership under Sections 2.1(a)(2), 2.1(b), or 2.1(a)(1) under a sponsored research agreement or under the supervision and direction of a faculty or staff member in connection with a class, funded project or independent study, internship, practicum or other program or activity subject to this Policy shall have **no ownership interest in the resulting intellectual property**.[1] By way of illustration, this may include without limitation, patentable processes or inventions, computer aided designs, digital designs, models or fabrications, or student produced films, videos or digital productions. This paragraph is not determinative of appropriate academic credit for authorship of any resulting work product in which students are supervised or directed by Ball State faculty or staff. In instances where the intellectual property may be subject to Ball State ownership, a Disclosure outlined in Part 3 of this Policy shall be made for purposes of determining ownership, cost recovery and royalty distribution.

Where copyright ownership arising out of the student's participation in programs of study at Ball State is retained by the student in intellectual property, however, the student shall grant to Ball State a royalty-free perpetual non-exclusive license and consent to reproduce, use and publicly distribute the intellectual property for the following limited purposes of Ball State: (1) institutional promotion and marketing; (2) educational and instructional; and (3) entries into appropriate competitions.

2.1.1 SPONSORED RESEARCH AND OTHER AGREEMENTS

PATENTS: Research contracts sponsored by the Federal Government are subject to statutes and regulations under which Ball State acquires title to inventions conceived or first reduced to practice in the performance of the research. Ball State's ownership is subject to a nonexclusive license to the government and the requirement that Ball State retains title and takes effective steps to develop the practical commercial applications of the invention by licensing and other appropriate means.

Contracts with industrial sponsors often provide that Ball State retain ownership of patents while the sponsor is granted an option to acquire license rights to develop commercial applications of the patent.

COPYRIGHT: Normally, research contracts sponsored by the Federal Government provide the government with specified rights in copyrightable material developed in the performance of the research. These rights may consist of title to such material vesting solely in the government, but more often consist of a royalty-free license to the government with title vesting in Ball State.

[1] For purposes of this policy, the supervision and direction of a faculty or staff member means that the contributions of the faculty or staff member can constitute the use of a significant Ball State administered resource where the contributions of the faculty or staff member are outside of usual and ordinary instruction in a Ball State class, the resulting intellectual property resulted from the direct collaboration between the faculty or staff member and the student, and the resulting intellectual property reflects the valuable contributions of the faculty or staff member.

ARCHIVE

When a work is created under the terms of a sponsored research agreement, authors of copyrightable works should be aware that there may be contractual terms relating to the form of the report, advance notice to the sponsor before publication, and related terms of which the authors should be aware.

GENERAL: Ball State faculty, staff and other personnel and visitors should contact OARSP for additional information or assistance regarding interpretation of research contract terms; the terms of such sponsored research agreements apply not only to inventions made by faculty and staff, but also to those made by students and visitors, whether or not paid by Ball State, who participate in performing research supported, even in part, by such agreements. It is essential, therefore, that all individuals participating in the research are made aware of their obligation to assign rights to Ball State and sign Inventions and Proprietary Information Agreements prior to the disbursement of funds as provided under Section 5.0.

2.1.2 SIGNIFICANT USE OF BALL STATE-ADMINISTERED RESOURCES

When an invention, software, or other copyrightable material, mask work, trade secret or tangible research property is developed by Ball State faculty, students, staff, visitors, or others participating in Ball State programs using significant Ball State funds, resources or facilities, Ball State will own the patent, copyright, or other tangible or intellectual property. If the material is not subject to a sponsored research or other agreement giving a third party rights, the issue of whether or not a significant use was made of Ball State funds, resources or facilities will be reviewed by the inventor/author's laboratory or unit director or department chair, and a written recommendation forwarded to the TTO, in the form of the letter that is Form 1 in Appendix A.

Ball State does not construe the payment of salary from unrestricted accounts as constituting significant use of Ball State funds, except in those situations where the funds were paid specifically to support the development of certain materials.

Textbooks developed in conjunction with class teaching are also excluded from the "significant use" category, unless such textbooks were developed using Ball State administered funds paid specifically to support textbook development.

Generally, an invention, software, or other copyrightable material, mask work, trade secret or tangible research property will not be considered to have been developed using significant Ball State funds, resources or facilities if all of the following factors have been met:

(1) only a minimal amount (usually not exceeding $500) of unrestricted funds have been used; and

(2) the invention, software, or other copyrightable material, mask work, or tangible research property has been developed outside of the assigned area of research of the inventor/author, or as to students the intellectual property has been developed outside of a Ball State class, funded project or independent study, internship or practicum; and

(3) only a minimal amount of time has been spent using Ball State facilities or only insignificant facilities and equipment have been utilized; and

(4) the development has been made on the personal, unpaid time of the inventor/author.

When an invention, software, or other copyrightable material, mask work, trade secret or tangible research property is not subject to a sponsored research or other agreement (such as an equipment agreement), but has been developed using significant Ball State funds, resources or facilities, the TTO may, at his or her discretion and consistent with the public interest, license the inventor(s)/author(s) exclusively or nonexclusively on a royalty basis. The inventor(s)/author(s) must demonstrate adequate technical and financial capability to commercialize the intellectual property, and the TTO will have the right to terminate such license if the inventor(s)/author(s) has not achieved effective dissemination within a reasonable amount of time (generally less than 2 years). The license and related royalty is also subject to the inventor(s)/author(s) waiving their rights to royalty sharing under this Policy. Where such a license is issued, the inventor(s)/author(s) may be required to assume some or all of the costs of filing, prosecuting and maintaining any patent rights at the discretion of Ball State University.

ARCHIVE

2.1.3 WORKS FOR HIRE

EMPLOYEES: A "work for hire," as defined by law, is a work product created in the course of the author's employment. Ownership of the work product in these situations belongs to the employer. For example, results of work assigned to staff programmers or writers of university publications are considered to have been created in the course of the author's employment and are the property of Ball State. It is the policy of Ball State that it shall own all works for hire.

NON-EMPLOYEES: Under the Copyright Act, copyright of specially commissioned works of non-employees is owned by the author and not by the commissioning party unless there is a written agreement to the contrary. All Ball State personnel are cautioned to ensure that independent contractors agree in writing in advance of work commencing that ownership of the commissioned work is assigned to Ball State, except where special circumstances apply and it is mutually agreed that the author will retain ownership.

2.1.4 INDEPENDENT WORKS

Ball State does not claim ownership of books, articles and other scholarly publications, or to popular novels, poems, musical compositions, or other works of artistic imagination which are created by the personal and independent effort of students, or of faculty or staff outside of their assigned area of research, are created on the personal time of the individual, **and** which do not otherwise make significant use of Ball State administered resources.

Furthermore, in those situations where copyright to such scholarly or artistic work resides in Ball State under the terms of a sponsored research or other agreement, or by operation of the copyright law or otherwise as a result of Ball State policy, Ball State may at its sole discretion, upon the author's request and to the extent consistent with the intent of the sponsor and with the recommendation of the laboratory/unit director or department chair, convey copyright to the author of such work. An author requesting a waiver of Ball State ownership should submit Form 2 in Appendix A to the TTO for review and consideration.

2.1.5 STUDENT THESES AND DISSERTATIONS

Students will own copyright in theses and dissertations, however, where significant use is made of Ball State equipment or facilities provided to Ball State without copyright or other related restrictions, students own copyright in theses or dissertations, but any software code, patentable subject matter and/or any other intellectual property contained in, or produced as part of, the theses or dissertations remain subject to Ball State ownership pursuant to Section 2.1.2 above.

Moreover, where copyright ownership is retained by the student in the theses, dissertations and/or research reports, the student shall grant to Ball State a perpetual royalty-free, non-exclusive limited license and consent to reproduce, use and publicly distribute the thesis, dissertation and/or research report for the following limited purposes of Ball State: (1) institutional promotion and marketing; (2) educational and instructional; and (3) entries into appropriate competitions.

2.2 TRADE AND SERVICE MARKS

Trade and service marks, whether registered or not, relating to goods and services developed at Ball State will be owned by Ball State.

2.3 SOFTWARE ACQUISTION

Whether the software and databases used at Ball State are owned by users or third parties and are protected by copyright and/or other laws, or are subject to license or other contractual arrangement, it is the policy of Ball State that users abide by any legal restrictions imposed by the owner of the software or database. It is the responsibility of the owner of the protected software or database to make the nature of the restrictions known to Ball State.

ARCHIVE

PART 3. TECHNOLOGY EVALUATION, PROTECTION AND DISSEMINATION

3.0 RESPONSIBILITY

The TTO is responsible for facilitating the transfer of Ball State technology for public use and benefit. The TTO evaluates, obtains proprietary protection for, and assists in the distribution of technology for research purposes, as described in this Section 3.0. The TTO also assists in the commercial development of selected technology by identifying potential markets and negotiating license and related agreements as described in Section 4.0.

3.1 DISCLOSURE

The initial step in establishing contact with the TTO is usually the submission of a Ball State Technology Disclosure Form (See Form 3 in Appendix A). When submitted, the Technology Disclosure Form will initiate action by the TTO to make a determination regarding ownership, and to investigate the patenting (or other methods of protection) and marketing of the technology and may be accompanied by a letter requesting other action by Ball State, such as a waiver of Ball State's ownership rights in the technology (Form 2 in Appendix A).

SPONSORED PROGRAMS: The terms of sponsored research and other agreements normally create obligations with respect to the reporting of inventions, technical data, and copyrightable works such as software. In particular, inventions and copyrightable works developed under sponsored research should be promptly reported to the TTO by submitting a Technology Disclosure Form. The TTO will make a determination as to the steps necessary for discharging and/or satisfying Ball State's obligations to research sponsors.

OTHER PROGRAMS: Inventions or technology developed at Ball State either as work-for-hire or with significant use of Ball State funds, resources or facilities, should also be submitted to the TTO using a Technology Disclosure Form. Independently-owned technology need not be disclosed to the TTO unless the owner of the technology desires the TTO to assist in commercializing the technology. In the latter cases, the technology may be submitted for evaluation to the TTO using the Technology Disclosure Form.

3.1.1 DUTY TO FILE TECHNOLOGY DISCLOSURE FORM

Whenever a faculty member, student, staff member, or a visitor employed by Ball State, participating in Ball State programs or using Ball State funds, resources or facilities creates a work of intellectual property as defined in Section 1.0 of this Policy which is, or may be, owned by Ball State as set forth in Section 2.0 of this Policy, he or she shall file the Technology Disclosure Form set forth in this Section 3.1 with the TTO as soon as practicable, but not more than thirty (30) calendar days after the work is completed.

3.1.2 DETERMINATION OF OWNERSHIP RIGHTS

Upon receipt of (1) the Technology Disclosure Form, (2) the recommendation of the laboratory/unit director or department chair regarding whether it constitutes a work for hire and/or involved a significant use of Ball State-administered resources as addressed in Section 2.1.2, and (3) whatever additional information the TTO deems necessary or appropriate, the TTO shall make a written determination of whether the work of intellectual property is owned by Ball State pursuant to Section 2.0 of this Policy. Such determination shall be made as soon as practicable but no later than sixty (60) calendar days after the submission of the Technology Disclosure Form.

If the faculty member, student, staff member, or a visitor disagrees with the ownership determination made by the TTO, he or she may file a request for review by the Patent and Copyright Committee (the "Patent and Copyright Committee") (See Section 4.9) within ten (10) calendar days of the TTO's written determination. The faculty member, student, staff member, or a visitor shall submit with the request for review his or her written reasons

ARCHIVE

for disputing the TTO's determination, and the TTO shall, within ten (10) calendar days after the request for review is submitted, submit any additional written materials supporting his or her original determination. Within thirty (30) calendar days after receiving the TTO's responsive submission, the Patent and Copyright Committee shall then review the respective submissions, and make its written advisory recommendation to the ***Associate Provost for Research and Dean of the Graduate School*** (as the final arbiter of this Policy under Section 6.1 of this Policy) regarding the ownership of the intellectual property. The ***Associate Provost for Research and Dean of the Graduate School*** shall then render the **final decision** under this Policy regarding ownership of the intellectual property within ten (10) days of his or her receipt of the advisory recommendation of the Patent and Copyright Committee. There shall be no further appeal from the decision of the ***Associate Provost for Research and Dean of the Graduate School***.

3.2 PATENTS: PROTECTION

Although patent protection is sometimes sought for various noncommercial reasons, such as professional status, Ball State will generally not seek protection for inventions which are not commercially attractive, even if the invention is intellectually meritorious, unless otherwise requested by the sponsor of the research supporting the development. Ball State will, at its discretion, normally seek patent protection on inventions in order to pursue commercial licensing and to comply with the terms of sponsored research agreements. The procedures for obtaining patents on inventions are described in Section 4.0.

It is important to understand at the outset that any publication (or even verbal disclosure) which describes an invention prior to filing for a patent may preclude patenting in foreign countries altogether, and may also preclude protection in the United States unless a patent is filed within one year from verbal or written publication. The implications of publication upon patent rights should be discussed with the TTO and a decision on patent filing reached promptly so that publication will not be delayed.

3.3 COPYRIGHTS: ASSERTING AND REGISTERING

Copyright protection covers the "artistic expression" in the particular literary work, musical work, computer program, video or motion picture or sound recording, photograph, digital work, sculpture, article, book or other publication, in which the "expression" is embodied, illustrated, or explained, and it is sought in order to recognize authorship and protect the integrity of the work. It is also essential in order for Ball State to license copyrightable materials to commercial book publishers and others and to comply with the terms of sponsored research agreements.

A copyright is established at the time expression is fixed in a tangible medium. In order to maintain the copyright for the period prescribed under the copyright statute, notice of copyright must be affixed to the copyrightable material. Failure to affix the proper notice will cause the copyright to be lost after a certain period of time has elapsed from the first publication of the work.

The following notice is to be applied on Ball State owned works to protect the copyright:

"Copyright © [Year] BALL STATE UNIVERSITY. All rights reserved."

The date in the notice should be the year in which the work is first published. No notice other than the foregoing is to be used for Ball State owned works.

Further, for added copyright protection, certain works should be registered with the United States Copyright Office using its official forms.

Questions concerning copyright notices and registration should be brought to the TTO.

3.4 TRADE AND SERVICE MARKS: ASSERTING AND REGISTERING

A trade or service mark may be used to protect those names and symbols associated with certain Ball State activities and events and with certain technology developments such as computer programs. Prior to registration for trademark protection, the designation "TM" after a trademark or "SM" after a service mark will give adequate notice of a claim of ownership. The designation "®" for a trademark may only be used after Federal registration.

ARCHIVE

The use of trade and service marks to protect Ball State owned technology or to designate Ball State as the origin of a product, event, activity, service, or the like, may be instituted only at the direction of the TTO. It is vitally important to note that trademark protection carries with it certain obligations on the part of the holder of the mark. Therefore, requests for use and registration of trade or service marks on behalf of Ball State must be referred to the TTO who shall then consult with Ball State's Office of Marketing and Communications regarding use and/or registration of a Ball State mark.

3.5 MASK WORKS: ASSERTING AND REGISTERING

Protection of a mask work commences with the registration of its initial commercial exploitation. If registration for protection has not been made within two years of the initial commercial exploitation, mask work protection may be lost and the work entered into the public domain.

To protect mask work rights, the following notice is to be applied on all Ball State-owned semiconductor chip products which incorporate mask works:

"Mask work "M" or (M) BALL STATE UNIVERSITY"

Questions concerning mask work notices and registration should be brought to the TTO.

3.6 TANGIBLE RESEARCH PROPERTY

Tangible research property (TRP) such as biological materials and computer software are frequently patented or copyrighted as appropriate and thereafter licensed for commercial purposes.

However, these and other forms of TRP, including those under commercial license, generally are simultaneously distributed solely for research purposes either under simple letters of understanding, more formal licenses, materials transfer agreements, or some combination thereof.

The following sections deal only with dissemination of TRP for research and other noncommercial purposes. Commercial licensing of TRP is covered generally in Section 4.0.

3.6.1 DISTRIBUTION FOR SCIENTIFIC RESEARCH

In keeping with the traditions of academic science and its basic objectives, it is the policy of Ball State that results of scientific research are to be promptly and openly made available to others. Since the traditional modes of dissemination through scholarly exchange and publication are not fully effective for most TRP, except as dictated by Sections 3.6.2 and 3.6.3 it is Ball State's policy that those research results which have tangible form should also be promptly and openly made available to other scientists for their non-commercial scientific research, unless such distribution is inappropriate due to factors such as safety, the need to more fully characterize or develop the TRP prior to distribution, or unless such distribution is incompatible with other obligations.

3.6.2 CONTROL OF TRP

Where TRP is developed in the course of research which is subject to the terms of a sponsored research or other agreement, control over its development, storage, distribution, and use is the responsibility of the principal investigator, who will consult with the TTO for direction and guidance. In other cases, significant use of Ball State resources will be presumed, so control over TRP rests jointly with the laboratory/unit director or department chair and with the TTO. The responsibility for control includes determining if and when distribution of the TRP is to be made beyond the academic community at Ball State for scientific use by others in accordance with the terms of this policy.

3.6.3 TRP WITH POTENTIAL COMMERCIAL VALUE

Scientific exchanges should not be inhibited due to potential commercial considerations. However, TRP may have potential commercial value as well as scientific value, and the principal investigator who may wish to make TRP

ARCHIVE

available for scientific use in a manner which does not diminish its value or inhibit its commercial development should seek guidance from the TTO.

The normal mechanism for commercialization of TRP is through licensing agreements as set forth in Section 4.0.

3.6.4 TRP IDENTIFICATION

Each item of TRP should have an unambiguous identification code and name sufficient to distinguish it from other similar items developed at Ball State or elsewhere. The TTO should be consulted for assistance in developing appropriate identification systems.

3.6.5 DISTRIBUTION OF BIOLOGICAL TRP TO RESEARCH COLLEAGUES

Biological materials are in many cases patentable and licensed for commercial purposes under various types of patent licenses. They are also a form of tangible research property which can be distributed for commercial and/or research purposes with or without patent protection.

Biological TRP owned by Ball State may usually be distributed internally to a research colleague for research purposes only with minimal conditions attached. Any such distribution is subject to an agreement by the recipient that commercial development or commercial use or further transfer of the biomaterial is not to be undertaken. In addition, the principal investigator may wish to control subsequent use, for example, by requiring recipients to follow a specific research protocol in the use of the biological materials.

When distributing biological TRP to research colleagues outside Ball State, at a minimum, costs of the materials and handling may be recovered from the recipient, and returned to the account which funded those costs. When costs are charged for TRP distribution, adequate documentation must be maintained for audit purposes. The TTO should be consulted for guidance when distributing biological TRP to research colleagues outside of Ball State.

If there is a possibility of biohazard or other risk associated with the transport, storage, or use of a particular biological TRP, or if the recipient is likely to use the TRP for clinical research, the TTO should be contacted for advice on the appropriate form of disclaimers of liability and indemnities.

If the biological TRP was developed under a sponsored research agreement, the TTO should be contacted to advise on possible contractual obligations with respect to the TRP prior to its distribution for noncommercial purposes. Distribution of biological TRP which is part of a patent or patent application should be coordinated through the TTO.

3.6.6 DISTRIBUTION OF COMPUTER SOFTWARE FOR RESEARCH PURPOSES

The distribution of Ball State owned computer software to colleagues for research purposes must be coordinated with the TTO if the software has potential commercial value, if the principal investigator wishes to control subsequent use, or if it is subject to the terms of a sponsored research agreement.

The TTO will provide wording for the distribution agreement necessary to preserve commercial value and will arrange for trademark and copyright registration as appropriate.

The TTO provides the service of distribution of software for noncommercial research use, charging recipients a nominal amount to cover costs associated with reproduction and distribution. In addition to the handling of administrative details, including mailing, the TTO also makes arrangements for collecting departmental costs associated with providing software for noncommercial use and returning these costs to the department.

3.6.7 OTHER TRP

Distribution of TRP other than biological TRP should follow the procedures outlined in this policy for distribution of computer software in Section 3.6.6.

ARCHIVE

PART 4. COMMERCIAL DEVELOPMENT

4.0 INTRODUCTION

It has long been acknowledged that the primary functions of a university are education, research, and public service. It is in the context of public service that Ball State supports efforts directed toward bringing the fruits of Ball State research to public use and benefit.

In many cases, mere publication of research results will be sufficient to transfer Ball State research to the public. In other cases, it is necessary to encourage industry, through protection of the intellectual property and the granting of certain licensing rights, to invest its resources to develop products and processes for use by the public.

4.1 COMMERCIALIZATION - GENERAL

The TTO will pursue the licensing of technology by researching the market for the technology, identifying third parties to commercialize it, entering into discussions with potential licensees, negotiating appropriate licenses and/or other agreements, monitoring progress, and receipting and distributing royalties to the inventors/authors in accordance with Ball State's royalty policy. When it is deemed appropriate to do so, a supporting organization of Ball State may accept an equity position partially or entirely in lieu of cash royalties.

4.1.1 INVENTOR/AUTHOR ASSISTANCE

With few exceptions, the support and cooperation of the inventor/author is critical to licensing success.

4.1.2 INVENTOR/AUTHOR OWNED TECHNOLOGY

Ball State faculty, staff, students or visitors who wish to pursue the development of their independently-owned technology through the TTO may offer such technology for evaluation by submitting a Technology Disclosure Form. The TTO will evaluate the commercial potential and determine whether or not the technology will be accepted for licensing by the TTO, under the usual royalty sharing policies.

Faculty, staff, and students are equally free to choose some other mechanism for commercializing their independently-owned technology, but prior to such commercialization should confirm through the TTO as set forth in Section 3.0 that the technology is not subject to a sponsored research or other agreement, and/or it is not subject to Ball State ownership. If either of these conditions might apply, the inventor/author should request from the TTO an appropriate license to the intellectual property or a waiver of Ball State's rights as set forth in this Section 4.0. A waiver request is Form 2 in Appendix A.

4.1.3 COMMITMENT OF FUTURE INVENTIONS

It is the policy of Ball State not to commit future inventions to licensees even where improvements to technology are anticipated. Some very narrowly drawn exceptions may occasionally be appropriate to handle subordinate patents and well-defined derivative works for licensed software.

4.1.4 CONSULTING CONTRACTS

The TTO will generally not negotiate consulting contracts for individual inventors/authors as part of a license arrangement.

4.2 PATENTS OWNED BY BALL STATE

4.2.1 EVALUATION

ARCHIVE

Once a Technology Disclosure Form disclosing an invention is submitted, the TTO, with whatever assistance he deems necessary, will begin the process of evaluating the invention for patentability, commercial potential and obligations to sponsors. The first step will typically be a meeting with the inventor. The TTO may also request that one of the inventors participate in a literature search of prior art, using the TTO's search account. Contact with industry by the TTO and/or the inventor may also be made as part of the evaluation process.

4.2.2 SPONSORED PROGRAMS

If the invention arose from a sponsored research project, the TTO will file for a patent if required by the terms of the sponsored research agreement or otherwise if deemed appropriate following the TTO's evaluation of the invention, and will thereafter negotiate an appropriate license consistent with the terms of the contract.

The TTO shall be contacted for information about the specific patent terms of sponsored research agreements.

4.2.3 WAIVER OF BALL STATE RIGHTS

When it has the right to do so, Ball State may, if requested by the inventor, and at Ball State's discretion, "stand aside" in those situations where Ball State believes that it would enhance the transfer of technology to the public, is consistent with Ball State's obligations to third parties, and does not involve a conflict of interest as set forth below. By "standing aside", Ball State agrees not to exercise its common-law, contractual or statutory ownership rights to the technology, clearing the way for the Ball State inventor to seek ownership. Inventors may request that Ball State waive its ownership rights by submitting the letter that is Form 2 in Appendix A.

In the case of **Federal agency sponsorship**, any "stand aside" by Ball State must be made by releasing the invention to the Federal government, following which the inventor may directly petition the applicable Federal agency for a release of rights to himself or herself. Federal research agreements are generally subject to a uniform patent law which provides that universities take title to resulting inventions subject to certain obligations concerning the exploitation in the public interest, Federal approval of any assignment of ownership, preferences for licensing, the retention by the Federal government of certain license rights, and march-in rights. Decisions by the Federal sponsors to permit individual inventors to acquire ownership are generally made on a case-by-case basis with the Federal Government retaining for itself those rights previously discussed.

In the case of **industrial sponsorship**, Ball State usually must seek approval of the sponsor prior to waiving its ownership rights in favor of the inventor.

4.2.4 LICENSING OF BALL STATE RIGHTS TO INVENTORS

Ball State faculty, staff, or student inventors may also request a license to commercially develop their Ball State owned inventions where such licensing would enhance the transfer of the technology, is consistent with Ball State obligations to third parties, and does not involve a conflict of interest. Any evaluation and decision about whether to license Ball State rights to inventors shall be made by the TTO with any assistance deemed necessary.

4.2.5 CONFLICT OF INTEREST OR COMMITMENT

Any of the following factors may signify a conflict of interest which will be taken into account prior to waiving or licensing Ball State's rights to inventors under this Section 4.2 or to authors/creators under Section 4.3:

(1) an adverse impact on Ball State's educational responsibility to its students;

(2) an undue influence on the employment commitment of the inventor/author to Ball State in terms of time or direction of effort;

(3) a detrimental effect on Ball State's obligation to serve the needs of the general public; or

ARCHIVE

(4) potential conflict of interest as defined or addressed by any other Ball State policy regarding Conflicts of Interest or Commitment in the Ball State Faculty and Professional Personnel Handbook.

If the inventor/author holds or will shortly acquire an equity or founder's stock and/or option position in a small, tightly-controlled company to which the invention is licensed by Ball State, a supporting organization of Ball State may accept equity in lieu, or partially in lieu, of royalty only with the prior approval of the President of the University. The inventor/author will be required to sign a Conflict Avoidance Statement (see Form 4 in Appendix A) if a license is granted to the company in which the inventor/author has an equity position. If a Ball State supporting organization does acquire equity in lieu or partial lieu of royalties for intellectual property, it will expect the company to grant the inventor/author holding or acquiring the equity position a total equity and/or option share reflective of the inventor/author's relative contribution both to the intellectual property and to the company operations, and such inventors/authors will not receive a share of the equity paid for the license. Ball State will take this factor into account in its license negotiations with the company. For all other inventors/authors, Ball State will require that the company distribute to those inventors/authors the approximate percentages of equity that would have otherwise been distributed to them under this policy as if the payment had been made in cash.

4.2.6 RESEARCH FUNDING/EQUITY

Ball State, at its sole discretion, generally will not accept research funding from a licensee in which Ball State, through the TTO, or a Ball State inventor has an equity interest (including stocks, options, warrants or other financial instruments convertible into equity) unless:

(i) the research is not likely to result in inventions dominated by the claims of the licensed patent or in software that is a derivative work of the licensed software; and

(ii) if the inventor remains employed by Ball State, the research will not be conducted in the inventor's laboratory/unit group; and

(iii) the inventor's students under the inventor's direction and control will not participate in any project funded by the licensee.

4.3 COPYRIGHTS OWNED BY BALL STATE

4.3.1 COMMERCIALIZATION BY THE TTO

Copyrightable works owned by Ball State are normally licensed through the TTO except where other arrangements are made in accordance with this policy. Copyrightable material not owned by Ball State also may be licensed through the TTO when submitted under a Technology Disclosure Form to the TTO by its author and are accepted for licensing by the TTO.

COMPUTER SOFTWARE: Computer software in which Ball State acquires rights may be either patented or copyrighted and made available by Ball State for commercial purposes through the TTO under various forms of patent or copyright licenses. Authors and their departments will share in royalties earned from licensing as further set forth in this policy. In those instances where the authors desire to distribute commercially licensed software for research purposes or as TRP, such licensing must be coordinated with the TTO.

OTHER WORKS: Other works in which Ball State acquires rights may be either patented or copyrighted and made available by Ball State for commercial purposes through the TTO under various forms of patent or copyright licenses. Authors and their departments will share in royalties earned from licensing as further set forth in this policy. In those instances where the authors desire to distribute commercially licensed video or digital works for research purposes or as TRP, such licensing must be coordinated with the TTO.

ARCHIVE

4.3.2 WAIVER OF RIGHTS TO BALL STATE AUTHORS

When it has the right to do so, Ball State may, if requested by the author(s) and at Ball State's sole discretion, "stand aside" in those situations where Ball State believes that it would enhance the transfer of technology to the public, is consistent with Ball State's obligations to third parties, and does not involve a
as stated in Section 4.2.5. By "standing aside", Ball State agrees not to exercise its contractual rights to the technology, clearing the way for the author(s) to seek ownership. Authors may request that Ball State waive its ownership rights by submitting the letter that is Form 2 in Appendix A.

Federal research agreements presently vary widely with respect to rights in copyrightable technical data and computer software, but in general, universities have the right to copyright and to control distribution of most materials. Several major agencies retain a large degree of control over computer software and will relinquish control only under limited circumstances.

In the case of industrial sponsorship where the sponsor acquires license rights, Ball State usually must seek approval of the sponsor prior to releasing its ownership rights in favor of the author.

4.3.3 OTHER FORMS OF AUTHOR CONTROL

Where consistent with Ball State's obligations to third parties, Ball State faculty, staff or student authors, with agreement of their laboratory/unit director or department chair and all of their co-authors, may request a license from the TTO to commercially develop their Ball State owned works, may request to have the works openly distributed through royalty-free licenses, or may request that the works be placed in the public domain. Any evaluation and decision about whether to license Ball State rights to authors as set forth in the subsequent paragraph, to distribute the work through royalty-free licenses, or to place works in the public domain shall be made by the TTO with any assistance deemed necessary.

LICENSING TO AUTHORS:

Authors may request control of the copyrighted material through a grant of commercial license rights.

Consistent with the public interest, Ball State may grant the request for author control but Ball State will retain title to the work, with the right to use it for internal educational, marketing and/or promotional purposes, the right to the payment of appropriate royalties, and the right to withdraw such licensing rights if the authors have not achieved effective dissemination as agreed. In addition, such arrangements will be subject to Ball State's Conflict of Interest and Commitment policies as stated in Section 4.2.5.

Where such requests relate to major projects that typically involve multiple authors and long development periods, determining the most effective course for dissemination shall require discussion and special negotiation with the TTO.

Ball State, through the TTO, will respond to author requests made under this policy within ninety (90) days. However, in those cases where the work, generally software, is not sufficiently developed to allow proper assessment, Ball State may require additional development prior to responding to an author request.

PUBLIC DOMAIN:

Authors may request that otherwise copyrightable material, including computer software, be placed in the public domain if such action will promote widespread use, for example by providing a means to establish a new standard such as a computer operating system.

In responding to a request for public domaining, Ball State will weigh the advantages of improved access, the complexity of the work and whether or not it is ready for effective public use, whether its quality can be maintained, and the author's reasons for seeking this mode of dissemination.

ARCHIVE

4.4 TRADE AND SERVICE MARKS

Trade and Service Marks owned by Ball State are to be licensed through the TTO. Any exceptions to this procedure must be approved in advance by the TTO who shall consult with Ball State's Office of Marketing and Communications regarding any license of trade or service marks owned by Ball State.

4.5 MASK WORKS

Mask works owned by Ball State are to be licensed through the TTO. Any exceptions to this procedure must be approved in advance by the TTO. Mask works not owned by Ball State also may be licensed through the TTO when offered for licensing by the Ball State-affiliated developer of such mask work and accepted by the TTO

4.6 TANGIBLE RESEARCH PROPERTY

It is Ball State policy that any commercial distribution of Ball State owned TRP be handled only through the TTO. Software should be submitted to the TTO in the same fashion as a patentable invention, for which the first step is preparation and submission of a Technology Disclosure Form (see Form 3 in Appendix A).

If TRP developed by Ball State as a result of research activities is to be distributed to outside users for commercial purposes, the distribution agreement must contain provisions negotiated by the TTO covering the terms under which the property may be used, limits on Ball State's liability for the TRP or products derived therefrom, and other conventional license agreement terms including those relating to any intangible property rights (such as patents) which also may be associated with the use of the tangible property.

4.7 ROYALTY DISTRIBUTION - GENERAL

Royalty income received during the preceding Ball State fiscal year related to Ball State owned intellectual property shall be distributed **once annually** as follows:
STEP:

1. Deduct 10% from Gross Income received by Ball State related to the intellectual property for partial indirect cost recovery; thereafter, deduct direct out-of-pocket Costs and, in some cases, a direct cost reserve to arrive at the annual Adjusted Royalty Income. (**See NOTE A below**)

2. Distribute one-third of the Adjusted Royalty Income to the inventors/authors.

3. Distribute one-third of the Adjusted Royalty Income to Ball State for placement in an account to support the research and development of intellectual property by funding the operations and economic development mission of the Ball State Innovation Corporation, the Ball State Innovation Management Services LLC, and/or the Ball State Technology Transfer Office, or for funding of other Ball State priorities as determined by the President of Ball State or her designee.

4. Distribute one-third of the Adjusted Royalty Income to the Ball State department and/or units of the inventor/author up to an annual royalty amount of $30,000. If one-third of the annual Adjusted Royalty income exceeds $30,000, any excess shall go to Ball State for placement in an account to support the research and development of intellectual property as designated in the preceding paragraph. (**See NOTE B below**)

NOTES:
A. The 10% deduction from Gross Income is to cover a portion of Ball State's indirect costs related to technology development and transfer. Out-of-pocket costs are direct assignable expenses specific to the intellectual property including without limitation, patent filing, prosecution and maintenance fees and related legal expenses and costs including attorneys' fees. When out-of-pocket costs in the next fiscal year are forecast and future income appears unlikely, a direct cost reserve may be deducted at the reasonable discretion of Ball State. Any excess reserve for costs will be promptly distributed after forecast costs are incurred and paid.

B. Distribution of the "Departmental Share" shall be to the department if it is the organization which administered the research contract from which the invention arose or to the Interdepartmental Laboratory if the latter administered the contract.

ARCHIVE

4.7.1 DISTRIBUTION OF ROYALTIES AMONG MULTIPLE INVENTORS/AUTHORS

In the event there is more than one inventor/author for the intellectual property, the inventor/author share shall be divided among them as they agree in writing. In the absence of a written agreement, the inventors/authors shall attempt to reach agreement among themselves as to the fair and equitable allocation of royalties among them based upon their relative contributions to the work.

In the event they fail to reach agreement, any one of the inventors/authors may request that the Patent and Copyright Committee evaluate the relative contributions of the inventors/authors and propose an appropriate royalty allocation. Upon a written request from an inventor/author, the Patent and Copyright Committee shall select a meeting date to consider the relative contributions of the inventors/authors and the appropriate royalty allocation. Each inventor/author involved shall be notified in writing of the meeting date and time and shall be given the opportunity to attend the meeting and to present evidence concerning his or her contribution to the invention. Based upon the evidence presented, the Patent and Copyright Committee shall then recommend a proposed royalty allocation to the TTO for implementation. Within five (5) days of this recommendation by the Patent and Copyright Committee, any of the inventors/authors may appeal the recommendation to the ***Associate Provost for Research and Dean of the Graduate School.*** The ***Associate Provost for Research and Dean of the Graduate School*** shall then review the recommendation of the Patent and Copyright Committee and all supporting evidence. The ***Associate Provost for Research and Dean of the Graduate School*** may also request that the inventors/authors provide any other evidence deemed useful or appropriate. The ***Associate Provost for Research and Dean of the Graduate School*** shall render his or her final decision regarding the recommendation within ten (10) days of the inventors'/authors' request for appeal. As the arbiter of this Policy, the decision of the ***Associate Provost for Research and Dean of the Graduate School*** shall be final.

4.8 ROYALTIES - SPECIAL CASES

In some cases distribution of royalties to individuals or departments will be impractical or inappropriate; for example, where the material was developed as a laboratory project or where the authors/inventors are not easily identifiable. The TTO, in consultation with the principal investigator (or laboratory director/department head if not under a sponsored agreement) will review the circumstances of development when such situations have been identified and will recommend an appropriate royalty allocation to the ***Provost of Ball State*** who shall be the final arbiter of this Section 4.8 of this Policy. Generally in such cases, royalties will be split between the department or laboratory and the Ball State account to support research and development of intellectual property as designated in numbered paragraphs 3 and 4 of Section 4.7.

4.9 COMMITTEE ON PATENTS AND COPYRIGHTS

A standing Presidential Patent and Copyright Committee will oversee the operations of the TTO. The committee will include representatives from those fields of technology generally served by these offices. In addition to its responsibilities as set forth in this Policy, this committee may, from time to time, elect to create a subcommittee of experts in a specific technology whose function is to recommend policy that relates to the exploitation of that technology, or necessary amendments or supplements to this Policy.

4.10 CONFLICT OF INTEREST—OARSP AND TTO OFFICE STAFF

In order to assure no present or potential future conflict of interest, an individual Office of Academic Research and Sponsored Program Office or a Technology Transfer Office staff member should not personally invest in non-public companies that have licensed Ball State intellectual property. If a staff member is a partner in a venture fund, that staff member should not engage in licensing negotiations with any company in which that fund is invested, and those who are voting partners should not recommend Ball State companies to that fund. OARSP and TTO staff members also have a special responsibility to assure that their knowledge of a Ball State license to a public company is not disseminated in any way that could affect the company's stock price, and that the knowledge is not used for investment purposes by themselves, their families, friends or business associates. (For additional guidelines on Conflict of Interest, see Section 4.2.5 and University's Policies governing Conflicts of Interest and Commitment).

ARCHIVE

PART 5. FACULTY, STUDENT, STAFF AND VISITOR OBLIGATIONS AS TO SPONSORED RESEARCH OR FUNDED PROJECTS

5.0 GENERAL POLICY

It is the policy of Ball State that individuals through their employment by, or enrollment as students at, Ball State or by participating in a sponsored research project, or in using Ball State administered funds, resources or facilities, thereby accept the principles of ownership of technology as stated in this policy. In furthering such undertaking, all participants will sign Inventions and Proprietary Information Agreements in accordance with the following policy.

5.1 PERSONNEL INVENTIONS AND PROPRIETARY INFORMATION AGREEMENT

5.1.1 WHO MUST SIGN

Individuals at Ball State who:

(a) receive support from sponsored research or Ball State funded projects; or

(b) otherwise may be in a position to make, conceive or reduce to practice inventions or otherwise develop technology under sponsored research or Ball State funded projects, whether or not salary or other support is received from such projects, or through the use of significant Ball State administered funds, resources or facilities, must sign the Ball State Inventions and Proprietary Information Agreement prior to the disbursement of funds as prepared and updated from time to time by the TTO. Note that this requirement specifically extends not only to Ball State personnel but also to visiting scientists and fellows or others.

5.1.2 ADMINISTRATION

Each Ball State laboratory and department through its laboratory head or chair is responsible for ensuring that Inventions and Proprietary Information Agreements are signed by all faculty, students, staff and visitors, who may be or are involved with sponsored projects or who may have opportunities to use significant Ball State funds, resources or facilities administered by that laboratory or department. The TTO will monitor laboratory and department compliance with this requirement. All Inventions and Proprietary Information Agreements should be signed in triplicate with one copy retained by the signatory, one copy retained in the laboratory/department files and one copy sent to the TTO.

