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CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

INTRODUCTION

The vision of Ball State University is, in part, to be “a learner-centered and socially responsible academic community.” Therefore, Ball State University expects and requires all of its students and their guests to cooperate in developing and maintaining high standards of scholarship and conduct. Upon entrance into the University, students are not only presented with many rights, privileges, and opportunities, they are also faced with attendant responsibilities. In order for students to live and learn in harmony with others in the University community, they must assume responsibility for their actions and respect the rights and beliefs of others.

The University community is not a sanctuary from the law and all students of the University are subject to local, state and federal laws. In addition each individual is obligated to protect the University as a forum for the free expression of ideas.

The Code of Student Rights and Responsibilities outlines behaviors expected of students at Ball State University and methods used to judge student behavior fairly according to these standards. The standards of conduct apply to students while on the campus, when attending University-sponsored events, or when such conduct involves the security or integrity of the University community.

The resolution of complaints for violation of *The Code of Student Rights and Responsibilities* may vary according to the location of the alleged violation, the complexity of the circumstances of the complaint, or the relative seriousness of the complaint. Offices and departments will routinely consult to determine the most appropriate venue for adjudication. Regardless of where a complaint is resolved, the purpose of this code is, in part, to provide an educational framework for students so that they may make responsible choices regarding their behavior in this academic community.

I. Bill of Rights and Responsibilities

1.1 Preamble

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

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

1.2 Student's Relation to Civil Law

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

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

The University does not stand *in loco parentis* for its students.

Admission to and employment by the University shall be in accord 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 community citizenship. When community standards are not respected and upheld by students, unpleasant and undesirable conflicts between students and other community residents 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 federal laws or otherwise infringe upon the rights of others.

1.3.2 Students shall conduct themselves responsibly in the community, respecting the personal and property rights of all residents. It is to the advantage of the student body, as well as in the best interest of the University and the community, for everyone to work together to maintain community standards and to build good relations among the citizenry.

1.4 Student's Relation to University

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

1.4.1 Obligation to provide opportunities for students of the University to present and

debate public issues.

- 1.4.2** Obligation not to take a position as an institution in electoral politics.
- 1.4.3** Right to require that persons on the campus be willing to identify themselves by name and address and state what connection, if any, they have with the University.
- 1.4.4** Right to establish reasonable standards of conduct for all persons on the campus in order to safeguard the educational process and to provide for the safety and welfare of its students, visitors, and University property.
- 1.4.5** Right to prohibit individuals and groups who are not students of the University from using its name, its finances, and its physical and operating facilities for political activities, or for commercial activities, except as specifically agreed to in writing by the proper authorities of the University.
- 1.4.6** Right to prohibit students of the University from using its name, its finances, or its physical and operating facilities for commercial activities, except in cases involving recognized student and faculty groups as provided for in policies governing use of the campus facilities and fund-raising activities.
- 1.4.7** Right and obligation to provide, for recognized student groups of the University, the use of campus facilities under the rules of the campus, including use for political purposes such as meeting of political clubs; 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 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 any University community. The affirmation of academic freedom of students should be accepted as a reciprocal understanding among the individual student or groups of students and the faculty and administration. The student is not only privileged to think independently but, in the tradition of a University, is responsible for developing independent thinking. The University seeks to provide and maintain an academic climate which is conducive to learning.
- 1.5.2** Ball State University, as an institution of higher education, reaffirms the following policies, insuring the academic freedom of students:
 - a.** That students have the right to the best education possible;
 - b.** That students have the rights and responsibilities for participation in policy and decision making and implementation in areas affecting student welfare;
 - c.** That students have inherent rights to the establishment and practice of representative self-government as set forth in the Constitution of the Student Government Association of Ball State University;

- d. That students have rights to and means whereby they may communicate their ideas and concerns to responsible authorities in the University;
- e. That students have the right to ready access to the spoken and printed word;
- f. That students have the right to express their thoughts and judgments concerning the professional competency of the faculty and professional personnel.

1.5.3 *If a student is concerned about any issue in the classroom, including a perceived academic freedom issue, the student may*

- a. Consult with the assistant to the dean of student affairs/ombudsperson in the Office of the Division of Student Affairs to explore options available to the student.
- b. Options available to the student include:
 - 1) The student may meet with the faculty or staff person to discuss the student's concerns and to come to an understanding about the situation.
 - 2) If resolution is not satisfactory, the student may request a meeting with the individual's department chair or supervisor to discuss the concern further.
 - 3) The chairperson or school director, will meet with all parties involved and will determine an appropriate resolution, conclusion or recommendations about the issue. The chairperson or school director will keep a written record of the issue and the conclusions and recommendations.
 - 4) If the student's concern involves a grade appeal issue, the student may be referred to the grade appeal process outlined in the Student Code 6.5.

