

**AGENDA FOR
UNIVERSITY SENATE MEETING**

(Meeting #8, 2012-13)

April 25, 2013

4:00 p.m.

Letterman Building (LB) 125

Approval of senate minutes of March 21, 2013

- I. Announcements
 - A. Academic Posting 2012-13, Volume XLIV-7 (Enclosure #1)
 - B. Policy regarding Minors on Campus (Enclosure #2)
- II. Recognition of Deaths – Grace Laxson, Ronald L. Johnstone, B. M. Mantock, Sandra Sue Wright
- III. Council/Committee/Student Senate Reports
 - A. Governance and Elections Committee – Ralph Bremigan, Chairperson
 - B. Faculty Council – Kip Shawger, Chairperson
 - C. University Council – Katie Slabaugh, Chairperson
 - D. Campus Council – Kevin Thurman, Chairperson
 - E. Student Senate – Chris Wilkey, President, Student Government Association
- IV. Report by Chairperson of Senate – David Pearson (Enclosure #3 - Issues in the Senate System)
- V. Questions Directed to the President
- VI. Question and Answer Period
- VII. Unfinished Business
- VIII. New Business
 - A. Revisions to University Core Curriculum (Enclosure #4)
 - B. Student Code Revisions (Enclosure #5)
 - C. Undergraduates and Graduate Work (Enclosure #6)
 - D. Revisions to University Promotion and Tenure Document (Enclosure #7)
- IX. Other Items
- X. Adjournment

/mt

MINUTES OF THE SEVENTH MEETING OF THE 2012-13 UNIVERSITY SENATE
Thursday, March 21, 2013

Members Present: 59

Members Absent: 12

1. The meeting was called to order at 4:00 p.m., by the Chairperson of the University Senate, David Pearson.

Roll Call was taken by initialing the roster located at the entrance to LB 125.

Members Present: S. Aegisdottir, E. Agnew, A. Beane, R. Bellaver, O. Benkato, E. Bowers, R. Bremigan, B. Brey, P. Buis, S. Byrum, J. Cassady, B. Canada, J. Chapman, M. Chiuini, H. Closson, R. Davis, G. Dodson, J. Ellery, J. Forbey, J. Gora, C. Griewank, D. Grosnick, J. Gruver, J. Hammons, M. Hanley, E. Hashimov, T. Hendricks, M. Holtzman, J. Huff, J. Jemiolo, T. King, K. Koch, K. Kreamelmeier, J. Ledbetter, L. Lehman, P. Magro, T. Mahfouz, S. Pattison, D. Pearson, L. Pellerin, T. Richardson, D. Shawger, K. Slabaugh, G. Slater, G. Stamp, M. Steib, C. Stone, J. Strauss, K. Thurman, C. Updike, D. Wheeler, A. Wieseke, S. Zhuk

Substitutes: Daqavise Winston for A. France, Nicola Schmerbeck for M. Guntsche, Toni Kontos for Z. Guzeldereli, Carla Earhart for A. Harden, Gloria Pavlik for L. Wiley, Malachi Randolph for C. Wiley

Members Absent: C. Corbin, J. Dowden, M. Gerhard, M. Hamil, B. Hannon, E. Levitt, M. Maggiotto, C. Munchel, N. Perera (Junfeng Jiao), K. Pierce, R. Purviance, S. Rice-Snow

2. A motion was made and seconded (Steib/Closson) to approve the minutes of February 14, 2013.

The motion carried.

3. Announcements

Items A. (Next Scheduled Meetings), B. (Nominee for Doctor of Laws), C. (Board of Trustees Action), and D. (Academic Posting) were reviewed.

4. There was a moment of silence to recognize the deaths of Donald Barnes, Linda Hargrove, William Liston, and James K. MacDougall, Jr.

5. Council/Committee Reports

- A. Governance and Elections Committee – Ralph Bremigan, Chairperson, reported the committee met last week and approved the recommendation for Charlene Alexander to serve as the Faculty Athletics Representative (FAR). There was informal discussion regarding committee structure/membership. A note is being sent to all committee chairs to request their committee review these two items. They are working on a slate of officers for the University Senate executive committee as well as members for the senate agenda committee. One must be a member of the Senate to run for executive committee or the senate agenda committee. Lastly, the extended education committee is working on revising their policies/procedures for the Faculty and Professional Personnel Handbook.
- B. Faculty Council – Kip Shawger, Chairperson, reported the council met on February 21 and approved the policies for the evaluation of teaching and the policy for credit hour assignment. The policy for resolving incomplete grades was tabled.
- C. University Council – Katie Slabaugh, Chairperson, reported the council did not meet last month. Their last meeting of the academic year is April 4, at which time they will hold elections of officers.
- D. Campus Council – Kevin Thurman, Chairperson, reported the council will meet on April 11 to elect officers and discuss the possibility of implementing a bicycle share program and bicycle repair stations around campus.
- E. Student Senate – Heather Closson, Vice President of the Student Government Association (SGA), reported SGA is working on a project with other state universities on “Charity miles,” a statewide program to promote healthy lifestyles. There has been \$1,000,000 in grants provided to conduct this initiative. The SGA officers

will transition on April 17, at 3:15 p.m. in Cardinal Hall A.

6. Report by Chairperson of Senate – Dave Pearson (University Senate Agenda 3/21/13, Enclosure #3)

Kip Shawger, chair of the faculty council, reported the salary and benefits committee has received and approved the final academic department salary document. This has been a two year process. The Family Leave Proposal which came from the Task Force for Women from the College of Sciences and Humanities, was forwarded to Associate Vice President Marie Williams, and Vice President General Counsel Sali Felling for review. The Telecommuting Proposal was also forwarded to these two individuals.

The final report from the Task Force on Academic Rigor was forwarded by e-mail as well as posted on the Senate website and Blackboard. Provost Terry King added it was a very important topic. It is important for departments to address this issue. It must be a faculty issue. His office receives complaints about grades and we want to support faculty for maintaining high standards. It is important to students. Please forward your opinions to him or to the Deans of their respective college.

7. Questions Directed to the President

President Gora discussed the Administrative Retreat, held about a month ago. This is a yearly event and includes vice presidents, deans, and directors. The focus for this year's retreat was developing an implementation plan for the Strategic Plan, 2012-17. The implementation plan involves the development or identification of the initiatives which will help us accomplish key performance indicators in the plan. There are five goals and 22 objectives to be translated into initiatives. Groups worked on the Key Performance Indicators (KPI) that were appropriate to their area at the university.

The President reported the following:

- Concluded the twelfth campus forum discussing the funding formula and the Workplace Environment Survey. She would like to conduct these types of forums annually with different topics. The forums lasted an hour to 1 1/2 hours and gave people a chance to ask questions and hear information pertaining to what they read or hear about in the paper, etc.

The following question was asked by a member of the Senate:

Could you say a little bit more about the recent article in the paper?

The President reported that the article focused on this particular legislator because his remarks were fairly extensive in the committee. However, after the meeting, she received five text messages from different legislators saying they did not agree with him. Conversations with legislators, generally, indicate support for the University.

She added that our emphasis at Ball State is to provide students with a quality education so they are able to compete in the marketplace. It is a mission that was endorsed by the Indiana Commission for Higher Education (ICHE) dating back to 2005. It has won the support of students, parents, and faculty. The legislator's comparison with Harvard and Cornell was countered by her comparison with Miami of Ohio and William and Mary because they are public institutions. They are known for their quality, and why should that not be our mission? The current performance funding formula indicates the only way a university can receive funding is if it is large and growing. Our strategy is to get better not bigger. We maintain this as a valid approach; it serves our students well and has received the endorsement of parents and alumni. I was pleased with the comments that came from The Star Press' positive editorial.

8. Question and Answer Period

There were no questions.

9. Unfinished Business

There was no unfinished business.

10. New Business

A. Policy for the Evaluation of Teaching (University Senate Agenda, 3/21/13, Enclosure #4)

A motion was made and seconded (Shawger/Thurman) to place on the floor for discussion.

Jerry McKean, chair of the Teaching Evaluation Committee, was present at today's meeting.

Discussion ensued. Contrary to the comments that were distributed prior to today's meeting, they do not object to the revisions, but question how efficient and organized it will be. The department would be burdened with the work to do.