Inventions and Proprietary Information Agreement forms may be obtained from the TTO who will assist with any questions which arise in connection with such Agreements (see Form 5 in Appendix A).

PART 6. ADMINISTRATION

6.1 ASSOCIATE PROVOST FOR RESEARCH AND DEAN OF THE GRADUATE SCHOOL

Except where otherwise set forth herein, the Ball State ***Associate Provost for Research and Dean of the Graduate School*** is the final arbiter of any disputed issues of interpretation relating to this document. In unusual circumstances and as set forth in Sections 4.7 and 4.8 of this Policy, the Ball State ***President and Provost, respectively,*** may also authorize necessary and reasonable exceptions to the normal procedures set forth herein.

6.2 SPONSORED PROGRAMS OFFICE

The Sponsored Programs Office (SPO) is responsible for the negotiation, execution, and administration of all Ball State agreements with external sponsors of research grants and contracts and for ensuring that the rights of the sponsors in technology developed under external grants and contracts are protected. OARSP personnel, with assistance from the TTO, are available to assist all principal investigators and sponsored program administrators in the negotiation and interpretation of intellectual property terms of grants and contracts.

Research priorities will have precedence over technology development priorities. Thus, no grant or contract terms are to

ARCHIVE

be accepted which inhibit the utilization by the public of the results of research at Ball State. In unclear situations or where there appears to be a conflict between the priorities, the ***Associate Provost for Research and Dean of the Graduate School*** will be the final arbiter.

6.3 TECHNOLOGY TRANSFER OFFICE

The Ball State Technology Transfer Office has two principal goals. The first is to facilitate the transfer to public use and benefit of technology developed at Ball State. The second, where consistent with the first, is to provide an additional source of unrestricted income to support research and education at Ball State. The TTO will work with the Ball State developers of technology and with industry in a manner which does not interfere with the normal flow of technical and academic information through publications, conferences and consulting.

PART 7. MISCELLANEOUS

7.1 APPLICABILITY

This Policy, as amended from time to time, shall be deemed to be part of the terms and conditions of employment of every employee of Ball State, a part of the terms and conditions of every visitor appointment, and a part of the terms and conditions of the enrollment and attendance of every student of Ball State.

7.2 AMENDMENT

This Policy may be amended subject to the approval of the President of Ball State University and the Ball State University Board of Trustees.

PRIVILEGES AND RESPONSIBILITIES OF TECHNOLOGY USERS[91]

Members of the University community must conduct themselves in accordance with high ethical standards related to use of technology. This policy applies to all forms of current and future technology capable of originating, storing, receiving or sending alphanumeric data and photographic or other images. Faculty may limit the use of technology in their classrooms and laboratories. In addition to maintaining a high level of ethical behavior, each member of the University community agrees to abide by particular policies published elsewhere in this document, including the "Code of Student Rights and Responsibilities" and the "Information Technology Users' Privileges and Responsibilities" document published on the University web site (www.bsu.edu/web/ucs/policy). These policies are periodically reviewed and updated by the Campus Council, Faculty Council, University Council and the University Senate.

GRADUATE ASSISTANTS IN TEACHING ROLES[92]

1. Graduate assistantships are awarded by Ball State University to persons considered outstanding in the various disciplines. Assistantships should be structured to be educationally beneficial to the student as well as professionally helpful to the institution.

2. While the nature of duties assigned to graduate assistants may vary greatly, depending upon special talents, experience and professional goals of the students, these duties should not ordinarily include the full teaching responsibility for a University class.

3. In special instances where departments deem it necessary or desirable to have graduate assistants assume teaching roles, it will be the department's responsibility to supervise such teaching to insure consistency of purpose and quality of instruction.

GUIDELINES FOR GRADUATE ASSISTANTSHIPS

1. Assistantships shall be academically and professionally valuable experiences, and each graduate assistant shall be supervised by a faculty or staff member.

2. Departments and other units granting assistantships shall develop policy related to work load, role and responsibilities, and professional conduct for graduate assistantships consistent with

ARCHIVE

principle #1. These policies shall be reviewed by the college dean or other appropriate administrator and the graduate dean and be included in public documents describing graduate programs.

ARCHIVE

NOTES

1 By action of the University Senate, April 23, 1987.

2 By action of the University Senate, April 20, 1995;
Board of Trustees, July 21, 1995.

3 Revised--By action of the University Senate, April 24, 1997;
Revised--By action of the University Senate, March 23, 2000.

4 By action of the University Senate, March 23, 2000;
Revised - - By action of the University Senate, March 28, 2002;
Faculty and Professional Personnel, November 25, 2002.

5 By action of the University Senate, April 25, 1996;
Board of Trustees, July 19, 1996;
Revised--By action of the University Senate, April 23, 1998.

6 By action of the University Senate, June 12, 1973;
Board of Trustees, June 28, 1973.

7 By action of the University Senate, March 22, 1990;
Board of Trustees, May 4, 1990.

8 Editorial Changes--University Senate, May 14, 1987.

9 By action of the University Senate, February 15, 1973.

10 By action of the University Senate, April 4, 1968;
Board of Trustees, June 6, 1968.

11 By action of the University Senate, May 4, 1972;
Modified by Board of Trustees, May 17, 1972.

12 By action of the President, May 2, 1989;
By action of the University Senate, October 19, 1989;
Board of Trustees, December 1, 1989.

13 Revised--By action of the University Senate, April 25, 1996.

14 Revised--By action of the University Senate, February 22, 1996;
Revised-By action of the University Senate, April 22, 2010;
Board of Trustees, July 23, 2010.

15 By action of the University Senate, February 18, 1993;
Board of Trustees, March 26, 1993;
Editorial Change--University Senate, October 19, 1995.

16 Adopted by the State Teachers College Board, June 4, 1944;
Editorial Changes--Professional Affairs Council, February 2, 1997.

17 Taken from the 1940 "Statement of Principles," AAUP Bulletin,
Volume 51, Number 4, September, 1965, pp. 388-389.

18 Revised--By action of the University Senate, April 2, 1998;
Board of Trustees, April 17, 1998;
Board of Trustees, July 24, 1998.

19 Updated--Equal Opportunity and Affirmative Action, July 19, 1999;
Revised--By action of the University Senate Agenda Committee, July 7, 2000.

20 Board of Trustees, January 9, 1981;
Revised December 16, 1983;
Revised--By action of the University Senate, October 7, 1999;
Board of Trustees, December 17, 1999.

21 By action of the University Senate, March 28, 1996;

ARCHIVE

Board of Trustees, April 26, 1996;
By action of the University Senate, November 12, 1998;
Board of Trustees, December 18, 1998;
Revised -- By action of the University Senate, October 27, 2011.

22 By action of the University Senate, November 2, 1967;
Editorial Changes-University Senate, February 15, 1990.

23 By action of the University Senate, April 29, 2004.

24 By action of the University Senate, February 21, 1991;
Revised--By action of the University Senate, March 21, 1991;
Board of Trustees, April 5, 1991;
Revised--By action of the University Senate, February 18, 1993;
Board of Trustees, March 26, 1993;
Editorial Changes-University Senate, April 29, 2004
University Senate, February 21, 2008;
Board of Trustees, March 21, 2008;
Revised – By action of University Senate, January 21, 2010;
Faculty and Professional Personnel, April 2, 2010;
Board of Trustees, July 23, 2010.

25 Revised--By action of the University Senate, May 1, 1997;
Revised-- By action of the University Senate, April 29, 2004;
Revised – By action of the University Senate, October 27, 2011.

26 Revised-By action of the University Senate, November 3, 2005.

27 Revised--By action of the University Senate, March 27, 1997;
Editorial Change--July 1, 2001;
Revised-By action of the University Senate, April 29, 2004.

28 Revised--By action of the University Senate, October 10, 1996;
Board of Trustees, November 15, 1996.
Revised-By action of the University Senate, April 29, 2004;
University Senate, February 21, 2008;
Revised-By action of the University Senate, January 21, 2010;
Faculty and Professional Personnel, April 2, 2010;
Board of Trustees, July 23, 2010.

29 Revised, by action of the University Senate, September 29, 2011.

30 Revised-By action of the University Senate, April 29, 2004;
University Senate, February 21, 2008.

31 Revised – By action of the University Senate, April 29, 2004;
University Senate, February 21, 2008

32 Revised – By action of the University Senate, April 29, 2004;
University Senate, February 21, 2008.

33 Revised, by action of the University Senate, September 29, 2011.

34 Approved by the University Promotion and Tenure Committee, November 25, 1991;
Approved by the University Promotion and Tenure Committee, January 19, 1995;
Approved by the University Promotion and Tenure Committee, December 13, 1995;
Approved by the University Promotion and Tenure Committee, October 6, 1997;
Approved by the University Promotion and Tenure Committee, January 12, 2001;
Approved by the University Promotion and Tenure Committee, January 23, 2004;
Approved by the University Promotion and Tenure Committee, December 4, 2007;
Approved by the University Promotion and Tenure Committee, December 18, 2009;
Approved by the University Promotion and Tenure Committee, December 1, 2010;
Approved by the University Promotion and Tenure Committee, February 7, 2012.

35 Approved by the University Promotion and Tenure Committee, June 1, 1992;
Approved by the University Promotion and Tenure Committee, March 2, 1995;

ARCHIVE

Approved by the University Promotion and Tenure Committee, March 26, 2001;
Approved by the University Promotion and Tenure Committee, May 26, 2004;
Approved by the University Promotion and Tenure Committee, May 2, 2005;
Approved by the University Promotion and Tenure Committee, February 12, 2008;
Approved by the University Promotion and Tenure Committee, March 26, 2010;
Approved by the University Promotion and Tenure Committee, April 6, 2011;
Approved by the University Promotion and Tenure Committee, April 13, 2012.

36 Approved by the University Promotion and Tenure Committee, November 25, 1991;
Approved by the University Promotion and Tenure Committee, January 19, 1995;
Approved by the University Promotion and Tenure Committee, May 26, 2004;
Approved by the University Promotion and Tenure Committee, January 17, 2008;
Approved by the University Promotion and Tenure Committee, April 30, 2010;
Approved by the University Promotion and Tenure Committee, April 20, 2011;
Approved by the University Promotion and Tenure Committee, February 15, 2012.

37 Approved by the University Promotion and Tenure Committee, June 25, 1996;
Approved by the University Promotion and Tenure Committee, January 20, 1998;
Approved by the University Promotion and Tenure Committee, January 25, 2000;
Approved by the University Promotion and Tenure Committee, January 23, 2004;
Approved by the University Promotion and Tenure Committee, December 15, 2004;
Approved by the University Promotion and Tenure Committee, March 20, 2008;
Approved by the University Promotion and Tenure Committee, January 22, 2010;
Approved by the University Promotion and Tenure Committee, January 26, 2011;
Approved by the University Promotion and Tenure Committee, April 13, 2012.

38 Approved by the University Promotion and Tenure Committee, November 25, 1991;
Approved by the University Promotion and Tenure Committee, January 30, 1995;
Approved by the University Promotion and Tenure Committee, January 20, 1998;
Approved by the University Promotion and Tenure Committee, March 26, 2001;
Approved by the University Promotion and Tenure Committee, January 31, 2002;
Approved by the University Promotion and Tenure Committee, January 23, 2004;
Approved by the University Promotion and Tenure Committee, December 6, 2007;
Approved by the College of Fine Arts Promotion and Tenure Committee, January , 2010;
Approved by the University Promotion and Tenure Committee, April 6, 2011;
Approved by the College of Fine Arts Promotion and Tenure Committee, January 13, 2012.

39 Approved by the University Promotion and Tenure Committee, November 25, 1991;
Approved by the University Promotion and Tenure Committee, March 2, 1995;
Approved by the University Promotion and Tenure Committee, March 27, 2004;
Approved by the University Promotion and Tenure Committee, February 24, 2005;
Approved by the University Promotion and Tenure Committee, September 28, 2007;
Editorial Changes Approved April 25, 2008;
Approved by the College of Sciences and Humanities Promotion and Tenure Committee, April 9,2010;
Approved by the University Promotion and Tenure Committee, May 2, 2011;
Approved by the University Promotion and Tenure Committee, January 27, 2012.

40 Approved by the University Promotion and Tenure Committee, November 25, 1991;
Approved by the University Promotion and Tenure Committee, November 17, 1995;
Approved by the University Promotion and Tenure Committee, January 25, 1996;
Approved by the University Promotion and Tenure Committee, February 19, 1997;
Approved by the University Promotion and Tenure Committee, January 12, 2001;
Approved by the University Promotion and Tenure Committee, May 1, 2003;
Approved by the University Promotion and Tenure Committee, May 26, 2004;
Approved by the University Promotion and Tenure Committee, November 5, 2007.
Approved by the University Promotion and Tenure Committee, February 26, 2010;
Approved by the University Promotion and Tenure Committee, February 9, 2011;
Approved by the University Promotion and Tenure Committee, July, 2012.

41 Approved by the University Promotion and Tenure Committee, August 14, 1991;
Updated--By action of the University Senate, March 27, 1997;
Removed by University Senate, September 4, 2008.

42 Board of Trustees, December 16, 1983;
Editorial Changes--University Senate, May 14, 1987.

ARCHIVE

43 By action of the University Senate, April 24, 1986;
Board of Trustees, May 23, 1986.

44 By action of the University Senate, January 27, 2000.

45 By action of the University Senate, January 27, 2000.

46 By action of the University Senate, January 24, 2002.

47 By action of the University Senate, April 4, 1985;
Board of Trustees, May 3, 1985;
Editorial Changes--University Senate, May 14, 1987;
Updated--Board of Trustees, February 10, 1989.

48 By action of the University Senate, April 21, 2011;
Board of Trustees, June 16, 2011.

49 By action of the University Senate, January 24, 2002;
Board of Trustees, May 3, 2002.

50 By action of the Board of Trustees, February 20, 1987;
Revised--By action of the Board of Trustees, January 28, 1994.

51 By action of the University Senate, April 21, 1983;
Board of Trustees, May 20, 1983;
Revised--Board of Trustees, April 4, 1986.

52 By action of the University Senate, November 12, 1998;
Board of Trustees, December 18, 1998.

53 By action of the University Senate, November 1, 1984;
Board of Trustees, March 29, 1985.

54 By action of the University Senate, May 2, 1985;
Board of Trustees, April 4, 1986.

55 By action of the University Senate, February 15, 1990;
Board of Trustees, May 4, 1990.

56 By action of the University Senate, April 25, 1996.

57 By action of the University Senate, April 18, 1996.

58 By action of the University Senate, November 12, 1992;
Board of Trustees, December 4, 1992;
By action of the University Senate, April 20, 1995;
Board of Trustees, July 21, 1995;
Revised--By action of the University Senate, April 18, 1996;
Board of Trustees, July 19, 1996.

59 By action of the University Senate, April 22, 1993;
Board of Trustees, May 3, 1993;
Revised--By action of the University Senate, April 20, 1995;
Board of Trustees, July 21, 1995;
Revised--By action of the University Senate, January 25, 2001;
Board of Trustees (Information), July 20, 2001.

60 By action of the University Senate, April 18, 1996;
Board of Trustees, July 19, 1996;
University Senate, February 21, 2008.

61 By action of the University Senate, April 18, 1996;
Board of Trustees, July 19, 1996.

62 By action of the University Senate, May 4, 1972;

ARCHIVE

Board of Trustees, May 12, 1972.

63 By action of the University Senate, April 9, 1987.
64 Editorial Changes--By action of the University Senate, December 15, 1988;
Board of Trustees, February 10, 1989;
Revised--By action of the University Senate, April 20, 1989;
Board of Trustees, May 5, 1989;
Editorial Changes--By action of the University Senate, February 21, 1991;
Board of Trustees, April 5, 1991.

65 By action of the University Senate, January 29, 1987.

66 By action of the University Senate, April 16, 1992;
Board of Trustees, July 17, 1992;
By action of the University Senate, October 21, 1993;
Board of Trustees, January 28, 1994.
Revised - - By action of the University Senate, April 24, 2003.

67 By action of the University Senate, October 13, 1994.

68 By action of the University Senate, September 17, 1987.

69 By action of the University Senate, October 15, 1987;
Board of Trustees, December 4, 1987.

70 Revised--By action of the University Senate, April 20, 1989;
Board of Trustees, May 5, 1989.

71 By action of the University Senate, April 14, 1988;
Board of Trustees, May 20, 1988.

72 By action of the University Senate, December 6, 2001.

73 By action of the University Senate Agenda Committee, July 7, 2000;
Board of Trustees, July 21, 2000;
Editorial Change--University Human Resource Services, July 1, 2002.

74 By action of the University Senate, April 14, 1988;
Board of Trustees, May 20, 1988;
Updated--University Human Resource Services, July 1, 2002;
Board of Trustees, July 18, 2003;
University Senate, April 1, 2005.

75 By action of the University Senate, April 23, 1987.

76 By action of the University Senate, March 28, 1974;
Board of Trustees, May 3, 1974;
By action of the University Senate, February 17, 2011.

77 By action of the University Senate, October 17, 2002;
University Senate, March 27, 2008;
University Senate, April 23, 2009.

78 By action of the University Senate, February 16, 1984.
By action of the University Senate, January 19, 1995.

79 By action of the Board of Trustees, March 18, 1977.

80 By action of the University Senate, April 23, 1987;
Revised--By action of the University Senate, February 22, 1996.

81 By action of the University Senate, April 23, 1987.

82 By action of the University Senate, January 8, 1970;
Revised--By action of the University Senate, October 7, 1991.

83 By action of the University Senate, October 15, 1987;

ARCHIVE

Board of Trustees, December 4, 1987;
University Senate, November 6, 2008.

84 By action of the University Senate, October 18, 1984.

85 By action of the University Senate, April 25, 1996;
Board of Trustees, September 20, 1996.

86 Editorial Change--University Senate, April 2, 1998.

87 By action of the Board of Trustees, August 16, 1984;
Revised July 11, 1986-Approved by Agenda Committee, July 25, 1986;
Updated-By action of the University Senate, September 20, 1990;
Board of Trustees, December 14, 1990;
Editorial Changes-Academic Research and Sponsored Programs, July 1, 2001.

88 By action of the University Senate, October 14, 1976;
Board of Trustees, November 4, 1976;
Revised March 21, 1986--Approved by Board of Trustees, May 23, 1986;
Updated--By action of the University Senate, April 23, 1987;
Revised--By action of the University Senate, October 19, 1989;
Board of Trustees, January 26, 1990;
Editorial Changes--Academic Research and Sponsored Programs, July 1, 2001.

89 By action of the University Senate, April 19, 1990;
Board of Trustees, May 4, 1990;
By action of the University Senate, October 21, 1993;
Board of Trustees, January 28, 1994;
Editorial Changes--Academic Research and Sponsored Programs, July 1, 2001.

90 By Action of the Board of Trustees, July 23, 2010.

91 By action of the University Senate, March 19, 1970.

92 By action of the University Senate, April 29, 1998.

ARCHIVE

SECTION III

PROFESSIONAL AND RELATED OPPORTUNITIES

I Faculty and Professional Personnel Development Opportunities

Faculty and Professional Personnel Development is the general responsibility of the Associate Provost who monitors a variety of programs and activities contributing to the professional growth of the faculty. Among these are retraining and refocusing of faculty and professional personnel; special leaves with pay where replacement of the faculty or professional personnel member is unnecessary; attendance at short courses and workshops; and supplemental support of professional travel. A complete description of these programs can be found in the pamphlet Professional Development Opportunities for Faculty at Ball State University available from the Associate Provost's Office.

II Faculty Publications

1. The Publications and Intellectual Properties Committee will consider and recommend to the Provost and Vice President for Academic Affairs for University publication original unpublished faculty manuscripts.

2. The Sponsored Programs Office will consider requests for support of journal page costs and the subvention of monograph publication.

III Reprints of Faculty Publications

1. Faculty who have published scholarly articles may request that the University purchase a limited number of offprints in those cases where the journal does not provide them free of charge. Requests for purchase should be submitted to the Sponsored Programs Office.

2. When offprints are purchased, one copy will be retained by the Sponsored Programs Office, one copy will be placed in the Library, and the remainder will become the property of the author.

IV Faculty Research Grants

Full-time faculty may apply to the Research Committee for financial support of their research activities.

V Creative Teaching Grants

Full-time faculty may apply to the Creative Teaching Committee for support of creativity and experimentation in instructional activity.

VI Creative Arts Grants

Full-time faculty may apply to the Creative Arts Committee for financial support of their creative activity.

VII Educational Assistance Program[1]

The following conditions apply to all regular full-time employees, temporary faculty employed for a full academic year, temporary full-time professional personnel employed for a full fiscal year, temporary full-time staff personnel and service personnel employed for a full fiscal year, retirees who have been granted retirement status or emeritus status, and those who are in a probationary period wishing to take undergraduate classes or a non-probationary employee wishing to take graduate classes or an eligible employee on a Leave of Study who meets the normal admissions requirements of the university. The eligible employee is entitled to a remission of 100% of basic tuition for students with at least one main campus course, and 50% of basic tuition for students with no main campus courses (student services and special fees excluded).

1. An employee needing an Undergraduate application or a Graduate Application for admission to the university must obtain the application form from University Human Resource Services. By obtaining the form from UHRS, the usual application fee will be waived.
2. An eligible employee may enroll for up to six credit hours per fall semester, up to six credit hours per spring semester, and up to six credit hours during any combination of summer terms. All Ball State classes are included in the credit hour limitations.
3. Under an approved unpaid Leave for Study, an eligible employee using the Educational Assistance Program may enroll at Ball State University for up to 18 credit hours per fall semester, up to 18 hours per spring semester, and up to 18 hours during any combination of summer terms for a maximum enrollment of 54 credit hours in a 12-month period.
4. At the time of registration each semester or summer term, the employee must submit to the appropriate administrative head a Class Registration form listing the course(s) to be taken and an Educational Assistance Program Class Attendance Request form indicating how the work scheduled is to be adjusted to cover the employee's absence, if any, from his/her work assignment. After approval by the supervisor, administrative head, and vice president of the area, this Request is forwarded to University Human Resource Services for final review and clearance. The form must be processed in the Office of the Bursar no later than the last day of

ARCHIVE

the academic semester or summer term in which the class was taken in order to qualify for tuition waiver.

5. The course(s): (a) must be taken outside of scheduled working hours, or (b) an equivalent adjustment must be made in the employee's work schedule, or (c) the time away from work must be deducted from the employee's posted vacation/paid time off (PTO) balance, or(d) an equivalent adjustment must be made in the employee's pay. The supervisor will specify if option a, b, c, or d is applicable. An employee will not be permitted to register for more than one class for a maximum of four credit hours per semester or summer term during his or her regular work schedule.
6. The employee will be required to repay waived tuition as calculated by the Office of the Bursar if:
   A. The employee does not complete the course(s) in which he or she is registered (unless dropped during Drop/Add or cancelled prior to the start of the term).
   B. The employee does not achieve a grade of "C-" or above for undergraduate courses, "B-" or above for graduate or doctorate level courses, or "Pass" for all courses utilizing the "Pass/Fail" option. Any form of "W: for a grade is unacceptable. The signed Educational Assistance Program Class Attendance Request will authorize the university to have access to the employee's course grade(s).
   C. The employee receives a mark of "Incomplete" ("I"), and it is not converted to a passing grade within one calendar year following the end of the term in which the course was taken or the date employment terminates, whichever is earlier.
   D. The employee withdraws from the university after the date specified for a 100% tuition refund according to the university's refund schedule.
   E. The employee voluntarily terminates from active employment prior to the completion of the term for which the employee was enrolled.
7. An employee with any of the following may not use the Fee Remission Program: A past-due balance, a "Hold" on his/her university record, a delinquent account, a "Voluntary Payroll Deduction Loan."
8. The employee may not have the tuition waiver applied to the same course more than once (i.e., retakes, repeats). While some courses at the university are available for multiple total credits, university tuition waiver is not applicable for enrollment taken beyond course catalog recommended total credits.
9. Military personnel who are assigned for regular duty as members of the ROTC staff are eligible for tuition benefits during the duration of their Ball State University assignment.
10. An eligible employee on an approved leave of absence may qualify for the Educational Assistance Program. Contact University Human resource Services to determine eligibility. The Educational Assistance Program does not apply during Personal Leave, Mutual Leave, Emergency Leave, Extended Sick leave, or Extended Personal Sick Leave of Absence.
11. When an employee (with the exception of an apprentice trainee in the Skills Training Program) is requested by the appropriate administrative head to enroll in a course(s) which is/are directly related to the employee's assigned university responsibilities, the time away from work to attend class(es) shall be considered part of the employee's regular work schedule. Class attendance shall not take priority over work to be performed except as outlined in the preceding sentence.
12. An employee is eligible for tuition waiver for a given semester or combination of summer terms under only one of the following programs: the "Fee Remission Program," the "Educational Assistance Program," or the "Sixty Years or Older Policy."
13. Late fees or any other fees incurred by the employee are the responsibility of the employee.

VIII Enrolling in Graduate Work[2]

1. Full-time faculty and professional personnel who do not hold appropriate terminal degrees are encouraged to pursue such degrees. The primary responsibility of such individuals, however, is to their duties in the University. Study on advanced degree programs at Ball State University by full-time faculty and professional personnel shall be approved by the appropriate department chairperson or administrative head, Academic Dean(s) and the Provost and Vice President for Academic Affairs. Full-time faculty and professional personnel may apply for study leave to meet residence requirements.

2. Faculty members and professional personnel may take graduate courses at Ball State University. If the courses taken at Ball State University, or elsewhere, are to be considered for professional advancement at the University, these courses should be appropriate to one of the following:

ARCHIVE

2.1 The member's discipline with the approval of the appropriate administrative head;
2.2 The member's position in the University with approval of the appropriate administrative head;
2.3 A related discipline to the member's position in the University or his or her discipline with the approval of the appropriate administrative head;
2.4 The pursuit of a degree different from the one already earned.

3. Faculty and professional personnel may take a 1, 2, 3, 4, or 5 semester-hour course each semester during the academic year. Members desiring to take a combination of courses totaling more than 5 semester-hours credit will need the approval of the appropriate department chairperson or administrative head, Academic Dean(s) and the Provost and Vice President for Academic Affairs. Documentation of graduate courses taken shall be processed and placed in the faculty member's file folder in the appropriate offices. Unless eligible for the University Educational Assistance Program, faculty members and professional personnel pay the same fees that students are required to pay, except that the nonresident fee does not apply; they may enroll for auditing at no cost.

IX Fee Remission[3]

1. Below are programs at Ball State University which provide for a partial remission of fees:
   1.1 Fee remission for persons age 60 or older.
   1.2 Fee remission for graduate assistants and doctoral fellows.
   1.3 Fee remission for regular full-time faculty/professional personnel, continuing contract professional personnel, and contract full-time faculty/professional personnel.
   1.4 Fee remission for spouses and dependent children of regular full-time faculty/professional personnel and continuing contract professional personnel with at least one year of continuous service and contract full-time faculty/professional personnel with at least two years of continuous service. (For further information contact the office of the Controller.)

2. For purposes of these programs, the terms fee remission, fee reduction, and fee waiver are used interchangeably. Furthermore, it is intended that there will be no duplication of benefits, i.e., an individual will receive a fee remission under only one of the programs even though that person may be eligible under two or more programs. If an individual is eligible for benefits under two or more programs, the fee remission will be calculated under each program, but only the benefit under the program offering the individual the largest reduction of fees will be applicable.

   For further information, please see “Educational Assistance Program” in this handbook.

ARCHIVE

NOTES

1 By action of the Board of Trustees, December 18, 1981;
Updated March 30, 1984;
Updated May 20, 1988;
Updated May 4, 1990;
Updated May 7, 1999;
University Senate, December 1, 2005;
University Senate, May 14, 2007;
By action of the Board of Trustees, December 18, 2009;
Updated July 22, 2011.

2 By action of the University Senate, March 27, 1975;
Board of Trustees, April 17, 1975.

3 By action of the Board of Trustees, July 31, 1975, and September 10, 1975;
By action of the Board of Trustees, June 24, 1983;
By action of the Board of Trustees, May 4, 1990;
Updated, May 7, 1999.

ARCHIVE

SECTION IV

ACADEMIC POLICIES AND PROCEDURES

POSTING OF COURSES AND CURRICULA[1]

1. Each college within the University will establish a College Curriculum Committee, efficient in size and representative of included areas. The dean of each college will serve as executive secretary of the committee of that college.

2. New Courses and Course Changes
   - 2.1 Responsibility for introducing and approving a new course or a revision of an existing course shall rest with the academic unit and the college involved. The proposal shall not become a matter of University-wide concern unless the new or revised course duplicates or encroaches upon a course offered in another college, unless introduction of the course leads to establishment of a new curriculum or unless the new or changed course affects programs administered by other units or colleges.
   - 2.2 A proposal for a new course or a change in an existing course shall be referred by the initiating unit to the relevant College Curriculum Committee for preliminary approval. Following such preliminary approval, the office of the dean will distribute the proposal for a ten school day posting period in the administrative units of the college. Such posting is to acquaint all faculty within that college with the proposed new course or change in an existing course. If no demurrer is received within ten school days by the dean of the college in which the proposal or change is initiated, the dean will certify the course or change as approved and forward copies to the Provost and Vice President for Academic Affairs.
   - 2.3 Internal structure for resolution of demurrers within a college will be developed by the college and implemented by the office of the dean. After submittal to the Provost and Vice President for Academic Affairs, demurrer action from administrative units or members of the initiating college will not be honored.
   - 2.4 Every two weeks the Office of Academic Systems will compile a combined list of proposals for new and changed courses submitted by colleges and distribute it to all University academic deans, department chairpersons, and secretaries of educational policies councils. If no demurrers are received in that office within ten school days, the Provost and Vice President for Academic Affairs or his or her designate will certify the courses or changes for implementation by appropriate administrative offices.
   - 2.5 During the time of institutional posting the chairperson of any department or other administrative unit in the University outside the initiating college who feels that a proposal for a new or changed course may involve substantive overlap or encroachment on the department's or unit's area of responsibility, or that it affects disadvantageously programs offered by the unit, may demur. Such demurrer shall be submitted in writing to the dean of the college initiating the proposal and shall request a conference with the initiating administrative chairperson. This demurrer is to be sent within ten school days from distribution of the published combined list; otherwise, the right to raise objection will be regarded as forfeited. The conditions on which the action was based will be stated in the demurrer. A copy will be sent to the Provost and Vice President for Academic Affairs.
   - 2.6 Upon receiving a demurrer, the college dean will record the date of its receipt and notify the head of the unit initiating the proposal, whose responsibility it will be to respond to the request for a conference. If the issue is resolved to the satisfaction of the demurring administrative head, a note withdrawing the demurrer will be submitted to the affected college dean with a copy to the Provost and Vice President for Academic Affairs.
   - 2.7 If the issue is not resolved to the mutual satisfaction of both parties, (a) the initiating administrative head may withdraw the proposal or (b) either party involved in the demurrer may request a hearing to resolve the issue. In the latter event, the Provost and Vice President for Academic Affairs will, within ten school days, assemble the deans of the two involved colleges and one representative from each of the Curriculum Committees of the two colleges involved, with both contesting administrative heads invited to review the issues. If resolution cannot be achieved by this means, the Provost and Vice President for Academic Affairs will advise the appropriate educational policies council to place the matter on its agenda. The decision of this body will be binding on all parties, under conditions cited in 4 and 5 below.

3. New and Revised Programs and Curricula
   - 3.1 Proposals for new and revised programs and curricula must be approved by the dean of the college from which they originate and the appropriate educational policies council or

ARCHIVE

councils of the University Senate. Upon approval by the council or councils, the proposal shall be sent to the Provost and Vice President for Academic Affairs. His or her designate shall distribute copies on a bi-weekly posting schedule to (1) all members of the Agenda Committee of the Senate, (2) all academic unit heads and academic deans of the University, and (3) chairpersons and secretaries of the University Senate educational policies council or councils. An individual or unit wishing to present a demurrer to the Provost and Vice President for Academic Affairs should initiate such action through the office of the college dean within ten school days of the date on which the proposal was posted. If none is filed within this ten-day period, the Provost and Vice President for Academic Affairs may 1) disapprove the proposal or 2) approve the proposal and notify the University Senate Agenda Committee.[2]

3.2 A demurrer shall state explicitly the reasons for such action. The procedure for resolution is for the Provost and Vice President for Academic Affairs to arrange a conference of the interested parties for the purpose of clarifying or resolving the issues. If resolution cannot be achieved at this conference, the Provost and Vice President for Academic Affairs shall refer the matter to the appropriate educational policies council for resolution. If an action of this council is unacceptable to either of the contending parties, the dissatisfied party may take the issue to the Agenda Committee of the Senate, which shall place the item on the agenda for the following meeting for consideration by the Senate.

3.3 The above process will not rule out informal attempts by contending parties to reach agreement at any point in the process. If such negotiations are successful, the Provost and Vice President for Academic Affairs shall be so notified.

4. Should procedures for resolution of demurrers affecting items 2 or 3 above extend beyond two months from the date demurring action was filed, either or both of the contending parties may request that the matter be placed immediately on the agenda of the appropriate educational policies council (as determined by consultation with the Provost and Vice President for Academic Affairs). This council shall act upon the matter within a month from receipt of such a request.*

5. All council proceedings are subject to review by the Agenda Committee of the Senate. Individuals may request the Agenda Committee to place any matter on the agenda of the University Senate. Any demurrer placed on the agenda of the University Senate will receive action by that body within one month from the date it appears on the agenda the first time.

PROCESS FOR ANNUAL COURSE REVIEW[3]

Departments will annually review course offerings and recommend revisions of course listings by adding or deleting courses or modifying course descriptions and prerequisites. Particular attention should be paid to courses which have not been taught during a current catalog cycle.

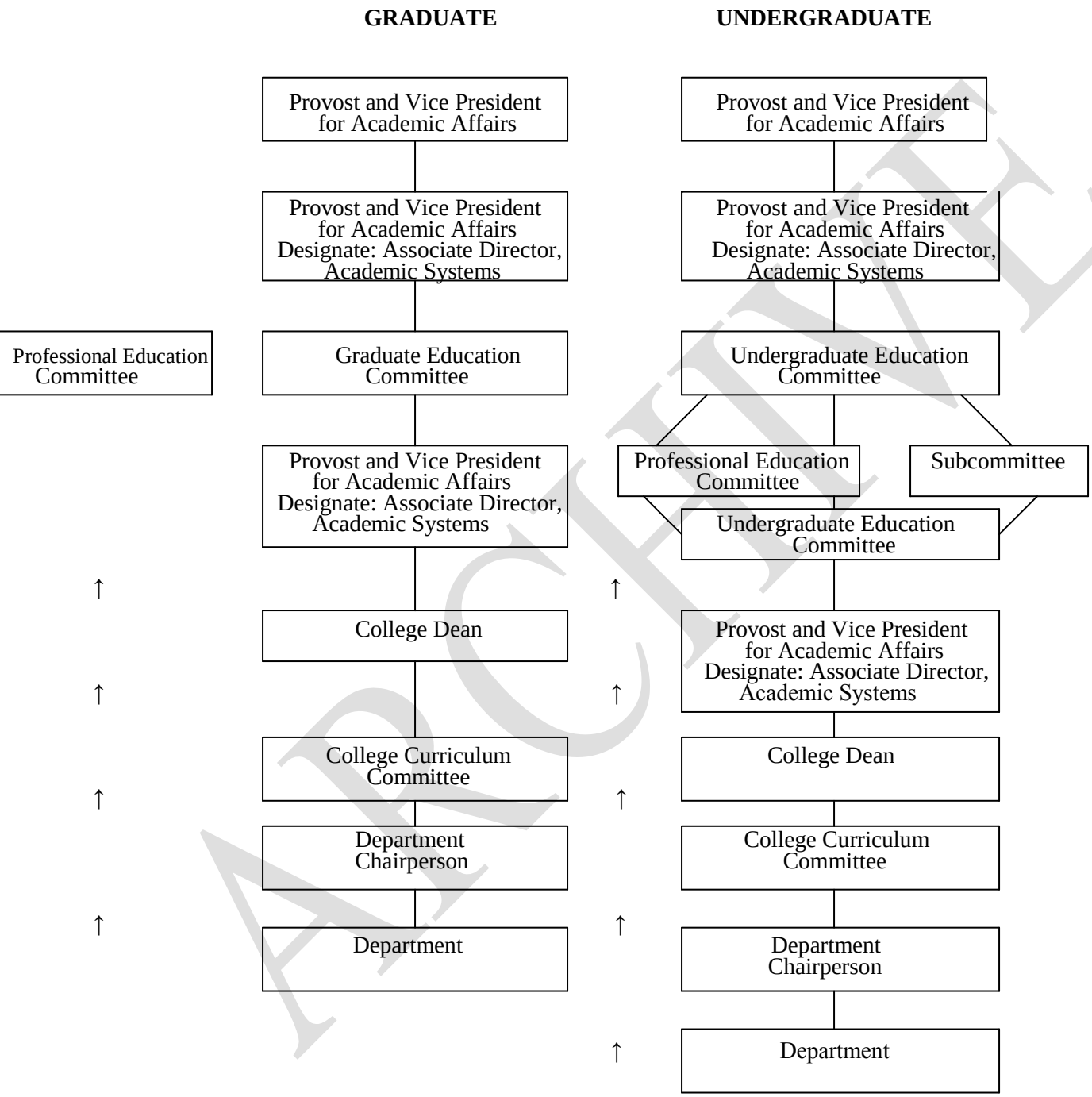
During spring semester of the first year of a catalog cycle, a list of courses not taught for either the current or previous catalog cycle will be forwarded by the Office of Academic Assessment and Institutional Research to each College Curriculum Committee. The College Curriculum Committee shall recommend that respective departments review those courses which have not been taught for two catalog cycles. Departments will either recommend that a course be dropped or will justify continued listing of the course. Based upon response from the department, the College Curriculum Committee will decide which courses warrant continued catalog listing, recommending to the Office of Academic Systems those courses which should be dropped from subsequent catalogs. Courses recommended by the colleges shall continue to be listed.

When proposing program changes which create new courses, departments should carefully consider the possibility of dropping courses which will not be taught in the near future. Departments are encouraged to use Special Topics course numbers and descriptions to offer experimental or trial courses (299x or other), and those courses which will not be offered on a regular basis.

* It is understood that the summer hiatus in council and senate activities may delay such action until beginning of the following academic year.

ARCHIVAL

Flow Chart on Posting of New Programs and Major Revisions in Existing Programs



ARCHIVE

POLICIES AND PROCEDURES FOR UNDERGRADUATE CERTIFICATE PROGRAMS[4]

Introduction

1. The undergraduate certificate is not defined as a degree; rather, it is a focused collection of courses that, when completed, affords the student some record of coherent academic accomplishment in a given discipline or set of related disciplines. Certificate programs should have published descriptions and marketing materials that will make this distinction clear to possible applicants.

2. Students may be awarded these certificates upon completion of a well-defined program of coursework.

3. Addressing the criteria and procedure below will provide a rationale for the educational needs and objectives to be fulfilled by the certificate program.