1.6 *Additional Rights and Responsibilities*

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

1.6.1 Obligation to respect the freedom to teach, learn, and to conduct research and publish findings in the spirit of free inquiry (i.e., without detriment to or denigration of other, especially untried, methods and/or subjects of inquiry).

- a. Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom, it being understood that assigning priorities or ranking to investigative programs may be an administrative necessity.
- b. Freedom to teach and learn implies that students, faculty, and administrators have the responsibility to respect and consider suggestions without detriment to grade or positions of the persons submitting them.
- c. Free inquiry implies that faculty and/or faculty-directed student research-the results of which are predestined for classification under the National Security Act - may be conducted only under the conditions imposed by the statements in the *Faculty and Professional Personnel Handbook*, "On preventing conflicts of interest in government sponsored research at universities" and with prior knowledge of the intended restrictions to be placed on the distribution of the results.

1.6.2 Obligation not to infringe upon the right of any of the members of the University community to privacy in office, laboratories, and residence and in the keeping of personal papers, confidential records and effects, subject only to the local, state and federal law

and to conditions voluntarily entered into. Permanent records will not contain information concerning religion, political or social beliefs, and membership in any organization other than honorary and professional organizations directly related to the academic processes, except upon expressed written request of the student in question.

- 1.6.3 Obligation not to interfere with the freedom of members of the University community to pursue normal academic and administrative activities, including freedom of movement.
- 1.6.4 Obligation not to interfere with the freedom of any member of the University community to hear and to study unpopular and controversial views on intellectual and public issues.
- 1.6.5 Right to identify oneself as a student of the University and a concurrent obligation not to speak or act on behalf of the institution, or any group of students therein, without authorization.
- 1.6.6 Right to hold public meetings in which students participate, to post notices, and to engage in peaceful, orderly demonstrations. Reasonable and impartially applied rules, designed to reflect the academic purposes of the institution and to protect the safety of the campus, shall be established regulating time, place, and manner of such activities and allocating the use of facilities in accordance with (1) Policy Concerning Distribution, Solicitation, Fund Raising, Sales, and Commercial Activity on University Property - Office of the Vice President for Business Affairs; (2) Policy on Selection and Presentation of Lecturers or Speakers by Student Organizations - *Faculty and Professional Personnel Handbook*; (3) Policy on Special Events on Campus - *Faculty and Professional Personnel Handbook*.
- 1.6.7 Right to recourse if another member of the University community is negligent or irresponsible in performance of his or her responsibilities, or if another member of the University community represents the work of others as his or her own.
- 1.6.8 Obligation to maintain an environment conducive to respect for the rights of others and fulfillment of *academic* responsibilities.
- 1.6.9 *Right to Funeral and Bereavement Leave*
 - a. Students will be excused from class for funeral leave in the event of the death of a member of the student's immediate family or household, including: father, mother, husband, wife, son, daughter, grandfather, grandmother, grandchild, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepfather, stepmother, stepson and stepdaughter. The number of excused absences allowed is determined by the distance of funeral services from Muncie, Indiana, as follows:

Three work days - Within 150 miles radius of Muncie

Four work days - Between 150-300 mile radius of Muncie

Five work days - Beyond 300 mile radius of Muncie

Seven work days - Outside of North America

If the student is unable to attend the funeral services, the student will be allowed three work days for bereavement.

- b. In the event of the death of a student's stepmother-in-law, stepfather-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, and niece, students will be allowed one work day.
- c. A student may contact the Office of Student Rights and Community Standards to request that an informational notice (without verification) be sent to the student's instructor(s). The student will provide documentation to each instructor. Given proper documentation, the instructor will excuse the student from class and provide the opportunity to earn equivalent credit for assignments missed. If the student is not satisfied with the outcome, he or she may appeal as outlined in the Ball State University's Procedure for Student Bereavement Appeals. (See Appendix I)

II AUTHORITY

2.1 Authority

The Board of Trustees of Ball State University is empowered by the legislature of the State of Indiana to operate the institution and to formulate such policies and regulations as are necessary to maintain the institution. The Board of Trustees may delegate to its officers, faculty, employees, and others such authority as it may possess. Powers and duties conferred upon the Board of Trustees include the following:

- a. To govern, by specific regulation and other lawful means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the institution.
- b. To govern, by lawful means, the conduct of its students, faculty and employees, wherever the conduct might occur, to the end of preventing unlawful or objectionable acts which seriously threaten the ability of the institution to maintain its facilities available for performance of its educational activities of which are in violation of the reasonable rules and standards of the institution designed to protect the academic community from unlawful conduct or conduct which presents a serious threat to person or property of the academic community.
- c. To dismiss, suspend or otherwise punish any student, faculty member, or employee of the institution who violates the institution's rules or standards of conduct, after determination of guilt by lawful proceedings.