It is important to note that although the policy says we will gather information for all sections, it does not say we must use all the data. One department representative mentioned that evaluations would come from 50% of the classes that an instructor teaches every semester. Some departments require an evaluation for every class taught. This would eliminate the problem of more work.

Regarding Item 3.4 Electronic Submission. For faculty who teach English 103 and 104. Can this include supervisory people, similar to the department chair? What about a secretary; can a secretary do this? It was confirmed that a secretary can be included as a designee.

A question arose as to whom would select which courses? In the case of promotion and tenure, the faculty member would select, but not necessarily in the merit pay aspect. It would be left up to the departments to decide how many or if all courses would be administered an evaluation.

James Jones, Director of Research and Academic Effectiveness, answered questions raised prior to today's meeting.

The motion to approve the Policy for the Evaluation of Teaching, carried.

The Senate thanked Jerry and the committee for their work.

B. Credit Hour Assignment (University Senate Agenda, 3/21/13, Enclosure #5)

A motion was made and seconded (Shawger/Steib) to place on the floor for discussion.

John Ledbetter was available to answer questions.

The motion to approve the Policy for Credit Hour Assignment, carried.

C. Approval of Charlene Alexander for Faculty Athletics Representative (FAR) to the NCAA/MAC (University Senate Agenda, 3/21/13, Enclosure #6)

The chair of the Senate explained that the FAR is the President's ambassador for the NCAA/MAC and serves in her capacity. The current process is under review by the Athletics Committee because of a change in procedures by the Faculty Athletics Representative Association (FARA), which is asking universities to provide a common procedure for electing the FAR. Both the President and the Athletic Director are favorable to this appointment.

A motion was made and seconded (Ledbetter/Bellaver) to accept this nomination for appointment.

The motion carried.

10. Other Items

There were no other items.

11. Adjournment

The meeting adjourned at 5:05 p.m.

April 18, 2013

David Pearson, Chairperson

Jane Ellery, Secretary

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Academic Posting 2012-13, Volume XLIV 7
Revised Programs

College of Applied Sciences and Technology

Department of Family and Consumer Sciences

Major in Family and Consumer Sciences

Major in Pre-Dietetics/Dietetics

Teaching Major in Family and Consumer Sciences

Senior High, Junior High/Middle School Education Program

School of Physical Education, Sport, and Exercise Science

Master of Arts or Master of Science in Physical Education and Sport

Department of Technology

Major in Construction Management

Teaching Major in Technology and Engineering Education

Senior High, Junior High/Middle School Education Program

Miller College of Business

Department of Finance and Insurance

Minor in Risk Management and Insurance

College of Communication, Information, and Media

Department of Journalism

Teaching Major in Journalism

Senior High, Junior High/Middle School Education Program

License Addition in Journalism

Department of Telecommunications

Major in Telecommunications

BALL STATE UNIVERSITY
POLICY REGARDING MINORS ON CAMPUS

Purpose and Applicability

Ball State University, as part of its educational mission, has many University programs and activities that include minors, who are defined as persons under the age of eighteen. Such programs and activities include, but are not limited to, camps, lessons, workshops, clubs, teams, projects, practices, tours, research, or open-houses, but excludes single performances or events open to the general public such as athletic competitions, plays, or concerts and regularly scheduled classes or activities designed primarily for enrolled students who are age 17 and above. This definition may not capture certain circumstances in which minors are present on campus, and further consideration will be given as to whether they fall within the scope of the policy. The purpose of this policy is to provide appropriate protection and safety for minors who are involved in all programs and activities taking place on the Ball State University campus or under the authority and direction of the University at other locations. This policy applies to all University units and departments, including but not limited to, Athletics, Sports Facilities, Burris School, and the Indiana Academy for Science, Mathematics, and Humanities, and to all University employees, contractors or volunteers who interact with, supervise, chaperone, or otherwise oversee minors in program activities.

Requirements

Ball State University's campus is generally not an appropriate environment for minors unless they are enrolled students or enrolled in a program specifically designed for children and appropriately supervised by adults with the proper training and credentials. The person in charge of a program or activities involving minors, or a designee, shall register such program or activities with the Office of Risk Management within sufficient time to meet the requirements of this policy. Such programs and activities must be able to identify all staff, faculty, volunteers, students and third party contractors who will work directly with minors and all such individuals are required to successfully complete a criminal background screening prior to beginning any assignment involving minors and to participate in targeted training. Academic and administrative supervisors are responsible for ensuring compliance in programs and activities covered under this policy. Failure to successfully meet any of these requirements will preclude faculty, staff, students, volunteers or contractors from working with minors.

All covered programs or activities, whether University sponsored or provided by external organizations, shall have in place, enforce, and make available applicable policies and procedures, transportation needs of the participants, weather emergencies, rules pertaining to contact with and supervision of minors, safety and security measures, medical emergency contact information, first aid and medical treatment, dispensing of medications, and appropriate training for all program personnel. In all University programs or activities, the parent(s)/guardian(s) of the minor(s) shall be required to sign appropriate forms before participation including permission forms, medical contact information and liability waivers.

All third party contractors engaged by the University to provide programs or activities specifically designed for minors or external organizations using University facilities for programs or activities involving minors will also be required to meet recognized standards of appropriate conduct and oversight (e.g., properly train staff, maintain proper staffing ratios, report incidents, and provide written verification that appropriate background checks are conducted). Contractual agreements with external organizations for programs or activities including minors using University facilities must include compliance with this policy as a term of the contract. When appropriate, such contracts shall also include an indemnification provision in which Ball State University is held harmless for the acts or omissions of the external organization's participants or third party employees or agents.

Reporting Allegation(s) of Inappropriate Conduct

Every member of the University community has an obligation to immediately report instances or suspected instances of abuse or neglect with minors to Child Protective Services (CPS) at 1-800-800-5556, and the Ball State University Police at 765-285-1111.

Ball State University Police and the Director of Public Safety also have the obligation to report any suspected abuse or neglect with minors to CPS, which will conduct an investigation. When the Director of Public Safety receives a report and conveys that report to CPS, the following people should be also notified of the report and involved, when appropriate, in the internal investigation:

- Ball State University Police;
- Provost and Vice President for Academic Affairs;
- Vice President for Student Affairs and Dean of Students;
- Vice President and General Counsel;
- Associate Vice President for Human Resources and Administrative Services;
- Director of Risk Management;
- Director of Employee Relations;
- Parents or guardians of child, unless under the circumstances they are the alleged abuser.

If warranted, the alleged abuser may be immediately suspended pursuant to the applicable procedures, pending an investigation. Legal prohibitions regarding physical presence on campus/trespassing may also be pursued. University administrators shall follow the appropriate procedures in determining and issuing any sanctions. If the alleged abuser is not a member of the Ball State University community, but is present through an external organization authorized to be on campus, that external organization will be notified that the alleged abuser will no longer be permitted on Ball State University campus. Failure of the external organization to comply with the University's notification may result in the external organization being denied access to the University campus and facilities.

This policy supplements and does not supersede any other legal requirements, such as child care or teacher licensure. University employees and students making a good faith report of suspected abuse or neglect will not be retaliated against in the terms and conditions of employment or educational program.

BALL STATE UNIVERSITY
MINORS ON CAMPUS POLICY

PROCEDURES FOR SCREENING AND TRAINING REQUIREMENTS

Screening

All University departments and units whose employees, students or volunteers will participate in programs or activities involving minors must notify University Human Resource Services of such persons prior to such interaction to ensure that University Human Resource Services conducts a criminal background check and a sex offender registry check prior to such interaction. It is the responsibility of the person in charge of such program or activity to assure that each participating adult has submitted the required background check request form and has subsequently received clearance to participate. University Human Resource Services will maintain a roster of individuals who have been cleared to participate and the dates on which a new background check will be required. The failure of an employee to fulfill his or her obligations under this paragraph shall be subject to discipline, up to and including termination.

The background check will be limited to criminal offenses, including, but not limited to, child abuse, for which an individual has been convicted, pled guilty to a felony or misdemeanor, or where such charges are currently pending. Human Resource will determine the frequency of such checks. The University may accept successfully documented background clearances from governmental agencies (e.g., school districts) that have been completed within three (3) years from the start date of employment or volunteer participation in the program or activity.