   A. *Admission Requirements*
      1. Admission requirements for certificate programs must meet the minimum requirements for all undergraduate students.

      2. Students may be enrolled full- or part-time in a certificate program.

      3. Completion of an undergraduate certificate does not guarantee admission into an undergraduate degree program.

   B. *Development of New Undergraduate Certificate Programs*
      1. Undergraduate certificate programs are initiated by individual department(s) and college(s) using the university's usual procedures for New Course/Program Approval.

      2. Certificate programs are to be distinguished from certification programs offered by professional associations or other organizations. Certificate programs should include the certificate title, program descriptions to be published, and marketing materials that reflect the distinction between the program and certifications offered by professional associations. These materials must make it clear to potential applicants that the certificate program being offered will not lead to a certification by a professional association.

      3. A certificate program must contain the word certificate and have a name different from any major or minor.

      4. The proposed sequence of coursework for a certificate program must offer a clear and appropriate educational objective at the undergraduate level. There can be no hidden prerequisites.

      5. The costs of a certificate program will be absorbed by department(s) or funded by College Dean(s) and/or Extended Education.

      6. Certificate programs must be listed in the Undergraduate Catalog.

   C. *Criteria for Program Administration*
      1. The certificate programs may be either freestanding or as add-ons to existing degree programs.

      2. The certificate program proposal will address the question of the impact of the undergraduate certificate program on any related degree programs. Certificate programs should incorporate existing courses whenever possible.

   D. *Curriculum Criteria*
      1. Undergraduate certificate programs must be at the undergraduate level.

      2. The number of undergraduate credits must be at least 12 semester hours. Any course prerequisites must be included.

      3. No transfer credit will be allowed, but departments could substitute courses to eliminate overlap.

ARCHIVE

4. Certificate programs may be delivered by distance learning where appropriate.

5. Interdisciplinary certificate programs are encouraged.

6. Requirements of the certificate program that are in addition to coursework, including but not limited to laboratories, practica, internships or projects, must be clearly identified.

7. Credit from certificate program courses may be applied to an Associate's or Baccalaureate degree at Ball State University.

8. Students must achieve at least a 2.0 GPA in the certificate program to receive a certificate.

9. No course with a grade below a C (2.0) will be counted toward an undergraduate certificate.

10. The student's official transcript shall contain not only the listing of courses taken in this certificate program, but will also indicate successful completion of the certificate program.

11. Students will receive a printed certificate acknowledging their completion of the program.

ARCHIVE

POLICIES AND PROCEDURES FOR GRADUATE CERTIFICATE PROGRAMS[5]

Introduction

1. Graduate certificate programs may be created within the structure of the Graduate School.

2. Students may be awarded these certificates upon completion of a well-defined program of coursework.

3. The graduate certificate is not defined as a degree by the Graduate School; rather, it is a focused collection of courses that, when completed, affords the student some record of coherent academic accomplishment in a given discipline or set of related disciplines. Certificate programs should have published descriptions and marketing materials that will make this distinction clear to possible applicants.

4. Addressing the criteria and procedure below will provide a rationale for the educational needs and objectives to be fulfilled by the certificate program.

A. *Development of New Graduate Certificate Programs*

1. Programs are initiated by individual department(s) and college(s) and approved according to a college's New Course/Program Approval process.

2. Once a program has been approved by department(s) and college(s), a conditional "fast track" approval may be granted by the Dean of the Graduate School and when appropriate, the Dean of Extended Education. Following the "fast track" approval, the program is submitted to the Graduate Education Committee for review and approval.

3. Programs are to be distinguished from professional certification programs offered by professional associations or other organizations. Programs should include the certification title, program descriptions to be published, and marketing materials that reflect the distinction between the program and certifications offered by professional associations. These materials must make it clear to potential applicants that the certification program being offered will not lead to a certification by a professional association.

4. A program may or may not contain the word certificate, depending on the tradition in the discipline(s) proposing the program.

5. The proposed sequence of coursework for a program must offer a clear and appropriate educational objective at the post-baccalaureate level.

6. The costs of a program will be absorbed by department(s) or funded by College Dean(s) and/or Extended Education.

7. Programs may or may not be listed in the Graduate Catalog.

B. *Criteria for Program Administration*

1. The programs may be either freestanding or as add-ons to existing degree programs.

2. The program proposal will address the question of the impact of the graduate certificate program on any related degree programs. Programs should incorporate existing courses whenever possible.

3. For consideration by the Graduate School, proposed new graduate certificate programs must contain the following information:
   a. A statement of the educational objectives of the program
   b. A statement of the proposed course sequence associated with the certificate
   c. A statement of how the proposed course sequences associated with the certificate will meet the stated educational objectives
   d. A statement outlining who will administer the program

C. *Curriculum Criteria*

1. Graduate certificate programs must be at the post-baccalaureate, the post-master's or the post-doctoral level.

2. The number of graduate credits must be at least 12 semester hours and no more than one-half of the credits necessary for a related degree from the Graduate School.

3. No transfer credit will be allowed, but departments could substitute courses to eliminate overlap.

4. All certificate requirements must be met within five years unless the graduate dean on the recommendation of the chairperson of the department offering the certificate approves an extension of time.

ARCHIVE

5. Programs may be delivered by distance learning where appropriate.

6. Interdisciplinary certificate programs are encouraged.

7. Requirements of the program that are in addition to coursework, including but not limited to laboratories, practica, internships, projects or theses, must be clearly identified.

8. Courses included in the certificate program are to be taught by Graduate Faculty.

9. Students may apply credit from certificate programs to a Master's, Specialist, or Doctorate degree at Ball State University.

10. Students must achieve at least a 3.0 GPA in the certificate program to receive a certificate.

11. No course with a grade below a 2.0 can be counted toward a graduate certificate.

12. The student's official transcript shall contain not only the listing of courses taken in this program, but will also indicate successful completion of the program.

13. Students will receive a printed certificate acknowledging their completion of the program.

D. *Admission Requirements*

1. Applicant's pursuing only a certificate program will be admitted as non-degree students. Students who complete a certificate, however, can apply these hours to a degree-granting program upon receiving department approval.

2. Admission requirements for certificate programs must meet the minimum requirement for the Graduate School master's degree programs.

3. Students who are currently enrolled in the Graduate School and who wish to pursue approved graduate certificate programs must apply for admission to such programs before one-half of the required credits are completed.

4. Graduate students enrolled only in a certificate program may not hold a Graduate Assistantship.

5. Students may be enrolled full- or part-time in a certificate program.

6. Students who are currently enrolled in a graduate program of study leading to a degree who wish to pursue a simultaneous graduate certificate within the Graduate School must inform the certificate program coordinator and the Graduate School of their intent to seek the graduate certificate.

7. Completion of a graduate certificate does not guarantee admission into a graduate degree program.

ARCHIVE

GUIDELINES FOR ASSESSMENT OF STUDENT LEARNING IN UNDERGRADUATE PROGRAMS[6]

I Policy

1. Assessment of student learning within the University's undergraduate academic programs is an essential means of identifying areas for growth and improvement in those programs. Therefore, the colleges, departments, and schools of the University will engage in programmatic assessment.

2. Processes and documents generated for professional accrediting, Indiana Commission for Higher Education reviews, and similar purposes may satisfy this assessment policy.

3. This policy does not apply to assessment of the University Core Curriculum.

4. Results of assessments conducted under this policy shall not be used for evaluation of individual faculty members.

II Definitions

1. Academic program assessment is designed to improve student learning through the systematic collection and review of information about academic programs. Direct and indirect measures of learning are used to examine how well students have acquired the knowledge, skills, and abilities that the program was designed to foster. Ultimately, it seeks to identify ways of improving the program's ability to meet its academic goals.

2. Direct measures of learning explicitly demonstrate how well students have acquired the knowledge, skills, and abilities identified as goals of the program. Direct measures of learning include, but are not limited to, comprehensive examinations; standardized tests; licensing examinations; evaluations of student portfolios and performances; and evaluations of students made by practicum, internship, or clinical supervisors.

3. Indirect measures of learning ask students to reflect on what they have learned and experienced. Rather than directly demonstrating students' knowledge, skills, and abilities, indirect measures provide proxy information about student learning. These measures include student ratings of program quality and student self-assessment. Focus groups, questionnaires, and interviews also can be used to collect this information.

III Responsibilities

1. Departments and Schools will
   - 1.1 Identify the knowledge, skills, and abilities that their programs are designed to instill in students.
   - 1.2 Determine assessment measures, collect assessment data, examine data, report assessment results to their respective colleges, and take action on the results.
   - 1.3 While each department and school will determine how its assessment program will be conducted, each assessment program must include at least one direct measure of student learning.

2. Colleges will work in conjunction with departments to
   - 2.1 Establish procedures to monitor the assessment activities of their departments and schools.
   - 2.2 Establish reporting requirements and timetables for the submission of department and school assessment reports recognizing that these may differ by department.
   - 2.3 Assess the effectiveness of the college and its units on the basis of the departmental and school reports, report the results of that assessment to the Provost and Vice President for Academic Affairs, and take action on the results of that assessment.

3. The Provost and Vice President for Academic Affairs will
   - 3.1 Provide general oversight of the University's assessment program.
   - 3.2 Review reports submitted by the colleges according to their respective deadlines.

4. The Office of Academic Assessment and Institutional Research will consult and assist departments, schools, and colleges in establishing and maintaining their assessment programs. For further reference, please refer to the "Assessment Philosophy" available from the Office of Academic Assessment and Institutional Research.

ARCHIVE

ACADEMIC INTERSESSION[7]

Academic Intersessions of variable length between Spring and Summer sessions and Summer and Fall sessions have been approved as a modification of the University calendar.

SCHEDULING OF CLASSES[8]

1. At the appropriate time the chairperson of each academic department submits a master schedule for the next academic year. The schedule is updated by the departments, under the direction of the Office of Academic Systems, to produce the Annual Master Schedule (AMS).

2. After the above procedure is completed, Academic Systems sends the semester master schedule to all departments for review and update. Any necessary change to the semester schedule is initiated by the department chairperson through the department's administrative coordinator. Changes are electronically forwarded to the dean of the college for approval.

3. A faculty member who has a problem relating to classroom assignment, hour of instruction, or other possible change in the schedule will confer with the chairperson of the department. If the department chairperson considers the suggested change desirable, the chairperson will then process the change if the space is available. Otherwise, the schedule is to be followed as established. Rooms are closely scheduled for classes and other uses. A record of classroom utilization is maintained in the Office of Academic Systems for use in avoiding conflicts in room assignments, locating classes and individuals assigned them, and for analytical studies of academic space utilization.

BACCALAUREATE CURRICULUM CLASSIFICATIONS AND POLICIES ON THE SCOPE OF MAJORS AND CURRICULAR PATTERNS[9]

I Definitions

1. A curriculum is a pattern of studies leading to a baccalaureate degree and is characterized by three primary components--general education, specialization, (which may include area(s) of concentration and professional education), and electives. Distinction in curricula is based on the degree of explicitness of vocational orientation, sizes of major and minor concentrations, and the suggested use of elective courses.

2. A major is composed of courses in a single subject or several related fields. The major denotes the student's specialization within one of the several broadly defined curricula. The description of the major in the catalog must include all college-level prerequisites, but would not include those prerequisite courses normally taken on the high school level.

3. A minor is a lesser concentration in a subject field. A minor comprises 15 semester hours and usually bears sufficient relationship to the major so that a student may readily convert it to a major or pursue advanced work in the area. The description of the minor in the catalog must include all college-level prerequisites, but would not include those prerequisite courses normally taken on the high school level.

4. Electives are classified as either free or directed.
   - 4.1 Free electives are those courses chosen by the student from the full range of University offerings. Their primary use would be made by the student to bring a total undergraduate program to the overall minimum of credit hours required for the degree.
   - 4.2 Directed electives are those to be taken from a specific series of courses or from selected disciplines. Their primary use will be in defining the scope of a major, minor, option or in the selection of sequences to meet university core curriculum requirements.

II Baccalaureate Degrees

The baccalaureate degrees offered by the University are bachelor of arts, bachelor of fine arts, bachelor of general studies, bachelor of landscape architecture, bachelor of music, bachelor of science, bachelor of social work, and bachelor of urban planning and development. The requirements for these degrees are described below:

1. Bachelor of Arts (B.A.)
   This degree is designed for students who wish to complete a foreign language component. Students must complete two years of college-level language study or the equivalent with all the hours earned in one language. Students may demonstrate proficiency in the language by taking a placement test, which may partially fulfill this requirement.

ARCHIVE

1.1 University core curriculum:
1.11 Courses in the program of university core curriculum..... 39 hrs.
1.2 Foreign language:
1.21 One foreign language..... 12-16 hrs.
1.3 Concentration area:
1.31 Courses in the major area of study
1.4 Electives:
1.41 As many hours of credit as needed to bring the total to 120 hours.

2. Bachelor of Fine Arts (B.F.A.)
2.1 University core curriculum:
2.11 Courses in the program of university core curriculum..... 36 hrs.
2.2 Concentration area:
2.21 Courses in major area of study..... 85 hrs.
2.3 Electives:
2.31 As many hours of credit as needed to bring the total to 120 hours.

3. Bachelor of General Studies (B.G.S.)
3.1 University core curriculum:
3.11 Courses in the program of university core curriculum..... 36 hrs.
3.2 Computer science:
3.21 One course emphasizing computer literacy..... 3 hrs.
3.3 Concentration areas:
3.31 A single area of emphasis of at least 36 hours, or two separate areas of emphasis of at least 18 hours each, or two minors
3.32 Students must obtain the approval of each area of emphasis or minor before the completion of the last 30 hours.
3.4 Electives:
3.41 As many hours of credit as needed to bring the total to 120 hours.

4. Bachelor of Landscape Architecture (B.L.A.)
4.1 University core curriculum:
4.11 Courses in the program of university core curriculum..... 36 hrs.
4.2 Concentration area:
4.21 Courses in major area of study..... 113 hrs.
4.3 This five-year degree requires a total of 154 hours.

5. Bachelor of Music (B.M.)
5.1 University core curriculum:
5.11 Courses is the program of university core curriculum..... 36 hrs.
5.2 Concentration area:
5.21 Courses in major area of study..... 79-94 hrs.
5.3 Electives:
5.31 As many hours of credit as needed to bring the total to 120 hours.

6. Bachelor of Science (B.S)
6.1 University core curriculum:
6.11 Courses in the program of university core curriculum..... 36 hrs.
6.2 Concentration area:
6.21 Courses in the major area of study.
6.3 Electives:
6.31 As many hours of credit as needed to bring the total to 120 hours.

7. Bachelor of Social Work (B.S.W.)
7.1 University core curriculum:
7.11 Courses in the program of university core curriculum..... 36 hrs.
7.2 Concentration area:
7.21 Courses in the major area of study..... 69 hrs.

ARCHIVE

7.3 Electives:
7.31 As many hours of credit as needed to bring the total to 120 hours.

8. Bachelor of Urban Planning and Development (B.U.P.D.)
8.1 University core curriculum:
8.11 Courses in the program of university core curriculum..... 36 hrs.
8.2 Concentration area:
8.21 Courses in major area of study..... 82 hrs.
8.3 Electives:
8.31 As many hours of credit as needed to bring the total to 120 hours.

III Posthumous Baccalaureate Degrees and Certificates of Recognition[10]

1. At the recommendation of the appropriate college or department and approval of appropriate administrators:
1.1 The Posthumous Baccalaureate Degree may be awarded to a student who had reached the senior level (Class Status 4) and was in good standing with the University at the time of death.
1.2 A Certificate of Recognition may be awarded to a student at the freshman, sophomore, or junior level who was in good standing with the University at the time of death. The wording of the certificate shall be the responsibility of the nominating college or department.
1.3 A Certificate of Recognition may be awarded to a student at any class level in good standing with the University who becomes permanently disabled due to illness or accident and is unlikely to be able to finish the degree.

ENROLLING OF STUDENTS

1. Students of the academic year are expected to register in the semester preceding the semester for which they are registering and at specified preregistration periods for the summer terms. The Semester Schedule of Classes carries instructions regarding registration and, in the Calendar, shows the dates of the various steps in the registration procedure. This preregistration program makes it possible to start classes promptly.

2. Some individuals who were not enrolled in the preceding semester or term register immediately preceding the beginning of classes, and there are always some who have special permission to register in the late registration period (see the Catalog) after the beginning of classes. The penalties for late registration keep the number of latecomers low.

CHANGE OF COURSE[11]

1. Students are encouraged to modify their schedules prior to the start of the semester or term. Students are permitted some changes of course (see the Calendar and Catalog statement) at the beginning of the semesters and terms. Students may change their schedules through the first five days of a semester and the first three days of a summer term. Schedule changes may be processed by web at www.bsu.edu/studentservices, or in person, at the Office of Registration and Academic Progress.

2. In addition, the chairperson of an academic department may transfer students from one section of a class to another section of the same class. Such transfers are presented to the Office of Registration and Academic Progress on the Transfer of Students form. (Available on the web under BSU@Work-Formfinder, Registrar.)

3. After the change-of-course period and the late registration period have ended, official class lists are made and issued by the Office of Registration and Academic Progress through the office of the chairperson of the department to instructors of classes. Lists should be checked by the instructor against student attendance for completeness and accuracy. It is returned, signed in ink, to the Office of Registration and Academic Progress, where it is verified against enrollment information. It is IMPORTANT that no student be permitted to remain in class whose name is not on the class list. Students who are not on the list should be sent to the Office of Registration and Academic Progress.

4. Shortly before the close of the semester or term, the final class list is sent by the Office of Registration and Academic Progress to department chairpersons for distribution to the

ARCHIVE

instructors. On the class list the entries are made in pencil for an optical scanner. The signature of the instructor in ink at the bottom of each form is required. Once grades have been marked, the class lists are returned to the office of the department chairperson by the deadline printed at the bottom of the form. Specific and detailed announcements will come directly from the Office of Registration and Academic Progress.

TYPES OF CREDIT

1. The student who enrolls for graduate credit will have a designation of "G" on the class list. "C-NC" is used to indicate that a student is registered under the Credit-No-Credit status. Students who desire to take courses without expectation of credit to apply on a degree (auditors) sign a waiver for the respective course or courses. No credit will be earned, and the transcript entry will be recorded with a grade of AU.

2. Should a student desire to change from audit to credit, graduate to undergraduate, or vice versa, the student must apply to the curricular advisors for such change during the change-of-course period. If approval is given, the instructor will be notified. This change can be made only during the official change-of-course period at the beginning of the semester or term.

CREDIT/NO-CREDIT POLICY[12]

1. Students may choose to earn up to fifteen credits under the credit/no-credit option. If a course is offered only for credit/no-credit, it will not be counted in the fifteen-credit allowance. Students who have taken a course for a grade cannot take it again on a credit/no-credit basis. Courses taken on a credit/no-credit basis will not count toward the academic major, minor, or any university core curriculum requirements, except for student teaching, internships, and courses offered only for credit/no-credit. If a student has taken courses in a particular subject for credit/no-credit and then decides to major or minor in that subject, not more than two of the courses will count toward the major or minor requirements. Students on academic probation may not use the credit/no-credit option. Apart from these exceptions, departments must allow students to take courses for credit/no-credit.

2. The credit/no-credit option may be applied to required Physical Education courses, student teaching and internships, and to elective courses outside a student's major or minor areas of concentration and outside the university core curriculum courses in the professional sequence for teachers. This option may not be denied by a department.

3. A department, with the approval of its College Dean, may accept the credit/no-credit option from any student for any course. A faculty member, with the approval of the department offering the course and of the appropriate dean, may initiate a credit/no-credit policy for a particular section of the course.

4. Credit given under this system, with the appropriate "credit" or "no-credit" designation, will appear on the student's permanent academic record but will not be counted as part of the student's grade-point ratio. "Credit" will be given when the grade is C- or higher. "No-credit" will be given when the grade is below C-.

5. Students enrolled under the credit/no-credit option are not exempt from any requirements in the course.

6. Registration for credit/no-credit will follow regular University procedures. Regular fees are applicable.

CREDIT OTHER THAN BY REGULAR ENROLLMENT IN UNIVERSITY CLASSES[13]

1. The following are ways in which the student may receive credit other than by regular enrollment in University classes:
   1.1 Advance Placement Program
   1.2 College Level Examination Program (CLEP)
   1.3 Credit by Departmental Examination
   1.4 Credit by Departmental Authorization
   1.5 Credit Earned for Military Service
   1.6 Credit Earned While in Military Service

   See the Catalog for more complete information.

ARCHIVE

TELEVISION NETWORK COURSES[14]

1. Undergraduate and graduate residence credit may be earned when that instruction is conducted via the Indiana Higher Education Telecommunications System. Courses must be approved and offered under the jurisdiction of an academic department or center of Ball State University.

2. The Miller College of Business offers both the MBA and M.S. in Accounting degrees by TV at sites throughout Indiana. This program uses the Indiana Higher Education Telecommunications System to broadcast classes live to students off-campus. Off-campus students contribute to on-campus classes by telephone. All rules of admission, prerequisites, and grade-point average required of Ball State's on-campus programs apply to students completing degrees by TV. Professors use the same rigorous standards of grading and course requirements at all classroom locations.

RESIDENCE CREDIT[15]

Any course except correspondence offered by Ball State University shall be granted residence or campus credit.

CONTINUING EDUCATION UNIT[16]

The School of Extended Education supports the Continuing Education Unit (CEU) plan adopted by Ball State University as a means of recording and accounting for non-credit courses, programs, and activities. One Continuing Education Unit (CEU) is defined as ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.

WITHDRAWAL FROM A COURSE[17]

1. Change of Course Period
   Students may drop/add a course through the fifth day of classes of a semester (fall, spring, and summer), and third day of classes of a summer session. Courses dropped through this period are not recorded in the student's permanent record.

2. Course Withdrawal Period
   From the sixth to the forty-fifth day of classes in a semester, sixth to the thirtieth day of classes of a summer semester, and fourth to the fifteenth day of classes of a summer session. Saturday is not considered a class day for these purposes.
   - 2.1 All student-initiated withdrawals will be accepted and recorded as "W" during this period.
   - 2.2 Students wishing to withdraw from a course during this period
     - 2.21 Should see the instructor and discuss the withdrawal;
     - 2.22 Must take the initiative to obtain the withdrawal form with instructions (paper or on-line), and
     - 2.23 Must submit the completed withdrawal form to the Office of Registration and Academic Progress by the close of business hours on the last day of the withdrawal period.
   - 2.3 Discontinuance of enrollment or abandonment of a course or courses without having properly followed the procedure as indicated above will normally result in the issuance of an “F” grade.

3. Withdrawal After the Course Withdrawal Period Because of Verifiable Extenuating Circumstances
   If there are verifiable extenuating circumstances which make withdrawal from a course academically justified after the withdrawal period ends, the college dean (or designate) may grant an exception to the above withdrawal policy. The faculty member is responsible for determining the grade to be assigned, W or F.

WITHDRAWAL FROM ALL COURSES[18]

Students who find it necessary to withdraw from all courses during a semester or summer session must report immediately contact the appropriate university office. All withdrawals from all courses at any time on or after the first day of classes must be requested in the appropriate office.

ARCHIVE

If the registration consists of all main campus courses, the student must report to the Office of the Assistant to the Vice President for Student Affairs.

If the registration consists of a combination of main campus and online/distance education courses, the student must report to the Office of the Assistant to the Vice president for Student Affairs.

If the registration consists of all online/distance education courses, the student must visit the School of Extended Education's Website to complete an application to withdraw.

1. Course Withdrawal Period

   For courses that follow the full semester or term – from the first to the forty-fifth day of classes in a fall or spring semester, first to the thirtieth day of classes of a summer semester, and first to the fifteenth day of classes of a summer session.

   For all other courses (i.e. online independent learning courses, partial term main campus courses) - from the official start date of the course through 60% of the scheduled duration of the course.

   1.1 The grade of "W" is automatically given for each course in which a student is registered when withdrawal from all courses is accomplished during this period.
   1.2 Abandonment of a course or courses without having properly followed the procedure as indicated above will normally result in the issuance of an "F" grade.
   1.3 When a student withdraws from all courses, each faculty member is notified. The faculty member in whose course the student is registered will record the last date of attendance and a grade of "W".

2. Withdrawal After the Course Withdrawal Period Because of Verifiable Extenuating Circumstances.

   If there are verifiable extenuating circumstances that make withdrawal from all course necessary and academically justified after the withdrawal period, the Office of the Assistant to the Vice President for Student Affairs (or designate) or School of Extended Education may grant an exception to the above for withdrawal from main campus courses or online/distance education courses, respectively. When a student withdraws from all courses, each faculty member is notified. The faculty member in whose course the student is registered will record the last date of attendance and a grade of W or F.

UNDERGRADUATE COURSE REPETITION[19]

1. An undergraduate student may repeat a course an unlimited number of times except in cases where a department has imposed repetition limits. The repetition of a course does not remove the previous grades from the student's official academic record. A "W" will not replace a previous grade.

2. The last grade in a course will be used in computing the student's GPA. The credit hours will count only once toward meeting minimum hourly requirements for graduation.

3. The University is not obligated to offer courses so that a student can repeat them.

GRADUATE COURSE REPETITION[20]

A graduate student may not repeat more than one time a course for which a grade has been given. The repetition of a course does not remove the previous grades from the student's official academic record. The last grade in a course will be used in computing the scholastic ratio. The credit hours will count only once toward meeting minimum hourly requirements for graduation.

A PROGRAM OF ACADEMIC CLEMENCY [21]

Ball State University provides a procedure whereby undergraduate students who were not enrolled at Ball State University for a five-year period may petition the Committee on Admissions and Credits to have grades and credits earned prior to that period removed from the calculation of their accumulative grade-point average. Acceptability of this policy by institutions other than Ball

ARCHIVE

State University will be solely at the discretion of those institutions. Students participating in the program of academic clemency are specifically required to comply with the following provisions:

1. The student must not already have an earned degree from Ball State University.
2. University records must verify they were not registered in any capacity at Ball State University during a period of at least five years and must be registered for the current term.
3. For students who qualify for academic clemency, all previous Ball State University course work with grades of C or above will be counted for credit only. However, students will lose credit for all courses with grades below C. Students will resume their academic program with no accumulative grade point average.
4. The student's academic records will be inscribed with the note "Academic Clemency Granted (date)."
5. Academic clemency may be used only one time by a Ball State University student.
6. Academic clemency is final and irreversible.
7. All other academic policies of Ball State University apply.

SYLLABI OF COURSES[22]

1. A syllabus for each course taught in each department should be on file. (The syllabus is not a course outline but can be used by faculty to develop individual course outlines.) The syllabus is a course guide and should include a general, rather than a specific, description of the following constructs:

   1.1 Course description
   1.2 Course objectives
   1.3 Course rationale
   1.4 Course content, format, and bibliography

2. All course syllabi should be on file with the appropriate college dean. The syllabus for any university core curriculum course should be on file with the Office of University Core Curriculum and Academic Programs.

DOUBLE-NUMBERED TAUGHT/WITH COURSES[23]

1. Ball State University offers graduate programs that provide advanced education and training in several fields. In order to maintain the integrity and promote the quality of these advanced programs, certain distinctions are made between them and the University's undergraduate programs. Because of these distinctions, certain graduate classes are inappropriate for undergraduate enrollment due to their emphasis upon research and prior educational experiences. The purpose of this policy is to help determine those courses which can and cannot be double numbered.

2. It is recognized that some double-numbered courses are educationally desirable and may be conveniently taught as taught/with classes--e.g., certain courses in the sciences which, by universal practice, serve both undergraduate and graduate degree programs; music ensembles, art studio courses, and certain foundation courses. These courses must be identified and approved by the appropriate college dean and the Dean of the Graduate School.

3. Double-numbered courses which exist purely to meet minimum class sizes or staffing problems diminish the quality of graduate education and should be eliminated or reduced in number in an orderly fashion by such means as: 1) a reduction in the total number of courses offered; 2) offering courses less often; or 3) by changes in the curriculum.

4. The following regulatory devices are intended to provide a degree of uniformity in purpose and control over reduction of double-numbered courses:
   4.1 Departments shall provide to the Graduate Education Committee for its review data supporting how they use taught/with courses for credit toward graduate degrees. Continued use of such courses will be subject to approval by the Graduate Education Committee.
   4.2 When taught/with courses are offered, faculty must differentiate between graduate and undergraduate students by such means as: 1) differences in course requirements,

ARCHIVE

2) standards of grading, 3) separate weekly seminars, 4) independent research papers, and 5) individual conferences.

4.3 It is recognized that the use of graduate-only courses will necessitate the offering of some classes with low enrollment. This need should be met by eliminating minimum class sizes and placing course management entirely in the hands of department chairpersons but subject to an annual review by the college dean.

FIELD TRIPS

1. Field trips consistent with the purpose of the course should be planned at the beginning of the semester for which they are contemplated, and the college dean should receive three copies of the notice of the project at that time. No field trips or travel involving absence from class on the part of any of the participants shall be scheduled during the first week of a semester. Whenever possible, the trip should be scheduled for a weekend.

2. No field trips, travel, or other events involving students that impact attendance in other classes shall be scheduled during the first week or during the last week of class and final examination week of a semester. Exceptions will be granted only after consultation with and approval of the Provost and Vice President for Academic Affairs and the Vice President for Student Affairs.

3. A field trip is voluntary for the student, although failure to go on a planned and announced field trip may be penalized by grading if the student offers no adequate make-up as assigned.

4. The instructor who finds it necessary to take students on a field trip which will involve loss of time in other classes will give three copies of the notice of the trip to the college dean on a field trip notice form which will originate in the office of the department chairperson. The notice is to be given at least three class days before the start of the trip. All the information called for on the form must be given, for this information is the basis for notification to arranged absences for the students. The student is given one copy of the field trip notice which is taken to each instructor whose class will be missed so that the instructor can make a note of the intended absence from class. For information about chartering a University bus, call the Transportation Office; for information about chartering a commercial bus, call Purchasing.

INTERNSHIPS AND PRACTICA[24]

The university encourages student internships and practica. Internships and practica are defined as supervised practical experience in a student's field of study. To be recorded on students' academic transcripts, these internships and practica must have an academic component. Academic supervision must be conducted by faculty in the student's major or minor course of study in collaboration with a supervisor at the internship or practicum site. Academic internships and practica must be approved by the department chairperson or a designated representative of the student's major or minor course of study.

RESEARCH PAPER[25]

1. The paper must be accompanied by a cosigned form including the signatures of the student's departmental advisor and the department chairperson.

2. If the departmental advisor and the department chairperson are the same person, another member of the Ball State graduate faculty within the department of the student's major must also sign the form indicating his or her familiarity with the paper and knowledge of the student's work.

CREATIVE RESEARCH PROJECT PLAN[26]

1. The project must be accompanied by a cosigned form including the signatures of the student's departmental advisor and the department chairperson.

2. If the departmental advisor and the department chairperson are the same person, another member of the Ball State graduate faculty within the department of the student's major must also sign the form indicating his or her familiarity with the project and knowledge of the student's work.

ARCHIVE

GRADUATE STUDENT RESEARCH[27]

1. The financial support of research conducted by graduate students is an acknowledged and legitimate academic cost for departments. The University recognizes that departments may budget funds to support graduate student research.

2. A fund will be established and administered by the Dean of the Graduate School for use in supporting graduate research papers, creative projects, theses, and dissertations for which students have enrolled. This University fund will allow contributors to the Ball State University Foundation to earmark financial contributions for use in supporting graduate research. The fund, administered by the Dean of the Graduate School, will be used to supplement departmental support of graduate research. The decisions of the Dean of the Graduate School will be reviewed yearly by a joint committee composed of members drawn from the University Research Committee and Graduate Education Committee. This review will be used for the generation of future policy and procedure for furthering support of graduate research.

POSTHUMOUS GRADUATE DEGREES AND CERTIFICATES OF RECOGNITION[28]

1. At the recommendation of the appropriate academic unit and college, the Graduate Dean, and the Graduate Education Committee and the approval of appropriate administrators:
   - 1.1 The Posthumous Graduate Degree may be awarded to a student, who at the time of death:
     - 1.11 Was in good academic standing with the University;
     - 1.12 Had completed substantially all course work, i.e., had completed or was enrolled in the last semester of classes;
     - 1.13 Had progressed on any required dissertation, thesis, research paper, creative project, and/or internship to a point where the student's committee (or advisor) feels confident that the project and/or internship would have been completed successfully.
   - 1.2 A Certificate of Recognition may be awarded to a student enrolled in a graduate program at any level and in good academic standing with the University at the time of death. The wording of the certificate shall be the responsibility of the nominating academic unit.
   - 1.3 A Certificate of Recognition may be awarded to a student enrolled in a graduate program and in good academic standing with the University who becomes permanently disabled due to illness or accident and is unlikely to be able to finish the degree. The wording of the certificate shall be the responsibility of the nominating college of academic unit.

2. The Provost or designee will have final approval.

STUDENT ATTENDANCE[29]

1. At Ball State University student attendance at class meetings is expected. Faculty shall establish attendance policies for their courses. Such attendance policies must be communicated to students by faculty through course syllabi or outlines.

2. Absence caused by field trips or activities in which the student is representing Ball State University at state, regional, or national events shall be announced in advance to instructors of the other course(s) in which the student is enrolled. A notice will originate in the office of the department chairperson and be brought to the instructor(s) by the student at least three (3) days before the field trip. All trips should be scheduled after the first week or before the last two weeks of a semester (last two weeks—including the examination period). Exceptions to these periods will be granted only after consultation with and approval by the Provost and Vice President for Academic Affairs and the Vice President for Marketing, Communication and Enrollment Management. Faculty are expected to allow students to make up all missed course activities during their absence including, but not limited to, class activities, assignments, examinations, and final examinations. Students should not be penalized for their absence while representing the University. When possible, students are expected to complete these activities before their absences.

3. Detailed information regarding requirements for Veterans' attendance may be obtained from the Office of Scholarships and Financial Aid. This information is kept current by directives received from the Administrator of the Veterans Administration, VACO, Washington, D.C.

ARCHIVE

CLASS VISITATION

The Provost and Vice President for Academic Affairs and the college dean may visit teaching faculty in the classroom, hoping thereby to stimulate a high quality of teaching.

ARCHIVE

POLICY ON GRADES[30]

RESPONSIBILITY OF INSTRUCTOR: RIGHT OF STUDENT[31]

I Responsibility of the Instructor

It is the responsibility of the instructor:

1. To grade students in accordance with the following grading system.
   - 1.1 The record of student performance in courses of undergraduate level in Ball State University is indicated by the following system of letters: A, B, C, D, and F.
   - 1.2 "A" represents work of excellent quality and is recorded for students who do outstanding work.
   - 1.3 "B" represents work of good quality and is recorded for those who do work which is clearly above the average.
   - 1.4 "C" represents work of average quality and is recorded for students who do average work.
   - 1.5 "D" represents work which is below average, but above failure.
   - 1.6 "F" represents work that is not of an acceptable quality. It is recorded (1) when a student fails a course and (2) when a student drops a course after the twenty-third day of a semester or the seventh day of classes in a summer session unless, in the judgment of the instructor, the reasons for dropping the course are such that the student should have a "W." Students who discontinue attending a class for which they are registered will receive an "F" unless they officially (by appropriate signatures) withdraw from the course.

   A plus or minus may be appended to the above scale, with the exception of "A+," "F+," and "F-." A plus or minus indicator after the grade indicates quality earned slightly above or below the grading scale.

2. To keep a record of grades for a minimum of one calendar year.

3. To inform the class, very early in the course, the basis on which grades are to be determined.

4. To have information available to a student concerning academic progress throughout the course, insofar as possible.

5. To provide a student with the opportunity to examine and discuss all of the student's work which has been evaluated by the instructor-- tests, papers, reports, special projects, etc.

II Right of the Student

1. To know, very early in the course, the bases on which grades are to be determined.

2. To receive upon request information concerning the student's academic progress throughout the course, insofar as possible.

3. To receive upon request information concerning the instructor's evaluation of all work done by the student in the course--tests, papers, reports, special projects, etc.--which will contribute to the final grade.

4. To know why a grade has been received, including the final grade for the course.

III Grades[32]

1. Near the close of each session of the University, faculty members will be notified from the Office of Registration and Academic Progress of the time when grades for the current session are due. After grades have been submitted, in person, to the office of the chairperson of the department, they will be processed through the Office of Registration and Academic Progress and will be made available for student viewing on the web, and used at once for determining the student's eligibility to attend the next semester or term, to continue in sequential courses, to be recommended for graduation and often recommended for teaching certificate, for transcript of record to be sent elsewhere, and for other purposes. A grade of "NR" will be recorded automatically by the Office of Registration and Academic Progress for any grade not properly reported. Notification of an "NR" grade is sent by the Office of Registration and Academic Progress to the department and to the instructor. If an "NR" grade is not removed by the fifth week of the following (Academic Year) term, the Office of Registration and Academic Progress will automatically change the grade to an F if it is a graded course or NC if it is a credit/no-credit course. The minimum of time has been allowed for all grade processing, and staff often work throughout the night. Should any one faculty member fail to report all relevant grades by the hour they are due, the resulting situation is one of widespread inconvenience. Therefore, it is essential that the faculty submit all grades in the period in which they are due. It is essential that

ARCHIVE

the grades be recorded on the Final Grade Reporting Form or through the web in the proper format. Failure to submit the Final Grade Reporting Form to the Office of Registration and Academic Progress by the specified due date will result in the instructor submitting grades on the Change of Grade Form for each student to the Office of Registration and Academic Progress. Specific and detailed instructions will come directly from the Office of Registration and Academic Progress to all departmental secretaries/administrative coordinators.

2. Students are graded in accordance with the system described in the Catalog. The student's work in a course is to be regarded as finished by the close of the semester or term. Except that graduate students have six years from the beginning of graduate study for the completion of courses RES 697, Research; THES 698, Thesis; DISS 799, Dissertation; and if the work is not completed by the close of the semester or term, the student can be given an "I" until the work is completed or until the six-year period is ended. A student whose work at the close of the semester or term is incomplete because of illness or some circumstances beyond the control of the student may be given an "I" and privileges of completing the work at a later time. Students who withdraw from a course under the terms specified for the mark of "W" may be given "W."

3. The granting of an "I" must be approved at the end of the semester by the department head or chairperson, who retains one copy and sends a copy to the student.

4. It is most important that the conditions for removing the "I" be as specific as possible. Removal of an "I" should be limited to as short a period as possible. If an "I" grade is not removed within the time agreed upon, it automatically becomes an "F." The maximum time permitted for the completion of an "I" grade is twelve calendar months. After twelve calendar months, an "I" becomes an "F." An exception is made when an "I" grade is given for RES 697, THES 698, DISS 799, or for a graduate or undergraduate course recommended by a department chairperson and approved by the appropriate dean.