2.2 The President shall have the final responsibility and authority for the discipline of all students of the University. This responsibility and authority may be delegated by the President to the Dean of the Division of Student Affairs who may in turn, delegate such authority to the Associate Dean for Student Affairs and/or other members of the Student Affairs staff.

2.3 Whenever an action may be or is required to be taken under this policy by the Provost and Vice President for Academic Affairs, the dean of a college, the dean of the division of student affairs or the associate dean for student affairs, the action may be taken by that person's designee.

2.4 The Board of Trustees acting within its legal authority has established these policies and regulations concerning the welfare and conduct of students and these procedures for

handling violations of these standards.

- 2.5** 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, 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. Amendments may be proposed by the Ball State Student Government Association, University Senate, administrative staff, or by the Board of Trustees.

III. EQUITABLE PROCEDURES

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

- 3.1** These procedures shall be structured so as to facilitate a reliable determination of the truth or falsity of charges and to meet the fundamental requirements of fairness (i.e., right to notice of charge in advance, right to a hearing, right to examine evidence, right to prepare defense, right to appeal, and right to presence of counsel, but not representation by counsel.)
- 3.2** Students have the right to know in advance the range of penalties for violations of campus regulations. Upon request students have the right to obtain copies of all specific policies of the University (e.g., routine administrative policies, *Faculty and Professional Personnel Handbook*, etc.).
- 3.3** Charges of minor infractions of regulations, for which a student is penalized by fines or reprimands, may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal to the next higher level of administration or to an established appeals committee.
- 3.4** In cases involving charges of infractions of regulations that may result in suspension or expulsion from the University, students have a right to formal procedures which include right of appeal. Any person penalized for a serious infraction of established University regulations or policies has the right to appeal, either to the next higher administrator or to an established appeals committee.
- 3.5** Students charged with or convicted of a violation of federal, state or local law may be subject to the University sanctions for the same conduct, in accord with established policies and procedures, when the conduct is in violation of a University rule which is important to the continuing protection of other members of the University or to the safeguarding of the educational process.

IV. DEFINITIONS

The following definitions will be used in this code:

- 4.1 University** means Ball State University.
- 4.2 University official** means any employee of the University performing administrative, professional or staff responsibilities.
- 4.3 Student** is defined as any person admitted to the University, registered or enrolled in classes either full-time or part-time, or otherwise associated with the University. Persons not officially enrolled for a given term but in a “continuing relationship” with the University, shall be considered “students”. Continuing relationship may include, but is not limited to students enrolled in a previous semester and registered or otherwise indicating intent to register for a future period of enrollment; also a student accepted for admission who has indicated intent to attend in a future period of enrollment.
- 4.4 School day** means Monday, Tuesday, Wednesday, Thursday, and Friday. It does not include Saturday or Sunday, nor does it include any day on which there are no scheduled University classes.
- 4.5 Business day** refers to any day, Monday through Friday, in which University offices are open.
- 4.6 University activity** includes any teaching, research, service, administrative function, proceeding, ceremony, or activity conducted or authorized by students, faculty, staff, or administrators that is held by the authority of the University.
- 4.7 University property** means property owned, controlled, used, or occupied by the University.
- 4.8 Written notice** is deemed to begin running on the first business day after the date such notice is mailed by the University, or immediately when the notice is hand delivered or delivered to a residence hall mailbox.
- 4.9 Members of the University community** includes anyone who belongs to any of the following groups: students, faculty, professional personnel, staff personnel, service personnel.
- 4.10 Organization** means any group granted official recognition by the University after meeting established criteria for such recognition.
- 4.11 Judicial body** means any person or group of persons authorized by this Code to determine whether a student has violated any provision of the Code, to administer sanctions, or to grant appeals.