Participation will not be permitted in any program or activity covered by the University's Minors on Campus Policy by an individual whose criminal background check and/or sex offender registry check includes a record of sexually based offenses or crimes against minors. A decision not to permit an individual to participate in a covered program or activity based on a record of other offenses in a background check will be made by the Associate Vice President for Human Resources and Administrative Services or designee after consultation with the appropriate Vice President(s), the Director of Public Safety, or others as needed. The results of background checks conducted under the University's Minors on Campus Policy will be used only for the purposes of this policy, except that Ball State University reserves the right to take appropriate action with respect to employees who may have falsified or failed to disclose information material to their employment on employment applications uncovered as a result of the background check, including and up to immediate termination of employment. Copies of background check reports will be retained in the office of University Human Resource Services.

Programs and activities that are discrete, occasional events, for which a large number of volunteers are essential, may elect to adopt measures and safeguards instead of background checks for the one-time volunteers. The measures adopted must include requirements that the volunteers be working in public places, not alone with children, and be supervised by a background-checked person. Programs must compile the names and addresses of the volunteers prior to the event and check the names against the sex offender registry. Volunteers must then present photo identification to be checked at the event. Programs adopting this method must have the approval of the Director of Public Safety. In addition, programs for which complete background checks are not easily achieved (for example, host families in foreign countries) must perform checks to the fullest extent feasible and adopt other measures to prevent child abuse and facilitate the reporting of abuse.

Required Training

All employees, students or volunteers who will be working with minors participating in a covered program or activity shall attend training such training shall be documented with a signed statement indicating the person has received, read and understands the University's policies and procedures with regard to minors on campus.

The training shall include the following:

- Ball State University policies and procedures regarding interactions with minors;

- Use of background checks to screen adults working with minors;
- Responsibility for modeling respectful behaviors;
- Consequences of conduct violations involving minors;
- Behavioral signs that minor victims may exhibit;
- Sexual abuse and sexual harassment;
- Laboratory safety for minors;
- Inappropriate behavior with children;
- Other appropriate topics; and
- Reporting requirements and procedures.

Such training will emphasize avoiding behaviors which could cause harm or be misinterpreted such as:

- Do not engage in any sexual activity, make sexual comments, tell sexual jokes, or share sexually explicit material (or assist in any way to provide access to such material) with minors.
- Do not be alone with a single minor. If one on one interaction is required, meet in open, well illuminated spaces or rooms with windows observable by other adults from the laboratory.
- Do not meet with minors outside of established times for activities. Any exceptions require written parental permission and must include more than one adult from the activity.
- Do not invite minors to your home. Any exceptions require written permission from a parent/guardian.
- Do not engage or allow minors to engage you in romantic or sexual conversations, or other issues of a personal nature, unless required in the role of supervisor or advisor.
- Do not engage or communicate with minors through email, text messages, social networking websites, internet chat rooms, or other forms of social media at any time except and unless there is a clear educational purpose and the content of the communication is consistent with the mission of the University.
- Do not touch minors in a manner that a reasonable person could interpret as inappropriate. Touching should generally only be in the open and in response to the minor's needs, for a purpose that is consistent with the University's mission and culture, and/or for a clear educational, developmental, or health related (i.e., treatment of an injury) purpose. Any resistance from the minor should be respected.
- Do not engage in any abusive conduct of any kind toward, or in the presence of, a minor, including but not limited to verbal abuse, striking, hitting, punching, poking, spanking, or restraining. If restraint is necessary to protect a minor from harm, all incidents must be documented and disclosed to the Vice President for Student Affairs or designee, Director of Public Safety, and the minor's parent/guardian.
- Do not use, possess or be under the influence of alcohol or illegal drugs while on duty or when responsible for a minor's welfare.
- When transporting minors, more than one adult from the University must be present in the vehicle, except when multiple minors will be in the vehicle at all times through the transportation. Avoid using personal vehicles if possible.
- Possession of or use of any type of weapon or explosive device is prohibited.

In addition, appropriate departments/areas shall be required to attend sufficiently frequent training sessions to permit covered programs and activities to continue to function on a regularly scheduled basis.

ISSUES IN THE SENATE SYSTEM, 2012-13

Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>FACULTY COUNCIL</i>												
Salary Compression	From Council Salary & Benefits	9-9-10										
Membership of Professional Education Committee	To Governance & Elections	1/26/12										
Telecommuting	Salary & Benefits	11/19/12										
Revision of Current Family Leave Policy	Salary & Benefits	9/17/12										
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>UNIVERSITY COUNCIL</i>												
Telecommuting	From Sen.Agenda to Salary & Benefits	11/19/12										
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>CAMPUS COUNCIL</i>												
Cardinal Cash												
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>AGENDA COMMITTEE</i>												
Open Access Mandate Proposal	Library & Pub.&Intel. Prop.	3/15/10 3/15/10	2/13/13									
Faculty Load/Salary Adjustments	Faculty/University Councils	8/20/12										
Revision of current Family Leave Policy	Salary & Benefits	9/17/12										
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>GOVERNANCE AND ELECTIONS</i>												
Membership of Professional Education Committee	From Faculty Council to PEC	1/26/12 2/2/12										

Ball State University Core Curriculum for the 21st Century as Amended and Approved by Undergraduate Education Committee

September 24, 2007

A. Preamble: Core Goals for Undergraduate Education

~~(Recommended by Task Force I and approved by University Senate on 2/26/04.)~~

Graduates of Ball State University are individuals who realize their intellectual potential, who seek to add breadth and depth to their perspectives, and who maintain their physical well-being.

Graduates of the university command extensive knowledge and a mature repertoire of cognitive, practical, and technological skills. They exhibit integrity and responsible action in their social, professional, and civic lives. They respect the histories, cultures, and needs of others. They inform their decisions through critical, creative, and scientific reasoning, and they discern the consequences of their decisions and actions at the local, national, and global levels. They acknowledge responsibility for environmental well-being and for the civic engagement that a diverse democracy requires.

Employing scientific, critical, and creative thinking, Ball State graduates transform

Experience into information (*isolate discrete, recognizable and usable facts*),

Information into knowledge (*analyze facts within an intellectual framework, discover meaning in experience*),

Knowledge into judgment (*reflect on knowledge gained to make choices and direct what they think, say and do*),

Judgment into action (*take individual responsibility and contribute to the well-being of their communities*).

B. Goals and Objectives

To achieve this vision and accomplish these transformations, student learning experiences are guided by a recursive, intellectual development process inherent in the following goals:

- 1. To transform experience into information, Ball State graduates are intentional learners who**
 - accurately observe and measure elements of the natural and social worlds,
 - are alert to the importance of context,
 - explore diverse ways of knowing,
 - develop strategies for reflecting on experience.
- 2. To transform information into knowledge, Ball State graduates are informed, flexible thinkers who**
 - analyze data to reveal existing patterns of information and to create new patterns;
 - understand the various ways that information is incorporated into branches of knowledge;
 - work independently as well as collaboratively to generate knowledge;
 - develop an intellectual framework with which to synthesize information from multiple sources;
 - adapt their intellectual framework to accommodate new information;
 - develop the art of communication—oral, visual, and written—in more than one language (natural and/or symbolic).
- **To transform knowledge into judgment, Ball State graduates are critical and creative thinkers who**

- use multiple sources of information and knowledge in forming judgments;
- evaluate strengths and weaknesses of arguments and actions;
- understand the ethical implications of possessing and using knowledge;
- take an inquiring stance toward the world while appreciating the contributions of tradition;
- consider and understand others' values as well as their own;
- value diversity in the social and natural world;
- develop effective decision-making strategies based on an awareness of their own strengths and weaknesses;
- understand how their actions affect the complex, interrelated systems that compose our environment.

4. To transform judgment into action, Ball State graduates are responsible learners who

- recognize the responsibilities of an educated person to self, family, community, country, and the world;
- accept the responsibility to act on their principles;
- adapt to change;
- work with others to overcome obstacles to communication, building consensus for action;
- communicate effectively—in oral, visual, and written modes, and in more than one language (natural and/or symbolic);
- adopt habits of mind for continuous inquiry about themselves, others, and the world;
- act responsibly given the dangers to and the fragility of the natural environment;
- make and act on a commitment to health and wellness.

C.B. Rationale for the Proposed University Core Curriculum for the 21st Century (UCC-21)

In keeping with the recursive nature of learning transformations and the goals stated in the Preamble and the Goals and Objectives, ~~Task Force II has designed at the~~ core curriculum is that designed to enables students to

- realize their intellectual potential,
- add breadth and depth to their educational experience,
- increase their personal well-being, and
- participate actively in their communities.