IV Change of Grade

1. Grades are given by faculty members, and a change of grade can be given only by the faculty member who gave the original grade. Students who feel they have earned a grade different from the one given are referred to the course instructor. If that instructor concludes that the officially recorded final grade should be changed, the instructor will make corrections on the Change of Grade Form which is available in the departmental office. After the instructor signs the Form, the department chairperson signs and forwards the Form to the dean of the college. The dean signs it and forwards the original and all copies to the Office of Registration and Academic Progress. Once the change has been made on the students academic transcript, the student will be notified and all copies of the Form are sent to the appropriate individuals.

FINAL EXAMINATION GUIDELINES[33]

1. Each class shall meet during the final examination period except in cases when university electronic exam services are used or where the department chairperson has agreed in writing that such a meeting is not necessary. Faculty using electronic testing services for their final examinations will notify their chairpersons.

2. In cases where instructors are using any university electronic testing service, the exam may be scheduled for any length of time during final exam week but must include the regularly scheduled examination period.

3. Summer School and Intersession final examinations are to be administered on the last regularly scheduled class meeting day.

4. No final examination (the last examination of the term) shall be given prior to the start of the designated Final Examination Period except with written permission of the department/school chairperson and the college dean.

5. Examinations administered during the designated Final Examination Period must be given on the day and at the time listed on the official Final Examination Schedule, unless written permission is obtained in advance from the Director of Academic Systems or when university electronic exam services are used.

6. The time/day for an examination is determined by the first "non-lab" contact of the week listed on the course master schedule.

ARCHIVE

7. No student will be required to take more than two (2) final examinations in one day. In cases where a student has difficulties in solving this problem, the Provost and Vice President for Academic Affairs or his or her designee shall make the necessary adjustment(s).

8. Requests for GROUP final examinations must be submitted and approved by the Director of Academic Systems, at least seven (7) weeks prior to the publishing of the "Schedule of Classes."

9. If a conflict arises between a GROUP examination time and a regularly scheduled examination time, the regularly scheduled examination takes precedence.

10. The OPEN time slots are primarily reserved for necessary one credit hour course final examinations, for make-up examinations, for arranged classes examinations, and for examination time/day conflicts. Time/day conflicts are to be adjusted in the FALL SEMESTER by the course whose department abbreviation is nearest the beginning of the alphabet and in the SPRING SEMESTER by the course whose department abbreviation is nearest the ending of the alphabet. Other uses of these time slots must be approved by the Director of Academic Systems.

11. Courses meeting for fewer than fifteen (15) weeks must arrange for an "early" final examination or utilize one of the OPEN time slots.

12. With the exception of GROUP and OPEN time slot examinations, all final examinations are to be administered in the room in which the course is scheduled except when university electronic exam services are used. Other exceptions may be granted and conflicts resolved by the Director of Academic Systems.

13. Examinations will begin and end promptly within the scheduled time period.

DISCONTINUANCE OF GRADUATE COURSES[34]

1. Each college will establish procedures to have each department
   1.1 During the spring semester of each academic year identify those graduate courses which (a) have been listed in the Graduate Catalog during all of the immediate preceding six years, and (b) have not been taught during any of this same period;
   1.2 Provide a statement for each major so identified recommending either (a) that the course be dropped, or (b) that the course be retained and provide a rationale for the retention.

2. The college approves or disapproves the recommendations from each department. The college dean will then prepare a list of all courses from the college that are to be dropped. The list is sent to the Dean of the Graduate School, not later than the last day of the spring semester. The courses on the "drop" lists will be deleted from the next edition of the Graduate Catalog.

3. If the Dean of the Graduate School questions the retention of a graduate course, the matter is to be discussed with the appropriate college dean. The college dean will refer the questions back to the appropriate department for additional study and justification. If not resolved, the question will be referred to the Graduate Education Committee.

DISCONTINUANCE OF GRADUATE DEGREE MAJORS AND PROGRAMS[35]

1. Each college will establish procedures to have each department
   1.1 During the fall semester of each academic year identify those graduate majors which have not produced a graduate during the last six year period (the Graduate Dean will provide the department chairpersons with such information);

   1.2 Provide a statement for each major so identified recommending either (a) that the major be dropped, or (b) that the major be retained and provide a rationale for the retention.

2. The college curriculum committee will consider the recommendations from each department and decide whether the recommendation will be approved or disapproved. The college dean will then prepare a list of all majors from the college that are to be dropped. The list is sent to the

ARCHIVE

Dean of the Graduate School, not later than the last day of the fall semester. The majors on the "drop" lists will then be recommended for dropping by the appropriate department.

3. If the Dean of the Graduate School questions the retention of a graduate major, the matter is to be discussed with the appropriate college dean. The college dean will refer the question back to the appropriate department for additional study and justification. If not resolved, the question will be referred to the Graduate Education Committee. If the Graduate Education Committee decides that a major should be dropped, the appropriate department will be directed to request that majors be discontinued through regular posting.

SELECTION AND PRESENTATION OF LECTURERS OR SPEAKERS BY STUDENT ORGANIZATIONS[36]

1. Pursuant with policies stated in the Joint Statement by the Faculty Advisory Council, the Ball State Chapter of the American Association of University Professors, the President of the University, and the President of the Ball State University Board of Trustees, adopted in the Spring of 1962, on the selection and presentation of lecturers or speakers appearing on campus under University auspices, the University reaffirms that
   - 1.1 Recognized Ball State University student organizations have the privilege of inviting speakers to the campus, subject only to the following provisions.
     - 1.11 The speaker shall refrain from urging the audience to take action which is prohibited by the rules of Ball State University, or which is illegal under federal or Indiana law. Advocating or urging the modification of the government of the United States or of the state of Indiana by violence or sabotage is specifically prohibited.
     - 1.12 The student organization sponsoring the speaker has the responsibility of
       - 1.121 Informing the speaker of provision "1" above;
       - 1.122 Arranging for reservation of space in the Office of the Director of Space Studies and Utilization;
       - 1.123 Completing the form furnished by the Vice President for Marketing, Communication and Enrollment Management listing the subject to be discussed, the names of the speakers, and the time and place of the meeting; the form to be certified by the signature of the appropriate officer of the student organization and the faculty advisor.
       - 1.124 Assisting in insuring that any meeting held on this campus is conducted in an orderly fashion and that any speaker invited to this campus as a guest of the University shall be accorded a courteous hearing and shall not be subjected to unseemly action on the part of those in attendance.

2. It is the responsibility of the Associate Vice President for Student Life, acting in coordination with the Director of Student Organizations and Activities, to certify that all of the above provisions have been complied with by the sponsoring student organization before the event is officially scheduled. In the event an invited speaker fails to comply with "1" above and/or advocates action deemed to be illegal, any action to be taken must be left to regular civilian authorities which administer federal and state laws. In the event the sponsoring student organization violates the provisions listed above, it is subject to the procedures and penalties applicable to students and student organizations which violate other Ball State University rules.

POLICY STATEMENT ON SELECTION OF CAMPUS SPEAKERS[37]

Ball State University, as an institution dedicated by the people of Indiana to higher education in the truest sense, reaffirms and follows these policies in the selection and presentation of lectures or speakers appearing on campus under University auspices.

1. Persons whose achievements in specific fields of intellectual endeavor have equipped them as recognized authorities in these fields will be brought to the campus for lectures as a planned effort to expand and enrich learning opportunities for University students. This includes the clear obligation of the University to its students to bring speakers who can and will present varying and perhaps conflicting viewpoints covering a vast array of subjects.

2. The selection and presentation of speakers or other programs on campus shall be guided and directed by regularly constituted University agencies operating within the framework of the University's administration. These University agencies will seek presentations appropriate to academic programs and activities of the University and its departments.

ARCHIVE

3. In all campus affairs the University will insist that the basic freedoms of speech assured in the constitutions of Indiana and the United States not be abridged and that the opportunities of students at Ball State University to know and evaluate conflicting opinions not be diluted under any circumstance. The University also stands ready to defend this freedom for any members of the community regardless of their political or social beliefs.

4. Although individuals or groups on campus or elsewhere may object to the views of a speaker or even to the person's appearance on campus, such objections cannot be allowed to interfere with the University's viewpoints. Individuals or groups outside the framework of the University's administration have the right to select their own sources of information in judging the competence of a speaker or writer. The University reserves the right, however, to be its own judge of the relevance and accuracy of such information.

5. Any lesser practice than is indicated in these policy statements would constitute an abdication of the intellectual assignments Indiana has given Ball State University. Indeed, these policies assure students, faculty members, and interested citizens the finest possible contributions to mutual intellectual needs as well as to local, state, and national citizenship responsibilities.

6. Although we might not always agree with what is said we would be among the first to defend the right of the author to write, the editor to editorialize, the citizen to speak or write letters to the editor, and the preacher to preach.

7. These statements are made so that interested individuals may appreciate the position which an accredited institution of higher education of status, character, and integrity must take if we are to preserve and enhance the American way of life so eloquently stated in our Constitution, the Bill of Rights, the Declaration of Independence, and other documents cherished by all of us.

THE STUDENT IN THE UNIVERSITY[38]

1. The University is a special kind of community--a community marked by a high degree of diversity and mobility, but at the same time, by a constancy and shared purposes among its members. This community's constituency includes students, faculty, and staff in a broad range of age groups and from diverse backgrounds, fulfilling a variety of converging functions, and holding membership in the community for varying periods of time--in most cases for four years or less. Commitment to the pursuit of common goals in an atmosphere of free inquiry and expression is jointly exercised by all members of the University community, the members of the University community having varying functions reflecting their particular competencies. Residents of the state, alumni, parents, and other benefactors also have a stake in the future of the University.

2. Although it is a part of the larger society and as such is subject to many operative forces therein, the University community is and must be dedicated to: the definition and transmission of our cultural heritage; the discovery, application, and advancement of knowledge; service to the best interests of society; and, above all, the development of its students.

3. As a citizen in the University community, the student is both subject and object of community life. The student, while a member of the community, shares with others responsibility for progress toward the attainment of cooperatively developed University goals, and the impact of the student culture is that of a dominant factor in effecting a potent educational environment. Concurrently, the student is the beneficiary of the content as well as the process of higher education. The role of the student is, then, contributor and recipient; and the relationship between the student and other members of the University community--singly and collectively--is basically an educational one, with education broadly conceived. Mutual respect and reciprocal fairness should characterize the relationships among members of the University community.

4. In the academic sphere of University life, the student is entitled to expect the following: competent teaching; courses which are adequately described and relevant, so choices may be made; fair, well-defined, and equitable evaluation practices; an effective voice in the evaluation of class content, structure, and instruction; adequate facilities; respect from teachers and other students; protection from exploitation and capricious actions by faculty and other students; and opportunity for appeal of decisions made regarding the student's academic achievement and/or progress, which are deemed unfair or unreasonable. Also, every desirable and practical measure should be taken to humanize educational programs and procedures, as well as to facilitate personalized student- faculty relationships. The student is expected to take full advantage of

ARCHIVE

available opportunities and to be an active participant in the teaching-learning process. The student should keep in mind that the professors have previously demonstrated a degree of competency in a field of specialty. Respect for this position must at all times be in evidence if the student wishes to command similar consideration for the student's academic rights. While not official University policy, expectations by particular professors are well within the professor's academic freedom and must be respected as such. The professor, on the other hand, should clearly delineate to students the criteria by which they will be evaluated.

5. In the extra class sphere of University life, as in the classroom and laboratory, the University operates on the basis of its own responsibility and authority derived from various sources, not as a parent surrogate.

6. The University community has responsibility for determining and enunciating its own standards, and students, as full members of the community, should participate in all levels of policy formulation relevant to them. Policies and procedures of the University applicable to student life are based on their justification for, and contribution to, the education of students and the well-being of the University community as a whole, with respect to genuine and legitimate educational concerns. In order to effect consistency in the formation and implementation of policies affecting students, communication should be facilitated among and within policy-making bodies, as well as between policy-making bodies and those who implement the policies. Policies and procedures must be applied in ways consistent with the principle of due process, the hallmark of which is fair play for all students regardless of race, sex, religion, or creed.

7. The student is both a member of the University community and a citizen. The student retains basic rights as a citizen when entering the University, while recognizing the assumption of certain additional obligations as a member of that special community. Thus, basic rights as a citizen--freedom of expression, freedom of association, freedom of inquiry, peaceful assembly, and right to petition--will be protected on the campus, with any limitations clearly substantiated as being necessary for upholding applicable laws and/or valid educational considerations. The student is responsible to civil authorities for obeying the laws of the community, just as to the University for adherence to University regulations. The University will not accept remand of a student charged or convicted of violations of local or state laws for the purpose of imposing discipline. Only when a genuine university educational concern or purpose is contravened will the University take action against a student's behavior. And, a student has the right and should have the means to appeal any University action which seems unjustified or capricious.

8. It is expected that all members of the University community will have tolerance for the opinions and respect for rights of others. Therefore, it is essential for the student, as well as for other members of the community, to be fully aware of his or her rights and responsibilities.

PET POLICY

1. General
The pet is any domesticated or tamed animal that would normally be expected to belong to someone whether or not there is any acknowledged ownership.[38]

2. University Buildings (Except Residence Halls and Student Family Housing) Written authorization is to be obtained from the appropriate Department Chairperson, Dean or Administrative Head involved before a pet may be brought into University buildings. Such authorization is to state the purpose and duration of the activity involving the pet. The authorization is to be in the possession of the owner or person in control of the pet during the time the pet is in a University building.

3. Residence Halls
Pets are not permitted in Residence Halls with the exception of marine life in fresh water aquariums.

4. University Grounds
Pets are not permitted on University grounds unless they are appropriately leashed or caged and under the control of and accompanied by their owners or others designated by their owners as having responsibility for the control and care of the pet.

ARCHIVE

5. Student Family Housing Apartments
   Pets are not permitted in Student Family Housing Apartments with the exception of marine life in fresh water aquariums and small caged birds.

6. Enforcement
   Violations of the University Pet Policy will be dealt with in accordance with University rules governing the conduct of faculty, staff, and students. In addition, violations in the Residence Halls and Student Family Housing Apartments, will have action taken in accordance with "Conditions of Occupancy" for Student Family Housing, and "Policies of University Residence Halls" for the Residence Halls.

7. Provisions of this policy do not apply to service animals or to police or K9 dogs while such animals are performing their duties under supervision.

8. This Pet Policy is in addition to applicable ordinances of the City of Muncie and statutes of the state of Indiana.

TESTING OF MATRICULANTS

1. Undergraduate matriculating students take a group of entrance tests. These test results are then interpreted to the students during the Freshman Orientation Program. Other tests and inventories are administered at the request of either faculty members or students. For ease in interpretation, all scores are transposed to percentile ranks, both local and national. These percentile ranks are recorded on the students' permanent record cards which, with the students' personnel folders containing the test results, are available to faculty members for examination.

2. Following the administering of the speech and hearing tests, faculty members receive a list of students with hearing losses, marked to indicate whether the student should be seated in or near the front of the room. The Speech and Hearing Clinic provides instruction time for those who need clinical assistance.

OFFICE OF ACADEMIC ADVISING

Academic Advising at Ball State University is a service provided to assist students in meeting their educational goals. Recognizing that the needs of freshmen are substantially different from those of upperclassmen, the University offers a more comprehensive and personal advising program during the first year. For those students above the freshman level who have declared a program of study, faculty advisors in their discipline are assigned to aid in interpretation of major requirements. Although every effort is made to familiarize students with University requirements, academic progress is ultimately the responsibility of each individual student.

1. The Academic Advising Center
   1.1 The Academic Advising Center, located on the third floor of North Quadrangle, is the center for the advising of all freshmen and certain other classifications of students. All students having between 0 and 30 hours are assigned to a professional academic advisor. If the student is a transfer student and has fewer than 30 semester hours completed, he or she is also advised through the Academic Advising Center.
   1.2 The Academic Advising Center consists of Freshman Advising, Athletic Advising, Freshman Distinction/Honors Advising, and University College Advising.

2. Advising Center Coordinators
   2.1 Advising Resource Centers are located in the Arts and Communications Building, Burkhardt Building, Cooper Physical Science Building, North Quadrangle, Robert Bell Building, Teachers College, and the Whitinger Building.
   2.2 Each center is staffed by a professional advisor who acts as a center coordinator and is responsible primarily for the administration of the advising program and for data entry and file maintenance. The coordinator also serves as a resource person for faculty advisors regarding advising information, procedures, and techniques.

3. Faculty Advising
   3.1 When students complete 30 or more hours or transfer 30 semester hours or more from another institution, they are assigned to a faculty advisor in their major area. If they are undecided on their major, they will remain with advisors in University College until a

ARCHIVE

major is declared. Students who are athletes and/or distinction/ honors have, in effect, two advisors: a faculty advisor in their major area and the Athletics Advisor and/or Distinction/Honors Advisor. For upperclassmen, faculty advising is the primary source of academic advising.

FINANCIAL ASSISTANCE TO STUDENTS

The Office of Scholarships and Financial Aid, in the Student Affairs area, administers the scholarship, grant, loan, and veteran's programs for the University. Faculty members aware of students in financial need should contact this office.

VETERANS' SERVICES

1. The University Veterans' Advisor is located in Lucina Hall. All veterans' administration forms used in making application for educational benefits must be filed in this office. Questions about veterans' affairs should be directed to this office.

2. In addition, children of disabled or deceased World War, Korean Conflict, and Vietnam veterans are eligible for the exemption from the contingent portion of the general fees each semester as provided by the Indiana General Assembly. Application for this exemption should be made in the Office of Scholarships and Financial Aid.

INTERNATIONAL PROGRAMS[39]

1. **The Rinker Center for International Programs** is responsible for overseeing, encouraging, and evaluating all international programs and activities on campus. These programs and activities fall under five major headings: 1) international admissions programs, 2) international educational services, 3) faculty exchanges and similar international experiences, 4) foreign studies on campus, and 5) joint University/ community international activities.

2. **The International Admissions Office** is responsible for recruiting students from abroad and for handling all related admissions correspondence as well as for evaluating credentials and making admissions recommendations. This office sends students final letters of admission as well as the proper forms for obtaining visas. It also coordinates arrangements for living accommodations and financial support with the relevant offices, cooperates with the English Department in identifying those students needing remedial help with the language, and provides orientation services as well as developing other activities, such as the host family program, for fully integrating the foreign students into the University and larger communities. The office is always available to help foreign students with their problems or for consultation with individual instructors concerning specific problems that may arise regarding foreign students.

3. **The International Educational Services Office** compiles and makes available to students information on the widest possible range of study abroad opportunities, whether those involve the various "Ball State Abroad" programs (such as the London Centre), programs offered by various consortia to which we belong, exchange and fellowship opportunities, or programs offered by other universities. It also offers students assistance in applying for these programs and issues international student identification cards.

4. **The Rinker Center for International** Programs provides guidelines for establishment of international academic exchanges and oversees selection of participants. Official coordinators for each existing exchange agreement are appointed by the director of the Center, and these individuals are available for consultation by those interested. Information is available on other opportunities for faculty to obtain experience abroad as well.

5. The Center is interested in encouraging a very broad range of opportunities for foreign studies on campus, including, for example, the development of new courses for the global studies component of university core curriculum. The Associate Director for International Admissions and Sponsored Programs also acts as coordinator of the regional studies programs on campus--currently Asian Studies and Latin American Studies.

6. In all the areas for which the Center is responsible, the staff stands ready to help interested parties in any way possible, whether it be with advice, information, or assistance in identifying possible sources of funding for the development or support of international programs and activities.

ARCHIVE

CAREER CENTER

1. The University conducts a career center for students and alumni. The flow of employing officials through this office and the hundreds of requests for personnel received daily are some indication of the extensive activity within the area.

2. During the year students and alumni will ask faculty members to submit references to Career Center to be used by Career Center in recommending for teaching and other positions. An honest appraisal of the individual for whom a reference is given is essential, for employing officials rely heavily on the references, and their confidence in the evaluations is strengthened when they find in subsequent associations with the University graduates that their capabilities and weaknesses had been identified in the references.

3. Individual faculty members may learn of vacancies in the field and may be asked about candidates. All such requests should be referred to Career Center so that an efficient, central placement system can be maintained. This will also provide an accurate supply demand figure for state and national reports.

HEALTH CENTER[40]

The Health Center is staffed with licensed doctors and nurses to care for the health needs of most enrolled students. Each new student is required to submit a completed student health form to the Health Center and to comply with disease prevention measures as required. It is essential that each student fulfill health requirements. Failure to comply can result in cancellation of enrollment.

COUNSELING STUDENTS

Students in need of academic, vocational, or personal counseling should be referred to the Counseling Center, which is organized under the Vice President for Student Affairs. A faculty member who wishes to refer a student for some other type of personal assistance should contact the Office of the Vice President for Student Affairs.

REHABILITATION ASSISTANCE FOR STUDENTS

Students with physical defects may receive assistance from the State of Indiana Vocational Rehabilitation Division. A representative of that agency has an office at 201 E. Charles Street, Suite #130.

OFFICE OF DISABLED STUDENT DEVELOPMENT

The Office of Disabled Student Development (DSD) serves as the coordinator of the university's efforts to provide access and opportunity to students with disabilities. Included among the many functions of DSD are the determination of disability, determination of reasonable accommodations based upon disability, and coordination of the provision of auxiliary services and appropriate accommodations. A few of the accommodations and services facilitated by DSD are priority class scheduling, letters to teachers regarding classroom and testing accommodations, making print accessible, note taking, and sign language interpreting.

BURRIS SCHOOL

1. The laboratory school of the University, Burris School, is an area of particular significance in this University. The academic staff of the University should be familiar with its program and should utilize its resources in the University academic program. It is an area of demonstration of teaching of public school students from kindergarten through high school levels. For the teacher and prospective teacher it is of inestimable value in learning through observation and participation.

2. Student teaching is done in other public schools of Muncie and Delaware County and in other urban and rural schools of the state of Indiana.

ARCHIVE

MUSEUM OF ART[41]

The Museum of Art, located in the Fine Arts Building, houses an excellent collection of eighteenth, nineteenth, and twentieth Century art works and select examples from many diverse eras and cultures which are on permanent display. The temporary galleries are used for traveling shows, as well as special exhibits from the gallery collections. The gallery is open free to the public and its staff offers guided tours by appointment.

OUTDOOR LABORATORIES IN SCIENCE

1. Christy Woods, on the west campus, and Sixteen Acres, a wooded area crossed by a stream southwest of the campus, are maintained by the University as laboratories for students of plant and animal life. Both areas are open to students and staff during daytime hours. A faculty member who wishes to make special use of either laboratory should make arrangements through the Office of the Chairperson of the Department of Biology.

2. The Esther L. Cooper and Robert H. Cooper Woodland Area on Bethel Pike is a 31.48 acre gift to the University for use by the Department of Biology as a wild life and research study area. Located two miles northwest of the campus, the Cooper Woodland Area includes open fields and a forested area for the use of undergraduate and graduate students in the fields of biology, taxonomy, and ecology. This outdoor laboratory provides the Department of Biology with an ideal site for the study and collection of upland type vegetation.

3. Ginn's Woods, an outdoor laboratory-classroom located approximately 10 miles from the campus, is a beech-maple forest of approximately 111 acres, which has never been grazed nor burned, nor has it had significant logging in the past half century. This rich natural area is used extensively by science students for field trips and research.

STUDENT ORGANIZATIONS[42]

1. All student organizations are required to have faculty advisors. The faculty advisor, as an official representative of the University, assumes responsibility for working on a continuing basis with the student organization in accordance with the policies of the institution.

2. Recognition of new student organizations is granted by the Student Government Association and the Student Activities Committee.

3. Policies related to student organizations are implemented through the Office of Student Life in coordination with the Student Government Association, the Student Activities Committee, and appropriate coordinating councils.

CONVOCATIONS, ARTIST SERIES, CONCERT SERIES

1. The University arranges a convocation series, the Artist Series, the Concert Series, and the Focus on Culture Series for the enlightenment, education, and entertainment of students and staff. These are scheduled primarily in the evening.

2. Students are encouraged to attend; however, students with class conflicts should arrange with the individual faculty member regarding the feasibility of class absence.

SPECIAL EVENTS ON CAMPUS

1. The University and its various areas sponsor many conferences, meetings, and other programs on campus-some educational, some cultural, and some for other purposes; and many outside organizations hold meetings and other special events at the University. Faculty and students are encouraged to attend most of the open meetings.

2. All special events must be scheduled and arranged for, because often many facilities of the University are involved. Therefore, arrangements for physical facilities for conferences should be made with the Director of Conferences and Special Events.

ARCHIVE

3. Any group or organization wishing help in planning a program for a special conference or workshop should consult the Dean of the School of Extended Education.

4. Faculty members have been elected on the basis that they have something to contribute as a person as well as a teacher. They are expected to attend many of the special events on campus and often to participate. Many University functions cannot be a success unless faculty members are there by choice.

EXAMINATION, SCANNING, AND EVALUATIONS SERVICES

1. The Examination, Scanning, and Evaluations Services is intended to provide individuals with information and with assistance which will contribute to the improvement of academic management at Ball State University. The Examination, Scanning, and Evaluations Services will be operated to achieve positive goals and will be concerned with the enhancement of those aspects of teaching and academic management which appear to contribute to an individual's effectiveness in his or her specific job.

2. Ball State University's Examination, Scanning, and Evaluations Services is designed as a service program for academic and administrative personnel of the University. The goals of the program are (1) to provide individuals with data which may enable them to assess more efficiently the effectiveness of their roles, and (2) to initiate activities which will assist individuals who wish to enhance certain of their professional competencies. The evaluation service is voluntary, and the results of evaluations will be released only to the individuals evaluated.

3. All faculty, graduate assistants, doctoral fellows, and other individuals involved in teaching University classes are invited to participate in student evaluation of instruction. All persons having administrative responsibilities may also avail themselves of the Examination, Scanning, and Evaluations Services in a manner appropriate to their assigned responsibilities.

COMMENCEMENT[43]

1. Commencement is an occasion marked by tradition and ceremony for the purpose of recognizing academic achievement and excellence. To ensure that a large number of faculty join with the students in this recognition, each department will develop a plan to ensure that each faculty member will participate in at least one of the three University Commencement ceremonies each academic year.

2. Information concerning rental of caps, gowns, and hoods is available at the Ball State Bookstore.

BALL STATE UNIVERSITY INTERCOLLEGIATE ATHLETICS[44]

1. Mission Statement
   - 1.1 The intercollegiate athletics program is an integral part of the educational program of Ball State University. The program supports the educational mission of the institution through its pursuit of the education and graduation of student-athletes.
   - 1.2 Athletics provides an environment in which a student-athlete is able to develop academically, athletically, and personally. The University believes values and benefits of athletic participation include the opportunity to learn the importance of teamwork in striving toward a goal, to learn the importance of good sportsmanship, to develop leadership skills, and to build confidence and self-esteem.
   - 1.3 Intercollegiate athletics offers a broad, diverse program providing a wide variety of athletic opportunities for student-athletes. The department is committed to having a diverse staff and student-athlete population reflective of the University and community. The program also provides opportunities for other students to participate as managers, trainers, athletics communication staff, and spectators.
   - 1.4 Students participating in intercollegiate athletics gain experiences not only as athletes, but as students and community members. The welfare of student-athletes is of the utmost importance in providing a well-rounded athletics program. The program protects and enhances the physical and educational welfare of all its student-athletes.
   - 1.5 To eliminate gender and racial bias, the program is administered in a nondiscriminatory manner in accordance with the University's equal opportunity, affirmative action policy.

ARCHIVE

1.6 The athletics program also provides a valuable link to the community. A successful, fiscally sound, and well-administered program reflects positively on both the University and the community and results in a considerable amount of positive public relations.

1.7 Ball State University has a responsibility to provide the resources for student-athletes to develop positive attitudes and to display good citizenship in the community. It is understood that staff and coaches serve as mentors and leaders not only to the students, but the youth of the community as well.

2. Goals:

2.1 To emphasize integrity in dealing with our student-athletes, the University, and the community;

2.2 To provide an environment that nurtures the full development of individual student-athlete potential;

2.3 To educate and instill in our athletes and athletic department personnel, fans, and support organizations the values of good sportsmanship and proper ethical behavior;

2.4 To maintain a graduation rate and an overall grade point average higher than the general student population at the institution;

2.5 To continue to develop the tradition of athletic success in both the men's and women's sport programs by earning Mid-American Conference, regional, and national recognition;

2.6 To operate the program in a nondiscriminatory manner for all students and staff;

2.7 To dedicate student-athlete and staff resources toward meaningful involvement in community service activities; and

2.8 To continue to be a productive and responsible member of the Mid-American Conference, the Midwest Intercollegiate Volleyball Association, and the National Collegiate Athletic Association and abide by the rules and regulations of these organizations.

STATEMENT OF PRINCIPLES FOR INTERCOLLEGIATE ATHLETICS AT BALL STATE UNIVERSITY[45]

I Intercollegiate Varsity Athletics

For a sport to be admitted to varsity status, it must meet the following criteria

1. Student Interest in Sport. Interest in the sport must have been aroused in the students to the extent that they want it as an intercollegiate activity.

2. Available Competition. Sufficient competition in the sport with other institutions must be available for the scheduling of at least the minimum number of contestants required by the Mid-American Conference and the NCAA.

3. Financing the Sport. Determination must be made as to the feasibility of financing the sport.

4. Facilities. Adequate facilities must be available for use.

5. The Athletics Committee may recommend addition to or deletion of a sport from current varsity sport offerings.

6. The intercollegiate varsity athletic program for men consists of competition in seven sports: baseball, basketball, football, golf, swimming and diving, tennis, and volleyball. The intercollegiate varsity program for women consists of competition in twelve sports: basketball, cross-country, field hockey, golf, gymnastics, indoor track, outdoor track, soccer, softball, swimming and diving, tennis, and volleyball. Intercollegiate varsity athletics for men are administered by the Director of Intercollegiate Athletics for Men and intercollegiate varsity athletics for women are administered by the Director of Intercollegiate Athletics for Women.

7. Coaches and staff members of Ball State University's athletics department shall comply with the National Collegiate Athletic Association (NCAA) and Mid-American Conference (MAC) rules and regulations. It is important that this compliance commitment be determined as early as possible in a search process, and the NCAA is to be contacted before an initial contract offer is made by an athletic director to a prospective head coach. A contract offer will ordinarily not be made to a prospective head coach who is currently under official sanction by the NCAA.

   Coaches of varsity sports are appointed by the President of the University upon the recommendation of the respective Athletic Directors and Executive Assistant to the President.

ARCHIVE

II Financing of the Athletic Program

1. The financial aspects of the intercollegiate athletic program are administered in accordance with policies and practices required by the chief financial officer of the University. Income is derived from 1) designated funds, such as student fees, 2) gate receipts, 3) guarantees from competing colleges, 4) gifts, and 5) miscellaneous. (The parking fee is representative of the miscellaneous type of income.) The particular portion of designated funds used for the support of the intercollegiate athletic program is set annually by the Board of Trustees and President of the University. Currently, admission is charged in football and men's basketball; in the future, admission may be charged for other sports. All students receive admission without charge to all regular home varsity athletic events upon the presentation of the student identification card. Admission charges may, however, be required for all attending National Collegiate Athletic Association Championships, conferences, and other special athletic events.

2. The collection and disposition of revenue as well as payments for all supplies, services, equipment, scholarships, and grants-in-aid are processed through the regular business channels of the University. Expenditures are approved by the Assistant to the President on the recommendation of Athletic Directors. Sound fiscal policies must be maintained by all persons who have been delegated such responsibilities.

III Athletic Associations, Affiliations, and Representation

The nature and governance of the national athletic associations and conference affiliations for both men's and women's intercollegiate athletics are contained in this portion of the policies controlling intercollegiate athletics at Ball State University.

1. Ball State University is a member of the National Collegiate Athletic Association, the major regulatory association for intercollegiate athletic competition; as a member institution, Ball State University must administer the intercollegiate athletic program in conformity with the rules and regulations of the NCAA.

2. Ball State University is a member of the Mid-American Conference and as such must conform to and administer the intercollegiate athletic program within the limits of the Constitution, Bylaws, and Operating Code adopted by the Conference.

3. Ball State University is a member of the Midwest Intercollegiate Volleyball Association, a voluntary organization of institutions that sponsor volleyball teams; the purpose of the association is to provide standards and regulate the play of volleyball.

4. Ball State University shall be represented in the Mid-American Conference and the National Collegiate Athletic Association by the same University representative. The University representative is elected by the University Senate. The nominations for the University representative shall be the responsibility of the Governance and Elections Committee of the University Senate upon the recommendation of the Athletics Committee. The initial term of office for any representative is for five years. Subsequent terms are for three year periods. The candidate(s) nominated need not be a member(s) of the Athletics Committee or the University Senate. The representative shall be prepared to make regular reports to both groups. The University representative will be an ex officio member of the Athletics Committee.

GUIDELINES ON FUND-RAISING ACTIVITIES[46]

I Policy

1. Solicitation of funds, grants, contracts, or property may be made for the benefit of the University, or any agency thereof, with approval of the President or his or her designated representative and within the general guidelines and specific programs outlined henceforth.

2. Any dean, director, faculty, or staff member who wishes to undertake any type of fund raising program or solicitation of contributions in the name of the University from alumni, business, industry, foundations, or friends, or who seeks to establish a fund-raising program, such as "Associates," "Friends," or similar groups, should follow the guidelines established for this purpose.

II General Guideline

Before undertaking informal discussions with any potential donor or sponsor for the support of a new program, of the construction or modification of a building, there should be conversations with the appropriate Vice President or his or her designated representative. If and when it appears to be timely to submit a formal request in writing, this should be reviewed by the same Vice President, who before authorizing its submission, may take it to Senior Staff, the President, and/or Board of Trustees for approval, or utilize other usual channels for its approval.

ARCHIVE

III Specific Programs

1. Any written request involving the planning, construction, or expansion of a University building, regardless of the source of funding, should be submitted to the Master Planning and Facilities Committee. Detailed instructions on the nature and method of presentation will be furnished.

2. Any major academic program request for funding to be made to a foundation, should first be submitted to the appropriate College Dean, for approval and forwarding to the Provost and Vice President for Academic Affairs or his or her designated representative for review and presentation to the President. This excludes those proposals which are channeled normally through the Sponsored Programs Office.

3. The Office of University Development is responsible for planning, directing, and coordinating the University's gift-seeking activities.

4. The Ball State University Foundation shall deposit all gifts promptly and issue receipts for use in the acknowledgement process. The Foundation will also record all gifts for data processing purposes.

This responsibility encompasses private gifts of cash, securities, property, equipment, etc., received by any unit of the University for any purpose except programs already recognized and approved.

5. To insure that all the University's fund-raising efforts are properly coordinated and to protect alumni and friends of the University from an excessive number of University solicitations, any written request to undertake a fund raising program or solicitation of contributions from alumni, friends, business, industry, or the local community, should first be submitted to the Executive Director of University Development for review and presentation to appropriate administrative directors.
   - 5.1 Included in this category are the following:
     - 5.11 Plans to raise funds from alumni on an annual, recurring basis, similar to or as a part of the Alumni Fund solicitations. This does not pertain to fund-raising programs already recognized and approved;
     - 5.12 Establishment of an "Associates" or "Friends" program designated to solicit financial support;
     - 5.13 Special fund-raising efforts appealing to the University's constituencies in behalf of scholarships, memorial funds, fellowships, aid programs, professorships, endowed chairs, etc.;
     - 5.14 Plans to add or reassign faculty or staff members, or to retain outside professional counsel to conduct fund raising activities in the University's name.
   - 5.2 Upon approval of the fund-raising activity, the Executive Director of University Development will assist in the preparation of final plans for implementation and will coordinate the leadership and solicitation(s).
   - 5.3 Since the Ball State University Foundation has been established to serve as the fund-raising organization for the University, all donors should be encouraged to make their gifts to the Foundation. Checks should be made payable to Ball State University Foundation.

IV Acceptance and Handling of Gifts

1. The Vice President for University Advancement, in consultation with other University faculty and administrators, will be responsible for the determination of acceptability of a proposed private gift to the University for which the donor desires a tax deduction. If a gift is unacceptable because of restrictions a donor has placed on its use, the donor will be counseled to remove or modify the restrictions. If the conditions of the gift are still unacceptable to the University, the gift will be returned to the donor.

2. When real estate, equipment, books, manuscripts, or other gifts-in-kind are given to the University with the intent of a tax deduction, they will be appraised by at least two knowledgeable appraisers furnished by the donor; and an average of the two appraisals will be used as the value at date of gift. Appraisals and a report concerning the department receiving the gift should be submitted to the Executive Director of University Development.

3. The Vice President for University Advancement will forward this report to the Ball State University Foundation for receipting and acknowledging the gift and to the Director of Purchasing in order that the gift can be inventoried. It is recommended that a University employee not be used for an appraisal unless that person is considered to be the most qualified to make an appraisal. The Director of Purchasing or Vice President for University Advancement may be consulted as to available appraisers if a department has questions concerning the appraisal procedure.

ARCHIVE

4. Gifts-in-kind to the University and acknowledged by the Ball State University Foundation will be inventoried by Ball State University.

V Acknowledgement of Gifts

1. All Gifts will be acknowledged by the President of the University or his or her designee and University and officially receipted by the Ball State University Foundation. Department chairpersons, administrators, or faculty members involved with the program benefited also may write a letter of appreciation.

2. Gifts-in-kind will be officially acknowledged by the President of the University and receipted by the Ball State University Foundation. Department chairpersons, administrators, or faculty members involved with the program benefited also may write a letter of appreciation.

VI Unsolicited Gifts

Gifts proffered to the University, or to one of its agencies, may be accepted by the agency involved which will report such a gift promptly to the Office of University Development in order that the gift may be officially reviewed and accepted as indicated in the foregoing provisions.

VII Unusual Circumstances

If a faculty member or an administrator finds an unusual opportunity to suggest a gift to the University that can fit within the above indicated procedures, he or she may do so, indicating to the prospective donor that University agencies are required to review the gift before its final official acceptance.

ARCHIVE

NOTES

1 By action of the University Senate, December 19, 1974;
Board of Trustees, January 22, 1975.

2 By action of the University Senate, February 18, 1988.

3 By action of the University Senate, March 23, 1995;
Board of Trustees, May 1, 1995.

4 By action of the University Senate, December 5, 2002.

5 By action of the University Senate, April 29, 1999.

6 By action of the University Senate, May 2, 1974;
Board of Trustees, May 30, 1974.

7 Updated--By action of the University Senate, October 17, 1991;
Updated--Academic Systems, June 27, 1996.

8 By action of the University Senate, April 30, 1987;
Semester Changes--June 1988;
Updated--Academic Systems, June 27, 1996;
Updated--Academic Systems, May 16, 2001.

9 By action of the University Senate, January 20, 1994;
Board of Trustees, March 4, 1994.

10 Updated--By action of the University Senate, March 22, 1990;
Board of Trustees, May 4, 1990;
Updated--Registrar, May 23, 1996.

11 By action of the University Senate, September 28, 1978;
Board of Trustees, November 30, 1978;
Updated--By action of the University Senate, January 14, 1982;
Board of Trustees, March 26, 1982;
Updated--By action of the University Senate, April 28, 1988;
Board of Trustees, May 20, 1988;
Updated--By action of the University Senate, April 26, 2001;
Board of Trustees (Information), July 20, 2001.