V. CODE OF CONDUCT

5.1 Offenses Against Persons:

5.1.1 Harassment - Harassment, whether physical or verbal, oral or written, that has the purpose of creating a hostile or intimidating environment and which is directed at a specific individual(s). *See also Sexual Harassment Policy, Appendix H and Anti-harassment Policy, Appendix C.*

5.1.2 Hazing – *See also University Anti-hazing Policy, Appendix D.*

5.1.3 Physical Abuse - Physical harm of any person or persons or threat of physical harm of any person or persons which causes that person to be reasonably apprehensive of physical harm.

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 consent, when such image or recording is likely to cause injury or distress to the reasonable person and when the image or recording occurs in a private area such as a residence, including a residence hall room, a public or private restroom, or a dressing/locker room. These examples of private areas are by way of illustration and not limitation.

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. *See also Sexual Misconduct Policy, Appendix I.*

5.1.6 Stalking - intentional, repetitious or continuous actions that are intended to frighten, harass, annoy, threaten, or alarm another person.

5.2 Offenses Related To The Operation Of The University

5.2.1 Academic Dishonesty. *See also Student Academic Ethics Policy, section VII.*

5.2.2 Aiding and Abetting - Knowingly, recklessly or willfully encouraging or assisting others to commit acts prohibited by this code.

5.2.3 Computer Misuse - Any behavior violating policies governing the use of the University's computer system and related equipment/technology. *See also Computer Users Privileges and Responsibilities Policy, Appendix B.*

- 5.2.4 Disorderly Conduct** - Conduct that is disorderly, a matter of public indecency, or a breach of the peace.
- 5.2.5 Failure to Comply** - Failing to comply with verbal or written instructions of University officials acting in the performance of their duties and made within the scope of their authority, or failing to identify oneself upon request of a University official.
- 5.2.6 False Information** - Submitting false information or records to a University official or office.
- 5.2.7 Fraudulent Use** - Forgery, alteration, taking possession of or the unauthorized use of University documents, records, keys or identification without the consent or authorization of appropriate University officials.
- 5.2.8 Interference with a Reprimand** - Obstructing or interfering with the reprimand, discipline or apprehension of another person who is involved in a violation of this Code or any other University rule or regulation.
- 5.2.9 Obstruction or Disruption** - Obstructing or disrupting any University-sponsored activity, pedestrian or vehicular traffic, classes, lectures or meetings, obstructing or restricting another person's freedom of movement, or inciting, aiding, or encouraging other persons to do so. *See also Regulations for Use of Property for Expressive Activity, Appendix L.*
- 5.2.10 Residence Hall Policies** - Violating residence hall rules and regulations, or the housing contract. *See also Residence Life Policies.*
- 5.2.11 Solicitation** - Engaging in solicitation of any type on University property without appropriate authorization. *See also Regulations for Use of Property for Expressive Activity, Appendix L.*
- 5.2.12 Violation of the Law** - Committing or attempting to commit any act that would be a violation of local, state or federal law on or off University property, when such behavior is judged by the Office of Student Rights and Community Standards to be detrimental to the University's educational process or objectives.
- 5.2.13 Other Policy Violations** - Violating any other published University policies not specifically a part of this Code.

5.3 Violations That Compromise The Health/Safety/Welfare Of Others

- 5.3.1 Alcohol** -Using, possessing or distributing of alcoholic beverages except as expressly permitted by law and University policies. *See also Alcohol Policy, Appendix A.*
- 5.3.2 Arson** - Setting false fire alarms, attempting to set fires, or acting in a manner that disregards fire safety rules and results in a fire.

- 5.3.3 Drugs** - Using, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs, or prescription drugs, except as expressly permitted by law, or possessing drug paraphernalia which can be demonstrated to be linked to illegal drug activity.
- 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 University buildings, classrooms, offices, and other enclosed work areas or in student housing. *See also Smoking Policy, Appendix J.*
- 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 under any circumstances except when expressly permitted by the Office of Student Rights and Community Standards or Public Safety as part of a University-authorized and scheduled activity.

5.4 Offenses Against Property

- 5.4.1 Misuse of Property** – Trespass, occupancy of, unauthorized entry into, possession of, receipt of or use of the property of another person, of the University or of University services, facilities or resources including, but not limited to, the University’s name, seal or insignia.
- 5.4.2 Theft, Vandalism** - Theft, vandalism, unauthorized use, possession, damage to, or destruction of public property, University property or the property of another person.