Moreover, the University recognizes its responsibility to ensure that students are conversant with ways of knowing, with criteria for judgment, and with types of information outside their majors. To succeed in the 21st Century, where work often requires a group effort by experts from multiple disciplines, university graduates will need to form, lead, or be members of problem-solving, brainstorming, or decision-making teams in a wide variety of professional settings. Thus the core curriculum requires students to engage disciplines outside the domains of knowledge in which their majors reside, to develop skills in written and oral communication, to become mathematically, scientifically, and historically literate, and to understand issues in the areas of physical wellness and personal finance. Any forward-looking curriculum must also address the mounting issues, problems, and opportunities in the areas of civic engagement, diversity, and international and environmental awareness.

The ~~proposed~~ UCC ~~-21~~ has ~~six~~ six distinguishing features:

- **Intellectual development:** As indicated in the Preamble and Goals and Objectives, UCC ~~-21~~ courses must have intellectual development goals, not simply content area requirements.
- **Exposure to multiple domains:** The UCC ~~-21~~ ensures that students will be able to distinguish among domains of knowledge based on their specific epistemologies and methods, as well as on the basis of content.
- **Integration of 21st Century skills:** In addition to developing writing skills beyond those of the required course in English composition, the UCC ~~-21~~ asks students to engage issues related to civic life, diverse cultures, and the environment, not in separate courses for each of these areas, but in courses that address one or more of these areas either inside of or outside the major, inside or outside the UCC ~~-21~~. ~~(See WISER-Plus courses, p. 4.)~~

- **Integration of Core^{re} courses and the major:** The UCC-~~21~~ allows coursework in the major to count for as many as six hours in the Core as long as the courses in the major meet learning transformation requirements.
- **Experiential/immersion experience or similar learning experience:** The UCC-~~21~~ envisions that students will demonstrate the ability to work successfully in the major (and related areas, as appropriate) **through experiences that are cumulative and** integrative, that include individual or collaborative reflective components, and that provide an opportunity to communicate, both orally and in writing, at a level expected of a college graduate.
- **Learning outcomes:** The UCC-~~21~~ encourages participation by any department in the university because the acceptability of courses for the core depends on learning outcomes, ~~not as well as~~ course content. (UEC 9/17/07)

C.D. Requirements of the Proposed Undergraduate University Core Curriculum (UCC-~~21~~)

Tier 1 (27 hrs.) Foundations (18 hrs.)

Students will complete one course from each area identified below with the exception of Written Communication which requires two courses under ~~Foundation~~ and one from each area under Domains. Tier 1 focuses on the first two transformations in the intellectual development process given in the Preamble (*Experience into Information and Information into Knowledge*).

Foundation

- Written communication (~~3~~6)
- Oral communication (3)
- Mathematics (3)
- History (3)
- Physical Wellness (2)
- Personal Finance (1)

II. **Tier 1 (27/12 hrs.)**

Students will complete one course from each area under Domains. Tier 1 focuses on the first two transformations in the intellectual development process given in the Preamble (*Experience into Information and Information into Knowledge*).

Domains

- Humanities/Fine Arts (3)
- Humanities (3)
- ~~Humanities~~ (3)
- Natural Sciences (3)
- Social Sciences (3)

It is assumed that departments can, in the main, classify courses within one of the four domains in both Tier 1 and two domains in Tier 2. For departments that are interdisciplinary, it is assumed that each course they wish to offer will fit roughly within one of the domains. This assumption does not grant primacy to the traditional domains; it is merely an organizing structure.

Tier 2 (~~12~~ 96 hrs.)

Students will complete one course in each of the ~~four~~ three-two *Domains* indicated below. Courses in Tier 2 must move students through the third transformation (*Knowledge into Judgment*) in the intellectual development process, and must carry at least one WISER-Plus designation.

Domains

- Humanities/Fine Arts/Design (3)
- ~~Humanities (3)~~
- Natural Sciences/~~Social Sciences~~ (3)

~~1 Social Sciences (3)~~

Tier 3 (No UCC hrs)

Students will complete capstone courses or immersion experiences, or similar learning experiences (e.g., internship, clinical work, student teaching, field work, study abroad, etc.) that require them to demonstrate the ability to move from *Experience* or *Information* through to *Action*. In addition, students must demonstrate their capability to write at a level of competence appropriate for college graduates. ~~It is strongly recommended that faculty provide students with the opportunity to present their work orally~~ and to reflect on their intellectual and personal development in Tier 3 experiences.

~~WISER-Plus Courses (from UCC subcommittee 2007)~~

~~Students must complete at least one course in each area identified below.
It will be possible for a single course to meet more than one requirement,
although no course will carry more than three WISER-Plus designations. A
course listed under Tier 1, Tier 2, or Tier 3 may carry one or more WISER-Plus
designation if the course fulfills the learning objectives. Courses in the
Foundation do not carry WISER-Plus designations. All Tier 2 courses must carry
at least one WISER-Plus designation. Courses not within Tier 1, Tier 2 or Tier 3
may carry Wiser-Plus designations.~~

~~Writing (Tier 2 or Tier 3) (W)~~

~~International Awareness (I)~~

~~Service and Civic Engagement (S)~~

~~Environmental Awareness and Sustainability (E)~~

~~Respect for Human Liberty and diversity among peoples and cultures (R) (UEC 9/24/07)~~

~~Technological Literacy (T)~~

~~American Institutions and/or History (A) (UEC 9/24/07)~~

• Writing and Diversity Requirements

All majors will include a course required by all majors in which writing within the discipline will be taught. A university-wide assessment process will be used to assess this requirement. All writing courses will be approved by the University Core Curriculum Subcommittee. All BGS degree programs must include at least one writing course in one of the minor or major areas of emphasis.

All majors will include diversity topics in at least one course required of each student enrolled in the major. Diversity is broadly defined to include respect for human liberty, international awareness, and diversity among peoples and cultures to name only a few. All departments will be required to designate at least one course in which these topics are covered and report that information to the University Core Curriculum Subcommittee.

PRINCIPLES RELEVANT TO:

- ~~DEPARTMENTS PREPARING FOUNDATION AND DOMAINS COURSES~~
- ~~THE UNDERGRADUATE EDUCATION COMMITTEE~~
- ~~THE UNIVERSITY CORE CURRICULUM SUBCOMMITTEE~~

~~(1) Transformational goals~~

~~(a) No course will be approved as a *Foundations* course, nor as a Tier 1 or Tier 2 *Domains* course, unless it guides students through the transformational goals~~

~~———— Experience → Information → Knowledge → Judgment → Action~~

~~or the appropriate subcollection of these transformations.~~

~~(b) Students' collective experience of how these transformations are manifested, in a variety of academic disciplines, is critical in achieving the desired learning outcomes of UCC 21. The varying methodologies, epistemologies, and applications of academic disciplines are intended to lead to *diverse* experiences.~~

~~(c) It is the right and the responsibility of Departments proposing courses, to interpret the transformations in the context of their specific disciplines, and to present these interpretations clearly to UEC and the UCC subcommittee.~~

~~(d) The UCC Task Force I provided important clarifying statements regarding these transformations (see the bulleted points under numbers 1—4 in part A of this document). It is acknowledged that these clarifying statements have varying degrees of applicability to academic disciplines. It is also acknowledged that in some disciplines, important aspects of the transformations E → I → K → J → A may not be highlighted already in the list of clarifying statements.~~

(2) Course content

~~(a) Courses in UCC 21 are expected to contribute to the UCC Task Force I's vision for the undergraduate education of students at Ball State University: "Graduates of the university command extensive knowledge and a mature repertoire of cognitive, practical, and technological skills."~~

~~(b) It is anticipated that many UCC 21 *Foundations* and *Domains* classes will be expressly designed as courses for non-majors. The design of such courses allows for considerable latitude in the selection of course content through which the transformational goals will be accomplished. It is assumed that the content will be selected to highlight ideas that have paramount importance in the discipline.~~

~~(c) It is also anticipated that many UCC 21 *Foundations* and *Domains* classes will serve as required or elective courses in the major programs of some students. The selection of content in the design of these courses may be constrained by competing demands. Such courses are acceptable as UCC 21 *Foundations* and *Domains* courses, provided that the transformational goals are addressed in a substantive way, both in class time and in student assessment.~~