12 By action of the University Senate, May 15, 1975.

13 By action of the University Senate, April 30, 1987.

14 By action of the University Senate, January 20, 1972;
Board of Trustees, March 10, 1972.

15 By action of the University Senate, February 7, 1974;
Board of Trustees, February 20, 1974;
Updated--School of Continuing Education and Public Service, June 11, 1996.

16 By action of the University Senate, February 16, 1978;
Board of Trustees, March 29, 1978;
Updated--By action of the University Senate, April 7, 1983;
Updated--By action of the University Senate, April 28, 1988;
Board of Trustees, May 20, 1988;
Updated--By action of the University Senate, May 2, 1989;
Board of Trustees, May 5, 1989;
University Senate, September 28, 2006.

17 By action of the University Senate, December 13, 1984;
Board of Trustees as information item, January 25, 1985;
Updated--By action of the University Senate, April 14, 1988;
University Senate, September 28, 2006.

ARCHIVE

18 Editorial Changes--University Senate, May 14, 1987;
Revised--By action of the University Senate, October 15, 1992;
Board of Trustees, December 4, 1992;
Revised-By action of the University Senate, December 1, 2011.

19 Revised-By action of the University Senate, January 19, 2012.

20 By action of the University Senate, February 18, 1988.

21 By action of the University Senate, March 24, 2011;
Board of Trustees, June 16, 2011.

22 By action of the University Senate, April 21, 1983;
Updated--By action of the University Senate, December 15, 1988.

23 By action of the University Senate, November 13, 1997;
Board of Trustees (Information), December 19, 1997.

24 By action of the University Senate, February 6, 1975;
Board of Trustees, March 20, 1975.

25 By action of the University Senate, February 6, 1975;
Board of Trustees, March 20, 1975.

26 By action of the University Senate, December 14, 1978;
Board of Trustees, January 30, 1979.

27 By action of the University Senate, April 25, 1996;
Board of Trustees, July 19, 1996.

28 Updated--By action of the University Senate, April 28, 1988;
Board of Trustees, May 20, 1988;
Updated--By action of the University Senate, April 21, 1994;
Board of Trustees, May 6, 1994;
Updated--By action of the University Senate, December 7, 2000;
Board of Trustees (Information), July 20, 2001;
Revised--By action of the University Senate, December 4, 2003.

29 By action of the University Senate, February 6, 1975;
Board of Trustees, March 20, 1975.

30 By action of the University Senate, November 2, 1972;
Semester Changes--June 1988;
Updated--Registrar, May 23, 1996.

31 Updated--By action of the University Senate, May 14, 1987;
Updated--By action of the University Senate, February 23, 1989;
Board of Trustees, March 31, 1989;
Updated--By action of the University Senate, April 24, 1997;
Board of Trustees (Information), July 25, 1997.

32 By action of the University Senate, October 20, 1988;
Board of Trustees, December 9, 1988;
Editorial Change--University Senate, February 15, 1990;
Editorial Change--Academic Systems, August 3, 1993.

33 By action of the University Senate, October 14, 1976;
Board of Trustees, November 4, 1976.

34 By action of the University Senate, November 11, 1976;
Board of Trustees, January 20, 1977.

35 By action of the Student Senate, September 30, 1965;

ARCHIVE

Student Activities Committee, April 26, 1965;
Faculty Senate, December 16, 1965;
Revised--By action of the University Senate, March 19, 1992;
Board of Trustees, April 20, 1992.

36 A joint statement by the Faculty Advisory Council, the Ball State Chapter of the American Association of University Professors, the President of the University, and the President of the University Board of Trustees, Spring, 1962.

37 Approved by Student Activities Committee, November 17, 1969;
Student Senate, December 3, 1969;
University Senate, May 14, 1970.

38 By action of the University Senate, March 10, 1977;
Board of Trustees, April 21, 1977;
University Senate, March 26, 2009.

39 By action of the University Senate, April 30, 1987.

40 Updated--Dean of Students, July 1, 1996;
Editorial Changes – University Senate, 2007.

41 Updated--By action of the University Senate, April 30, 1987.

42 Updated--By action of the University Senate, February 18, 1988.

43 Editorial Changes--University Senate, May 14, 1987;
University Senate, March 26, 2009.

44 By action of the University Senate, October 19, 1995;
Board of Trustees, December 15, 1995;
Revised--By action of the University Senate, April 27, 2000;
Board of Trustees, May 5, 2000.

45 By action of the University Senate, May 14, 1987;
Updated--By action of the University Senate, December 17, 1987;
Updated--By action of the University Senate, April 14, 1988.

46 By action of the University Senate, May 13, 1976;
Board of Trustees, May 28, 1976;
Updated--Senior Officers, March 28, 1988.

ARCHIVE

SECTION V

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES[1]

INTRODUCTION

The vision of Ball State University is, in part, to be "a learner-centered and socially responsible academic community." Therefore, Ball State University expects and requires all of its students and their guests to cooperate in developing and maintaining high standards of scholarship and conduct. Upon entrance into the University, students are not only presented with many rights, privileges, and opportunities, they are also faced with attendant responsibilities. In order for students to live and learn in harmony with others in the University community, they must assume responsibility for their actions and respect the rights and beliefs of others. A broad statement of those expectations is expressed in Ball State's *Beneficence Pledge* which is found below (approved and published separately as well):

The Beneficence Pledge

Members of the Ball State University Community…

pledge to maintain high standards of scholarship and excellence
to work with students, faculty, and staff to strengthen teaching and learning on campus.

pledge to practice academic honesty
to model and uphold academic integrity, to honor my peers and earn the trust and respect from all members of the community.

pledge to act in a socially responsible way
to treat each person in the Ball State community with civility, courtesy, compassion, and dignity; to respect the property and environment of the campus.

pledge to value the intrinsic worth of every member of the community
to respect and learn from differences in people, ideas, and opinions.

The University community is not a sanctuary from the law and all students of the University are subject to local, state and federal laws. In addition, each individual is obligated to protect the University as a forum for the free expression of ideas.

The Code of Student Rights and Responsibilities outlines behaviors expected of students at Ball State University and methods used to judge student behavior fairly according to these standards. The standards of conduct apply to students while on the campus or off campus, when attending University-sponsored events, or when such conduct involves the security or integrity of the University community.

The resolution of complaints for violation of *The Code of Student Rights and Responsibilities* (*Code*) may vary according to the location of the alleged violation, the complexity of the circumstances of the complaint, or the relative seriousness of the complaint. Offices and departments will routinely consult to determine the most appropriate venue for adjudication. Regardless of where a complaint is resolved, the

ARCHIVE

purpose of this *Code* is, in part, to provide an educational framework for students so that they may make responsible choices regarding their behavior in this academic community.

I. Bill of Rights and Responsibilities

1.1 *Preamble*

Students of the University have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. All students share the obligation to respect:

The fundamental rights of others as citizens;
The rights of others based upon the nature of the educational process;
The rights of the institution; and
The rights of students to fair and equitable procedures determining when and upon whom penalties for violation of campus regulations should be imposed.

1.2 *Student's Relation to Civil Law*

As citizens, students of Ball State University enjoy the same basic rights and are bound by the same responsibilities to respect the rights of others as all other citizens.

Among the basic rights are freedom of speech, freedom of the press, freedom of peaceful assembly and association, freedom of political beliefs, and freedom from physical force and violence, threats of violence, and abuse.

Freedom of the press guarantees there will be no censorship of students or of any other individuals in the Ball State community. Professional journalistic standards encourage the public's right to know, accepted ethical practices, accuracy, objectivity, and fair play; students and other individuals in the University community are encouraged to follow these standards.

It should be made clear in writings and broadcasts that editorial opinions are not necessarily those of Ball State University or its students.

The campus is not a sanctuary from local, state, and federal law.

Admission to and employment by the University shall be in accordance with the provisions against discrimination in local, state, and federal law.

1.3 *Student's Relation to Community*

1.3.1 Students attending the University take on responsibilities not only of campus citizenship but also citizenship in the surrounding community. When community standards are not respected and upheld by students, unpleasant and undesirable conflicts between students and other community residents may result. Such conflicts are destructive to human relationships in the community and

ARCHIVE

detrimental to the image of the University, as well as, to the reputation of the student body. Students are also subject to legal sanctions when they violate local, state, and federal laws or otherwise infringe upon the rights of others.

1.3.2 Students shall conduct themselves responsibly in the community, respecting the personal and property rights of all residents. It is to the advantage of the student body, as well as in the best interest of the University and the community, for everyone to work together to maintain community standards and to build good relations among the citizenry.

1.4 ***Student's Relation to University***

Ball State University, as an institution of higher education and any division or agency which exercises direct or delegated authority for the institution, has rights, obligations and responsibilities of its own, including the:

1.4.1 Obligation to provide opportunities for students of the University to present and debate public issues.

1.4.2 Obligation not to take a position as an institution in electoral politics.

1.4.3 Right to require that persons on the campus be willing to identify themselves by name and address and state what connection, if any, they have with the University.

1.4.4 Right to establish reasonable standards of conduct for all persons on the campus in order to safeguard the educational process and to provide for the safety and welfare of its students, visitors, and University property.

1.4.5 Right to prohibit individuals and groups who are not students of the University from using its name, its finances, and its physical and operating facilities for political activities, or for commercial activities, except as specifically agreed to in writing by the proper authorities of the University.

1.4.6 Right to prohibit students of the University from using its name, its finances, or its physical and operating facilities for commercial activities, except in cases involving recognized student and faculty groups as provided for in policies governing use of the campus facilities and fund-raising activities.

1.4.7 Right and obligation to provide, for recognized student groups of the University, the use of campus facilities under the rules of the campus, including use for political purposes such as meeting of political clubs; the right and obligation to prohibit use of its facilities by individual students or student groups on a regular or prolonged basis as free headquarters for political campaigns; and the right and obligation to prohibit use of its name and its finances for any political purpose at any time. Use of other resources for political purposes must comply with existing local, state, and federal laws.

ARCHIVE

1.5 ***Academic Freedom***

1.5.1 Academic freedom is a foundation of any university community. The affirmation of academic freedom of students should be accepted as a reciprocal understanding among the individual student or groups of students and the faculty and administration. The student is not only privileged to think independently but, in the tradition of a university, is responsible for developing independent thinking. The University seeks to provide and maintain an academic climate which is conducive to learning.

1.5.2 Ball State University, as an institution of higher education, reaffirms the following policies to insure the academic freedom of students:

- **a.** That students have the right to the best education possible;
- **b.** That students have the rights and responsibilities for participation in policy and decision making and implementation in areas affecting student welfare;
- **c.** That students have inherent rights to the establishment and practice of representative self-government as set forth in the Constitution of the Student Government Association of Ball State University;
- **d.** That students have rights to and means whereby they may communicate their ideas and concerns to responsible authorities in the University;
- **e.** That students have the right to ready access to the spoken and printed word;
- **f.** That students have the right to express their thoughts and judgments concerning the professional competency of the faculty and professional personnel.

1.5.3 All students are subject to the University policy on intellectual property, as amended from time to time. A copy of the University's Intellectual Property Policy is available for review on the University website at http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx or a copy can be obtained from the University Sponsored Programs Office. An excerpt of the Intellectual Property Policy specifically for students is included as Appendix P.

1.5.4 If a student is concerned about any issue in the classroom, including a perceived academic freedom issue, this student may:

- **a.** Consult with the Assistant to the Vice President for Student Affairs/Ombudsperson in the Office of Student Affairs to explore options available to the student.
- **b.** Options available to the student include:
  - **1)** The student may meet with the faculty or staff person to discuss the student's concerns and to come to an understanding about the situation.
  - **2)** If resolution is not satisfactory, the student may request a meeting with the individual's department chair or supervisor to discuss the concern further.
  - **3)** The chairperson or school director, will meet with all parties involved and will determine an appropriate resolution, conclusion or recommendations about the issue. The chairperson or school director will keep a written record of the issue and the conclusions and recommendations.
  - **4)** If the student's concern involves a grade appeal issue, the student may be referred to the grade appeal process outlined in Section 6.7 of the *Code of Student Rights and Responsibilities*.

ARCHIVE

1.6 ***Additional Rights and Responsibilities***

All students of Ball State University have other responsibilities based upon the nature of the educational process and the requirements of the search for truth and its free presentation. These rights and responsibilities include the following:

1.6.1 Obligation to respect the freedom to teach, learn, and to conduct research and publish findings in the spirit of free inquiry (i.e., without detriment to or denigration of other, especially untried, methods and/or subjects of inquiry).

- **a.** Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom, it being understood that assigning priorities or ranking to investigative programs may be an administrative necessity.
- **b.** Freedom to teach and learn implies that students, faculty, and administrators have the responsibility to respect and consider suggestions without detriment to grade or positions of the persons submitting them.
- **c.** Free inquiry implies that faculty and/or faculty-directed student research—the results of which are predestined for classification under the National Security Act—may be conducted only under the conditions imposed by the statements in the *Faculty and Professional Personnel Handbook*, "On preventing conflicts of interest in government sponsored research at universities" and with prior knowledge of the intended restrictions to be placed on the distribution of the results.

1.6.2 Obligation not to infringe upon the right of any of the members of the University community to privacy in office, laboratories, and residence and in the keeping of personal papers, confidential records and effects, subject only to the local, state and federal law and to conditions voluntarily entered into. Permanent records will not contain information concerning religion, political, or social beliefs, and membership in any organization other than honorary and professional organizations directly related to the academic processes, except upon expressed written request of the student in question.

1.6.3 Obligation not to interfere with the freedom of members of the University community to pursue normal academic and administrative activities, including freedom of movement.

1.6.4 Obligation not to interfere with the freedom of any member of the University community to hear and to study unpopular and controversial views on intellectual and public issues.

1.6.5 Right to identify oneself as a student of the University and a concurrent obligation not to speak or act on behalf of the institution, or any group of students therein, without authorization.

1.6.6 Right to hold public meetings in which students participate, to post notices, and to engage in peaceful, orderly demonstrations. Reasonable and impartially applied rules, designed to reflect the academic purposes of the institution and to protect the safety of the campus, shall be established regulating time, place, and manner of such activities and allocating the use of facilities in accordance with (1) Policy Concerning Distribution, Solicitation, Fund Raising, Sales, and Commercial Activity on University Property – Office of the Vice President for Business Affairs; (2) Policy on Selection and Presentation of Lecturers or Speakers by Student Organizations -

ARCHIVE

Faculty and Professional Personnel Handbook; and (3) Policy on Special Events on Campus – *Faculty and Professional Personnel Handbook.*

1.6.7 Right to recourse if another member of the University community is negligent or irresponsible in performance of his or her responsibilities, or if another member of the University community represents the work of others as his or her own.

1.6.8 Obligation to maintain an environment conducive to respect for the rights of others and fulfillment of *academic* responsibilities.

1.6.9 Right to Funeral and Bereavement Leave[2]

a. Students will be excused from class for funeral leave in the event of the death of a member of the student's immediate family or household, including: father, mother, husband, wife, son, daughter, grandfather, grandmother, grandchild, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepfather, stepmother, stepson and stepdaughter. The number of excused absences allowed is determined by the distance of funeral services from Muncie, Indiana, as follows:

Three work days - Within 150 miles radius of Muncie
Four work days - Between 150-300 miles radius of Muncie
Five work days - Beyond 300 miles radius of Muncie
Seven work days - Outside of North America

If the student is unable to attend the funeral services, the student will be allowed three work days for bereavement.

b. In the event of the death of a student's stepmother-in-law, stepfather-in-law, brother-in- law, sister-in-law, uncle, aunt, nephew, and niece, students will be allowed one work day.

c. A student may contact the Office of Student Rights and Community Standards to request that an informational notice (without verification) be sent to the student's instructor(s). The student will provide documentation to each instructor. Given proper documentation, the instructor will excuse the student from class and provide the opportunity to earn equivalent credit for assignments missed. If the student is not satisfied with the outcome, he or she may appeal as outlined in the Ball State University's Procedure for Student Bereavement Appeals (See Appendix M).

II. AUTHORITY

2.1 *Authority*

The Board of Trustees of Ball State University is empowered by the Indiana General Assembly to manage, control, and operate the institution and to promulgate rules and regulations to carry out its responsibilities. The Indiana statutes provide that the Board of Trustees may delegate this authority to its officers, faculty, employees, and others. The statutory authority conferred upon the Board of Trustees includes the specific authority under Indiana Code 21-39-2 to regulate the conduct of students and others as follows:

ARCHIVE

a. To govern, by regulation and other means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the institution.
b. To govern, by lawful means, the conduct of its students, faculty and employees, wherever the conduct might occur, to prevent unlawful or objectionable acts that: (1) seriously threaten the ability of the institution to maintain its facilities; or (2) violate the reasonable rules and standards of the institution designed to protect the academic community from unlawful conduct or conduct presenting a serious threat to person or property of the academic community.
c. To dismiss, suspend, or otherwise punish any student, faculty member, or employee of the institution who violates the institution's rules or standards of conduct, after determination of guilt by lawful proceedings.

The Board of Trustees has delegated its authority to regulate the conduct of students to the President and to the Vice President for Student Affairs & Dean of Students, who in turn have further delegated to other Student Affairs staff the authority to implement and apply the Code of Conduct (section V) and the Disciplinary Procedures (section VI) set forth in this *Code of Student Rights and Responsibilities*. Whenever an action is permitted or required to be taken under this *Code of Student Rights and Responsibilities* by a University Officer or other employee, the action may be taken by that person's designee.

2.2 The Code of Conduct and the Disciplinary Procedures set forth in this *Code of Student Rights and Responsibilities* may apply to off-campus as well as on-campus conduct, as is clear from the statutory authority described in Section 2.1(b) above allowing for the regulation of the conduct of students "wherever the conduct might occur." The *Code* applies to all conduct of students and student organizations on-campus. It also applies to certain off-campus conduct including:

a. Conduct that causes or threatens harm to the health or safety to the person or damage or destruction to the property of a member of the University community;
b. Conduct in connection with an academic course assignment, internship, practicum, field trip, student teaching, research or other University activity;
c. Conduct in connection with any activity sponsored, conducted or authorized by the University or by a student organization;
d. Conduct involving serious crimes including all crimes of violence, felonies or the sale or distribution of illegal drugs or controlled substances, if a police report has been filed, a summons or indictment has been issued, or an arrest has occurred; or
e. Conduct adversely affecting the University community or indicating that the continued presence of a student on campus poses a threat to the student's well-being or the well-being of other members of the University community.

2.3 At the discretion of University officials, disciplinary action under this *Code of Student Rights and Responsibilities* may proceed in advance of or during the pendency of other proceedings.

2.4 **Application—**These policies and procedures, as from time to time amended, shall apply to all undergraduate and graduate students of Ball State University and shall be deemed a part of the terms and conditions of admission and enrollment of all students. These policies and procedures shall apply to a student's conduct even if the student withdraws from the University while a disciplinary matter is pending. These policies and procedures, and any amendments hereto, shall

ARCHIVE

take effect on the date prescribed by the Board of Trustees and shall remain in effect until rescinded or modified by the Board of Trustees.

2.5 **Interpretation—**Any question of interpretation or application of the *Code of Student Rights and Responsibilities* shall be referred to the Vice President for Student Affairs and Dean of Students or his or her designee for final determination.

2.6 **Amendments and Review—**Amendments may be proposed by the Ball State Student Government Association, University Senate, administrative staff, or by the Board of Trustees. In addition, the *Code of Student Rights and Responsibilities* shall be reviewed at least every two years under the direction of the Director of Student Rights and Community Standards or other University official designated by the Vice President for Student Affairs and Dean of Students. **The Code was last reviewed and amended in 2012.**

2.7 **Notice—**A notice of the *Code of Student Rights and Responsibilities* will be sent at the beginning of each semester to the University community by email.

III. EQUITABLE PROCEDURES

All students at Ball State University have a right to fair and equitable procedures for determining the validity of charges of violating University regulations.

3.1 These procedures shall be structured so as to facilitate a reliable determination of the truth or falsity of charges and to meet the fundamental requirements of fairness (i.e., right to notice of charge in advance, right to a hearing, right to examine evidence, right to prepare defense, right to appeal, and right to presence of counsel but not representation by counsel).

3.2 Students have the right to know in advance the range of penalties for violations of campus regulations. Upon request students have the right to obtain copies of all specific policies of the University (e.g., routine administrative policies, *Faculty and Professional Personnel Handbook*, etc.).

3.3 Charges of minor infractions of regulations, for which a student is penalized by fines or reprimands, may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal to the next higher level of administration or to an established appeals committee.

3.4 In cases involving charges of infractions of regulations that may result in suspension or expulsion from the University, students have a right to formal procedures which include right of appeal. Any person penalized for a serious infraction of established University regulations or policies has the right to appeal, either to the next higher administrator or to an established appeals committee.

3.5 Students charged with or convicted of a violation of federal, state or local law (see Appendix R for policy requiring students to disclose a felony conviction occurring after admission to the University) may be subject to the University sanctions for the same conduct, in accord with established policies and procedures, when the conduct is in violation of a University rule which is

ARCHIVE

important to the continuing protection of other members of the University or to the safeguarding of the educational process. At the discretion of University officials, disciplinary action under this *Code of Student Rights and Responsibilities* may proceed in advance of or during the pendency of criminal proceedings. Determinations made or sanctions imposed under this *Code of Student Rights and Responsibilities* shall not be subject to change because criminal charges arising out of the same set of facts giving rise to University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

IV. DEFINITIONS

The following definitions will be used in this *Code*:

4.1 **University** means Ball State University.

4.2 **University official** means any employee of the University performing administrative, professional, or staff responsibilities.

4.3 **Student** is defined as any person admitted to the University, registered or enrolled in classes either full-time or part-time, or otherwise associated with the University. Persons who withdraw after allegedly violating the *Code of Student Rights and Responsibilities*, or who are not officially enrolled for a given term but in a "continuing relationship" with the University, shall be considered "students." Continuing relationship may include but is not limited to: students enrolled in a previous semester and registered or otherwise indicating intent to register for a future period of enrollment or; a student accepted for admission who has indicated intent to attend in a future period of enrollment.

4.4 **School day** means Monday, Tuesday, Wednesday, Thursday, and Friday. It does not include Saturday or Sunday, nor does it include any day on which there are no scheduled University classes.

4.5 **Business day** refers to any day, Monday through Friday, in which University offices are open.

4.6 **University activity** includes any teaching, research, service, administrative function, proceeding, ceremony, or activity conducted or authorized by students, faculty, staff, or administrators that is held by the authority of the University.

4.7 **University property** means property owned, controlled, used, or occupied by the university.

4.8 **Written notice** is deemed to begin running on the first business day after the date such notice is mailed by the University, or immediately when the notice is hand delivered, delivered to a residence hall mailbox, or delivered to a student's University email in-box or forwarded to an alternative email address as directed by the student.

4.9 **Members of the University community** include anyone who belongs to any of the following groups: students, faculty, professional personnel, staff personnel, service personnel.

ARCHIVE

4.10 **Organization** means any group granted official recognition by the University after meeting established criteria for such recognition.

4.11 **Judicial body** means any person or group of persons authorized by this *Code* to determine whether a student has violated any provision of the *Code*, to administer sanctions, or to grant appeals.

V. CODE OF CONDUCT

Any student found to have committed or to have attempted to commit the following offenses is subject to the disciplinary sanctions outlined in sections VI and Section VII (*Student Academic Ethics Policy*).

5.1 Offenses Against Persons:

5.1.1 **Harassment** – Conduct towards another person or identifiable group of persons that has the purpose or effect of (a) creating an intimidating or hostile educational environment, work environment, or environment for participation in a University activity; (b) unreasonably interfering with a person's educational environment, living environment, work environment, or environment for participation in a University activity; or unreasonably affecting a person's educational or work opportunities or participation in a University activity. This offense also includes behaviors prohibited in *Sexual Harassment Policy, Appendix J, and Anti-harassment Policy, Appendix C.*

5.1.2 **Hazing -** Any mental or physical action, requirement, request of, or obligation placed upon any person (including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate or team member) which could be harmful to the health, welfare or academic progress of the person, or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person, or which violates any federal, state, or local laws, or University policy. Individual acceptance of or acquiescence to any activity covered by the foregoing definition in no way validates or excuses the activity. *(See also University Anti-hazing Policy, Appendix D)*

5.1.3 **Harm, Threat or Endangerment –** Conduct that causes physical harm to any person is prohibited, as is any reckless or unauthorized conduct that threatens, endangers or reasonably could threaten or endanger the health or safety of any person. Conduct covered under this rule also includes but is not limited to impairment of any person's freedom of movement as well as verbal or written threats of any action described above.

5.1.4 **Privacy Violation—**Use of audio, video, or photographic devices to make an image or recording of an individual without that person's prior knowledge, or without that person's effective consent, when such image or recording is likely to cause injury or distress as determined by a reasonable person. This includes but is not limited to, surreptitiously taking pictures of another person in a private area such as a residence hall room, a public or private restroom, or a dressing/locker room.

5.1.5 **Sexual Misconduct—**Sexual intercourse or sexual touching, however slight, by one person upon another without effective consent or when it involves compelling a person to submit to such

ARCHIVE

conduct by force, threat of force, use of intoxicants to impair a victim's ability to give consent or otherwise taking advantage of any impairment which might render a person incapable of making a reasonable or rational decision about sexual activity. As defined by the State of Indiana, sexual misconduct also includes any sexual act when the person is not of legal age. *This prohibition also includes behaviors outlined in the Sexual Misconduct Policy, Appendix K.*

5.1.6 **Stalking**—Intentional repetitious or continuous actions that would cause a reasonable person to feel frightened, harassed, annoyed, threatened, or alarmed and that cause the person who is the object of the stalking to feel frightened, harassed, annoyed, threatened, or alarmed. Such actions could be either implicit or explicit threats against a specific person; an acquaintance, friend, family member, or pet of that person; or that person's property.

5.2 Offenses Related To The Operation Of The University

5.2.1 **Academic Dishonesty**. Acts—which include but are not limited to cheating, plagiarism, falsely claiming to have completed work, cooperating with another person in academic dishonesty, knowingly destroying or altering another student's work, or attempting to commit an act of academic dishonesty—that violate the *Student Academic Ethics Policy*. See also Student Academic Ethics Policy, section VII.

5.2.2 **Aiding and Abetting -** Knowingly, recklessly, or willfully encouraging or assisting others to commit acts prohibited by this code.

5.2.3 **Computer Misuse -** Any behavior violating policies governing the use of the University's computer system and related equipment/technology. *See also Information Technology Users' Privileges and Responsibilities Policy, Appendix E.*

5.2.4 **Disorderly Conduct -** Conduct that is disruptive of campus life or University activities, or that is a matter of public indecency, or a breach of the peace.

5.2.5 **Failure to Comply -** Failing to comply with verbal or written instructions of University officials acting in the performance of their duties and made within the scope of their authority, or failing to identify oneself upon request of a University official.

5.2.6 **False Information**—Intentionally submitting false information, verbally or in writing, to a University official or office.

5.2.7 **Fraudulent Use -** Forgery, alteration, taking possession of, or the unauthorized use of University documents, records, keys, or identification without the consent or authorization of appropriate University officials.

5.2.8 **Interference with a Reprimand -** Obstructing or interfering with the reprimand, discipline, or apprehension of another person who is involved in a violation of this *Code* or any other University rule or regulation.

ARCHIVE

5.2.9 Obstruction or Disruption - Obstructing or disrupting the teaching and/or learning process in any campus classroom, building, or meeting area, or any University-sponsored activity, pedestrian or vehicular traffic, classes, lectures or meetings, obstructing or restricting another person's freedom of movement, or inciting, aiding, or encouraging other persons to do so. *See also Regulations for Use of Property for Expressive Activity, Appendix N and Responding to Disruption in the Academic Setting, Appendix Q.*

5.2.10 Residence Hall Policies - Violating residence hall rules and regulations, or the housing contract. *See also Residence Life Policies.*

5.2.11 Solicitation - Engaging in solicitation of any type on University property without appropriate authorization. *See also Regulations for Use of Property for Expressive Activity, Appendix N.*

5.2.12 Violation of the Law - Committing or attempting to commit any act that would be a violation of local, state or federal law on or off University property, when such behavior is judged by the Office of Student Rights and Community Standards to be detrimental to the University's educational process or objectives.

5.2.13 Other Policy Violations - Violating any other published University policies not specifically a part of this *Code*.

5.3 Violations That Compromise The Health/Safety/Welfare Of Others

5.3.1 Alcohol -Using, possessing or distributing alcoholic beverages except as expressly permitted by law and University policies. *See also Alcohol Policy, Appendix A.*

5.3.2 Arson – Setting or attempting to set fires, or acting in a manner that disregards fire safety rules and results in a fire.

5.3.3 Drugs - Using, abusing, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs as defined by federal, state, or local laws, or any controller substance, (including marijuana, inhalants, and abuse of over-the-counter drugs and prescription drugs), except as expressly permitted by law. Possession of drug paraphernalia which can be demonstrated to be linked to illegal drug activity is also a violation of this policy. *See also Drug Policy, Appendix B.*

5.3.4 False Reporting - Falsely reporting an emergency.

5.3.5 Gambling - Engaging in gambling, wagering or other games of chance in violation of the law.

5.3.6 Smoking - Smoking in areas on campus other than those designated for smoking. *See also Smoking Policy, Appendix L.*

5.3.7 Tampering with Fire Equipment - Unauthorized use, activation, or alteration of fire-fighting equipment, fire safety, or other emergency equipment.

ARCHIVE

5.3.8 Weapons - Transferring, using, possessing, or manufacturing explosives, fireworks, firearms, dangerous chemicals, or any other weapons (deemed capable of causing bodily injury or property damage) on University property. *See also Weapons Policy, Appendix O.*

5.4 Offenses Against Property

5.4.1 Misuse of Property – Trespass, occupancy of, unauthorized entry into, possession of, receipt of, or use of the property of another person, of the University, or of University services, facilities, or resources including, but not limited to, the University's name, seal, or insignia.

5.4.2 Theft, Vandalism – Attempted or actual theft, vandalism, unauthorized use, possession, damage to, or destruction of public property, University property, or personal property.

5.5 Offenses Involving The Judicial Process

5.5.1 Improper Influence - Attempting to influence the decision of a member of a judicial body or a designated judicial officer, or attempting to discourage that person's participation in a judicial proceeding.

5.5.2 Intimidation of Participants - Attempting to intimidate, coerce, or influence a witness, complainant, or other persons participating in the judicial process.

5.5.3 Providing False Testimony - Providing false testimony or false information in the judicial process or knowingly making unfounded accusations against another individual.

5.5.4 Sanction Non-compliance - Failing to complete or to comply with a disciplinary sanction.

VI. DISCIPLINARY PROCEDURES

6.1 General Procedures

6.1.1 Reporting an incident/Filing a complaint - Any individual (student, employee of the University, or other person) who believes that a student or student organization may have committed a violation of the *Code* published above, may file an incident report or complaint report with one of the following offices:

- University Police Department
- Office of Housing and Residence Life or with the Hall Director where a student lives or where the violation occurred
- Office of Recreation Services
- Office of Student Life
- Office of Student Rights and Community Standards

Employees of the University shall make reports to the Office of Student Rights and Community Standards of violations of the *Code* in cases where the offense must be reported to state and

ARCHIVE

federal constituencies. That office shall inform University employees of what violations are included.

6.1.2 Types of hearings - The hearing process for students may vary according to the level at which the case is adjudicated. Adjudication may occur in the administrative area where the violation occurred. Where the offense is of a more serious nature and may warrant consideration of suspension or expulsion from the University, the case will be referred to the Office of Student Rights and Community Standards.

6.1.3 Good Neighbor Exception - Students are always encouraged to call for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. When another person is in need of critical care or when a situation otherwise warrants emergency response, call 911 immediately. The Good Neighbor Exception provides students the opportunity for University disciplinary action to be waived if he/she risked revealing one's own violation of the *Code of Student Rights and Responsibilities* in order to seek medical or other emergency assistance to another person in distress. The decision to provide the exception shall be the judgment of the designated hearing officer. ***NOTE: The exception does not apply to any criminal charges that might be incurred as a result of an offense.***

6.1.4 Decision-making

a. Decisions in all hearings shall be based on a preponderance of the evidence.
b. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in *Code of Student Rights and Responsibilities* proceedings.

6.2 HOUSING AND RESIDENCE LIFE DISCIPLINARY PROCEDURES

(See also Housing and Residence Life Handbook for a detailed description.)

When a violation occurs within or adjacent to facilities of Housing and Residence Life or in the context of programs sponsored by that office, the following disciplinary procedures apply.

After reviewing an incident report and related documentation the Housing and Residence Life (HRL) staff member (Residence Hall Director or RHD, Assistant Residence Hall Director or ARHD, or Assistant Director of Housing and Residence Life) shall have two options: (1) to provide the option of a preliminary meeting with the accused student or (2) to send a case directly to a disciplinary hearing.

6.2.1 Preliminary Meeting - Student meets with the designated HRL staff member to discuss the documentation. The following options are available:

a. Student can plead "responsible" for the policy violation(s) and have the sanction determined at that time by the designated HRL staff member.
b. Student can plead "not responsible" for the policy violation(s) and request a hearing with the appropriate hearing body. For most situations, the appropriate hearing will be a Hall Director Hearing. In situations where cancellation of the student's housing contract is a possibility or if the student documented is already on disciplinary probation, the student may be offered the choice of having an Administrative Hearing or a Conduct Board Hearing. (Note: When the Conduct Board is not operating, the student is automatically assigned to an Administrative Hearing.)

ARCHIVE

c. If the student does not attend the Preliminary Meeting, the designated HRL staff member will arrange a hearing.

6.2.2 Housing and Residence Life Disciplinary Hearings

a. Hall director hearings are conducted by an RHD or ARHD. Usually this will be the RHD or ARHD of the building in which the accused student resides.
b. Administrative Hearings are conducted by an Assistant Director of Housing and Residence Life.
c. Conduct Board Hearings are conducted by a board composed of a group of qualified students selected by each residence hall.

6.2.4 Appeal Process

a. A student may appeal the result of a Hall Director Hearing decision to the appropriate Assistant Director of Housing and Residence Life.
b. Decisions by a Conduct Board Hearing or Administrative Hearing may be appealed to the Associate Director of Housing and Residence Life.
c. A student has two business days from the delivery of the original decision to the student's mailbox in which to submit an appeal in writing.
d. A student may appeal based on the following reasons:
1) A substantial procedural error that unreasonably impaired the student or the hearing body.
2) An unduly harsh sanction against the accused student.
3) New information of a substantive nature not available at the original hearing.
4) Information of substantial bias on the part of the disciplinary body hearing the case.

e. An appeal may be resolved in one of the following ways:
1) The original decision may be upheld.
2) Modified sanctions, either greater or lesser, may be imposed.
3) The case may be remanded back for a new hearing.
4) All allegations may be dismissed.

f. The appellate decision shall be final and will not be subject to any further appeal.

6.2.5 Referrals to the Office of Student Rights and Community Standards

Any case may be referred to the Office of Student Rights and Community Standards for adjudication or for consideration of additional sanctions when:

a. Violations are of a more serious nature and may warrant consideration of suspension or expulsion from the University.
b. Violations involve off-campus students.

6.3 RECREATION SERVICES DISCIPLINARY PROCEDURES

When a violation occurs within or adjacent to facilities of the Office of Recreation Services or in the context of programs sponsored by that Office, the following disciplinary procedures apply.

6.3.1 Preliminary Meeting

a. Pending results of an investigative review of an incident, the student's I.D. or Recreation Privilege Card will be "turned off" and the student will not have the privilege of utilizing facilities or programs within Recreation Services.

ARCHIVE

b. A preliminary meeting will be convened in a timely manner with the student(s) in question and a designated Recreation Services staff person (Graduate Assistant or Assistant Director for Recreation Services) to discuss the incident.
c. The student may plead "responsible" for the behavior and the staff member may assign sanctions.
d. If a student pleads "not responsible" for the behavior, the case will be referred to an Administrative Hearing.
e. A student who fails to appear for a Preliminary Meeting will have their case referred to an Administrative Hearing.

6.3.2 Recreation Services Administrative Hearing

a. Administrative Hearings are conducted by a designated Recreation Services staff person (Assistant Director or Associate Director for Recreation Services). The student(s) will be given the opportunity to present witnesses or other evidence to support their claims. The staff person conducting the hearing will determine responsibility and, if necessary, assign sanctions.
b. A written notice indicating the findings of the hearing and sanctions will be mailed to the student's known address.
c. When a violation is believed to be a team violation, that team may be represented at the Administrative Hearing by the team captain or another designated team member. Sanctions may be administered collectively to the team or individually against team members.

6.3.4 Appeal Process

a. Students have an opportunity to appeal any decision of discipline from any member of Recreation Services staff.
b. All appeals of disciplinary must be directed to the Associate Director of Recreation Services. All appeals of disciplinary decisions must be made in writing within three business days of the receipt of the original decision.
c. A student may appeal based on the following reasons:
1) A substantial procedural error that unreasonably impaired the student or the hearing body.
2) An unduly harsh sanction against the accused student.
3) New information of a substantive nature not available at the original hearing.
4) Information of substantial bias on the part of the disciplinary body hearing the case.

d. An appeal may be resolved in one of the following ways:
1) The original decision may be upheld.
2) Modified sanctions, either greater or lesser, may be imposed.
3) The case may be remanded back for a new hearing.
4) All allegations may be dismissed.

e. Appeal decisions shall be based solely upon the written documentation of the incident and a written statement of appeal from the patron.
f. The appellate decision shall be final and will not be subject to any further appeal.

6.3.5 Referrals to the Office of Student Rights and Community Standards

Any case may be referred to the Office of Student Rights and Community Standards for adjudication or for consideration of additional sanctions when:

a. Violations are of a more serious nature and may warrant consideration of probation, suspension or expulsion from the University.
b. The complexity and nature of the violation warrants referral.

ARCHIVE

6.4 STUDENT ORGANIZATIONS AND ACTIVITIES DISCIPLINARY PROCEDURES

A recognized student organization and/or its members collectively or individually (when acting as part of the organization) may be held responsible for violations of the *Code* and, when appropriate, be subjected to disciplinary action. When a student organization is accused of committing a violation of University policy, (including but not limited to any violation of published University policies and procedures) or local, state, or federal laws, a complaint may be filed with Office of Student Life. Upon receipt of such a complaint, the Assistant Vice President for Student Affairs/Director of Student Life (or his/her designee) shall conduct an investigation and determine if a hearing will be held regarding the complaint.

- **a.** When the accused organization is a fraternity or sorority, the Assistant Vice President for Student Affairs/Director of Student Life may choose to refer the case to the appropriate Greek governing Board (IFC, PHC, or NPHC) for investigation and adjudication.
- **b.** If it is determined that the alleged violations are by individuals but not collectively by the organization, the case will be referred to the Office of Student Rights and Community Standards for adjudication.
- **c.** If an organization is accused of a severe policy or risk management violation (including but not limited to hazing, fighting, or other physical violence, or egregious violation involving alcohol or illegal drugs) the adjudication for the organization can be handled through an administrative hearing by the Assistant Vice President for Student Affairs/Director of Student Life or appropriate Student Life staff members.
- **d.** If the allegation involves club sports, the administrative hearing will be done in consultation with the Director of Recreation Services or his/her designee.
- **e.** All other cases may be referred to the Student Organization Hearing Board for adjudication.