5.5 Offenses Involving The Judicial Process

- 5.5.1 Improper Influence** - Attempting to influence the decision of a member of a Judicial body or a designated judicial officer, or attempting to discourage that person’s participation in a judicial proceeding.
- 5.5.2 Intimidation of Participants** - Attempting to intimidate, coerce or influence a witness, complainant or other persons participating in the judicial process.
- 5.5.3 Providing False Testimony** - Providing false testimony or false information in the judicial process or knowingly making unfounded accusations against another individual.
- 5.5.4 Sanction Non-compliance** - Failing to complete or to comply with a disciplinary sanction.

VI. DISCIPLINARY PROCEDURES

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 of Conduct 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 Organizations and Activities
- . 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 of Conduct in cases where the offense must be reported to state and federal constituencies. That office shall inform University employees of what violations are included.

TYPES OF HEARINGS

The hearing process for students may vary according to the level at which the case is adjudicated. Adjudication may occur in the administrative area where the violation occurred. Where the offense is of a more serious nature and may warrant consideration of suspension or expulsion from the University, the case will be referred to the Office of Student Rights and Community Standards.

NOTE: Decisions in all hearings shall be based on a preponderance of the evidence.

6.1 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 or 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.

6.1.1 Preliminary Meeting - Student meets with the designated HRL staff member to discuss the documentation. The following options are available:

- a. Student can plead “responsible” for the policy violation(s) and have the sanction determined at that time by the designated HRL staff member.
- b. Student can plead “not responsible” for the policy violation(s) and request a hearing with

the appropriate hearing body. For most situations, the appropriate hearing will be a Hall Director Hearing. In situations where cancellation of the student's housing contract is a possibility or if the student documented is already on disciplinary probation, the student may be offered the choice of having an Administrative Hearing or a Conduct Board Hearing. (Note: When the Conduct Board is not operating, the student is automatically assigned to an Administrative Hearing.)

- c. If the student does not attend the Preliminary Meeting, the designated HRL staff member will arrange a hearing.

6.1.2 Housing and Residence Life Disciplinary Hearings

- a. Hall director hearings are conducted by an RHD or ARHD. Usually this will be the RHD or ARHD of the building in which the accused student resides.
- b. Administrative Hearings are conducted by an Assistant Director of Housing and Residence Life.
- c. Conduct Board Hearings are conducted by a board composed of a group of qualified students selected by each residence hall.

6.1.3 Sanctions

- a. **Official Reprimand:** A written warning that the continuation or repetition of unacceptable conduct may lead to further disciplinary action.
- b. **Educational Requirements:** A student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation.
- c. **Fines:** A fine may be assessed not to exceed \$24 and will be billed to the student's account. Failure to pay a fine will result in a financial hold.
- d. **Restitution:** A student, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.
- e. **Referral:** The student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social, or emotional growth.
- f. **Alcohol Education Program:** A student in violation of published alcohol policies or who exhibits inappropriate behavior as a result of alcohol consumption may be required to complete an alcohol education program.
- g. **Disciplinary Probation:** For a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.
- h. **Trespass:** A student may be prohibited from entering or being on the premises of specific residence hall buildings or all residence facilities.
- i. **Relocation:** A student may be relocated to another residence hall and subsequently restricted from the facility of a previous housing assignment.
- j. **Termination of Housing Contract:** A student may have his/her housing contract terminated and be required to vacate the residence hall system. The student will be given at least 48 hours to vacate the residence halls. Any additional violation occurring prior to vacating the residence halls will be referred to the Office of Student Rights and

Community Standards. Students, who are under the age of 21, have not lived two semesters in the residence halls and are freshmen may be subject to additional disciplinary sanctions.

6.1.4 Appeal Process

- a. A student may appeal the result of a Hall Director Hearing decision to the appropriate Assistant Director of Housing and Residence Life.
- b. Decisions by a Conduct Board Hearing or Administrative Hearing may be appealed to the Associate Director of Housing and Residence Life.
- c. A student has two business days from the delivery of the original decision to the student's mailbox in which to submit an appeal in writing.
- d. A student may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student or the hearing body.
 - 2) An unduly harsh sanction against the accused student.
 - 3) New information of a substantive nature not available at the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case.
- e. An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded back for a new hearing.
 - 4) All allegations may be dismissed.
- f. The appellate decision shall be final and will not be subject to any further appeal.

6.1.5 Automatic Review

The Associate Director of Housing and Residence Life will automatically review any case resulting in termination of the housing contract.

6.1.6 Referrals to the Office of Student Rights and Community Standards

Any case may be referred to the Office of Student Rights and Community Standards for adjudication or for consideration of additional sanctions when:

- a. Violations are of a more serious nature and may warrant consideration of suspension or expulsion from the University.
- b. Violations involve off-campus students.