~~(d) Since students' intellectual development associated to the transformational goals is integral to UCC 21, courses in which student assessment is primarily "recall of isolated factual information" are inappropriate as *Foundations* or *Domains* courses.~~

(3) Academic standards

~~(a) In light of UCC Task Force I's admonition, "Graduates of Ball State University are individuals who realize their intellectual potential," it is expected that *Foundations* and *Domains* classes will be academically rigorous and challenging. This will be reflected in an appropriate level of sophistication in the transformational goals (as applied to the discipline), and in expectations of meaningful student achievement in earning credit for any UCC 21 course.~~

Operating Assumptions for UCC-21

~~In developing UCC 21, the University Core Curriculum Task Force II has made t~~The following operating assumptions
~~provide guidance in the development of UCC courses.~~

1. In a given domain, a Tier 1 course must be taken before a Tier 2 course may be taken. The pedagogy of Experience to Action makes such a requirement necessary.
2. UCC Courses may have pre-requisites.
- ~~3. Foundation courses will have no WISER *Plus* designation.~~

~~4. Tier 2 courses must carry at least one WISER Plus designation.~~

~~5.3.~~ Courses approved for a tier may include transformational goals beyond those specified for that tier.

~~6.4.~~ The units responsible for Foundation courses are the following:

- a. Written Communication—Department of English
- b. Oral Communication—Department of Communication Studies
- c. Mathematics—Department of Mathematical Sciences
- d. History—Department of History
- e. Physical Wellness—CAST
- f. Personal Finance—MCOB, CAST, CSH

~~7.5.~~ To conform to their unique expectations, modifications or exceptions may be needed for students in ~~the Honors College or in the prison system~~ BGS degree programs.

~~8.6.~~ It is assumed that the UCC-Subcommittee will be flexible with departments in approving a variety of experiences for Tier 3.

~~9. It is assumed that students' ability to work in interdisciplinary contexts will be developed in some of the WISER Plus courses.~~

~~10.7.~~ 7.A A Student may count up to six credit hours from the department housing his/her major towards the Core Curriculum Foundation, Tier 1, and Tier 2 courses, as long as the courses in the major have been approved as meeting core transformation goals. For example, English majors may count up to six hours of courses with the ENG prefix, philosophy majors courses with the PHIL prefix, etc. Should the majors include other prefixed courses they would not fall under this limitation. ~~(UEC 9/10/07)~~ Tier 3 and the Writing requirement courses are NOT included within this limitation.

~~8.~~ The Core Curriculum will include multiple measures of assessment. The assessment process will be outcomes based and used for program improvement.

~~• — (UEC 9/24/07)~~

~~• — 9.~~ The Core Curriculum permits learners to test out of any Tier 1 or Tier 2 Core course, and receive WISER-Plus designation(s) if appropriate. (UEC 9/24/07) Any Foundation, Tier 1, or Tier 2 Core course will be available for credit by examination.

**Ball State University Core Curriculum
for the 21st Century**

CLEAN COPY

A. Preamble: Core Goals for Undergraduate Education

Graduates of Ball State University are individuals who realize their intellectual potential, who seek to add breadth and depth to their perspectives, and who maintain their physical well-being.

Graduates of the university command extensive knowledge and a mature repertoire of cognitive, practical, and technological skills. They exhibit integrity and responsible action in their social, professional, and civic lives. They respect the histories, cultures, and needs of others. They inform their decisions through critical, creative, and scientific reasoning, and they discern the consequences of their decisions and actions at the local, national, and global levels. They acknowledge responsibility for environmental well-being and for the civic engagement that a diverse democracy requires.

Employing scientific, critical, and creative thinking, Ball State graduates transform

Experience into information (*isolate discrete, recognizable and usable facts*),

Information into knowledge (*analyze facts within an intellectual framework, discover meaning in experience*),

Knowledge into judgment (*reflect on knowledge gained to make choices and direct what they think, say and do*),

Judgment into action (*take individual responsibility and contribute to the well-being of their communities*).

B. Goals and Objectives

To achieve this vision and accomplish these transformations, student learning experiences are guided by a recursive, intellectual development process inherent in the following goals:

- 1. To transform experience into information, Ball State graduates are intentional learners who**
 - accurately observe and measure elements of the natural and social worlds,
 - are alert to the importance of context,
 - explore diverse ways of knowing,
 - develop strategies for reflecting on experience.
- 2. To transform information into knowledge, Ball State graduates are informed, flexible thinkers who**
 - analyze data to reveal existing patterns of information and to create new patterns;
 - understand the various ways that information is incorporated into branches of knowledge;
 - work independently as well as collaboratively to generate knowledge;
 - develop an intellectual framework with which to synthesize information from multiple sources;
 - adapt their intellectual framework to accommodate new information;
 - develop the art of communication—oral, visual, and written—in more than one language (natural and/or symbolic).
- 3. To transform knowledge into judgment, Ball State graduates are critical and creative thinkers who**
 - use multiple sources of information and knowledge in forming judgments;
 - evaluate strengths and weaknesses of arguments and actions;
 - understand the ethical implications of possessing and using knowledge;
 - take an inquiring stance toward the world while appreciating the contributions of tradition;
 - consider and understand others' values as well as their own;
 - value diversity in the social and natural world;
 - develop effective decision-making strategies based on an awareness of their own strengths and weaknesses;
 - understand how their actions affect the complex, interrelated systems that compose our environment.

4. To transform judgment into action, Ball State graduates are responsible learners who

- recognize the responsibilities of an educated person to self, family, community, country, and the world;
- accept the responsibility to act on their principles;
- adapt to change;
- work with others to overcome obstacles to communication, building consensus for action;
- communicate effectively—in oral, visual, and written modes, and in more than one language (natural and/or symbolic);
- adopt habits of mind for continuous inquiry about themselves, others, and the world;
- act responsibly given the dangers to and the fragility of the natural environment;
- make and act on a commitment to health and wellness.

C. Rationale for the Proposed University Core Curriculum for the 21st Century (UCC)

In keeping with the recursive nature of learning transformations and the goals stated in the Preamble and the Goals and Objectives, the core curriculum is designed to enable students to

- realize their intellectual potential,
- add breadth and depth to their educational experience,
- increase their personal well-being, and
- participate actively in their communities.

Moreover, the University recognizes its responsibility to ensure that students are conversant with ways of knowing, with criteria for judgment, and with types of information outside their majors. To succeed in the 21st Century, where work often requires a group effort by experts from multiple disciplines, university graduates will need to form, lead, or be members of problem-solving, brainstorming, or decision-making teams in a wide variety of professional settings. Thus the core curriculum requires students to engage disciplines outside the domains of knowledge in which their majors reside, to develop skills in written and oral communication, to become mathematically, scientifically, and historically literate, and to understand issues in the areas of physical wellness and personal finance. Any forward-looking curriculum must also address the mounting issues, problems, and opportunities in the areas of civic engagement, diversity, and international and environmental awareness.

The UCC has six distinguishing features:

- **Intellectual development:** As indicated in the Preamble and Goals and Objectives, UCC courses must have intellectual development goals, not simply content area requirements.
- **Exposure to multiple domains:** The UCC ensures that students will be able to distinguish among domains of knowledge based on their specific epistemologies and methods, as well as on the basis of content.
- **Integration of 21ST Century skills:** In addition to developing writing skills beyond those of the required course in English composition, the UCC asks students to engage issues related to civic life, diverse cultures, and the environment, not in separate courses for each of these areas, but in courses that address one or more of these areas either inside of outside the major, inside or outside the UCC.
- **Integration of Core courses and the major:** The UCC allows coursework in the major to count for as many as six hours in the Core as long as the courses in the major meet learning transformation requirements.
- **Experiential/immersion experience or similar learning experience:** The UCC envisions that students will demonstrate the ability to work successfully in the major (and related areas, as appropriate) **through experiences that are cumulative and** integrative, that include individual or collaborative reflective components, and that provide an opportunity to communicate, both orally and in writing, at a level expected of a college graduate.
- **Learning outcomes:** The UCC encourages participation by any department in the university because the acceptability of courses for the core depends on learning outcomes, as well as course content.