6.4.1 Adjudication Procedures

If a formal hearing is warranted, the following procedures apply for disciplinary cases involving a student organization:

- **a.** ***Selection of Hearing Board***. The Hearing Board will consist of five (5) members, three (3) to be selected from the Judicial Court of the Student Government Association, one (1) member being a current faculty/staff advisor of a recognized student organization and one (1) Student Affairs professional staff member selected in consultation with the Vice President for Student Affairs & Dean of Students. A chairperson will be selected from within the committee. The Assistant Vice President for Student Affairs/Director of Student Life (or his/her designee) will serve as an advisor and ex-officio member to the Board, will take minutes and will answer procedural questions but will not vote.
- **b.** ***Quorum*.** Four (4) of the five (5) voting members of the Hearing Board must be present to **constitute** a quorum.
- **c.** ***Notice of Hearing.*** The President or highest-ranking officer of the student organization shall be notified in writing by the Assistant Vice President for Student Affairs/Director of Student Life of the date, time, and place of the hearing at least three (3) business days before the hearing. The notice shall also include a statement of the allegations of policy violations and information regarding the student organization's rights in the hearing.
- **d.** ***Absence of the Accused Organization.*** The accused student organization may choose not to attend the hearing and may instead submit a written presentation of its case. The hearing may proceed in the absence of the accused. By such absence, the accused organization forfeits its right to question witnesses.

ARCHIVE

e. ***Witnesses***. The representative officer of the accused student organization, the complainant and the Assistant Vice President for Student Affairs/Director of Student Life or his/her designee may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Board may limit the number of witnesses to avoid repetition and cumulative testimony. The Board may also limit the testimony of character witnesses to the sanctioning phase of the hearing. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Assistant Vice President for Student Affairs/Director of Student Life a minimum of twenty-four (24) hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony, unless otherwise permitted by the Hearing Board to do so as a result of extenuating circumstances. Witnesses invited by either party shall be present only while they are testifying.

f. ***Student Organization Assistance***. The officer of the student organization may be accompanied and assisted at the hearing by an advisor of the student organization's choice, provided the advisor is an employee or student of the University. For Greek organizations, a chapter advisor and/or chapter representative may also accompany the officer. In the event a student organization faces pending criminal or civil charges based on the incident that has given rise to the University disciplinary proceedings, the organization's attorney may accompany the officer of the student organization. The student organization must provide the name of the advisor to the Assistant Vice President for Student Affairs/Director of Student Life at least twenty-four (24) hours before the hearing. At no time may the advisor or attorney participate directly in the hearing proceedings. He/she may only consult with the student representing the organization.

g. ***Disqualification*; *Challenges.*** Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student organization, with the complainant or when the Board member feels a personal bias makes it impossible to render a fair decision. The accused student organization or the complainant may challenge a Hearing Board 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 chairperson may, at his/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 the remaining members of the Hearing Board.

h. ***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 toward providing the Hearing Board with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing and the deliberations of the Hearing Board shall be private. The Office of the Assistant Vice President for Student Affairs/Director of Student Life shall make a record of the hearing which may be reviewed in that office by a designated representative of the accused student organization upon request. Decisions of the Hearing Board shall be made by majority vote.

i. **Continuances.** The Hearing Board, by majority vote, may continue the hearing to a later time.

j. ***Additional Rules***. Procedural rules not inconsistent with these procedures may be established by the Hearing Board from time to time to fulfill its functions in an orderly manner.

6.4.3 Decisions

The decision of the Hearing Board shall be submitted as a recommendation to the Assistant Vice President for Student Affairs/Director of Student Life who may do one of the following:

ARCHIVE

a. Accept the recommendation and direct that the sanctions be implemented;
b. Lessen or otherwise modify the sanctions imposed by the Hearing Board;
c. Refer the case back to the Hearing Board for further consideration of sanctions.

6.4.4 Appeal Process

a. *Appellate Review*. The appellate review will be based on the information and materials in the case file; a summary of the evidence submitted; findings and recommendations; the student organization's written request for an appellate review; and the record of the hearing.
b. A student organization may appeal the result of an administrative hearing decision to the next level administrator.
c. Decisions by the Hearing Board may be appealed to the Vice President for Student Affairs & Dean of Students or his/her designee.
d. In both cases, the student organization has five (5) business days from receipt of the original decision in which to submit an appeal in writing.
e. The organization may appeal based on the following reasons:
1) A substantial procedural error that unreasonably impaired the student organization or the hearing body.
2) An unduly harsh sanction against the accused student organization.
3**)** New information of a substantive nature not available at the original hearing.
4) Information of substantial bias on the part of the disciplinary body hearing the case.
f. An appeal may be resolved in one of the following ways:
1) The original decision may be upheld.
2) Modified sanctions, either greater or lesser, may be imposed.
3) The case may be remanded back for a new hearing.
4) All allegations may be dismissed.
g. Appeal decisions shall be based solely upon the written documentation of the incident and a written statement of appeal from the organization.
h. The appellate decision shall be final and will not be subject to any further appeal.

6.5 OFFICE OF STUDENT RIGHTS AND COMMUNITY STANDARDS DISCIPLINARY PROCEDURES

6.5.1 Preliminary Meeting

The preliminary meeting is an initial meeting with a designated Student Rights and Community Standards staff person (Director or a Graduate Assistant) at which time the accused student is made aware of University disciplinary procedures, the nature of the complaint and alleged violations, and the range of sanctions possible for that type of offense. The student is also given an opportunity to respond to the complaint. Based on the information available, the Director or designee may:
dismiss some or all of the alleged violations; continue an investigation into the complaint to determine if the allegations have merit; refer the complaint to an alternative resolution process with the mutual consent of the parties involved and if such referral is acceptable to the Director; or charge the student with one or more violations of the *Code of Student Rights and Responsibilities*.

If charged by the designated staff person with a violation(s) of the *Code*, the student is also informed of his/her options in adjudicating the violation(s), including one of the following:

ARCHIVE

a. To plead "responsible" for the violation, request an informal resolution in lieu of a hearing, and have the sanctions determined at that time by the staff person. The designated staff person conducting the preliminary meeting may choose to refer the determination of sanctions to a hearing board if the level of offense warrants more serious sanctions than that staff person is authorized to impose. As part of an informal resolution, the Director of Student Rights and Community Standards may impose sanctions indicated in section 6.6.4 up to and including suspension from the University but not expulsion or revocation of admission or degree.

b. To plead "not responsible" for the violation and request a hearing. In the case of minor offenses, the designated staff person may choose to hear the case administratively or to refer the case to another administrative hearing officer. In cases that are complicated in nature and scope, or where the violations may result in more serious sanctions, the case may be referred to the Screening Committee of the University Review Board.

6.5.2 Screening Committee

After the Preliminary Meeting, and if the case meets the criteria noted in 6.5.1.b above, the Director or his/her designee shall convene the Screening Committee made up of the Director or his designee, the Vice President of Student Government Association, and a faculty or professional staff member from the University Review Board. The Screening Committee shall review all information available concerning the incident and make a decision on how to proceed, exercising one of the following options:

a. Refer the case on to the University Review Board.

b. Refer the case back to the Office of Student Rights and Community Standards for an Administrative Hearing.

c. Dismiss any or all charges. Any charges not dismissed will be referred as described in a. or b. above.

6.5.3 Administrative Hearing

The case is heard before a designated hearing officer who will determine if a student is in violation based on information provided and will determine sanctions rising to the level of disciplinary probation. The student will receive notification of the hearing at least three (3) business days in advance, shall have an opportunity at the hearing to call witnesses on his/her behalf, and shall be able to ask questions of witnesses.

6.5.4 Interim Suspension

Under certain circumstances, a student accused of a violation of the *Code of Student Rights and Responsibilities* may be subject to interim suspension from the University prior to a University Review Board hearing. During the interim suspension, the student is subject to trespass from University property and facilities and is denied access to all classes, activities and privileges for which the student might be eligible. Interim suspension shall be imposed only when:

a. A student is deemed to be a threat to the safety and well-being of the University community or property, or
b. It is determined that such action would be beneficial to the student's own safety and well being, or
c. A student's presence is deemed to pose a substantial threat of disruption to the University's educational process.

ARCHIVE

The decision to suspend on an interim basis shall be made by the Vice President for Student Affairs & Dean of Students or his/her designee. The student will be notified in writing of this action and the reasons for the interim suspension. The notice should include the time, date, and place of a subsequent hearing within three business days at which the student may show cause why his or her continued presence on the campus does not constitute a threat [and at which they may contest whether a violation of the *Code of Student Rights and Responsibilities* took place]. The interim suspension may continue until the entire disciplinary process including appeal, is completed. Every effort will be made to complete the disciplinary process in a timely manner so as to limit the interim suspension to the shortest time possible.

6.5.5 University Review Board

The University Review Board hears disciplinary cases referred to it by the Screening Committee. It is composed of twenty (20) members; ten (10) shall be students and ten (10) shall be University faculty members and/or professional staff members.

a. ***Student Membership***. The student membership will include the Vice President of the Student Government Association, five (5) members of the Judicial Court of Student Government Association and four (4) additional students appointed by the Student Government Association President. The Judicial Court members shall be elected by students in the spring, assume their committee responsibilities on the first day of fall semester and shall hold office for one calendar year. Other appointed students also assume responsibility at the start of the fall semester and serve for one calendar year. A student member may serve an unlimited number of terms. If insufficient student members have been appointed by the Student Government Association when a hearing is required, the Director has the discretion to utilize non-appointed students in order to provide a timely process.

b. ***Faculty and Professional Staff Membership***. The faculty and professional staff members shall be selected by the University Senate's Governance Committee to assume their committee responsibility on the first day of fall semester and serve for one calendar year. A faculty or professional staff member may serve an unlimited number of terms. If insufficient faculty or professional staff members have been appointed by the appropriate governance committee when a hearing is required, the Director has the discretion to utilize non-appointed employees in order to provide a timely process.

c. ***Quorum***. To conduct a hearing for a student disciplinary case, a Hearing Board composed of a minimum of four (4) members of the University Review Board, of whom at least two (2) must be students and two (2) must be faculty and/or professional staff, will be designated by the Director of Student Rights and Community Standards or his/her designee. A hearing may proceed with a minimum of 3 members present.

d. ***Hearing Board Chairperson***. The hearing shall be chaired by one member of the Hearing Board designated in advance by the Office of Student Rights and Community Standards. The chairperson shall be a voting member of the Board. The Director of Student Rights and Community Standards or his/her designee will be present at all hearings as a non-voting consultant to the Hearing Board.

e. ***Hearings During Summer Session and Breaks***. To insure the functioning of the Hearing Board during Summer Session and at other times when regular classes are not in session, the Director of Student Rights and Community Standards or his/her designee may convene a University Review Board hearing with a minimum of three persons chosen from the pool of the University Review Board membership who are available. Should a minimum of three be unavailable from the University Review Board pool, the Director may select additional faculty, staff or student members to participate in the hearing process.

ARCHIVE

6.5.6 Procedures for Disciplinary Hearings.

Procedures for disciplinary cases of the Hearing Board shall be as follows:

a. ***Written Notice of Hearing***. The accused student(s) shall be notified by the Office of Student Rights and Community Standards in writing of the date, time, and place of the hearing at least three (3) school days before the hearing. This notice shall also include a statement of the allegations of policy violations, information about the hearing process and the range of sanctions available. In cases where there are multiple accused students, the Director of the Office of Student Rights and Community Standards may choose at his discretion to convene one hearing or separate hearings for the accused students.

b. ***Absence of the Accused Student***. The accused student may choose not to attend the hearing and may instead submit a written presentation of his/her case. The hearing may proceed in the absence of the accused. By such absence; the accused forfeits his/her right to question witnesses.

c. ***Witnesses.*** The accused student, the complainant and the Director of Student Rights and Community Standards or his/her designee may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Board may limit the number of witnesses to avoid repetition and cumulative testimony. The Board may also limit the number of character witnesses, whose testimony may be considered only for determining sanctions. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Office of Student Rights and Community Standards a minimum of twenty-four (24) hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing or delivery of a written or recorded statement in lieu of personal testimony. Witnesses invited by either party shall be present only while they are testifying.

d. ***Student Assistance.*** The accused student and the complainant may be accompanied and assisted at the hearing by an advisor of their choice. The student must provide the name of his/her advisor to the Office of Student Rights and Community Standards at least one business day before the hearing. At no time may the advisor participate directly in the hearing proceedings. He/she may only consult with the student.

e. ***Disqualification, Challenges.*** Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student, with the complainant or when the Board member believes a personal bias makes it impossible to render a fair decision. The accused student or complainant may challenge a Hearing Board 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 chairperson may, at his/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 the remaining members of the Hearing Board.

f. ***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 toward providing the Hearing Board with a complete understanding of the facts involved. The chairperson may limit questioning deemed to be irrelevant, immaterial, and unduly repetitious. The hearing and the deliberations of the Hearing Board shall be private. Decisions of the Hearing Board shall be made by majority vote.

g. ***Record of the Hearing***. There shall be a single verbatim record, such as an audio recording, of all University Review Board hearings (not including deliberations). Deliberations shall not be recorded. No other recording shall be made. The accused student may review the recording in the

ARCHIVE

Office of Student Rights and Community Standards upon request. The recording shall be the property of Ball State University and shall be maintained by the Office of Student Rights and Community Standards until the conclusion of all appeal proceedings, until the appellate term has surpassed, or as required by law. There are no audio recordings of preliminary meetings or administrative hearings, unless otherwise deemed necessary by the hearing officer.

h. ***Continuances:*** The Hearing Board, by majority vote, may continue the hearing to a later time.

i. ***Additional Rules****:* Procedural rules not inconsistent with this process may be established by the Hearing Board from time to time to fulfill its functions in an orderly manner.

6.5.7 The Decision

The decision of the Hearing Board shall be submitted as a recommendation to the Director of Student Rights and Community Standards who may do one of the following:

a. Accept the recommendation and direct that the sanctions be implemented.

b. Lessen or otherwise modify the sanctions imposed by the Hearing Board.

c. Refer the case back to the Hearing Board for further consideration of sanctions.

6.5.8 Appeal Process

a. Students may appeal the result (finding and sanctions) of an Administrative Hearing decision to the next level administrator.

b. Decisions by the Hearing Board (including accepted sanctioning recommendations) may be appealed to the Vice President for Student Affairs & Dean of Students or his/her designee.

c. In both levels of cases, the student has three (3) business days from receipt of the original decision in which to submit an appeal in writing.

d. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the University Review Board hearing and supporting documents.

e. A student may appeal based on the following reasons:

1) A substantial procedural error that unreasonably impaired the student or the hearing body.
2) An unduly harsh sanction against the accused student.
3) New information of a substantive nature sufficient to alter a decision, because such information and/or facts were not known to the person appealing at the time of the original hearing.
4) Information of substantial bias on the part of the disciplinary body hearing the case

f. An appeal may be resolved in one of the following ways:

1) The original decision may be upheld.
2) Modified sanctions, either greater or lesser, may be imposed.
3) The case may be remanded to the Hearing Board reconstituted with new members to allow reconsideration of the original determination and/or sanctions.

g. The appellate decision shall be final and not subject to any further appeal.

6.6 Sanctions

6.6.1 **Housing and Residence Life** administrators may impose one or more the following sanctions when a student found responsible for violations of the *Ball State Code of Student Rights and Responsibilities* or the *Housing and Residence Life Handbook*:

ARCHIVE

a. **Official Reprimand** - A written warning that the continuation or repetition of unacceptable conduct may lead to further disciplinary action.
b. **Educational Requirements** - A student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation.
c. **Fines** - A fine may be assessed not to exceed $24 and will be billed to the student's account. Failure to pay a fine will result in a financial hold.
d. **Restitution** - A student, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.
e. **Referral** - The student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social, or emotional growth.
f. **Alcohol Education Program** - A student in violation of published alcohol policies or who exhibits inappropriate behavior as a result of alcohol consumption may be required to complete an alcohol education program.
g. **Disciplinary Probation** - For a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.
h. **Trespass** - A student may be prohibited from entering or being on the premises of specific residence hall buildings or all residence facilities.
i. **Relocation** - A student may be relocated to another residence hall and subsequently restricted from the facility of a previous housing assignment.
j. **Termination of Housing Contract** - A student may have his/her housing contract terminated and be required to vacate the residence hall system. The student will be given at least 48 hours to vacate the residence halls. Any additional violation occurring prior to vacating the residence halls will be referred to the Office of Student Rights and Community Standards. Students, who are under the age of 21, have not lived two semesters in the residence halls and are freshmen will be subject to a review of their enrollment status.

6.6.2 **Recreational Services** administrators may impose one or more of the following sanctions when a student is found responsible for violations of the Ball State *Code of Student Rights and Responsibilities* or Ball State *Recreation Guidelines* found at http://www.bsu.edu/recreation:

a. **Official Reprimand** - Statement of warning provided verbally or in writing stating that the continuation of or repetition of unacceptable behavior may lead to further disciplinary action.
b. **Suspension** - Suspension from Recreation Services facilities or programs for a pre-determined period of time.
c. **Forfeit** - Forfeiture of any outcomes of previous activities.
d. **Restitution:** A student, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.
e. **Disciplinary Probation:** For a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.

ARCHIVE

6.6.3 **Office of Student Life** Hearing Boards may recommend one or more of the following sanctions when a recognized student organization is found responsible for violations of the Ball State *Code of Student Rights and Responsibilities* or the *Handbook for Student Organizations*:

a. Official Reprimand - A letter of notification placed in the organization's file and sent to its national organization (if applicable) warning of more severe sanctions in the event of a repeat of the offending behavior
b. Probation - A specific period of probation with or without selected restrictions; the Hearing Board shall determine the length and terms of the probationary period
c. Restitution - An organization, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries. Each member of the organization may be held financially responsible through group billing
d. Service Requirement - Participation in University or community service activities
e. Educational Requirement - Educational programming hosted and/or attended by a percentage of organization membership
f. Suspension of Recognition - suspension of recognition as a student organization and the privileges inherent in that recognition indefinitely or for a specific period of time
g. Withdrawal of Recognition - Withdrawal of University recognition as a student organization

6.6.4 **Student Rights and Community Standards** administrators may impose any of the sanctions listed above in cases referred by offices listed above and one or more of the following sanctions when a student is found responsible for violations of the Ball State *Code of Student Rights and Responsibilities* or the *Handbook for Student Organizations*:

a. Official Reprimand - a written warning that the continuation or repetition of unacceptable conduct may lead to further disciplinary action.
b. Educational Requirements - student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation.
c. **Restitution** - a student whose actions cause damage to, defacing of or destruction of public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property for medical bills related to injuries.
d. **Referral** - the student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social or emotional growth.
e. Disciplinary Probation - for a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.
f. Trespass - a student may be prohibited from entering or being on the premises of specific locations, facilities or buildings or the entire campus.
g. **Restriction and Loss of Privileges** - Denial or restriction of specified privileges (including contact with a specific person or persons) for a designated period of time.
h. Suspension - termination of enrollment indefinitely or for a specific period of time. During the period of suspension, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior

ARCHIVE

authorization by the Office of Student Rights and Community Standards. Conditions of re-enrollment following a period of suspension may be determined by the University Review Board and/or the Office of Students Rights and Community Standards.

i. **Expulsion** - permanent termination of enrollment. Upon expulsion, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior authorization by the Office of Student Rights and Community Standards.

j. **Revocation of Admission and/or Degree** - Admission to or a degree awarded from Ball State University may be revoked for fraud, misrepresentation, or other violation of Ball State standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

6.7 Grade Appeals[3]

6.7.1 Introduction

a. This process includes any appeal of a final grade (pass-fail or letter grade) for a course, field experience, clinical, student teaching, practicum, internship or externship. *Appeal of an involuntary removal from a course in the middle of a term would be subject to departmental or program procedures, not the grade appeal process, unless a failing grade was issued.* A student who is considering an appeal of a final grade is encouraged to meet informally with his/her instructor before submitting a written appeal.
b. Grades issued for examinations, individual papers, quizzes, portfolios and other grades that are not final grades are not eligible for consideration for the University Grade Appeal process as discussed in section 6.7.3.
c. This appeal procedure is not to be used for a review of the judgment of an instructor in assessing the quality of a student's work or to complain of an instructor's performance.
d. Time deadlines in the following procedures are intended to provide a framework for the grade appeal process and may be extended, as circumstances warrant, by the Director of Student Rights and Community Standards or by the Associate Provost.
e. This policy will be reviewed by the Ball State Grade Appeals Committee at its meeting each academic year.
f. The Office of Student Rights and Community Standards will provide an annual notice by email of the grade appeal policy to students and faculty and will provide a paper copy of the policy to those persons who request one.
g. Faculty members are encouraged to note the grade appeal policy and provide the link www.bsu.edu/studentrights/gradeappeal in their syllabi.

6.7.2 Department Grade Appeal Process

a. A student who wishes to appeal a final grade must send to the instructor a request for reconsideration of the grade with a rationale for reconsideration. The request shall be in writing (email preferred) and sent to the instructor within ten (10) school days after the final grade is posted by the Registrar's office.
b. The instructor shall respond in writing (email preferred) with a decision regarding the student's grade within five (5) school days after receiving the request.

ARCHIVE

c. If the instructor does not respond within the five day period in (b) above, the student may choose to send the appeal request to the unit head (e.g., department chair or program director) of the department or program that offers the class for a response.
d. If the instructor responds within the five (5) school day period with a decision with which the student does not agree and the student wishes to proceed with an appeal, the student shall send written request (email preferred) for review of the grade to the unit head within five (5) days of receiving the response from the instructor. The written communication to the unit head should provide detailed information regarding the disputed grade including the written exchanges with the instructor.
e. The unit head shall respond in writing (email preferred) to the student within five (5) school days of receiving the student's request for a review of the grade. The unit head's response should outline the details of the resolution. If the unit head cannot resolve the dispute, his/her communication to the student should refer the student to the University Grade Appeal process (e.g., a link to the Grade Appeal policy at www.bsu.edu/studentrights/gradeappeal and/or the Student Rights and Community Standards office).
f. The student may then choose to proceed with a university-level grade appeal as described below.

6.7.3 University Grade Appeal Process

a. *Formal appeal*. If the matter cannot be resolved satisfactorily at the unit level, the student may request consideration of a University grade appeal hearing. The University grade appeal process consists of the following steps:

1) The student must submit a formal appeal of the grade in writing (email preferred) to the Director of the Office of Student Rights and Community Standards (stdtrights@bsu.edu) or designee (Director) within five (5) school days after notification from the unit head. *Note: a sample structure for the appeal is available at www.bsu.edu/studentrights/gradeappeal.*
2) The appeal shall clearly include the criterion or criteria on which the appeal is based and a supporting argument for each criterion cited in the appeal with evidence that supports that argument. See 6.7.3.b below for the criteria for appeals.
3) The appeal also shall include all written exchanges with the instructor and unit head regarding the grade appeal. The written exchanges must include the original date stamps. Direct forwards of emails to the Director are acceptable and preferred.
4) The appeal also should include the following components:
    a. The student's full name, email address, telephone number and local mailing address;
    b. The class name, number, and section number of the class in which the grade was received (e.g., SRCS 100, section 002, Introduction to Grade Appeals);
    c. The instructor's name;
    d. The semester in which the class was taken;
    e. The grade received;
    f. The grade expected to have been received;
5) Once the appeal has been received, the Director shall review the appeal to determine if the student has complied with grade appeal procedures, met the required deadlines and provided the information noted in 2) and 3) above. If the student's appeal does not comply with grade appeal procedures, meet required deadlines, or provide information noted in 2) and 3) above, the Director may inform the student that the appeal does not meet requirements and terminate the appeal request.

ARCHIVE

6) If the Director determines that the appeal meets the requirements in 2) through 4), the Director shall forward the student's appeal to the instructor by email (with copy to unit head) and solicit the following:
    a. a written response from the instructor;
    b. a copy of the syllabus for the appropriate class; and
    c. any other materials relevant to the grade appeal (e.g., rubric, class grades, etc.).
7) The instructor is expected to respond to the Director's request within five (5) school days. Upon receipt of the materials from the instructor, a screening committee comprised of the Director, the Associate Provost or designee, and the Vice President of the Student Government Association or designee will review the appeal request and make a decision on whether to refer the appeal to the University Grade Appeal Committee for a hearing. The decision to refer, or not to refer, the appeal for a hearing shall be based upon the student's compliance with grade appeal procedures, the written request for appeal and the criteria cited within the written appeal.
8) If the decision is not to forward the appeal to a hearing, the appeal will be rejected and the matter is concluded. The Director shall inform the student in writing of the decision and the matter is concluded.
9) If the appeal is approved for further review, the Director shall inform the student in writing of the decision and convene a University grade appeal hearing as described below.
10) The notification to the student as described in 8) and 9) above should take place within ten (10) school days after receipt of the formal appeal.

b. *Basis for Grade Appeals*. The University Grade Appeal Committee will only address those appeals for which a procedural or fairness issue is in question. The criteria for a grade appeal are:

1) An obvious error in the calculation of the grade.
2) The assignment of a grade to a particular student by application of more exacting or demanding standards than were applied to other students in the course.
3) The assignment of a grade to a particular student on some basis other than performance in the course.
4) The assignment of a grade by a substantial departure from the instructor's previously announced standards.

6.7.4 University Grade Appeal Committee

The University Grade Appeal Committee hears grade appeals referred to it by the Office of Student Rights and Community Standards after the screening process described above is concluded. It is composed of fourteen (14) members; seven (7) shall be students and seven (7) shall be University faculty members.

a. ***Student Membership***. The student membership will include one undergraduate or graduate student appointed by each of the seven college deans for a one year appointment to assume their committee responsibility at the start of the fall semester and serving for a twelve-month term. A student member may serve an unlimited number of terms.

b. ***Faculty Membership***. The faculty members, one from each of the seven colleges, shall be elected by the faculty of each individual college, assuming responsibility at the start of the fall semester and serving for a twelve-month term. A faculty member may serve an unlimited number of terms.

c. ***Vacancies.*** Should a faculty member or student vacancy occur, the appropriate dean shall appoint a member to the committee for the remainder of the twelve-month term.

ARCHIVE

6.7.5 Hearing Procedures

a. ***Quorum***. To conduct a hearing for a grade appeal, a hearing panel (Panel) composed of five (5) members of the University Grade Appeal Committee, of whom at least two (2) must be students and two must be faculty. The Office of Student Rights and Community Standards shall assume responsibility for assembling the Panel. A hearing may proceed with a minimum of four (4) members present.

b. ***Hearing Moderator and Advisor***. The hearing shall be moderated by the Associate Provost or his/her designee (Associate Provost). The Director of Student Rights and Community Standards or his/her designee (Director) will be present at all hearings as a non-voting procedural consultant to the Panel and will make a record of the proceedings.

c. ***Notice of Hearing.*** If a hearing is to be held, the student and the faculty member who assigned the grade being appealed will be notified in writing of the date, time, and place of the hearing at least five (5) school days in advance. In case of an absent instructor, the unit head, with consent of the absent instructor, shall appoint a faculty member from the department or himself or herself to represent the instructor at the hearing. The Panel may delay judgment if neither the faculty member nor a representative is available for the hearing, if such a presence, in the opinion of the Panel, is necessary to the decision.

d. ***Presentation of Case.*** The presentation of the case is the responsibility of the student and the burden of proof is on the student. The instructor shall be provided an opportunity to respond to the student's claim and to present evidence in support of his or her original grade decision. Each presentation is not to exceed 15 minutes in length. Both sides will also have an opportunity to call witnesses with information pertaining to the appeal criteria cited by the student.

e. ***Access to Information.*** The Panel will have access to pertinent information in the case and may request additional information from either party or call additional witnesses as needed to render a decision.

f. ***Multiple Appeals.*** If two (2) or more members of a class appeal their grades, the Panel may elect to hear the appeals individually or collectively.

g. ***Disqualifications; Challenges.*** Any Panel member shall disqualify himself or herself if he or she has a conflict of interest with the case or with the student or believes he/she may have a personal bias. The student or instructor may challenge a Panel member on the grounds of conflict of interest or personal bias. The burden of proof is on the challenger. The decision regarding disqualifying a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the Associate Provost has the discretion to 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 three-fourths (3/4) of all remaining members of the Panel.

h. ***Conduct of 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 toward providing the Panel with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing shall be closed to the public; the deliberations of the Panel shall be limited to Panel members only.

i. ***Advisors.*** The student and the faculty member shall each have the right to have one person of his or her choice present as an advisor in the hearing. That person must be a student, faculty or staff person of the University or (in the case of the student) his/her parent. The advisor may not participate directly in the hearing and is only present to consult with or support the student or faculty member involved.

j. ***Continuances.*** The Panel, by majority vote, may continue the hearing to a later time or times.

ARCHIVE

k. ***Additional Rules.*** Procedural rules not inconsistent with these procedures may be established by the Panel from time to time to ensure that the hearing is conducted in a fair and orderly manner.

l. ***Confidentiality of Appeal Hearing***. With the exception of the Director for the purposes of maintaining the case record, Panel members shall not retain in their possession any personal files, materials received during the appeal procedure, or notes taken during the meetings of the University Grade Appeal Committee. No party, Panel member, or other participant or observer in the appeal procedure shall reveal any facts, documents, or testimony gained through participating in or observing 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.

m. ***Hearings during Summer Session and Breaks***. To ensure the functioning of the University Grade Appeal Committee during Summer Session and at other times when regular classes are not in session, the Director may convene a hearing with a minimum of three persons chosen from the pool of the committee membership who are available. Should a minimum of three be unavailable from the pool, the Director may select additional faculty members or student to participate in the hearing process. The Associate Provost will moderate the hearing.

6.7.6 ***Findings*****.** Decisions of the Hearing Panel shall be made by majority vote which shall not be revealed to either the student or the instructor. Upon completion of the hearing, the Associate Provost will communicate the Panel's decision via letter to the student, the instructor, the Provost and Vice President for Academic Affairs, and the instructor's department chairperson within two (2) school days of completion of the hearing.

a. ***Findings of the Panel***. The Panel may render one of two decisions:

1) That a grade which has been appealed be changed with specific designation of the new grade;
2) That a grade which has been appealed remains the same.

If the panel decides to change the grade, the instructor shall have five (5) school days in which to file a grade change with the Office of the Registrar or request a review by the Provost (see 6.7.6b below). In the event the instructor takes no action, the Provost shall process a change of grade form.

b. ***Provost's Determination.*** If either party believes that there have been procedural errors or that they did not receive a fair hearing, they may request a review by the Provost that shall be limited to an examination of the process and procedures followed. The Provost shall communicate the final decision to all parties in writing.

The review may be resolved in one of the following ways:

1) The Provost will determine that there were no procedural errors, in which case the original decision is upheld. If that original decision was to change the grade, the Provost shall notify the faculty member that a change of grade form is to be submitted to the Office of the Registrar. The instructor shall have five (5) school days in which to file a grade change with the Office of the Registrar or inform the Provost of intent not to do so. In the event the instructor takes no action or chooses not to change a grade, the Provost shall process a change of grade form.
2) The Provost will determine that there were procedural errors, in which case the grade appeal may be remanded back to the original Panel for further consideration.

c. ***Transcript notation***. If a grade has been changed by the Provost, the appeal case record shall reflect the following: *Original grade of ___ was overruled by the Provost upon recommendation of the University Grade Appeal Panel.*

ARCHIVE

d. ***Record***. A record of the case including all materials submitted during the appeal process, written exchanges to and from the student regarding the appeal, the record of the proceedings of the University Grade Appeal Committee hearing (if applicable) and communication to and from the Provost (if applicable) shall be retained on file in the Office of Student Rights and Community Standards for a period of one year after the decision. After that year, unless precluded by a pending legal matter, all materials will be destroyed with the exception of final decisions made by the screening committee, the University Grade Appeal Committee, and the Provost as applicable. These documents may be maintained in digital form.

VII. STUDENT ACADEMIC ETHICS POLICY[4]

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. 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. 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 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 the ideas, representations or words of another person without customary and proper acknowledgment of sources;

ARCHIVE

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.

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

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

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

7.3 Accusation of Discrimination

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.

7.3.1 When a student involved in an academic dishonesty case alleges as a partial or complete defense, discriminatory treatment on the part of the faculty member, then the student must at the first opportunity cite the specific treatment engaged in by the faculty member. When raising such defense, the student must also provide a summary of the constitutionally or statutorily prohibited reasons upon which he or she believes the decision or accusation 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.

7.3.2 When a student involved in an academic ethics case alleges discriminatory treatment on the part of the faculty member, the University's Director of Equal Opportunity and Affirmative Action, or his or her designee, shall serve in an advisory capacity to the committee or hearing panel at each level of appeal. All appeals alleging discriminatory treatment in cases that begin as academic ethics cases 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."

7.3.3 In all cases, the appellant has the burden of proving his or her allegations.

ARCHIVE

7.4 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.

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

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. This written documentation must be signed by both the faculty member and the student.
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 Student Academic Ethics Committee.

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.

ARCHIVE

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.

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.

7.4.4 ***Course Withdrawal.*** Withdrawal from a course when faced with an accusation of academic dishonesty in that course does not preclude imposition of a penalty for the violation, including failure in the course. If penalty shall be determined to be course failure, the instructor may submit a Change of Grade form to the Registrar to replace the "W" with an "F".

7.4.5 ***Multiple Offense Review*.** Upon receipt of a faculty member's written notification of an informal resolution of a student academic integrity issue or of a need for a formal resolution process and if it is found that one or more prior offenses has occurred, the Provost's designee shall review all records and make a determination as to whether further action is warranted.

a. *Informal Process Resolution.* After review of past incidents, the Provost's designee may close the matter with no further action, or may choose to impose additional penalty for the most recent violation.
b. *Referral to Academic Ethics Committee.* The Provost's designee may also choose, upon review, to forward the matter to the Academic Ethics Committee for consideration of additional penalties.
c. *Forwarding Cases Resolved at Informal Level.* In cases where the most recent offense has been resolved by agreement of the faculty member and student, the hearing will include only the student and the hearing panel. The faculty members involved in student's violations need not appear unless circumstances warrant faculty involvement. The hearing panel may recommend no additional penalty or may recommend penalty up to and including suspension or expulsion from the University or revocation of a previously awarded degree.
d. *Forwarding Cases Resolved at Formal Level.* If the determination of prior violations occurs during the Formal Resolution process (7.4.2), the process and hearing will proceed as outlined for a single offense. The hearing panel will include questioning about any other offenses and will consider the issue of multiple offenses as part of a recommendation to the Provost and Vice President for Academic Affairs for penalty.

ARCHIVE

7.5 Student Academic Ethics Committee – Composition

7.5.1 ***Membership*.** The Student Academic Ethics Committee shall be composed of seven (7) faculty members, four (4) students, the Provost's designee, and the Director of Student Rights and Community Standards or his/her 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 or have a record of having committed academic dishonesty. Each student must consent in writing to the University verifying to the Student Government Association that he or she meets the requirements of the preceding sentence;
c. The Provost's designee and the Director of Student Rights and Community Standards may each designate a representative from time to time to serve in their place on the committee.

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

7.6 Student Academic Ethics Committee: Procedures

7.6.1. ***Selection of Hearing Committee; Chairperson***. Upon receipt of an academic dishonesty referral or an appeal, the Provost's designee shall select a Hearing Committee from among the members of the 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 Provost Designee, and the Director of Student Rights and Community Standards or his/her designee. The Provost's designee shall serve as chairperson of the Hearing committee.

7.6.2 ***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.

7.6.3 ***Notice of Hearing***. The 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 was received by the office of the 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.

ARCHIVE

7.6.4. ***Quorum.*** All of the voting members of the Hearing Committee must be present to constitute a quorum, unless a vacancy occurs, as provided in 7.6.5, but a majority of the voting members present, whether or not a quorum exists, may adjourn any meeting to another time or date.

7.6.5 ***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 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.

7.6.6. ***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 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.

7.6.7 ***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.

7.6.8 ***Conduct of the Hearing***. The hearing shall be conducted 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 count toward those thirty minutes (excluding time spent questioning the witness by 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.

7.6.9 ***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.

ARCHIVE

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.

7.7 Hearing Committee: Determination/Recommendations

7.7.1 ***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; 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. The Hearing Committee shall complete the following tasks:

a. determine the guilt or innocence of the student (if not previously determined);
b. 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 is the punishment to be imposed. 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 preparing the written summary of the evidence presented, findings, and recommendation for punishment for delivery to the Provost and Vice President for Academic Affairs.

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

7.7.3 ***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. A copy of the summary, findings, and recommendation for punishment 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.

7.7.4 ***Appeal to the Provost and Vice President for Academic Affairs***. The faculty member or the student may appeal the Hearing Committee's decision to the Provost and Vice President for Academic Affairs. To be considered by the Provost and Vice President for Academic Affairs, such appeals must be received by the Office of the Provost and Vice President for Academic Affairs within five (5) school days after the date the Hearing Committee's summary, findings, and

ARCHIVE

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.

7.7.5 ***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.

7.8 Punishment

7.8.1 ***By Faculty Member***. A faculty member may impose punishment for academic dishonesty up to and including failure in the course.

7.8.2 ***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.

7.9 Records of Academic Dishonesty

7.9.1 ***Records in Case with No Adverse Finding.*** 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 University or any University faculty or staff member shall be destroyed, except that any student work product involved in the dispute shall be evaluated, retained, returned to the student or otherwise handled as required by the original assignment.

7.9.2 ***Records in Case with Adverse Finding.*** If an academic dishonesty proceeding concludes, after any available appeals, in a finding that there was academic dishonesty of any type in any degree, or if a case is resolved by informal resolution under 7.4.1., with a stipulation by the student that there was academic dishonesty of any type in any degree, the records of the proceedings shall be maintained in accordance with Subsection 7.9.3.

7.9.3 ***Maintenance of Records.*** Records of any proceeding described in Section 7.9.2 shall be maintained in a separate file, identified by the name of the student. The records shall include all materials used in the hearing, as well as findings of violation and imposition of punishment as a result of informal resolution under Section 7.4.1. All materials in a student's academic dishonesty file will be destroyed five (5) years after the case is resolved or when the student graduates 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

ARCHIVE

President for Academic Affairs may direct that destruction of the materials be delayed until such litigation is concluded. Access to or release of the materials will occur only with the prior written consent of the student or in accordance with the Registrar's policies for the release of student records, in accordance with federal and state law and university policy.

7.9.4 ***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 expelled from the University or a previously awarded degree is revoked. In these cases the transcript has a notation but which does not specify expulsion or revocation of degree.

7.10 Miscellaneous

7.10.1 ***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.

ARCHIVE

***APPENDIX A* - Alcohol Policy**

When students choose to consume alcoholic beverages, Ball State University encourages responsible practices and behavior in accordance with campus policies, the laws of the State of Indiana, and the City of Muncie. On and off campus violations of University policy and local and state laws related to alcohol will result in disciplinary action.