6.2 RECREATION SERVICES DISCIPLINARY PROCEDURES

When a violation occurs within or adjacent to facilities of the Office of Recreation Services or in the context of programs sponsored by that Office, the following disciplinary procedures apply.

6.2.1 Preliminary Meeting

- a. Pending results of an investigative review of an incident, the student's I.D. or Recreation Privilege Card will be "turned off" and the student will not have the privilege of utilizing facilities or programs within Recreation Services.

- b. A preliminary meeting will be convened in a timely manner with the student(s) in question and a designated Recreation Services staff person (Graduate Assistant or Assistant Director for Recreation Services) to discuss the incident.
- c. The student may plead “responsible” for the behavior and the staff member may assign sanctions.
- d. If a student pleads “not responsible” for the behavior, the case will be referred to an Administrative Hearing.
- e. A student who fails to appear for a Preliminary Meeting will have their case referred to an Administrative Hearing.

6.2.2 Recreation Services Administrative Hearing

- a. Administrative Hearings are conducted by a designated Recreation Services staff person (Assistant Director or Associate Director for Recreation Services). The student(s) will be given the opportunity to present witnesses or other evidence to support their claims. The staff person conducting the hearing will determine responsibility and, if necessary, assign sanctions.
- b. A written notice indicating the findings of the hearing and sanctions will be mailed to the student’s known address.
- c. When a violation is believed to be a team violation, that team may be represented at the Administrative Hearing by the team captain or another designated team member. Sanctions may be administered collectively to the team or individually against team members.

6.2.3 Sanctions

Final disciplinary decisions may result in any combination of the following:

- a. **Official Reprimand** - Statement of warning provided verbally or in writing stating that the continuation of or repetition of unacceptable behavior may lead to further disciplinary action.
- b. **Suspension** - Suspension from Recreation Services facilities or programs for a pre-determined period of time.
- c. **Forfeit** - Forfeiture of any outcomes of previous activities.
- d. **Restitution:** A student, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.
- e. **Disciplinary Probation:** For a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.

6.2.4 Appeal Process

- a. Students have an opportunity to appeal any decision of discipline from any member of Recreation Services staff.
- b. All appeals of disciplinary decisions **MUST** be made in writing within three business days of the receipt of the original decision directly to the Associate Director of Recreation Services.

- c. A student may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student or the hearing body.
 - 2) An unduly harsh sanction against the accused student.
 - 3) New information of a substantive nature not available at the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case.
- d. An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded back for a new hearing.
 - 4) All allegations may be dismissed.
- e. Appeal decisions shall be based solely upon the written documentation of the incident and a written statement of appeal from the patron.
- f. The appellate decision shall be final and will not be subject to any further appeal.

6.2.5 Referrals to the Office of Student Rights and Community Standards

Any case may be referred to the Office of Student Rights and Community Standards for adjudication or for consideration of additional sanctions when:

- a. Violations are of a more serious nature and may warrant consideration of probation, suspension or expulsion from the University.
- b. The complexity and nature of the violation warrants referral.

6.3 STUDENT ORGANIZATIONS AND ACTIVITIES DISCIPLINARY PROCEDURES

A recognized student organization and/or its members collectively or individually (when acting as part of the organization) may be held responsible for violations of the Code of Conduct and, when appropriate, be subjected to disciplinary action. When a student organization is accused of committing a violation of University policy, (including but not limited to any violation of published University policies and procedures) or local, state or federal laws, a complaint may be filed with Office of Student Organizations and Activities. Upon receipt of such a complaint, the Director of Student Organizations and Activities shall conduct an investigation and determine if a hearing will be held regarding the complaint.

- a. When the accused organization is a fraternity or sorority, the Director of Student Organizations and activities may choose to refer the case to the appropriate Greek governing Board (IFC, PHC or NPHC) for investigation and adjudication.
- b. If it is determined that the alleged violations are by individuals but not collectively by the organization, the case will be referred to the Office of Student Rights and Community Standards for adjudication.
- c. It may be determined upon review that the adjudication for the organization can be handled administratively by the Director of Student Organizations and Activities. In such cases, the Director will conduct a hearing, render a decision and, if necessary, impose sanctions. If the allegation involves club sports, the administrative hearing will be done in

consultation with the Director of Recreation Services or his/her designee.

- d. If, in the investigation of an alleged violation, it is determined that the offense may warrant consideration of withdrawal of recognition as a possible sanction, the case will be referred to the Hearing Board for adjudication.