D. Requirements of the Proposed Undergraduate University Core Curriculum (UCC) **Foundations (18 hrs.)**

Students will complete one course from each area identified below with the exception of Written Communication which requires two courses under **Foundations**. **Foundation** courses focus on the first two

transformations in the intellectual development process given in the Preamble (*Experience* into *Information* and *Information* into *Knowledge*).

Foundations

- Written communication (6)
- Oral communication (3)
- Mathematics (3)
- History (3)
- Physical Wellness (2)
- Personal Finance (1)

Tier 1 (12 hrs)

Students will complete one course from each area under ***Domains***. Tier 1 focuses on the first two transformations in the intellectual development process given in the Preamble (*Experience* into *Information* and *Information* into *Knowledge*).

Domains

- Fine Arts (3)
- Humanities (3)
- Natural Sciences (3)
- Social Sciences (3)

It is assumed that departments can, in the main, classify courses within one of the four domains in both Tier 1 and two domains Tier 2. For departments that are interdisciplinary, it is assumed that each course they wish to offer will fit roughly within one of the domains. This assumption does not grant primacy to the traditional domains; it is merely an organizing structure.

Tier 2 (6 hrs.)

Students will complete one course from each of the two ***Domains*** indicated below. Courses in Tier 2 must move students through the third transformation (*Knowledge* into *Judgment*) in the intellectual development process.

Domains

- Humanities/Fine Arts/Design (3)
- Natural Sciences/Social Sciences (3)

Tier 3 (No UCC hrs)

Students will complete capstone courses or immersion experiences, or similar learning experiences (e.g., internship, clinical work, student teaching, field work, study abroad, etc.) that require them to demonstrate the ability to move from *Experience* or *Information* through to *Action*. In addition, students must demonstrate their capability to write at a level of competence appropriate for college graduates and to reflect on their intellectual and personal development in Tier 3 experiences.

Writing and Diversity Requirements

All majors will include a required course in which writing within the discipline will be taught. A university-wide assessment process will be used to assess this requirement. All writing courses will be approved by the University Core Curriculum Subcommittee. All BGS degree programs must include at least one writing course in one of the minor or major areas of emphasis.

All majors will include diversity topics in at least one course required of each student enrolled in the major. Diversity is broadly defined to include respect for human liberty, international awareness, and diversity among peoples and cultures to name only a few. All departments will be required to designate at least one course in which these topics are covered and report that information to the University Core Curriculum Subcommittee.

Operating Assumptions for UCC

The following operating assumptions provide guidance in the development of UCC courses.

1. In a given domain, a Tier 1 course must be taken before a Tier 2 course may be taken. The pedagogy of Experience to Action makes such a requirement necessary.
2. UCC Courses may have pre-requisites.
3. Courses approved for a tier may include transformational goals beyond those specified for that tier.
4. The units responsible for Foundation courses are the following:
 - a. Written Communication—Department of English
 - b. Oral Communication—Department of Communication Studies
 - c. Mathematics—Department of Mathematical Sciences
 - d. History—Department of History
 - e. Physical Wellness—CAST
 - f. Personal Finance—MCOB, CAST, CSH
5. To conform to their unique expectations, modifications or exceptions may be needed for students in BGS degree programs.
6. It is assumed that the UCC-Subcommittee will be flexible with departments in approving a variety of experiences for Tier 3.
7. A student may count up to six credit hours from the department housing his/her major towards the Foundation, Tier 1, and Tier 2 courses, as long as the courses in the major have been approved as meeting core transformation goals. For example, English majors may count up to six hours of courses with the ENG prefix, philosophy majors' courses with the PHIL prefix, etc. Should the majors include other prefixed courses, they would not fall under this limitation. Tier 3 and the Writing requirement courses are **NOT** included within this limitation.
8. The Core Curriculum will include multiple measures of assessment. The assessment process will be outcomes based and used for program improvement.
9. Any Foundation, Tier 1, or Tier 2 Core course will be available for credit by examination.

Ball State University
Code of Student Rights and Responsibilities
Proposed Changes For
2013-2014

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 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 or** 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 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 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 2013.**

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 **intimidation, coercion**¹, 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 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 or** 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.

¹ "intimidation of participants" involved in the conduct process is already a violation. This is intended to provide a clear equivalent for persons not involved in the conduct process.

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.

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, Vandalism² – Attempted or actual theft, vandalism, unauthorized use, possession, damage to, or destruction of public property, University property, or personal property.

5.4.2 Vandalism – Attempted or actual vandalism, damage to, or destruction of public property, University property, or personal property.

² This change creates a separate category of vandalism. The current category of “theft, vandalism” tends to create confusion for students who have been accused of one or the other but not both. The change does not eliminate any prohibited behaviors. Separating offenses will allow more accurate reporting as well.

5.5 Offenses Involving The Judicial Process

- 5.5.1 Improper Influence** – Influencing³ or 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** – Intimidating, coercing, influencing, or 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 federal constituencies. That office shall inform University employees of what violations are included.

- 6.1.2 Types of hearings adjudication⁴** - The hearing Adjudication processes for students may vary according to the nature and severity of the case level at which the case is adjudicated.⁵ Adjudication may occur in the administrative area where the violation occurred (e.g., Housing and Residence Life)⁶. Proceeding sections (6.2-6.5) outline procedures in administrative areas most likely to adjudicate complaints. Other offices, including but not limited to Study Abroad, are authorized to act on behalf of the University.⁷

Administrative areas may resolve complaints of policy violations in a manner not addressed specifically by this *Code*. For example, students in study abroad experiences may find concerns

³ Adds "actual" influencing to "attempted" influencing. Next modification similar in nature.

⁴ Most complaints or reports are handled by procedures other than hearings. Adjudication is a broader term.

⁵ This is modified to provide clarity versus "level."

⁶ Adds common example for clarity.

⁷ Added to clarify that other offices may handle complaints when authorized. Study Abroad is the only other office authorized to adjudicate complaints; this language allows for others to be authorized should need arise.

addressed by faculty members or other administrators. 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 informed of his/her options in adjudicating the violation(s), including one of the following:
 - 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 are referred to~~⁸ 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.~~

⁹

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.

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

⁸ Language modified to accommodate deletion of 6.5.2 below.

⁹ This section/procedure removed. Recent changes in procedures to accommodate Title IX (sexual harassment) complaints have rendered this procedure problematic: (1) the procedure adds more time to a process that the Office of Civil Rights expects to be completed in a timely (60 days) manner; (2) changed Ball State investigative procedures require additional time to be in compliance with OCR expectations; and (3) Title IX cases allow for complainant appeal of sanction—if screening committee refers a Title IX case to an administrative hearing that cannot result in a suspension, this creates a scenario where a complainant appeal can be anticipated as the possibility of suspension has been precluded prior to a hearing. Second, the procedure is not required for fairness: students charged with violations have formal and informal choices for adjudication; when a student chooses a hearing in a case where suspension is under consideration, the case is heard by a panel that includes students; and students may appeal decisions from hearings or informal resolutions. If approved, proceeding section numbers will be changed as well.

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 Director of Student Rights and Community Standards or designee**¹⁰. 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.

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

¹⁰ See previous change—deletion of screening committee function.

Standards ~~may choose at his~~ has the 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 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, witness and other interviews, or administrative hearings~~ may be recorded, unless otherwise deemed necessary by the hearing officer.¹¹
- h. ***Continuances:*** The Hearing Board, by majority vote, may continue the hearing to a later time.

¹¹ This is not a change but a rewording to reflect an increasing practice, driven mostly by Title IX investigations and the need to save investigation records, of recording interviews. The language moves from implying that “recordings are the exception” to “recordings are likely.”

- 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 (appeal by the accused student) or an insufficient sanction (appeal by the complainant).¹²
 - 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*:

- 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.

¹² Changed to reflect Title IX/SaVE Act requirements to allow appeal by complainant.

- 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 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 **Vice President and General Counsel** ~~Director of Equal Opportunity and Affirmative Action~~,¹³ 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.

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.

¹³ Reflects updated title.

- 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.

Changes in Policy for Undergraduates Taking Graduate Courses

L. Blom represented the Student Affairs Subcommittee. The subcommittee submitted their recommendation for the changes to the requirements for undergraduates to take graduate courses. Undergraduates may take **500 or 600 level** graduate courses if they have **completed at least 90 credit hours towards** the baccalaureate degree, have a **3.0 overall** grade-point average, and the approval of the instructor and chairperson of the department offering each course and the dean of the Graduate School. The committee noted that this policy will not override any departmental policies that have set higher standards. It was moved and seconded to approve. Motion carried with a friendly amendment to add the college dean to the list of approvals.