A. General Guidelines

1. *University Sponsored Events* - Illegal purchase, service, consumption, or possession of alcoholic beverages at any University-sponsored event on or off campus is prohibited. Upholding applicable local, state, and federal laws in connection with this policy is the joint responsibility of the persons in attendance at the activity, the sponsoring organization, and the management of the establishment in which the activity is held.
2. Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited wherever it may occur.
3. Providing alcoholic beverages at any time to an individual who is under 21 years of age is strictly prohibited.
4. Adverse behavior as a result of alcohol consumption, including disruption, disorderly conduct, and public intoxication shall be a violation of the *Code of Student Rights and Responsibilities (Code)*.
5. The sale of alcoholic beverages by any person without a license is strictly prohibited.
6. Students found responsible for providing alcohol to minors and selling or distributing alcohol in violation of state law shall be in violation of the *Code.*
7. Students hosting parties where (a) minors are allowed to consume alcohol, (b) alcohol is provided to minors, (c) provided in excess to others, or (d) otherwise distributed in violation of the law are subject to sanctions outlined in the *Code of Student Rights and Responsibilities* up to and including suspension or expulsion from the University.

B. On Campus: With respect to the service, possession or consumption of alcoholic beverages on the Ball State University campus, state statutes and city ordinances will be enforced in addition to the following regulations:

1. Residents who are of legal age to possess or consume alcoholic beverages and who reside in University-operated employee apartments or University Apartment units may possess and consume such alcoholic beverages in the privacy of their residences.
2. Consumption and possession of alcohol may be permitted on some residence hall floors where all residents are of legal age to possess or consume alcoholic beverages. Such use of alcoholic beverages will not be permitted in the public lounges, study lounges, recreation areas, dining rooms, or any area other than the student rooms.

C. **Parental Notice**: The University will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a *second* violation of the alcohol policy, and (3) on the *first* violation of the alcohol policy when one or more of the following occurs:

- the student demonstrates a reckless disregard for his or her personal safety or the safety of others;
- medical attention to any person, including the student, is required as a result of the student's alcohol-related behavior;
- there is property damage;

ARCHIVE

- the student operates a motor vehicle under the influence of alcohol;
- the incident involves another serious violation;
- the student's alcohol-related behavior negatively impacts the learning environment.

APPENDIX B **- Drug Policy**

The use, abuse, possession, sale, distribution, manufacture or transfer of narcotics, illegal drugs as defined by state or federal law, or any controlled substance is prohibited at all times, except as expressly permitted by law. Controlled substances include, but are not limited to, marijuana, hash oil, hashish, inhalants, and abuse of over-the-counter drugs and prescription drugs, and/or the use of over-the-counter drugs or prescription drugs, or any other immediate precursor to be used to manufacture any other illegal drug, including without limitation, methamphetamine, except as expressly permitted by law.

Possession or manufacture of drug paraphernalia which is to be used for any one of the following purposes (a) to introduce into a person's body a drug, marijuana or any controlled substance, (b) to test the strength, effectiveness or purity of a drug, marijuana or any controlled substance, or (c) enhances, or is perceived to enhance, the physiological effect of a drug, marijuana or any controlled substance, is also a violation of this policy.

Violation of this policy, on or off campus, will result in disciplinary action by the University. Those found responsible may face sanctions up to and including consideration of suspension or expulsion, depending on prior disciplinary record and severity of the violation.

Students who reside in University housing facilities, will be subject to immediate contract termination if found responsible for any violation of this policy.

Student need to be aware that any student convicted of a state or federal drug violation that occurred while enrolled and while receiving federal financial aid may be declared ineligible for future federal student aid for up to a year. Individuals convicted of both possession and selling may face a longer period of ineligibility.

The University will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a *second* violation of the alcohol policy, and (3) on the *first* violation of the alcohol policy when one or more of the following occurs:

- the student demonstrates a reckless disregard for his or her personal safety or the safety of others;
- medical attention to any person, including the student, is required as a result of the student's alcohol related behavior;
- there is property damage;
- the student operates a motor vehicle under the influence of alcohol;
- the incident involves another serious violation;
- the student's alcohol-related behavior negatively impacts the learning environment.

ARCHIVE

***APPENDIX C* - Harassment Policy – University Anti-Harassment Policy**[5]

A. Harassment of students or employees at Ball State University on the basis of race, color, national origin, ancestry, religion, creed, gender*, sexual orientation, gender identity/gender expression, age, or physical or mental disability is unacceptable and will not be tolerated. Such conduct is inconsistent with the University's commitments to excellence and to respect for all individuals. This policy is intended to complement the University's Equal Opportunity and Affirmative Action Policy.

NOTE: ***Students accused of violating the University's Anti-harassment policy may, depending on the seriousness of the allegation, be referred to the University Review Board for adjudication and consideration of possible suspension or expulsion.***

B. The University is also committed to protecting the academic freedom and freedom of expression of all members of the University community. This policy will be construed and applied in a manner that protects the Academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, philosophies, or religious beliefs, however controversial, in classroom or other academic settings.

C. The term "harassment," as used in Paragraph 1 of the policy refers to verbal, physical, graphic, or written conduct that has the purpose or effect of creating a hostile or intimidating environment; i.e., conduct which is sufficiently severe, pervasive, or persistent that it interferes significantly with an individual's employment, education, or living conditions. The conduct alleged to constitute harassment under this policy will be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all of the facts and circumstances. Harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

D. Members of the University community and others who believe they have been harassed in violations of the policy by University employees or students, or by contractors or vendors serving the University, may contact the Office of University Compliance. Formal complaints must be filed in the Office of University Compliance within 45 calendar days following the occurrence of the act, incident, conduct, or pattern of conduct constituting the alleged violation. Such complaints will be processed under the "Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." A copy of this document may be obtained by contacting the Office of University Compliance. Complaints involving students may instead be filed in the Office of Student Rights and Community Standards for handling under the procedures set forth in the Student Code.

E. Any University employee who becomes aware of conduct by another University employee, student, vendor, or contractor which the employee reasonably believes constitutes harassment under this Policy shall report the conduct immediately to the Office of University Compliance; or, if the harassment involves students, the conduct may instead be reported to the Office of Student Rights and Community Standards. To knowingly file a false or malicious complaint or

ARCHIVE

report of harassment is a violation of the policy.

*This policy covers gender-based harassment that is non-sexual in nature. Sexual harassment is covered by a separate "Statement on Sexual Harassment."

APPENDIX D - Hazing Policy

A. Hazing by students, student organizations, groups or teams of Ball State University is prohibited. Hazing is defined as follows: Any mental or physical requirement, request, or obligation placed upon any person (including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate or team member) which could be harmful to the health and/or welfare of the person, or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person, or which violates any federal, state, or local laws or University policy. Individual acceptance of or acquiescence to any activity covered by the foregoing definition in no way validates or excuses the activity. Student groups may be required to certify in writing that they are in compliance with this policy.

B. Individual members of organizations, groups or teams who violate this policy are subject to disciplinary action as provided in Section V, of the *Code of Student Rights and Responsibilities*. Any organization which violates this policy is subject to sanctions which may be imposed by the coordinating body of which the organization is a constituent member, the Vice President for Student Affairs & Dean of Students or his/her designee, and/or the Student Activities Committee.

APPENDIX E - Information Technology Users' Privileges and Responsibilities[6]

The Information Technology Users' Privileges and Responsibilities are maintained by the Office of Information Security Services. While this Appendix is maintained for student convenience, students should check www.bsu.edu/security/itpolicy for a copy of the most current policy.

1. INTRODUCTION

Information technology plays a crucial role in the delivery of Ball State University's educational mission. In making use of these shared resources, members of the university community have a responsibility to help create an intellectual environment in which students, faculty and staff may feel free to create and collaborate with colleagues both on and off campus without fear that the products of these efforts will be violated by misrepresentation, tampering, illegal access, destruction, or theft. This policy outlines the ethical and acceptable use of information systems and resources at Ball State University as well as the duties and responsibilities incumbent upon everyone who makes use of these resources.

2. SCOPE

This policy applies to all students and employees, as well as all others who make use of Ball State University information technology resources and services. Violations of this policy are unethical and possibly unlawful and may result in sanctions as discussed below.

3. AVAILABILITY OF SERVICES

ARCHIVE

The university takes all reasonable steps to ensure that information technology resources are free from errors, viruses, and malicious activity by conducting regular security scanning of production systems and engaging in proactive security monitoring. However, due to the fact that information technology infrastructure is composed of a wide variety of systems including personal computers not under the control of the university, Ball State University does not guarantee that the safety or reliability of services or access are free from all dangers.

Ball State University will make reasonable efforts to maintain the confidentiality of the storage contents and to safeguard the contents from loss, but cannot be held liable for the inadvertent or unavoidable loss or disclosure of the contents, or for disclosure resulting from the unlawful acts of others. Because of these limitations, services and access are provided on an "as is" basis and to the extent permissible by law, the university hereby excludes all implied warranties and guarantees of availability or quality of services, including without limitation any expectation as to skill and care or timeliness of performance.

4. CENSORSHIP

Freedom of expression and preservation of an open environment within which to pursue scholarly inquiry and to share information is central to the academic mission of Ball State University. While freedom of expression will generally be protected, users of institutional systems must also respect the legal and ethical boundaries of such usage.

Ball State University reserves the right to limit or restrict the use of its information technology resources based on institutional priorities and financial considerations. Content found to be inconsistent with institutional purposes is subject to immediate suspension or removal by the administrator of the relevant system or their designee. Conduct and related content does not meet the institutional purposes of the university when it is found to be:

- **a.** In possible violation of federal, state, or local laws.
- **b.** May violate the copyright or other intellectual property rights of others.
- **c.** Harassing or threatening, or otherwise disruptive to the learning or working environment.
- **d.** In violation of other university policies, procedures, or contractual obligations.
- **e.** Inappropriate for the stated purpose of the system, service, or environment.
- **f.** A security risk affecting the confidentiality, integrity, or availability of services.
- **g.** Otherwise inconsistent with the mission of the university.

Anyone who becomes aware of conduct or content on university systems which may be in violation of the above requirements should report the incident as described in the *Reporting Suspected Security Breach Or Policy Violation* section below.

Users whose information is removed will be notified of the removal as soon as is feasible. Users who wish to appeal such removal may do so through an appeal board made up of the governing body appropriate to the system and status of the user. If no appeal board exists the appeal may be made to the Director of University Computing Services.

5. CONFIDENTIALITY

ARCHIVE

In general, and subject to applicable law, the university reserves the right to access files, documents, and other information residing on university-owned or controlled equipment and services. All such infrastructure is subject to the policies of Ball State University, and the university may exercise its ability under certain circumstances to access, restrict, monitor and regulate these systems. Policy for such monitoring and access is described below:

A .Administrative Monitoring and Inspection

Although the university retains ownership and rights as described above, monitoring and administrative inspection of electronic systems will be strictly controlled. Any such monitoring will be governed by applicable U.S. and Indiana laws and by university policies. Monitoring of information systems communications may only be conducted when there is evidence or reasonable belief that there is risk of activity inconsonant with institutional purposes as defined above. Each such incident of monitoring and inspections of information systems or communications will be approved in advance by the Director of University Computing Services, the Information Security Officer, or their designee having the written pre-approval of the Vice President of Information Technology to engage in such monitoring and inspections. The Information Security Officer will establish detailed written technical procedures for such monitoring and will ensure ongoing adherence to such procedures. Records of all monitoring activity will be maintained by the Information Security Officer and shared with the Director of University Computing Services and the Vice President of Information Technology. When monitoring reveals evidence of a violation of the law or university policy, the results of such monitoring will be reported to appropriate university administrators and may be shared with external entities including law enforcement agencies.

b. Non-Intrusive Monitoring

All users of university systems should be aware that non-intrusive monitoring of campus network traffic and security scanning of information systems occurs routinely, to assure adequate confidentiality, availability, and integrity of university systems and to identify and resolve problems. When problem traffic patterns suggest that information security, integrity, or performance has been compromised, Information Security staff will investigate and protective restrictions, including the commencement of intrusive monitoring as described above, may be applied until the condition has been rectified.

c. University Employees

University employees are provided with the use of university resources for work-related purposes. Accordingly, employees may be directed to produce certain work files or to make the information in a computer account accessible to a supervisor or other employee. In the event that business-related files stored on an employee's account or workstation become inaccessible because of absence, death, or severance of employment from the university, the supervisor of the department may request access to such business-related files be granted to an alternate employee.

d. Public Records

Under Indiana law (Indiana Code 5-14-3) any official university documents in the files of employees of the State of Indiana may be found to be a public document, and hence subject to inspection through the public records act.

ARCHIVE

e. Other Administrative Access

Under certain circumstances, the Director of University Computing Services or the Information Security Officer, in consultation with the Vice President of Information Technology may authorize access to certain information by third parties. For example, personal e-mail or other communications may be released to the relatives of a deceased student or employee. In such circumstances, the Information Security Officer will direct the technical information access procedures and will document each such incident in writing to the Director of University Computing Services and the Vice President of Information Technology.

If any user has evidence of the fact that his or her privacy or other rights have been infringed upon by another user, the affected party may ask for monitoring or inspection through the appropriate university office or legal authority as detailed above. Individuals involved in conducting such monitoring must retain records of these directives for a period of not less than five (5) years.

6. PERSONAL & COMMERCIAL USAGE OF INFORMATION TECHNOLOGY RESOURCES

Ball State University information technology resources exist to support the university's mission of education, research, and public service. These facilities and resources are provided in large part by funding from taxpayers of Indiana for the academic use of our students, faculty and staff. We all must be responsible stewards of these resources. Generally the use of university information technology resources is limited to institutional purposes such academic research, study, instruction, discharge of employee duties in conjunction with official business of the university, and other purposes related to university sanctioned activities. Personal and commercial usage is governed by the following policies:

a. Permitted Personal Usage

Incidental personal usage of Ball State University information technology resources by students and employees of the university is acceptable, provided the usage adheres to all applicable university policies and does not result in additional costs to the university. Note that licensing of some software and information systems is restricted to educational use only and hence may not be used for even incidental personal purposes unless permitted within the terms of the relevant license agreement.

b. Permitted Commercial Usage

The use of Ball State University information technology systems for academically related but commercial purposes is permitted only with approval of the Office of Academic Research and Sponsored Programs. Researchers who require substantial computer resources as part of grants and consulting contracts may be required to reimburse BSU for a portion of the resource costs.

c. Personal and Commercial Uses Not Permitted

Technology resources, including Internet access through the university network, may not be utilized in ways which may be inconsistent with the university's tax-exempt status or legal obligations, such as using university systems for hosting or advertising commercial services for private financial gain, political campaigning, or services to outside organizations not recognized by the university as being entitled to make use of university resources. Personal usage of a nature disruptive to the learning or working environment, such as subjecting other members of the university community to pornographic content unrelated to an academic purpose is also prohibited. Under no circumstances may incidental personal or commercial usage involve

ARCHIVE

violations of the law, interfere with the fulfillment of an employee's university responsibilities, or adversely impact or conflict with activities supporting the mission of the university.

7. INDIVIDUAL RESPONSIBILITIES

Thousands of students, faculty and staff share information technology resources at Ball State University. Irresponsible usage by even a small number of users has the potential to seriously disrupt the work of others within the community. All users are expected to exercise due diligence in the care of their own information, and to be civil and respectful of other users of these systems and technology resources. The following responsibilities are incumbent upon all users of Ball State University Information Technology resources:

a. General Requirements

i. Liability for Personal and Harassing Communications

Individual users are responsible for their own words and actions. Other than official publications, the university is not expected to be aware of, and is not responsible for, material that individuals may post, send, or publish. Harassing communications are prohibited and include repeated contacts with a person who has requested to be left alone absent some legitimate institutional purpose for such communication. Harassment may also involve malicious public disclosure of private facts, threats, defamation, and vulgar or repulsive content posted about an individual or group.

ii. Responsibility to Read E-Mail from the University

Certain official communications from the university are delivered to students and employees through their assigned e-mail address. Each person has a responsibility to maintain and regularly check their e-mail account, whether hosted at Ball State University or elsewhere, and to ensure their account is capable of receiving these official communications so that important email messages sent by the University are not missed.

iii. Reporting Suspected Security Breach Or Policy Violation

Anyone who discovers or suspects an information security breach involving confidential information of the university has a duty to report the breach to the Office of Information Security Services by e-mail at security@bsu.edu or by phone at 765-285-1549. Reporting must not be delayed in order to collect more information or to make a determination if a breach has actually occurred.

b. Responsibility to Protect Confidential Information And Access

i. Ability To Access Does Not Grant An Unlimited Right

Legitimate use of resources does not extend to whatever one is capable of doing with them. Although information security controls may permit access, a person may not access confidential information unless they have some legitimate reason for doing so. For example, employees with access to confidential student records have no right to access them absent an approved legitimate business purpose.

ii. Sharing Of Passwords Is Prohibited

ARCHIVE

User accounts are generally assigned to individuals and may not be shared with any other person. No university employee or student may ask for a password assigned to another person. Where there is a legitimate need for access, proxy rights or similar methods may be used which do not require the sharing of individually assigned passwords.

iii. Disclosure Of Confidential Information to Third Parties

Unauthorized access or disclosure of confidential information or information otherwise protected by the university is prohibited by Indiana and federal law. Questions regarding appropriate access or disclosure of information should be directed to the area of the university having administrative responsibility for it, typically Business Affairs, Student Affairs, or Marketing & Enrollment Management as appropriate.

ix. Access Revocation Upon Change of Position Or Severance Of Employment

Employees have a duty to renounce access to confidential information upon severance from the university or a change in position in which such access has not previously been approved. Supervisors of employees having such access must ensure that access rights have been revoked upon such severance or change in position or status.

c. Responsibility to Refrain From Doing Harm

i. Minimum Standards for Connected Systems

Students, employees, and guests of the university who connect computer systems to the university network have a duty to ensure that these systems are free from malicious software including viruses, spyware, root kits and other programs which may attempt to flood or attack other university system. Computers or devices which do not meet minimum standards may be isolated and disconnected without notice.

ii. Subversion Of Security

Attempted bypass or subversion of security restrictions is prohibited. Unauthorized attempts to access files, passwords, or other confidential information of others, and unauthorized vulnerability scanning of systems other than those owned by the user is prohibited without prior approval of the Information Security Officer.

iii. Misrepresentation Of Identity

Using information systems to initiate or continue communications using the name or identity of another person without the explicit authorization of the person whose identity is being impersonated is prohibited.

8. POLICY REGARDING DEPLOYMENT OF INFORMATION SYSTEMS

Policies and standards regarding information security and deployment of information systems are contained within the *Production Information Systems Integration and Supportability Standards Procedures, and Practices* which can be found at http://www.bsu.edu/informationtechnology/itgovernance/. These policies apply to all production information systems at Ball State University.

9. SUSPENSION OF SERVICES AND OTHER SANCTIONS

ARCHIVE

Access to university information technology resources is a privilege. Violations of the above policies and standards may result in penalties ranging from a reprimand and temporary loss of access, to referral to the appropriate university office for imposition of further evaluation and possible sanctions including the possibility of expulsion from the university and dismissal from a position. Student conduct utilizing information technology resources or facilities which may violate the *Code of Student Rights and Responsibilities* will be referred to the Office of Student Rights and Community Standards for possible disciplinary action. Certain violations of this policy may also be prohibited under Indiana or federal law, and are therefore subject to possible criminal prosecution.

APPENDIX F - Involuntary Withdrawal Policy

A. Introduction

The procedures for involuntary administrative withdrawal of a student from the University are to be used only after reasonable attempts to secure voluntary cooperation for psychological evaluation or withdrawal have been exhausted, and will be used only after thoughtful consideration by members of the Student Affairs staff. As described below under Section C., "Procedures," a student will be subject to involuntary administrative withdrawal from the University when, in the judgment of the Associate Vice President for Student Affairs & Director of Housing & Residence Life (hereafter referred to as the Associate Vice President), the Director of Counseling and Health Services and the Medical Director of the University Health Center, there is a substantial possibility that the student, as a result of a physical or psychological condition;

1. Will harm others, or
2. Will cause significant property damage, or causes significant interference with the educational environment of others, or
3. Will be substantially unable, even with the help of auxiliary aids, to meet his or her responsibilities as a student, or
4. Demonstrates the inability to care for his or her daily physical or mental health needs without assistance and has failed to secure such assistance.

The Associate Vice President will initiate a review through either this process or the University's student disciplinary process. If the student has engaged in an activity which subjects him or her to University disciplinary action, the matter will be handled through the University's student disciplinary process unless the Associate Vice President determines that the student, as a result of psychological conditions:

1. Lacks the capacity to respond to pending disciplinary charges against him or her, or
2. Did not know the nature or wrongfulness of the conduct at the time of the offense.

B. Interim Withdrawal

An Interim Withdrawal may be implemented immediately by the Associate Vice President if he/she determines, based upon a qualified medical or psychological opinion, that the student may be suffering from a mental or psychological disorder and that the student's behavior poses an imminent danger of causing physical harm to others, of causing significant property damage, or of substantially impeding the lawful activities of others. A student withdrawn on an interim basis shall be given an

ARCHIVE

opportunity to appear personally before the Associate Vice President within two (2) school days from the effective date of the interim withdrawal in order to review the following issues only:

1 The reliability of the information concerning the student's behavior and

2. Whether or not the student's behavior poses a danger of causing imminent physical harm to others, causing significant property damage, or substantially impeding the lawful activities of others. Unless the Associate Vice President determines otherwise, the student will remain withdrawn on an interim basis pending completion of the procedures described below.

C. Procedures

1. ***Meeting with the Associate Vice President***. A student may be requested in writing and/or orally (depending on the urgency of the situation) to attend an informal meeting with the Associate Vice President for the purpose of determining whether the student, as a result of a physical or psychological condition, falls within one of the four categories described in Section A., "Introduction," above, and, if so, the necessity for withdrawal. Such a request will include a statement of the reasons for the University's concern. The Director of Counseling and Health Services and the Medical Director of the University Health Center will attend the meeting. Other appropriate personnel may be present and/or consulted. Parents, spouse, or any person who would be of support to the student may, with the consent of the Associate Vice President, and of the student, participate in the informal meeting. At the meeting the reasons for the University's concern regarding the student will be stated and the student will be given an opportunity to respond to these concerns. If, after the meeting, the student is found not to fall within one of the four categories described in the "Introduction" above, he or she will be so informed in writing by the Associate Vice President and allowed to continue as a student.

2. ***Associate Vice President's Withdrawal Decision***. If, after the informal meeting, the Associate Vice President, the Medical Director of the University Health Center, and the Director of Counseling and Health Services, decide that the student should withdraw from the University and be permitted to re-enter the University only with their approval, the student shall be informed in writing of such decision and the basis for the decision within five (5) school days of the informal meeting. Notification may be made to the person listed as the student's Emergency Contact.

3. ***Voluntary Withdrawal***. If the student agrees to withdraw voluntarily from the University, regular withdrawal procedures will be followed. The student may be permitted to withdraw voluntarily without grades if, in the judgment of the Associate Vice President (after consultation with the approval by the student's instructors), the circumstances warrant such action.

4. ***Notice of Refusal to Withdraw Voluntarily***. If the student fails to accept the decision of the withdrawal and refuses to withdraw from the University voluntarily, the student shall notify the Associate Vice President of such refusal within five (5) school days of receipt of the written decision. If the student fails to notify the Associate Vice President of such refusal within five (5) school days of receipt of the written decision, the student will be deemed to have waived his or her right to appeal the withdrawal decision.

5. ***Appeal***. The student may appeal the withdrawal decision to the Vice President for Student Affairs and Dean of Students within five (5) school days of receipt of the written decision. The Vice President shall hear the matter after notice to the student, the Associate Vice President, the Director of Counseling and Health Services, and the Medical Director of the University Health

ARCHIVE

Center. 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 member of the student's immediate family and the advisor agrees to act as the student's advisor. The student, the student's advisor, the Associate Vice President, the Director of Counseling and Health Services, and the Medical Director of the University Health Center may attend the hearing and present evidence. In addition, the Vice President for Student Affairs and Dean of Students may require the student, at his or her expense, to obtain a psychiatric/medical evaluation from sources external to the University to be entered as evidence. The hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The issues or concerns to be resolved by the Vice President shall be as follows:

a) Whether the student, as a result of a physical or psychological condition, falls within one of the four categories described in Section A., Introduction, above; and

b) If so, whether the student should be involuntarily withdrawn from the University.

6. ***Findings; Decisions***. The Vice President for Student Affairs and Dean of Students shall prepare a written decision containing findings and conclusions. Copies of the decision shall be furnished to the student, the Associate Vice President, the student's advisor, the Director of Counseling and Health Services, and the Medical Director of the University Health Center. The decision of the Vice President for Student Affairs and Dean of Students shall be final and conclusive and not subject to appeal.

7. ***Action by Designee***. Whenever an action may be or is required to be taken under this policy by the Vice President for Student Affair & Dean of Students, the Associate Vice President for Student Affairs & Director of Housing & Residence Life, the Director of Counseling and Health Services, or the Medical Director of the University Health Center, the action may be taken by the person's designee.

8. ***Deviations from Established Procedures***. Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.

APPENDIX G – Pet Policy

1. **General -** The pet is any domesticated or tamed animal that would normally be expected to belong to someone whether or not there is any acknowledged ownership.
2. **University Buildings -** (Except Residence Halls and University Apartments) Written authorization is to be obtained from the appropriate Department Chairperson, Dean or Administrative Head involved before a pet may be brought into University buildings. Such authorization is to state the purpose and duration of the activity involving the pet. The authorization is to be in the possession of the owner or person in control of the pet during the time the pet is in a University building.
3. **Residence Halls -** Pets are not permitted in the residence halls except for marine life in fresh water aquariums.
4. **University Grounds** - Pets are not permitted on University grounds unless they are appropriately leashed or caged and under the control of and accompanied by their owners or others designated by their owners as having responsibility for the control and care of the pet.
5. **University Apartments** - Pets are not permitted in University Apartments with the exception of marine life in fresh water aquariums and small caged birds.

ARCHIVE

6. **Enforcement** - Violations of the University Pet Policy will be dealt with in accordance with University rules governing the conduct of faculty, staff, and students. In addition, violations in the Residence Halls and University Apartments, will have action taken in accordance with "Conditions of Occupancy" for University Apartments, and "Policies of University Residence Halls" for the Residence Halls.
7. **Limitations** - Provisions of this policy do not apply to service dogs or to police or K9 dogs while such animals are performing their duties under supervision.
8. **Additional Laws -** This Pet Policy is in addition to applicable ordinances of the City of Muncie and statutes of the state of Indiana.

***APPENDIX H* - Records Policy**

A. The University policies related to educational information are based upon the Family Educational Rights and Privacy Act of 1974. This act provides the student the opportunity to review his or her records and also limits disclosure of his or her student information to others. If the student wants to review his or her educational records and he or she is or has been enrolled as a student at Ball State, the student may simply contact the area within the University that stores the records in which he or she is interested.

B. Educational records are defined to be all the records maintained by the University about the student with the following exceptions:
1. Personal notes of faculty and staff that are not shared with anyone else;
2. Financial records of parents filed in connection with financial aid applications for the student;
3. Confidential letters and statements of recommendation that were placed in the student's file before January 1, 1975;
4. Confidential recommendations related to admission to the University, an application for employment, or the receipt of an honor, if the student has signed a waiver of his or her right to future access to this information (under no conditions will the student be required to waive his or her rights to future access to information before receiving University services or benefits);
5. Investigatory information within the Department of Public Safety; and
6. Information maintained by the Health Center or the Counseling Center.

C. In the event that the student believes his or her records to be inaccurate, misleading, or otherwise in violation of his or her rights of privacy, he or she may challenge the information that is contained in his or her educational records by contacting the University official responsible for the particular educational record in question. The student may then provide for informal meetings and discussions to resolve his or her concerns. The University official may decide that the student has sufficiently demonstrated that the challenged material should be deleted or modified, and the change will subsequently be made. Otherwise, the student may insert a statement into his or her record to explain any such material from his or her point of view, or a formal hearing may be requested in writing through the Vice President for Student Affairs & Dean of Students or his/her designee. This right to challenge information contained in the student's educational records does not extend to grades unless a grade assigned by a professor was inaccurately recorded. Individuals, agencies, or organizations shall not have access to the student's personally identifiable educational record without his or her written consent except for the following:

ARCHIVE

1. University personnel who require access on an internal need-to-know basis;
2 Officials of other schools in which the student may seek or intend to enroll provided that the student has the opportunity to receive a copy of such records if he or she desires;
3. Authorized representatives of the government when release of such data is necessary in connection with the audit and evaluation of federal- or state-supported educational programs, or in connection with the enforcement of legal requirements that relate to such programs;
4. In connection with the student's application for, or receipt of, financial aid;
5. State and local officials or authorities to which such information is specifically required to be reported or disclosed according to Indiana statute adopted before November 19, 1974;
6. Organizations conducting studies for, or on behalf of, the University for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction;
7. His or her parents, if he or she is dependent student as defined by the Internal Revenue Service Code, which means that he or she receives more than one-half of his or her financial support from his or her natural or adoptive parents;
8. In connection with emergency, if the knowledge of the student's information is necessary to protect his or her health or safety or that of other persons; and
9. In compliance with a judicial order or pursuant to any lawfully issued subpoena provided that the student is notified of any such order or subpoena before his or her information is released. A log is maintained for student's inspection of those individuals, agencies, or organizations listed above (other than University personnel) who have had access to or been provided personally identifiable information from the student's file.

D. Unless the student has requested that the Office of Registration and Academic Progress withhold all or a portion of his or her public information from normal disclosure and printing in the student directory, the following information may be released in response to inquiries from the public; name; address (local and home); telephone listing (local and home); electronic mail address; photograph, video and electronic image taken or maintained by the university; date of birth; major field of study; dates of attendance; class level; enrollment status (undergraduate or graduate, full time or part time); participation in officially recognized activities and sports; weight and height if a member of an athletic team; degrees, honors, and awards received; and the most recent previous educational institution attended. Portions of this information will be printed in the annual *Ball State University Directory*, and any of this information will be routinely released to any inquirer unless the student requests that all or part of this list be withheld. A form for this purpose may be obtained in the Registration and Academic Progress Office in Lucina Hall.

E. The student should consider very carefully the consequences of any decision to remove any of these items from the list of directory information. The University receives many inquiries for directory information from a variety of sources, including friends, parents, relatives, prospective employers, graduate schools, honor societies, licensing agencies, government agencies, and news media. Should the student decide to request that the University not release any or all of this information, any future requests from others for such information will be refused. For example, the University could not release the student's address or telephone number to a friend or family member wishing to notify him or her of a serious illness or crisis in his or her family. A prospective employer would also be denied access to such items.

ARCHIVE

F. If the student has any questions or desires additional information regarding provisions of the Family Educational Rights and Privacy Act or of University Records Policy, he or she may contact the Office of Registrar.

ARCHIVE

***APPENDIX I* – Self-Harm Protocol**[7]

The Ball State University Self Harm Protocol consists of three main sections: (1) Self Harm Prevention: (2) Incident Response: and (3) Emergency Notification. The primary intent of the protocol is to assist in identifying at-risk students and provide for them the care/treatment needed to effectively and safely deal with their problems. The protocol includes procedures for responding to incidents of suicide, suicidal attempts and/or threats, and other self-harm ideation, as well as guidelines for when and how to contact family and/or friends during an emergency.

The Incident Response portion of the protocol is intended to provide faculty, staff and others guidelines to follow when faced with incidents of suicide, self-harm attempts or suicide ideation involving students living on and off campus. In each case, specific directions guide the individual's response for particular emergency situations, including appropriate follow-up with the student. **Minimally, students who are judged to be at significant risk of self harm will be required to attend two risk assessment sessions in the Counseling Center.**

A brief overview of the protocol includes the following:

- Faculty/staff awareness of self harm incident
- Implementation of the Incident Response Protocol
- Referral for appropriate services (hospitalization, Counseling Center, 911 emergency, etc.)
- Referral to the Associate Vice President for Student Affairs & Director of Housing and Residence Life or his/her designee (Official letter to student detailing notice of requirements, parental notification, etc.)
- Required minimum of two sessions of assessment in the Counseling Center

Further, in the event of a serious suicide attempt or ideation, and in cases of completed suicide, it is likely to be appropriate to notify parents, spouse, or other family members. The decision to notify shall be made in accordance with the Emergency Response procedures provided within the Self Harm Protocol. These procedures also apply to notification in the event of any death of student, accidental injury or life-threatening illness. The protocol is designed to assist faculty and staff in making appropriate decisions for notification; however all incidents involving student hospitalization, serious suicide attempts, and the death should only be handled by the Vice President for Student Affairs & Dean of Students or his/her designee. Faculty/staff should not contact parents directly.

ARCHIVE

APPENDIX J - Sexual Harassment Policy[8]

A. Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of Civil Rights Act of 1964, as well as, state law. Student-on-student sexual harassment and sexual harassment directed toward a student by a University employee violates Title IX of the Education Amendments of 1972.

B. Ball State University will not tolerate sexual harassment of students or employees by members of its faculty or staff, its students or by other agents of the University and will respond in a suitable manner to every complaint.

C. The University has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for our academic community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a University-sponsored education program or activity;
2. Submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment decisions or academic decisions or assessments effecting an individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct. Sexual harassment includes but is not limited to situations where one person has authority over another. In such situations, sexual harassment is particularly serious because it may unfairly exploit the power inherent in a faculty member's or supervisor's position.

D. Sexual harassment can be verbal, visual, physical, or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment - such as a threat that a grade or promotion will depend on submission to sexual advance. But whether particular conduct constitutes sexual harassment will often depend upon the specific context of the situation, including the participants' reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (e.g., supervisor-subordinate, colleague, etc.) and the specific setting. The inquiry can be particularly complex in an academic community, where the free and open exchange of ideas and viewpoints preserved by the concept of academic freedom may sometimes prove distasteful, disturbing or offensive to some. Sexual harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

E. Examples of conduct which may constitute sexual harassment include but are not limited to:

1. requests for sexual favors;
2. unwelcome physical contact such as hugging, rubbing, touching, patting, pinching, or brushing

ARCHIVE

another's body;
3. veiled suggestions of sexual activities;
4. requests for private meetings outside of class or business hours for other than legitimate academic or business-related purposes;
5. use in the classroom of sexual jokes, stories, or images in no way germane to the subject of the class;
6. use in the workplace of sexual jokes, stories, or images in no way germane to the subject of the work environment;
7. remarks about a person's body or sexual relationships, activities, or experience that are in no way germane to the subject of the work or academic environment;
8. use of inappropriate body images to advertise events.

F. Members of the University community can expect to be free from sexual harassment and thus all members of the University community should guard against it. The fact that someone did not intend to sexually harass an individual is generally not considered a sufficient defense to a complaint of sexual harassment, although the reasonableness of the accused person's perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complaint and whether a reasonable person similarly situated would find the conduct offensive that determines whether the behavior constitutes sexual harassment.

G. The University will not tolerate retaliation or discrimination against persons who report or charge sexual harassment or against those who testify, assist, or participate in any investigation, proceeding or hearing involving a complaint of sexual harassment. In this context, retaliation means speech or conduct that adversely affects another's terms or conditions of employment or education and is motivated by an intent to harm the targeted person because of his or her participation in the filing or investigation of an allegation of sexual harassment. Any such retaliation - or any encouragement of another to retaliate - is a serious violation of University policy and law, independent of whether the particular claim of sexual harassment is substantiated. Anyone who believes he or she has been subjected to retaliation in violation of this rule may use the procedures described in this policy to complain and seek redress.

H. Any member of the University community who believes he or she is being sexually harassed or is being retaliated against is encouraged to contact the Office of University Compliance and make a complaint. The complaint will be investigated in accordance with the "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process". A copy of this document may be obtained by contacting the Office of University Compliance.

I. The University can respond to specific instances and allegations of harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced sexual harassment to come promptly forward (typically within 45 calendar days) with inquiries, reports or complaints and to seek assistance from the Office of University Compliance. In addition, any University employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report them to the Office of University Compliance. It shall be the responsibility of the Office of University Compliance to respond to allegations and reports of sexual harassment or refer them to other University officials for appropriate response.

ARCHIVE

J. Any dean, chairperson, director, or department head or other similar administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Office of University Compliance. These administrators must respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Administrators should consult the Office of University Compliance prior to responding to any situation involving alleged harassment.

K. Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:

1. oral or written reprimand, placed in the personnel file;
2. required attendance at a sexual harassment sensitivity program;
3. an apology to the victim;
4. loss of salary or benefit, such as sabbatical or research or travel funding;
5. transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);
6. demotion;
7. suspension, probation, termination, dismissal, or expulsion.

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. Where alcohol/drugs are involved in the sexual harassment, such counseling may include a substance abuse program. If students or student groups are guilty of sexual harassment, any of the sanctions set forth in the *Code of Students Rights and Responsibilities* may also be invoked.

L. The University seeks to protect the rights of all persons, accusers and accused, to fair procedures. Accusations of sexual harassment frequently have injurious, far- reaching effects on the careers and lives of accused individuals. Allegations of sexual harassment must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation of sexual harassment will be considered a serious violation of University Policy.

ARCHIVE

APPENDIX K - Sexual Misconduct Policy

Introduction

Sexual misconduct of any kind is inconsistent with the University's values and incompatible with the safe, healthy environment that the Ball State community expects. All members of this community share responsibility for creating and maintaining an environment which promotes the safety and dignity of each individual. Sexual assault will not be tolerated at Ball State. Federal law views sexual misconduct and sexual assault as forms of sexual harassment prohibited under Title IX. Sexual assault also violates state law as well as University policy. Students found responsible for sexual misconduct or sexual assault will ordinarily face disciplinary sanctions up to and including expulsion from the University.

The University believes that no person should bear the effects of sexual assault alone. When a sexual assault occurs, the University's paramount concern is for the safety, health and well-being of those impacted. To support and assist students, the University provides a wide range of services and resources. Please see the section below on **Resources** to learn more.

Application

This policy applies to Ball State students as defined in the *Code of Student Rights and Responsibilities* (or *Code* which may be found at www.bsu.edu/studentcode). The Code provides that any person may file a complaint against a student. Complaints of sexual misconduct by an employee should be filed with the Office of University Compliance (AD 335, 285-5162) or with the Ball State Police by calling (765) 285-1111. Complaints of sexual misconduct by a third party should be filed with the Ball State Police (765) 285-1111.

Sexual Misconduct Offenses

Sexual misconduct offenses that are prohibited are:

- **Non-consensual sexual intercourse** is any sexual intercourse by any person upon another without effective consent. It includes oral, anal and vaginal penetration, to any degree, with any object. It is referred to as "sexual assault" in this policy.
- **Non-consensual sexual contact** is any sexual touching, with any object, by any person upon another, without effective consent. Sexual touching is contact of a sexual nature, however slight. It includes, but is not limited to, disrobing or exposing another person.
- **Other forms of sexual misconduct include, but are not limited to:**
    - Sexual exhibitionism
    - Sex-based cyber-harassment
    - Prostitution or the solicitation of a prostitute
    - Peeping or other voyeurism
    - Going beyond the boundaries of consent, e.g., by allowing others to view consensual sex or the non-consensual video or audiotaping of sexual activity.