6.3.1 Adjudication Procedures

If a formal hearing is warranted, the following procedures apply for disciplinary cases involving a student organization:

- a. **Selection of Hearing Board.** The Hearing Board will consist of five (5) members, three (3) to be selected from the Judicial Court of the Student Government Association, one (1) member being a current faculty/staff advisor of a recognized student organization and one (1) Student Affairs professional staff member selected in consultation with the Dean of the Division of Student Affairs. A chairperson will be selected from within the committee. The Director of Student Organizations and Activities (or his/her designee) will serve as an advisor and ex-officio member to the Board, will take minutes and will answer procedural questions but will not vote.
- b. **Quorum.** Four (4) of the five (5) voting members of the Hearing Board must be present to constitute a quorum.
- c. **Notice of Hearing.** The President or highest-ranking officer of the student organization shall be notified in writing by the Director of Student Organizations and Activities of the date, time, and place of the hearing at least three (3) business days before the hearing. The notice shall also include a statement of the allegations of policy violations and information regarding the student organization's rights in the hearing.
- d. **Absence of the Accused Organization.** The accused student organization may choose not to attend the hearing and may instead submit a written presentation of its case. The hearing may proceed in the absence of the accused and by such absence, the accused organization forfeits its right to question witnesses.
- e. **Witnesses.** The representative officer of the accused student organization, the complainant and the Director of Student Organizations and Activities or his/her designee may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Board may limit the number of witnesses to avoid repetition and cumulative testimony. The Board may also limit the testimony of character witnesses to the sanctioning phase of the hearing. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Director of Student Organizations and Activities a minimum of twenty-four (24) hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony, unless otherwise permitted by the Hearing Board to do so as a result of extenuating circumstances. Witnesses invited by either party shall be present only while they are testifying.
- f. **Student Organization Assistance.** The officer of the student organization may be accompanied and assisted at the hearing by an advisor of the student organization's choice, provided the advisor is an employee or student of the University. For Greek organizations, a chapter advisor and/or chapter representative may also accompany the officer. In the event a student organization faces pending criminal or civil charges based on the incident that has given rise to the University disciplinary proceedings, the

organization's attorney may accompany the officer of the student organization. The student organization must provide the name of the advisor to the Director of Student Organizations and Activities at least twenty-four (24) hours before the hearing. At no time may the advisor or attorney participate directly in the hearing proceedings. He/she may only consult with the student representing the organization.

- g. *Disqualification; Challenges.*** Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student organization, with the complainant or when the Board member feels a personal bias makes it impossible to render a fair decision. The accused student organization or the complainant may challenge a Hearing Board member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the chairperson may, at his/her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of the remaining members of the Hearing Board.
- h. *Conduct of the Hearing.*** The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Board with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing and the deliberations of the Hearing Board shall be private. The Office of the Director of Student Organizations and Activities shall make a record of the hearing which may be reviewed in that office by a designated representative of the accused student organization upon request. Decisions of the Hearing Board shall be made by majority vote.
- i. *Continuances.*** The Hearing Board, by majority vote, may continue the hearing to a later time.
- j. *Additional Rules.*** Procedural rules not inconsistent with these procedures may be established by the Hearing Board from time to time to fulfill its functions in an orderly manner.

6.3.2 Sanctions

If the student organization is found to be responsible for the violation of University policy, the Hearing Board may recommend one or more of the following sanctions:

- a. *Official Reprimand*** - A letter of notification placed in the organization's file and sent to its national organization (if applicable) warning of more severe sanctions in the event of a repeat of the offending behavior
- b. *Probation*** - A specific period of probation with or without selected restrictions; the Hearing Board shall determine the length and terms of the probationary period
- c. *Restitution*** - An organization, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries. Each member of the organization may be held financially responsible through group billing
- d. *Service Requirement*** - Participation in University or community service activities
- e. *Educational Requirement*** - Educational programming hosted and/or attended by a percentage of organization membership
- f. *Suspension of Recognition*** - suspension of recognition as a student organization

- and the privileges inherent in that recognition indefinitely or for a specific period of time
- g. Withdrawal of Recognition** - Withdrawal of University recognition as a student organization

6.3.3 Decisions

The decision of the Hearing Board shall be submitted as a recommendation to the Director of Student Organizations and Activities 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.

6.3.4 Appeal Process

- a. Appellate Review.** The appellate review will be based on the information and materials in the case file; a summary of the evidence submitted; findings and recommendations; the student organization's written request for an appellate review; and the record of the hearing.