CURRENT POLICY

UNDERGRADUATES AND GRADUATE WORK

Undergraduates may take graduate-level courses under the following conditions:

To earn graduate credit for graduate-level courses, an undergraduate student has

- 12 hours or less of course work remaining to complete the baccalaureate degree, and has a 3.6 grade-point average in his or her major, and
- has the approval of the instructor and chairperson of the department offering each course and the dean of the Graduate School.

To earn undergraduate credit for graduate-level courses, an undergraduate student is in the 3/2 program in the Miller College of Business, which allows enrollment in specified graduate courses during the senior year, *or* has

- achieved senior standing or has 12 hours or less of course work remaining to complete the major, and
- a 3.6 GPA in his or her major, and
- the approval of the instructor and the chairperson of the department offering each course and the dean of the Graduate School.

Ball State University Graduate Catalog

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.
2. Promotion to Associate Professor ~~over~~ and the tenure decision will be aligned and occur in year seven.
 - 2.1 A candidate may apply early for tenure and promotion to Associate Professor once in either year five or six.
3. If an individual enters employment at the university at the rank of Associate Professor or above and working toward tenure, the tenure process is followed. Promotion to Professor is not part of the process.
34. Experiential Learning in all its forms (internships, field trips, practica, student teaching, study abroad, immersive learning projects, etc.) is and has been a hallmark of a Ball State University education. Faculty who lead these types of activities should receive consideration for their involvement as they contribute to the established standards for Teaching, Scholarship and Service.
4. Promotion to Professor ~~WHAT ABOUT THOSE WHO COME IN WITH ASSOCIATE RANK? WILL PROMOTION TO FULL BE ALIGNED WITH TENURE. We may want to put this up front to stop all the questions later~~

II Definitions²⁹

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 department, ~~al or collegiate college, or Provost-committee~~ al or college or Provost ~~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 department, ~~al or college or Provost~~ al or college or Provost 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.~~

An appeal may be filed without following the reconsideration process. - 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 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 to Associate Professor after the fourth tenure credible year. A request for consideration for promotion to pProfessor can be made any time after achieving the rank of Associate Professor.-
 - 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.
 - 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.
 - ~~1.12 Vote counts shall not accompany any final recommendations.~~ **FACULTY COUNCIL 4/18/13**
2. Policy Statements for Tenure and Promotion to Associate Professor
 - 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 If a faculty member is hired at the rank of Associate Professor without tenure, the tenure process is followed. Promotion to Professor is not tied to the tenure process.
- 2.45 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.
- 2.56 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.
- 2.67 Tenure for those who hold academic rank is earned in an academic department and held in the University.
- 2.671 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.
- 2.78 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.
- 2.89 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.

2.8191 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:

- 2.81911 The faculty member is seriously ill;
- 2.81912 The faculty member is the principal care-giver for a son/stepson or daughter/stepdaughter;
- 2.81913 The faculty member is the principal care-giver for a family member who is seriously ill;
- 2.81914 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.

2.8292 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:

~~2.824~~2.921 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.

~~2.822~~2.922 The Board concurs with the recommendation that the individual possesses superior academic and/or creative qualifications;

~~2.823~~2.923 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.

~~2.9~~2.10 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 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.

~~2.40~~2.11 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 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.

~~2.401~~2.111 Before the end of each academic year prior to year seven, 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:

~~2.404~~2.111 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

~~2.402~~2.112 The University's assessment of the individual's performance and progress toward tenure.

~~2.10~~2.113 In years one through six, three decisions are possible: Satisfactory progress, unsatisfactory progress, and/or termination.

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 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.

~~2.44~~2.12 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 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.~~

Tenure and promotion to Associate Professor will be aligned.

~~2.441121 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.~~

~~The tenure and promotion to Associate Professor decision will be made in the seventh year.~~

~~2.442122 If the recommendation is to terminate the faculty member, then the faculty member's seventh year is the final one at the University.~~

~~The recommendation will be to grant tenure and promotion to Associate Professor at the end of the year or a recommendation to terminate the faculty member at the end of the following year.~~

~~2.443123 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.~~

~~A faculty member may request consideration for early tenure and promotion to Associate Professor one time, either in year five or six, without penalty of dismissal if not granted. If approved, tenure and promotion to Associate Professor will be granted at the end of the year. If not approved, the faculty member will continue in the tenure and promotion process.~~

2.4213 The following are necessary prerequisites in order to be eligible for tenure:

2.42131 The faculty member must have satisfied any specific conditions of employment set forth in his or her letter of appointment;

2.422132 The faculty member must have received a positive tenure recommendation from his or her academic department; and

2.423133 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.

2.1234 The faculty member meets qualifications to be promoted to Associate Professor. BUT WHAT ABOUT THOSE CANDIDATES WHO ALREADY ARE ASSOCIAT PROFESSORS AND ARE GOING THOUGH A DECISION ONLY FOR PROMOTION OR TENURE

2.4314 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.

2.4415 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:

2.44151 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;

2.442152 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;

2.443153 At least twelve months before the expiration of an appointment after two or more years in the institution.

- 2.4516 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.
- 2.4617 Prior service at Ball State University may be counted toward tenure after the person has completed a one-year probationary period following the return.
- 2.4718 Years of service remain with the individual when regular full-time faculty and professional personnel transfer from one academic or professional area to another.
- 2.4819 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.

~~2.4920 Annually, Before the end of the academic year recommendation is forwarded to the Dean, 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. The Department P&T Committee will make an annual recommendation to the dean of the college on progress toward tenure or tenure track faculty members. After the department P&T committee's determination, the following will happen:~~

~~2.49201 The Department P&T Chair will write a recommendation letter that reviews the candidate's strengths and weaknesses and areas for improvement. will be forwarded to the Dean of the college after all departmental deliberations are complete.~~

~~2.49202 Upon request from the faculty member, the Department Promotion and Tenure Committee chair will meet with the faculty member to discuss and clarify the content of the letter. The letter will be forwarded to the Dean of the college after all departmental deliberations are complete.~~

~~2.203 The department chair may agree or disagree in writing with the department P&T committee's recommendation.~~

~~2.204 Upon request from the faculty member, the department P&T chair will meet with the faculty member to discuss and clarify the content of the letter.~~

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.

~~2.201 Vote counts shall not accompany any final recommendations. FACULTY COUNCIL 4/18/13~~

- 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.

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.~~
The departmental committee shall consist of a majority of tenured faculty. Tenure track faculty in the fourth year or above may also serve.
 - 1.13 ~~The department chairperson shall be an ex officio non-voting member.~~
If sufficient number of tenured or tenure-track faculty are not available, the department P&T committee and department chair will propose a solution to the college dean, including but not limited to, using tenured faculty from other

departments. All committee members should be qualified to evaluate the candidate's credentials.

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.~~

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.

1.15 The department chairperson shall be an ex officio non-voting member.

1.16 ~~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~~ 2.12 The College Committee shall consist of tenured faculty only.

~~2.42~~ 13 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.

~~2.43~~ 14 The academic dean shall be an ex officio non-voting member.

~~2.44~~ 15 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/tenure. It shall forward the credentials of those candidates being recommended favorably for promotion/tenure, 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 in year four 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. ~~WHAT ABOUT RECONSIDERATIONS~~

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 or reconsideration/reconsideration 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 Committee³¹

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 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. (DO WE DO THIS?)

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 Committee³²

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.
- 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 ~~(Throughout)/tenure~~
 - 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. ~~(IS THIS NEW? It is Not happening now)~~
 - 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.
 - 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 ~~tenure (throughout)~~ 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 ~~Promotion/Tenure~~ **THROUGHOUT**
 - 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. (Is this new? It is not happening now)
 - 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~~The College Committee shall review and evaluate the credentials of all collegiate tenure-track persons in the fourth year 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 Reconsideration³³

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.
 - 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 and shall not be forwarded to the College Promotion and Tenure Committee until the requests for reconsideration has been completed.
- 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. [Appeal refers to actions taken by the appellant when the outcome of the](#)

department, college or Provost reconsideration is the same as the original recommendation. An appeal may be filed without following the reconsideration process. Appeals examine the process not the content.