Effective Consent means informed, freely and actively given mutual agreement, communicated by clearly understandable words, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.

In addition, to have sex with someone who one knows to be, or reasonably should know to be incapable of making a rational, reasonable decision about a sexual situation policy is a violation of this policy. For example, a person who:

is incapacitated by alcohol or drug consumption; or

is unconscious, asleep, or otherwise physically impaired; or

has a mental or emotional impairment

is incapable of giving effective consent. Having sex with such a person is a violation of this policy; being intoxicated is not an excuse for failure to obtain consent.

Privacy and Confidentiality

Confidential Resources

Under Indiana law, if a student wishes the details of an incident to be kept strictly confidential, she or he can speak with counselors at the Ball State Counseling Center, Student Health Center, Office of Victims Services, or off-campus rape crisis resources, such as A Better Way, the IU Ball Memorial Hospital Emergency Room, other health providers, or pastoral counselors. These individuals will honor confidentiality unless there is an imminent danger to the student or to others.

Limits of Confidentiality and Mandated Title IX Investigations

In all instances and to the extent possible, the University will protect the privacy of all parties to a report of sexual misconduct or sexual assault. That said, under federal law, campus officials (with the exception of those listed under **Confidential Resources**, above) who receive a report of sexual misconduct, whether from the student involved or a third party, must share that information with the appropriate University authorities for investigation and follow-up.

An administrative investigation under Title IX must be initiated if the University has enough information to reasonably determine key facts, e.g., time, date, location, and names of parties involved in an alleged incident. Ordinarily, this administrative investigation will include a review of statements obtained from either party, interviews with both parties, interviews with witnesses as appropriate, and review of relevant documentary evidence, and will be conducted by the Assistant to the Vice President for Student Affairs/Deputy Title IX Coordinator or his/her designee when the accused person is a student.

The University will seek the complainant's consent prior to beginning the investigation. However, the University is obligated to conduct this investigation regardless of the complainant's requests. In the course of the administrative investigation, information will be shared as necessary with people who need to know, such as investigators, witnesses, and the accused

As required by Title IX and in accordance with the Ball State *Code of Student Rights and Responsibilities*, the University typically will not wait for criminal investigations or criminal proceedings to conclude or begin before beginning its own administrative investigation. When the University must delay temporarily to delay its investigation in order not to interfere with criminal investigations, it will resume promptly its investigation once notified that police have completed gathering evidence.

Reporting Sexual Misconduct and Sexual Assault

To report an incident of sexual misconduct or sexual assault, call Ball State Police at 285-1111; Ball State police officers are available 24 hours a day, 7 days a week. During business hours, persons wishing to report sexual misconduct by a student may also call or email

- the Assistant to the Vice President for Student Affairs/Deputy Title IX Coordinator or her designee (Assistant) at (765) 285-5036 or stdtrights@bsu.edu or

The University encourages persons to report all incidents of sexual misconduct or sexual assault by students to the Ball State Police regardless of where the incident occurred.

Incidents of sexual misconduct involving students that are reported to Ball State Police will also be referred to the Assistant for follow-up and administrative investigation. Similarly, the Assistant or his/her designee will follow-up where appropriate in those instances where the University has a report of an incident of sexual assault or misconduct that has been reported to another law enforcement agency. The administrative investigation conducted by the Assistant to the Vice President for Student Affairs or her designee is separate from any criminal investigation.

Other University Responses to Sexual Misconduct Complaints

Whenever the University receives a report of sexual misconduct or sexual assault, complainants who are members of the University community may be referred to an advocate from the Office of Victim Services (OVS—located in Rm. 205 of the Student Health Services Building at 1500 W. Neely Ave. [www.bsu.edu/ovs]) who can serve as a resource person to the complainant to identify, explain and navigate the complainant's reporting options and the available support services. This can include but is not limited to referrals to counseling, educational support, medical treatment, and information about University processes, criminal processes, and legal assistance. The advocate can also provide assistance in rearranging class schedules, extracurricular activities, and on-campus housing/dining arrangements (for reasons including avoiding contact with the accused student).

The advocate can also assist the complainant with working with appropriate offices to make reasonable accommodations such as but not limited to:

- issuing written instructions to the accused student restricting him or her from making contact with the complainant;
- temporarily moving the complainant—if living in University housing—to other living arrangements; or
- making alternative instructional arrangements for the accused student.

Intimidation or Threats to Inhibit Reporting

Any actual or threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of sexual misconduct or sexual assault or the participation in proceedings relating to sexual misconduct or sexual assault by an accused student or third party is itself prohibited and may result in criminal proceedings or disciplinary proceedings or both. A complainant or witness who is threatened in any way should immediately report these concerns to the Ball State police by calling (765) 285-1111.

University Disciplinary Procedures

Administrative investigations of complaints of sexual misconduct against students will be conducted by the Assistant to the Vice President for Student or her/his designee (Assistant). Should the investigation result in a finding, using a preponderance of evidence standard, that a student has violated this policy, the matter will be referred to the Office of Student Rights and Community Standards for adjudication using procedures outlined in the Ball State *Code of Student Rights and Responsibilities* found at www.bsu.edu/studentcode. Those procedures are briefly described below and include but are not limited to:

- a determination by the Director of Student Rights and Community Standards of whether to charge the accused student with a violation of this sexual misconduct policy (and any other policy violations that may be appropriate) using a preponderance of evidence standard;
- providing the accused student the option to accept responsibility for the violation and seek an informal resolution or request a hearing;
    - if the accused student accepts responsibility in writing and seeks an informal resolution, the Director may impose sanctions up to and including suspension from the University;
    - if the accused student requests a hearing, a hearing of the University Review Board (a body comprised of University students, faculty, and professional staff members) will be convened to determine if a violation has been occurred. The determination will be made using a preponderance of evidence standard.
- Mediation will not be used to resolve sexual assault complaints.

Hearings

- The Director, having made the determination to charge the accused student with a policy violation, will serve as the official complainant at the hearing; the initial complainant will serve as the complaining witness;
- Both the initial complainant and accused student will be notified in writing of the date, time, and location of the hearing and their rights at the hearing including being present at the entire hearing, presenting evidence and testimony, presenting witnesses, equal and timely access to information to be presented at the hearing, and the presence of an advisor (who may be an attorney) whose role in the hearing is limited;
- Both the initial complainant and accused student may ask questions of each other and of witnesses through the hearing chairperson (so-called “cross-examination” is not permitted);

- The Director may make arrangements to convene hearings in such a manner that contact between the initial complainant and accused student is limited but allows effective participation by both parties (e.g., conducting the hearing in separate rooms connected by teleconferencing).

Notice of Outcome

Both the complainant and the accused student will be notified in writing of the outcome of the informal resolution or hearing and any appeal (that is, whether the sexual misconduct policy was found to have been violated). The accused student will also be notified of all sanctions that have been imposed and procedures for appeal. The complainant will be notified of sanctions imposed against the accused student that are related directly to the complainant (for example, if the accused student is restricted from making contact with the complainant) and procedures for appeal.

Timely Resolution

The University will strive to resolve complaints in a timely and reasonable timeframe. Typically, a full investigation will take no longer than 60 calendar days. Resolution through an informal resolution or hearing will typically take place within 14 school days after completion of the investigation. The notice of outcome will come within three school days after the resolution is completed. Appeal procedures typically will be completed within seven school days after notice of outcome is delivered. If circumstances (for example, a complaint involving multiple incidents, complainants, and/or accused students) require longer timeframes, these will be documented and the complainant(s) informed of the need for additional time.

Maintenance of Records

The University will maintain records of sexual misconduct complaints, including audio recordings of hearings, in a manner and for a period of time that complies with federal law including Title IX and the Clery Campus Security Act.

Resources

It is especially important for students who have been sexually assaulted to seek immediate and appropriate medical treatment. The **Student Health Center** (at 1500 Neely Avenue). The phone number is (765) 285-8431; the website is www.bsu.edu/healthcenter. The Student Health Center is equipped to provide confidential and professional medical care. The Student Health Center can provide medical care, treatment for injuries and infection, assistance and support. The Student Health Center staff does not perform procedures related to the collection of evidence for the purposes of pursuing criminal prosecution. Students are encouraged to seek evaluation for the collection of evidence, and assistance is offered for transportation to the Ball Memorial Hospital Emergency Room for this purpose, but the collection of evidence is not a requirement for students to receive comprehensive care at the Student Health Center. Follow-up treatment or testing for sexually transmitted infections can be provided by the Women's Center located within the Student Health Center on the second floor.

The **Counseling Center**, located in Lucina Hall 320, is staffed by trained professionals who can provide specialized support and assistance to students who have been assaulted. Current students may seek counseling at any time after the incident. The confidential services of the Counseling Center are available

to the student or employee who was assaulted. The Counseling Center can be reached at 765-285-173 (during office hours) and 765-747-7330 for after-hours emergencies. The Counseling Center website is www.bsu.edu/counselingcenter.

The on-campus resources listed above are available to all Ball State students including accused students and witnesses in sexual misconduct and sexual assault cases.

The **Office of Victim Services (OVS)** provides educational and supportive services for the Ball State University community related to sexual assault, relationship violence, and stalking. The program is designed to assist individuals in the recovery process by providing timely information and confidential support and guidance through the campus judiciary and criminal justice systems. During office hours, the OVS can be reached at (765) 285-7844. A victim advocate is available after hours for emergencies by calling the Ball State University Police dispatch 765-285-1111 and requesting the on-call victim advocate be paged.

Off-campus support services include but are not limited to:

- **A Better Way** (advocacy services for victims of sexual assault and a participating member of the Delaware County Sexual Assault Response Team (SART) (765) 288-4357 (HELP).
- The **Indiana University Ball Memorial Hospital Emergency Room** (ER--located at 2401 University Ave) has a specially trained sexual assault team available 24 hours a day, seven days a week. Forensic exams ("rape kits") for sexual assaults are provided at the ER. Under Indiana law, the tests and procedures at the hospital are free of charge if treatment is sought within 96 hours of the assault. IU Ball Memorial ER staff may ask if the student wishes to speak to the police; this decision is up to the student. The IU Ball Memorial Hospital Emergency Services can be reached by calling 911 or (765) 747-3241.

For more information about resources, please visit www.bsu.edu/ovs or call the Office of Victim Services at (765) 285-7844.

Revised March 2, 2012

APPENDIX L - Smoking Policy[8]

Ball State University has demonstrated a continuing commitment to the health and wellness of its students, faculty, and staff as evidenced by the John and Janice Fisher Institute for Wellness, various wellness programs, employee health enhancement programs, and a number of curricula devoted to developing health and wellness professionals. Years of documented research has substantiated the health problems caused by both smoking and secondhand smoke. The State of Indiana adopted the Clean Indoor Air Law which is applicable to all state entities. The law sets forth minimum guidelines but allows state entities to adopt a more stringent policy if they desire. Therefore, Ball State University establishes the following smoking policy for all facilities, campus areas, and vehicles in which university functions or services are carried out or offered. All university students, employees, contractors, and visitors are subject to these regulations.

1. As used herein, "smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment or the inhalation or exhalation of smoke from any lighted smoking instrument.

2. Smoking is prohibited in all university buildings and outdoor campus areas except for officially posted designated smoking areas.

3. Smoking is prohibited in all university vehicles, including maintenance vehicles, automobiles, and public carriers.

4. Smoking may be permitted:

   A. In officially posted designated smoking areas.

   B. In venues where artistic productions are held when it is called for by the director of a production. Smoking may be done only by the specified characters during rehearsals and performances. The appropriate department in charge of the production shall include notification that there will be smoking in the show. Smoking in the Green Room is prohibited.

   C. In designated individual University Apartments as determined by the Office of Housing and Residence Life. The Office of Housing and Residence Life will make every effort to maintain separate smoking areas in the apartment complex, consistent with the need to provide housing for students.

5. While the responsibility for the enforcement and communication of this policy rests with all members of the university community, primary enforcement of this smoking policy will be the responsibility of those persons who head individual units, departments, buildings, student housing units, those who supervise personnel, public safety personnel, and others designated by the university.

   A. Failure to comply with this policy shall result in a fine of $50.00 per occurrence.

   B. The Office of Bursar will be responsible for fine collection and account maintenance. Monies collected from fine assessments will be used to fund smoking cessation initiatives, health education, and other relevant health and wellness related programs.

   C. Citations may be appealed through the University Traffic Appeals Subcommittee. All appeals will be handled in a manner consistent with traffic appeal procedures.

   D. Failure of a student or employee to pay a fine shall be subject to existing policies and procedures for collecting delinquent accounts owed the university.

   E. In addition, under Indiana Code IC 16-41, 37-1, a person who smokes in a university building where smoking is prohibited commits a Class B infraction, which is punishable by a fine of up to $1,000.

For a listing of locations go to www.bsu.edu/smokefree. This smoking policy shall be effective March 17, 2008.

ARCHIVE

APPENDIX M – Student Funeral and Bereavement Rights and Appeals[9]

Right to Funeral and Bereavement Leave
From Code of Student Rights and Responsibilities Section 1.6.9

a. Students will be excused from class for funeral leave in the event of the death of a member of the student's immediate family or household, including: father, mother, husband, wife, son, daughter, grandfather, grandmother, grandchild, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepfather, stepmother, stepson and stepdaughter. The number of excused absences allowed is determined by the distance of funeral services from Muncie, Indiana, as follows:

Three work days - Within 150 miles radius of Muncie
Four work days - Between 150-300 miles radius of Muncie
Five work days - Beyond 300 miles radius of Muncie
Seven work days - Outside of North America

If the student is unable to attend the funeral services, the student will be allowed three work days for bereavement.

b. In the event of the death of a student's stepmother-in-law, stepfather-in-law, brother-in- law, sister-in-law, uncle, aunt, nephew, and niece, students will be allowed one work day.

c. A student may contact the Office of Student Rights and Community Standards to request that an informational notice (without verification) be sent to the student's instructor(s). The student will provide documentation to each instructor. Given proper documentation, the instructor will excuse the student from class and provide the opportunity to earn equivalent credit for assignments missed. If the student is not satisfied with the outcome, he or she may appeal as outlined in the Ball State University's Procedure for Student Bereavement Leave Appeals. (See below.)

Procedures for Student Funeral and Bereavement Leave Appeals

A. To initiate a Funeral and Bereavement Appeal, the student must request a review of funeral and bereavement conflict by contacting (in person, by phone, or by letter) the faculty member, or in his or her absence the department chairperson. Students are strongly encouraged to request the review as soon as the funeral and bereavement conflict becomes apparent, but must request the review no later than ten (10) school days after the start of the next academic (fall, spring, or summer) semester following the semester or summer session in which the funeral and bereavement conflict occurred. The faculty member, or in his or her absence the department chairperson, must respond to the student's request within ten (10) school days after receipt of the request.

B. If the matter cannot be resolved with the faculty member, the student must inform the department chairperson of the disagreement with the faculty member and present the student's side of the dispute. The department chairperson will then attempt to resolve the dispute by consulting all affected parties.

C. If the department chairperson cannot resolve the dispute to the student's satisfaction, the student may continue with the appeals process by contacting the Dean of the College in which the department

ARCHIVE

resides. The Dean will then attempt to resolve the dispute by consulting all affected parties. If the Dean of the College cannot resolve the dispute to the student's satisfaction, the student may appeal to the Provost and Vice President for Academic Affairs, who will consult all affected parties. The decision of the Provost and Vice President for Academic Affairs is final.

D. In the case that the faculty member involved in the appeal is the administrator next in the line of the appeal process, then the appeal will move directly to the next level.

ARCHIVE

***APPENDIX N* - Use of Property for Expressive Activities Policy**
Distribution, Demonstrations, Fund Raising, Marches, Sales, Solicitation, Structures

(Abbreviated Version. For complete document go to http://www.bsu.edu/studentlife/policies

IV. Out-of-Doors Activities.

A. Distribution.

1. By Anyone. Any person may distribute printed material by hand directly to other persons, at any time, in an out-of-doors area of BSU if such distribution is done without tables, booths, or other similar apparatus. Because of litter concerns, printed material may not be placed on motor vehicles on BSU property. Except as permitted by this Policy, printed material may not be posted or otherwise attached to BSU property.
2. By Non-profit organizations. In addition to distribution permitted in IV (A) (1), non-profit organizations may distribute materials using a table, booth or other apparatus in designated out-of-doors areas of BSU property. Such use must be scheduled with the Office of Facilities Planning and Management (OFPM) in accordance with then-existing BSU policies. A non-profit organization may post printed material on out-of-doors bulletin boards, kiosks or other areas designated for this purpose by the Office of Facilities Planning and Management. Such posting may be limited to a particular place or manner, or to particular types of organizations, in a content-neutral manner.

B. Fund Raising.

1. Non-profit organizations. A non-profit organization may engage in fund raising in an out-of-doors area if the activity is either: (1) for the benefit of the non-profit organization conducting the fund raising and the funds raised will be used for the activities of the organization or (2) the non- profit organization is raising the funds for the benefit of another, clearly identifiable non-profit organization. If the fund raising will use a table, booth or similar apparatus, the organization is required to schedule the activity with the Office of Facilities Planning and Management, and such use is limited to the area designated for such purposes by the Office of Facilities Planning and Management. Such use may be limited to a particular place or manner, or to particular types of organizations, in a content-neutral manner.
2. Recognized student organizations as agents of commercial firms. A recognized student organization may function as an agent or representative of a commercial firm only if: (1) the commercial activity involved is merely incidental to a larger scheduled event of a recognized student organization and is provided under contract with the recognized student organization merely for the convenience of those attending the event, e.g., the Watermelon Bust food sales, AND (2) the sale by the recognized student organization of goods or services of the commercial firm is conducted in the name of the recognized student organization without promotion of the name of the commercial firm or the trade names of the commercial firm's goods or services. Such fundraising shall not be used to evade the restrictions of this Policy which would otherwise be applicable to a commercial firm.

C. Distribution, Solicitation, Fund Raising, Sales or Commercial Activity During Limited Period.

ARCHIVE

Non-profit organizations, commercial firms, and other persons may engage in distribution, solicitation, fund raising, sales or commercial activity including the use of tables, booths or other apparatus, between 7:00 a.m. and 11:00 p.m. in a designated area during the three (3) calendar days preceding the fall semester and first summer session, as well as the first day of the fall semester and first summer session. The space is available on a first-come, first-served, basis, by registering with the OFPM at any time during the eight (8) week period preceding the desired use. The OFPM may impose restrictions on the use of such designated space in a content-neutral manner. Visitors may be subject to a rental fee. No goods or services may be made available for sale if similar goods or services are available for sale on BSU property by BSU or persons under contract with BSU. Amplification devices are prohibited in the designated area.

D. Demonstrations.

1. Demonstrations are permitted out-of-doors on BSU property.
2. Demonstrations may not take place within sixty (60) feet of any window of any classroom or office, or any door of any classroom building, office building, or residence hall.
3. Demonstrators may not block access to or exit from BSU buildings or residence halls.
4. Demonstrators may not disrupt instruction, research, administration or other University activity.
5. Demonstrations which are not expected to involve fifty (50) or more people are not required to be scheduled; however, in the event more than one demonstration is planned for the same area, the demonstration sponsored by students, employees, or recognized student organizations shall have priority. Otherwise, the demonstration that is scheduled first will be held in the approved location. An attempt will be make to identify an alternate location for the second group.
6. If a demonstration is expected to involve fifty (50) or more people:
   a) The demonstration must be scheduled with the Student Center Reservation Office (SCRO) at least three (3) business days prior to the demonstration, and approved by the Vice President for Student Affairs & Dean of Students or his/her designee. Approval or disapproval of a demonstration shall be based upon consultation with Public Safety and other events scheduled for the area, in a content-neutral manner. Events sponsored by students by students, employees or other events. Otherwise, the demonstration that is scheduled first will be held in the approved location.
   b) The demonstration must be held in either the Quad area or LaFollette Field. The Quad is the outdoor area of campus bounded on the North by the Arts Terrace, on the South by the Beneficence monument, on the East by the Burkhardt Building, and on the West by the Ball Gymnasium. LaFollette Field is the field across McKinley Avenue from the LaFollette complex.

E. Marches

1. Students, employees, and recognized student organizations may be permitted to construct temporary structures out-of-doors in a designated area, where the structure is designed to express the students' views or to raise public consciousness and awareness of an issue. Structures must be scheduled with the SCRO and approved by the Vice President for Student Affairs & Dean of Students or his/her designee at least three (3) business days prior to the construction of the structure. Approval or disapproval of a structure shall be based upon consultation with Public Safety and other events already scheduled for the area, in a content-neutral manner.
2. The designated areas for structures are: the Quad and LaFollette field. The Vice President for Student Affairs & Dean of Students or his/her designee shall determine the specific location of the structure within the designated area.

ARCHIVE

3. Structures are permitted for a period of ten (10) days, which includes all time used to set up and tear down the structure.
4. In addition to other restrictions on BSU property use in this Policy, approval for a structure may be denied or revoked where the weather conditions are such as to pose a substantial threat to the health, safety or welfare of the students residing in or sheltered by the structure or where the conditions of the structure become unsanitary for any reason, and where such unsanitary conditions pose a threat to students residing or sheltered by the structure or to the BSU community.
5. Any structure not in compliance with this Policy shall be subject to immediate removal by BSU and the students or recognized student organizations which sponsored, constructed or participated in the use of the unauthorized structure may be subject to disciplinary action up to and including dismissal from BSU and will be responsible for the costs associated with the structure removal.

V. Activities Inside BSU Buildings.

A. Distribution/Solicitation/Fund Raising/Sales/Commercial Activity

1. Door to Door Distribution/Solicitation/Fund Raising/Sales/Commercial Activity
   a) This activity is prohibited within BSU offices or residence halls, but is permitted within BSU University Apartments. Activity related to voter registration is not prohibited by this Policy.
   b) Occupants of offices and/or residence hall rooms may invite an individual or organization to the occupant's office or residence hall room for distribution, solicitation, fund raising, sales or other commercial activity within the privacy of the occupant's office or residence hall room.

2. Other Buildings. Non-profit organizations may engage in distribution in designated areas of BSU buildings, if such use is scheduled with the OSSU in accordance with then existing BSU policies. Such use may be limited to a particular time, place or manner, or to particular types of organizations in a content-neutral manner.
3. Fund raising, sales and other commercial activity is prohibited in residence halls during the three (3) calendar days preceding the Fall semester and the first Summer Session, and during the first day of the Fall Semester and first Summer Session.
4. Residence Hall Lobbies
   a) Bulletin boards may be used by residents and the hall government only.
   b) Printed material may be distributed only on specific tables designated for that purpose by BSU.
   c) Commercial activity in the lobby area is permitted only if it is a (1) demonstration of goods or services sponsored by the hall government that does not involve sales or (2) fund raising activity of the hall government and otherwise complies with this Policy.

B. Demonstrations.

1. Students, employees, and recognized student organizations may be granted permission to hold a demonstration within a specified area of the following buildings: Student Center, Emens Auditorium, or Pruis Hall, subject to availability and any fees uniformly required.
2. Demonstrations inside designated BSU buildings shall be scheduled at least three (3) business days prior to the demonstration, and must be approved by the Vice President for Student Affairs & Dean of Students or his/her designee. Approval or disapproval of a demonstration shall be based

ARCHIVE

upon consultation with Public Safety and other events already scheduled for the area, in a content-neutral manner.

VII. Obscenity.

A. Obscene speech is not protected by the federal or state constitution, and is prohibited by BSU policy. Obscene materials share the following elements:

1. The average person, applying contemporary community standards, finds that the dominant theme of the matter or performance, taken as a whole, appeals to the prurient interest in sex;
2. The matter depicts or describes, in a patently offensive way, sexual conduct; and
3. The matter or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value.

B. Under Indiana law (I.C. 35-49-3-1) a person who knowingly or intentionally exhibits or distributes obscene material commits a Class A misdemeanor. However, the offense is a Class D felony if the matter depicts or describes sexual conduct involving a person who is or appears to be under sixteen years of age.

***APPENDIX O*- Weapons Policy**

Ball State University recognizes the importance of providing a climate which is conductive to the safety of all members of the University community. To aid in the accomplishment of this objective:

A. Faculty, Professional Personnel, and Staff employees of Ball State University, students, visitors, guests, and all other individuals are prohibited from possessing or carrying weapons of any kind while on University property, regardless of whether they are licensed to carry the weapon or not. Such prohibition extends to such individuals having such weapons in briefcases, purses, tool boxes, personal vehicles or other personal property or effects.

B. The only exceptions to this policy are: (a) firearms in the possession of University police officers and other individuals who have written authorization from the University's Director of Public Safety to carry such weapons; (b) firearms in the possession of sheriffs, police officers, law enforcement officers, and correctional officers, who are duly authorized by law to carry such firearms; (c) equipment, tools, devices, and materials which are prescribed for use by authorized University employees as a condition of employment or class enrollment; and (d) legal chemical-dispensing devices, such as pepper sprays, that are sold commercially for personal protection.

C. University property includes all University owned, leased, or otherwise controlled building and lands. University vehicles are covered by this policy at all times whether or not they are on University property.

D. University sanctions will be imposed on offenders as appropriate and, in addition, criminal charges may be filed.

E. For the purposes of this policy, "weapons" include but are not limited to (a) firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, tazers, or electronic stun weapons; (b) explosives, such as bombs, grenades, blasting caps, or other containers containing explosive substances; and (c) other equipment, material, and devices that, in the manner they are used ordinarily could cause harm, or are readily capable of causing serious bodily injury. The items described in clause (c) include, but are not limited to, knives (except small personal pocket knives with folding blades that are less than three (3) inches long.), tear gas, chemical substances, brass knuckles, clubs or chains.

ARCHIVE

This policy appendix was added to the *Code of Student Rights and Responsibilities* in 2011 to supplement the statement in section 1.5.3 of the Code. The excerpt here applies to students. Students should

APPENDIX P - Policy Concerning the Ownership, Distribution and Commercial Development of Ball State University Intellectual Property and Technology[10]

familiarize themselves with the entire policy which may be found at http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx.

This policy excerpt includes the introduction, Ball State policy statements, and a section on student theses and dissertations.

Persons with questions about this policy should contact the Ball State Sponsored Programs Office at 765-285-1600.

PART 1. INTRODUCTION AND SELECTED DEFINITIONS

1.0 INTELLECTUAL PROPERTY AND RELATED RIGHTS

The material set forth in this document addresses the ownership, distribution, and commercial development of technology developed by Ball State University ("Ball State") faculty, staff, and students and others participating in Ball State programs. The term "technology" is broadly defined in this document to include technical innovations, inventions, and discoveries, as well as writings, audiovisual or digital or other creative works, and other information in various forms, including computer software.

The principal rights governing the ownership and disposition of technology are known as "intellectual property" rights, which are derived primarily from federal and state legislation granting patent, copyright, trademark, trade secret and integrated circuit mask work protection.

In some instances, distribution and commercialization of technology may be accomplished by the transfer/assignment or licensing of the intellectual property rights, such as the licensing of patents or copyrights. In other instances, distribution and commercialization of technology may be aided by or depend upon access to the physical or tangible embodiment of the technology, as in the case of biological organisms, plant varieties or computer software through a material transfer arrangement.

Therefore, this policy will define not only the ownership, distribution, and commercialization rights associated with the technology in the form of intellectual property, but will also define policies and procedures which govern use and distribution of the technology in its tangible form.

6 The following overview of intellectual property rights is limited in scope. The Ball State Technology Transfer Officer ("TTO") at the Ball State Technology Transfer Office should be contacted for further information regarding any of these rights.

…section removed for space reasons. See entire policy at
http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx

ARCHIVE

PART 2. BALL STATE'S POLICY STATEMENTS

2.0 GENERAL POLICY STATEMENT

The prompt and open dissemination of the results of Ball State research and the free exchange of information among scholars are essential to the fulfillment of Ball State's obligations as an institution committed to excellence in education and research. Matters of ownership, distribution, and commercial development, nonetheless, arise in the context of technology transfer, which is an important aspect of Ball State's commitment to public service. Technology transfer is, however, subordinate to education and research; and the dissemination of information must, therefore, not be delayed beyond the minimal period necessary to define and protect the rights of the parties.

2.1 INTELLECTUAL PROPERTY OWNERSHIP POLICY STATEMENT

With the exception of the ***written content*** of student theses, dissertations and research reports as addressed more fully in Section 2.1.5, intellectual property rights in inventions, mask works, trade secrets, tangible research property and copyright ownership of materials made or created by Ball State faculty, students, staff, and others participating in Ball State programs, including visitors, are as follows:

BALL STATE OWNED

(a) Patents, copyrights (including copyrights on software), maskworks, trade secrets, and tangible research property and trademarks developed by faculty, students, staff and others, including visitors participating in Ball State programs or using Ball State funds, resources or facilities, are owned by Ball State when either of the following applies:

(1) The intellectual property was developed within the scope of employment and/ or by students as part of the student's participation and receipt of instruction in any Ball State class, funded project or independent study, internship or practicum under the supervision and direction of a faculty or staff member as outlined in the discussion below regarding Student Ownership and/or in the course of, or pursuant to, a sponsored research agreement with Ball State; or

(2) The intellectual property was developed with significant use of funds, other resources or facilities administered by Ball State, as defined in Section 2.1.2.

(b) Except as set forth herein, all copyrights, including copyrighted software, will be owned by Ball State when it is created as (1) a "work for hire" as defined by copyright law, (see Section 2.1.3), or (2) it is "specially commissioned" by Ball State pursuant to a written agreement whereby Ball State retains copyright ownership, (see Section 2.1.3), or (3) it is created pursuant to a written agreement with Ball State providing for transfer or assignment of copyright or ownership to Ball State.

INVENTOR/AUTHOR OWNED

Inventors/Authors, including students, will own patents/copyrights/other intellectual property when none of the situations defined above for Ball State ownership of intellectual property applies.

ARCHIVE

STUDENT OWNERSHIP

Except as set forth herein and in Section 2.1.5, under ordinary circumstances, students who independently develop intellectual property as part of, or arising outside, of their participation in programs of study at Ball State retain ownership rights to that intellectual property **unless any** of the conditions set forth in this section on Student Ownership and outlined above in Section 2.1(a) or Section 2.1(b) regarding Ball State owned intellectual property are applicable.

In this regard, any student engaging in research or development of intellectual property subject to Ball State ownership under Sections 2.1(a) (2), 2.1(b), or 2.1(a) (1) under a sponsored research agreement or under the supervision and direction of a faculty or staff member in connection with a class, funded project or independent study, internship, practicum or other program or activity subject to this Policy **shall have no ownership interest in the resulting intellectual property.** By way of illustration, this may include without limitation, patentable processes or inventions, computer aided designs, digital designs, models or fabrications, or student produced films, videos or digital productions. This paragraph is not determinative of appropriate academic credit for authorship of any resulting work product in which students are supervised or directed by Ball State faculty or staff. In instances where the intellectual property may be subject to Ball State ownership, a Disclosure outlined in Part 3 of this Policy shall be made for purposes of determining ownership, cost recovery and royalty distribution.

Where copyright ownership arising out of the student's participation in programs of study at Ball State is retained by the student in intellectual property, however, the student shall grant to Ball State a royalty-free perpetual non-exclusive license and consent to reproduce, use and publicly distribute the intellectual property for the following limited purposes of Ball State: (1) institutional promotion and marketing; (2) educational and instructional; and (3) entries into appropriate competitions.

…section removed for space reasons. See entire policy at
http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx

2.1.5 STUDENT THESES AND DISSERTATIONS

Students will own copyright in theses and dissertations, however, where significant use is made of Ball State equipment or facilities provided to Ball State without copyright or other related restrictions, students own copyright in theses or dissertations, but any software code, patentable subject matter and/or any other intellectual property contained in, or produced as part of, the theses or dissertations remain subject to Ball State ownership pursuant to Section 2.1.2 above.

Moreover, where copyright ownership is retained by the student in the theses, dissertations and/or research reports, the student shall grant to Ball State a perpetual royalty-free, non-exclusive limited license and consent to reproduce, use and publicly distribute the thesis, dissertation and/or research report for the following limited purposes of Ball State: (1) institutional promotion and marketing; (2) educational and instructional; and (3) entries into appropriate competitions.

…section removed for space reasons. See entire policy at
http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx

ARCHIVE

APPENDIX Q—Responding to Disruption in the Academic Setting[11]

1. **Purpose**: This document is designed to provide faculty and other University personnel guidance in responding to disruption in the academic setting. Disruption by a student in a Ball State classroom or other academic setting is a violation of the *Code of Student Rights and Responsibilities*, specifically

   5.2.9 Obstruction or Disruption - Obstructing or disrupting the teaching and/or learning process in any campus classroom, building, or meeting area, or any University-sponsored activity, pedestrian or vehicular traffic, classes, lectures or meetings, obstructing or restricting another person's freedom of movement, or inciting, aiding, or encouraging other persons to do so. *See also Regulations for Use of Property for Expressive Activity, Appendix N and Responding to Conduct in the Academic Setting, Appendix P.*

2. **Definitions**

   2.1 Disruption is defined as any "behavior a reasonable person would view as being likely to substantially or repeatedly interfere with the conduct of"[2]an academic setting.

   2.1.2 Some behaviors or single incidents of some behaviors are not the focus of these guidelines. These include but are not limited to coming late to or leaving early from class, tapping fingers, chewing gum, reading a newspaper, and using electronic devices without authorization. While annoying and distracting, these usually can be addressed effectively through conventional classroom management techniques that include addressing behavior expectations in the syllabus and during the first class period, in-class intervention, and speaking to a student after class.

   2.1.2 However, students who exhibit behaviors listed above and who do not respond to reasonable intervention, who exhibit more severe behaviors, or who violate another University policy in an academic setting (e.g., intoxication, weapons policy violation) should be referred for adjudication through procedures outlined in the *Code of Student Rights and Community Standards*. Such behaviors include but are not limited to

   a. repeated and unauthorized use of cell phones, pagers or other technical devices

   b. persistent speaking without being called upon or disregarding instructor's requests

   c. making loud or distracting noises

   d. making physical or verbal threats

   e. engaging in behaviors reasonable people consider intimidating

   2.2 Academic Setting" is defined to be a classroom, office, laboratory, library, field experience site, online forums or other venues where instruction, advising, or service occurs.

3. **Guidelines for Intervening When Disruption Occurs**

   3.1 Faculty members and administrators have the authority to instruct the student to leave temporarily the academic setting where disruption is taking place. For instance, in the case of a classroom setting, the faculty member may instruct the student to leave for the remainder of a

[2] This and other parts of this protocol are adapted from Pavela, G. (July 18, 2001). *Questions and answers on classroom disruption*. ASJA Law & Policy Report, No. 26). Association for Student Conduct Administrators (formerly Association for Student Judicial Affairs).

ARCHIVE

class period. The student should be told the reason for this request and instructed to meet with the instructor, administrator or a staff member from the Office of Student Rights and Community Standards prior to returning to the next class. The instructor should consult promptly with the department chair or designee and the Office of Student Rights and Community Standards. If the student refuses to leave, University Police should be called and requested to remove the student from the academic setting.

3.2 Suspensions for more than one class period or restrictions from entering a service office require disciplinary procedures outlined in the *Code of Student Rights and Responsibilities*.

3.2.1 These procedures, conducted by the Office of Student Rights and Community Standards, include notifying the student of the complaint, providing the student with an opportunity in a hearing to defend against the complaint, and ensuring the decision is made based on substantial information.

3.2.2 Outcomes of disciplinary procedures can include finding the student not responsible or finding the student responsible for a violation of the *Code of Student Rights and Responsibilities*. Sanctions imposed can range from official reprimand to suspension or expulsion in the most severe cases.

3.2.3 A student may also be restricted from returning to a specific classroom or to using an alternative method of accessing services. In the case of restriction from a specific class, the student may be withdrawn administratively from the class with transcript notation (i.e., W, WP, WF, etc.) to be determined by nature and severity of disruption, timing of withdrawal, and other relevant circumstances.

3.3. This policy does not replace or modify facility usage policies already in place (e.g., University Libraries, Student Recreation and Wellness Center, residence halls).

APPENDIX R – Requirement to Disclose Felony Conviction after Admission[12]

Ball State University is concerned with the safety and achievement of its students and employees. Out of that concern, the University requires students who have been charged with or convicted of a felony after being admitted to report immediately that felony charge or conviction to the Office of Student Rights and Community Standards (located in Student Center L-4; phone 765-285-5036; email stdtrights@bsu.edu).

As noted in section 3.5 of the *Code of Student Rights and Responsibilities*, persons "may be subject to the University sanctions for the same conduct, in accord with established policies and procedures, when the conduct is in violation of a University rule which is important to the continuing protection of other members of the University or to the safeguarding of the educational process. At the discretion of University officials, disciplinary action under this *Code of Student Rights and Responsibilities* may proceed in advance of or during the pendency of criminal proceedings. Determinations made or sanctions imposed under this *Code of Student Rights and Responsibilities* shall not be subject to change because criminal charges arising out of the same set of facts giving rise to University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant."

ARCHIVE

Disclosing a felony charge or conviction will not result in an automatic separation from the University. Any disciplinary action that is taken will take place according to procedures noted in section 6.5 of the *Code of Student Rights and Responsibilities*.

Discovery of a student's failure to immediately report a felony charge or conviction as required in this policy may result in an interim suspension (outlined in section 6.5.4 of the *Code of Student Rights and Responsibilities)* from the University pending a formal hearing.

ARCHIVE

NOTES

1 By action of the University Senate, March 19, 1992;
Board of Trustees, April 20, 1992;
University Senate, April 24, 2008;
By action of the University Senate, April 21, 2011;
By action of the University Senate, March 22, 2012;
Board of Trustees, July 20, 2012.

2 By action of the University Senate, October 7, 1999;
Editorial Change - - University Senate, December 9, 1999;
Revised - - By action of the University Senate, March 27, 2003.

3 Editorial Change, April 29, 2004;
University Senate, August 30, 2007.

4 Revised April 29, 2004;
University Senate, April 24, 2008;
Board of Trustees, May 2, 2008.
University Senate, April 12, 2010;
Board of Trustees July 23, 2010.

5 University Senate, April 24, 2008.

6 By action of the University Senate, April 29, 2004;
University Senate, March 29, 2007;
By action of the University Senate, October 27, 2011.

7 Editorial Change - University Senate, April 29, 2004.

8 Revised - - By action of the University Senate, April 25, 2002.
By action of the University Senate, April 29, 2004.

9 By Action of the Board of Trustees, July 23, 2010.

10 By Action of the University Senate, April 21, 2011;
Board of Trustees, July 22, 2011.

11 By Action of the University Senate, March 22, 2012;
Board of Trustees, July 20, 2012.

12 By Action of the University Senate, March 22, 2012;
Board of Trustees, July 20, 2012.

ARCHIVE