



BALL STATE UNIVERSITY

The following Bill of Rights and Responsibilities (Bill) for Ball State students was part of the Ball State [*Code of Student Rights and Responsibilities \(Code\)*](#) for a number of years. In the spring of 2020, a task force charged with a thorough review the *Code* recommended the Bill be removed from the Code as

- many parts of the Bill did not add inform the *Code's* primary function as a policy document;
- other parts of the Bill overlapped with specific procedural protections in the *Code*; and
- the Statement on Rights and Responsibilities, a freedom of expression statement based on a similar statement from the University of Chicago, had been approved by the Board of Trustees on January 31, 2020. This statement was inserted into the Bill but overlapped with existing portions of the Bill.

The decision to remove the Bill from the *Code* did not lessen Ball State's commitment to the rights of its students. The task force, while recommending the Bill's removal, also recommended that the Bill remain published separately from the *Code* both as a valuable historical document and as a reference to guide future decisions for which clear guidance could not be found elsewhere.

This document provides the Bill of Rights and Responsibilities as it existed as of January 30, 2020.

Dr. Mike Gillilan
Director, Office of Student Conduct
August, 2020

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 expected to support and 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 and the reputation of the student body. Students are also subject to legal sanctions when they violate local, state, federal laws, or otherwise infringe upon the rights of others.

1.3.2 Students shall conduct themselves responsibly in the community, respecting the personal and property rights of all residents. It is to the advantage of the student body, as well as in the best interest of the university and the community, for everyone to work together to maintain community standards and to build good relations with the other citizens of Muncie and Delaware County.

1.4 Student's Relation to University

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

1.4.1 Obligation to provide opportunities for students of the university to present and debate public issues.

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

1.4.3 Right to require that persons on the campus identify themselves by name and address and

state what connection, if any, they have with the university, when requested by persons identifying themselves as university officials.

- 1.4.4 Right to establish reasonable standards of conduct for all persons on the campus in order to safeguard the educational process and to provide for the safety and welfare of its students, visitors, and university property.
- 1.4.5 Right to prohibit individuals and groups who are not students of the university from using its name, its finances, and its physical and operating facilities for political activities, or for commercial activities, except as specifically agreed to in writing by the proper authorities of the university.
- 1.4.6 Right to prohibit students of the university from using its name, its finances, or its physical and operating facilities for commercial activities, except in cases involving recognized student and faculty groups as stated in policies governing use of the campus facilities and fund-raising activities.
- 1.4.7 Right and obligation to provide, for recognized student groups of the university, the use of campus facilities under the rules of the campus, including use for political purposes such as meeting of political clubs; the right and obligation to prohibit use of its facilities by individual students or student groups on a regular or prolonged basis as free headquarters for political campaigns; and the right and obligation to prohibit use of its name and its finances for any political purpose at any time. Use of other resources for political purposes must comply with existing local, state, and federal laws.

1.5 Academic Freedom

- 1.5.1 Academic freedom is a foundation of Ball State University. The affirmation of academic freedom of students should be accepted as a reciprocal understanding among the individual student or groups of students and the faculty and administration. The student is not only privileged to think independently but, in the tradition of a university, is responsible for developing independent thinking. The university seeks to provide and maintain an academic climate which is conducive to learning.
- 1.5.2 Ball State University, as an institution of higher education, reaffirms the following policies to ensure the academic freedom of students:
 - a. That students have the right to the best education possible;
 - b. That students have the rights and responsibilities for participation in policy and decision making and implementation in areas affecting student welfare;
 - c. That students have inherent rights to the establishment and practice of representative self-government as set forth in the Constitution of the Student Government Association of Ball State University;
 - d. That students have rights to and means whereby they may communicate their ideas and concerns to responsible authorities in the university;
 - e. That students have the right to ready access to the spoken and printed word; and