2. Bases for Request for Appeal

- 2.1 If the appellant is not satisfied with the decision of the Department Committee, then 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.
- 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 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 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 of 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.
- 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 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.
- 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.
- 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 (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.

Proposed Revision 1 – 3.14.2013

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CLEAN COPY**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.
2. Promotion to Associate Professor and the tenure decision will be aligned and occur in year seven.
 - 2.1 A candidate may apply early for tenure and promotion to Associate Professor once in either year five or six.
3. If an individual enters employment at the university at the rank of Associate Professor or above and working toward tenure, the tenure process is followed. Promotion to Professor is not part of the process.
4. Experiential Learning in all its forms (internships, field trips, practica, student teaching, study abroad, immersive learning projects, etc.) is and has been a hallmark of a Ball State University education. Faculty who lead these types of activities should receive consideration for their involvement as they contribute to the established standards for Teaching, Scholarship and Service.

II Definitions²⁹

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 department, college, or Provost 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 department, college or Provost reconsideration is the same as the original recommendation. An appeal may be filed without following the reconsideration process. 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 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 to Associate Professor after the fourth tenure credible year. A request for consideration for promotion to Professor can be made any time after achieving the rank of Associate Professor.
 - 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.
 - 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 If a faculty member is hired at the rank of Associate Professor without tenure, the tenure process is followed. Promotion to Professor is not tied to the tenure process.
 - 2.5 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.
 - 2.6 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.

- 2.7 Tenure for those who hold academic rank is earned in an academic department and held in the University.
- 2.71 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 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.
- 2.8 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.
- 2.9 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. 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.

- 2.91 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:
- 2.911 The faculty member is seriously ill;
 - 2.912 The faculty member is the principal care-giver for a son/stepson or daughter/stepdaughter;
 - 2.913 The faculty member is the principal care-giver for a family member who is seriously ill;
 - 2.914 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.
- 2.92 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 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:
- 2.921 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.
 - 2.922 The Board concurs with the recommendation that the individual possesses superior academic and/or creative qualifications;

- 2.923 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.
- 2.10 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 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.
- 2.11 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 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.
- 2.111 Before the end of each academic year prior to year seven, 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:
- 2.1111 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
- 2.1112 The University's assessment of the individual's performance and progress toward tenure.
- 2.1113 In years one through six, three decisions are possible: Satisfactory progress, unsatisfactory progress, or termination.
- 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 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.
- 2.12 Tenure and promotion to Associate Professor will be aligned.
- 2.121 The tenure and promotion to Associate Professor decision will be made in the seventh year.
- 2.122 The recommendation will be to grant tenure and promotion to Associate Professor at the end of the year or a recommendation to terminate the faculty member at the end of the following year.
- 2.123 A faculty member may request consideration for early tenure and promotion to Associate Professor one time, either in year five or six, without penalty of dismissal if not granted. If approved, tenure and promotion to Associate Professor will be granted at the end of the year. If not approved, the faculty member will continue in the tenure and promotion process.
- 2.13 The following are necessary prerequisites in order to be eligible for tenure:
- 2.131 The faculty member must have satisfied any specific conditions of employment set forth in his or her letter of appointment;
- 2.132 The faculty member must have received a positive tenure recommendation from his or her academic department; and
- 2.133 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.
- 2.134 The faculty member meets qualifications to be promoted to Associate Professor
- 2.14 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.

- 2.15 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:
 - 2.151 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;
 - 2.152 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;
 - 2.153 At least twelve months before the expiration of an appointment after two or more years in the institution.
- 2.16 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.
- 2.17 Prior service at Ball State University may be counted toward tenure after the person has completed a one-year probationary period following the return.
- 2.18 Years of service remain with the individual when regular full-time faculty and professional personnel transfer from one academic or professional area to another.
- 2.19 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.
- 2.20 The Department P&T Committee will make an annual recommendation to the dean of the college on progress toward tenure or tenure track faculty members. After the department P&T committee's determination, the following will happen:
 - 2.201 The Department P&T Chair will write a recommendation letter that reviews the candidate's strengths and weaknesses and areas for improvement.
 - 2.202 The letter will be forwarded to the Dean of the college after all departmental deliberations are complete.
 - 2.203 The department chair may agree or disagree in writing with the department P&T committee's recommendation.
 - 2.204 Upon request from the faculty member, the department P&T chair will meet with the faculty member to discuss and clarify the content of the letter.

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.

- 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.
 - 3.4 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.

- 3.5 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.

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 The departmental committee shall consist of a majority of tenured faculty. Tenure track faculty in the fourth year or above may also serve.
 - 1.13 If sufficient number of tenured or tenure-track faculty are not available, the department P&T committee and department chair will propose a solution to the college dean, including but not limited to, using tenured faculty from other departments. All committee members should be qualified to evaluate the candidate's credentials.
 - 1.14 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.
 - 1.15 The department chairperson shall be an ex officio non-voting member.
 - 1.16 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 The College Committee shall consist of tenured faculty only.
 - 2.13 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.
 - 2.14 The academic dean shall be an ex officio non-voting member.
 - 2.15 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/tenure. It shall forward the credentials of those candidates being recommended favorably for promotion/tenure, with recommendations, to the dean.
 - 2.26 The committee shall review and evaluate the credentials of all collegiate tenure-track persons in year four 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 or reconsideration 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 Committee³¹
- 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 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 Committee³²
- 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.
 - 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.
- 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 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 The College Committee shall review and evaluate the credentials of all collegiate tenure-track persons in the fourth year 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 Reconsideration³³

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.
- 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 and shall not be forwarded to the College Promotion and Tenure Committee until the requests for reconsideration has been completed.
- 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. Appeal refers to actions taken by the appellant when the outcome of the department, college or Provost reconsideration is the same as the original recommendation. An appeal may be filed without following the reconsideration process. Appeals examine the process not the content.
- 2. Bases for Request for Appeal
 - 2.1 If the appellant is not satisfied with the decision of the Department Committee, then 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.
- 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 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 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 of 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.

- 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 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.

- 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.
- 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 (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.

Proposed Revision 1 – 3.14.2013
Proposed Revision – 3.20.2013
Proposed Revision – 3.22.2013

UPT Recommendations

Provost Comments:

I want to thank the University Promotion and Tenure Committee for their hard work and thoughtful recommendations. I appreciate their efforts very much.

Outside of teaching and mentoring our students, the most important duty of the faculty is to carefully manage the promotion and tenure process for the university. No less than the future quality of the institution is at stake in these important decisions. Hence, I encourage the Faculty Council to review carefully the proposed changes.

I am very much in favor of aligning the promotion to Associate Professor with the granting of tenure. This change will align Ball State with the mainstream of higher education. In addition, it will reduce duplication and workload associated with the now separate processes.

There are two proposed changes with which I do not agree. The first is the practice of allowing untenured faculty members to participate in the tenure decision process. At best, it puts the untenured faculty member in an awkward situation. At worst, it can be viewed as a conflict of interest. The tenure decision is very important and results in a thirty-year or more commitment by the institution, in most cases. In my opinion, the tenure decision is the responsibility of tenured faculty members. The argument given for the proposed change is that some departments cannot field an adequately sized P&T committee because of their smaller size. There are mechanisms to deal with this situation that have been successfully used at other institutions and here at Ball State. I encourage the Faculty Council to not permit untenured faculty members to serve on P&T committees.

The second point with which I disagree is the prohibition on sending vote counts forward. Note that current practice is to send all vote counts forward with the materials for all promotion and tenure decisions. I see no valid reason for not reporting the votes and I see important, valid reasons for reporting the vote. Fully disclosing the level of support for a decision is a “best practice” that is commonly performed in higher education. In my experience at three different institutions votes have been reported. The president tells me she has had the same experience. In the majority of promotion and tenure cases that I have seen here and elsewhere the votes are unanimous or nearly unanimous. In a few cases the vote is split – resulting in either denial or recommendation for tenure. In such cases the dean, I, or the president look carefully to ensure the soundest decision is made. For example, a candidate may be unfairly disadvantaged due to some internal departmental strife. Or, a department may be challenged to make the difficult decision to deny tenure due to personal relations that naturally evolve. It is absolutely essential that promotion and tenure process be transparent at all levels. It is unacceptable to obscure the departmental or college deliberations by withholding votes. I recommend that the Faculty Council not prohibit the reporting of votes.

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Provost

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