- f. That students have the right to express their thoughts and judgments concerning the professional competency of the faculty and professional personnel.
- 1.5.3 All students are subject to the university policy on intellectual property, as amended from time to time. A copy of the university's *Intellectual Property Policy* is available for review at <https://www.bsu.edu/About/AdministrativeOffices/Commercialization.aspx>.
- 1.5.4 If a student is concerned about any issue in the classroom, including a perceived academic freedom issue, the student should pursue the following course of action:
- a. The student may meet with the faculty member or instructor to discuss the student's concerns and to come to an understanding about the situation.
 - b. If resolution is not satisfactory or if a meeting with the faculty member or instructor is unsuitable due to a concern about harassment (for example), the student may request a meeting with the individual's department chairperson (or the next-level supervisor) to discuss the concern further. When appropriate, or when dictated by other policies (e.g. *Policy on Sexual Harassment and Misconduct*), the chairperson (or next-level supervisor) may refer the matter for resolution to another campus authority.
 - c. The chairperson, school director, or next-level supervisor (as appropriate), will meet with all parties involved and will determine an appropriate resolution, conclusion or recommendations about the issue. The chairperson or school director will keep a written record of the issue and the conclusions and recommendations.
 - d. If the student's concern involves a grade appeal issue, the student may be referred to the grade appeal process outlined in *Grade Appeal Policy*, Appendix U of the *Code of Student Rights and Responsibilities*.

1.6 Additional Rights and Responsibilities

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

- 1.6.1 Obligation to respect the freedom to teach, learn, conduct research, and publish findings in the spirit of free inquiry (i.e., without detriment to or denigration of other, especially untried, methods and/or subjects of inquiry).
- a. Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom, it being understood that assigning priorities or ranking to programs or other functions may be an administrative necessity.
 - b. Freedom to teach and learn implies that students, faculty, and administrators have the responsibility to respect and consider suggestions without detriment to grade or positions of the persons submitting them.
 - c. Free inquiry implies that faculty and/or faculty-directed student research—the results of which are predestined for classification under the National Security Act—may be conducted only under the conditions imposed by the statements in the *Faculty and Professional Personnel Handbook*, “On preventing conflicts of interest in government sponsored research at universities” and with prior knowledge of the intended

restrictions to be placed on the distribution of the results.

- 1.6.2 Obligation not to infringe upon the right of any of the members of the university community to privacy in office, laboratories, and residence and in the keeping of personal papers, confidential records and effects, subject only to the local, state and federal law and to conditions voluntarily entered into. Permanent records will not contain information concerning religion, political, or social beliefs, and membership in any organization other than honorary and professional organizations directly related to the academic processes, except upon expressed written request of the student in question.
- 1.6.3 Obligation not to interfere with the freedom of members of the university community to pursue normal academic and administrative activities, including freedom of movement.
- 1.6.4 Obligation not to interfere with the freedom of any member of the university community to hear and to study unpopular and controversial views on intellectual and public issues.
- 1.6.5 Right to identify oneself as a student of the university and a concurrent obligation not to speak or act on behalf of the institution, or any group of students therein, without authorization.
- 1.6.6 Right to hold public meetings in which students participate, post notices, and engage in peaceful, orderly demonstrations. Reasonable and impartially applied rules, designed to reflect the academic purposes of the institution and to protect the safety of the campus, shall be established regulating time, place, and manner of such activities and allocating the use of facilities in accordance with (1) Policy Concerning Campus Use: [Regulations for Use of Property for Distribution, Solicitation, Fund Raising, Sales, and Commercial Activity](#) – Office of the Vice President for Business Affairs; (2) Policy on Selection and Presentation of Lecturers or Speakers by Student Organizations - [Faculty and Professional Personnel Handbook](#); (3) Policy on Special Events on Campus – [Faculty and Professional Personnel Handbook](#); and (4) [Use of University Property for Expressive Activities](#).
- 1.6.7 Right to recourse if another member of the university community is negligent or irresponsible in performance of his or her responsibilities, or if another member of the university community represents the work of others as his or her own.
- 1.6.8 Obligation to maintain an environment conducive to respect for the rights of others and fulfillment of academic responsibilities.