NOTE: Where the sanction imposed is withdrawal of recognition for the organization, the decision shall automatically be reviewed by the Dean of the Division of Student Affairs.

- b.** A student organization may appeal the result of an administrative hearing decision to the next level administrator.
- c.** Decisions by the Hearing Board may be appealed to the Dean of the Division of Student Affairs.
- d.** In both cases, the student organization has five (5) business days from receipt of the original decision in which to submit an appeal in writing.
- e.** The organization may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student organization or the hearing body.
 - 2) An unduly harsh sanction against the accused student organization.
 - 3) New information of a substantive nature not available at the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case.
- f.** An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded back for a new hearing.
 - 4) All allegations may be dismissed.
- g.** Appeal decisions shall be based solely upon the written documentation of the incident and a written statement of appeal from the organization.
- h.** The appellate decision shall be final and will not be subject to any further appeal.

6.4 OFFICE OF STUDENT RIGHTS AND COMMUNITY STANDARDS DISCIPLINARY PROCEDURES

6.4.1 Preliminary Meeting

An initial meeting with a designated Student Rights and Community Standards staff person

(Director, Associate Director or a graduate assistant) at which time the accused student is made aware of the nature of the charges against him/her and the range of sanctions possible for that type of offense. The student is also informed of his/her options in adjudicating the case, including one of the following:

- a. To plead “responsible” for the violation 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.**
- b. To plead “not responsible” for the violation and have the case heard in an Administrative Hearing by a designated hearing officer (Director or Associate Director). **In cases that are complicated in nature and scope, or where the violations may result in more serious sanctions, the case may be referred to the Screening Committee of the University Review Board.**
- c. To plead “not responsible” to the violation and have the case heard by the University Review Board. **In the case of minor offenses, the designated staff person may choose to hear the case administratively.**

6.4.2 Screening Committee

After the Preliminary Meeting, the Director or his/her designee shall convene the Screening Committee made up of the Director or the Associate Director and the Vice President of SGA. 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 all charges.

6.4.3 Administrative Hearing

The case is heard before a designated hearing officer (Director or Associate Director) 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.

6.4.4 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 and trespass from University property and facilities. 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.**
- b. **It is determined that such action would be beneficial to the student’s own safety and well being.**
- 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 Associate Dean for Student

Affairs or his/her designee after the student has been afforded an opportunity to challenge such action and provide argument and evidence to the contrary. The interim suspension may continue until completion of the entire disciplinary process including appeal. 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.

6.4.5 University Review Board

The University Review Board hears disciplinary cases and grade appeals referred to it by the Screening Committee. It is composed of twenty (20) members; ten (10) shall be students and ten (10) shall be University faculty members and/or professional staff members.

- a. *Student Membership.*** The student membership will include the Vice President of the Student Government Association, five (5) members of the Judicial Court of SGA and four (4) additional students appointed by the SGA 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.
- 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.
- c. *Quorum.*** To conduct a hearing for a student disciplinary case or grade appeal, 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, 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 Moderator.*** The hearing shall be moderated by one member of the Hearing Board designated in advance by the Office of Student Rights and Community Standards. The moderator 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 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.

6.4.6 Procedures for Disciplinary Hearings.

Procedures for disciplinary cases of the Hearing Board shall be as follows:

- a. *Notice of Hearing.*** The accused student 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) business 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.

- 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 and 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 testimony of character witnesses to the sanctioning phase of the hearing. The names of witnesses and written disclosure of the main points of their testimony must be provided to the 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 and shall be prohibited from submitting a written statement in lieu of personal testimony unless otherwise permitted by the Hearing Board to do so as a result of extenuating circumstances. Witnesses invited by either party shall be present only while they are testifying.
- d. ***Student Assistance.*** The accused student and the complainant may be accompanied and assisted at the hearing by an advisor of their choice, provided the advisor is an employee or student of the University, or a relative. In the event the accused student faces pending criminal charges based on the incident that has given rise to the University disciplinary proceedings, his/her attorney may accompany the student. The student must provide the name of his/her advisor to the Office of Student Rights and Community Standards at least twenty-four (24) hours before the hearing. At no time may the advisor or the attorney 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 feels 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. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing and the deliberations of the Hearing Board shall be private. The Office of Student Rights and Community Standards shall make a record of the hearing that may be reviewed in the office by the accused student upon request. This record remains the property of Ball State University. Decisions of the Hearing Board shall be made by majority vote.
- g. ***Continuances:*** The Hearing Board, by majority vote, may continue the hearing to a later

time.

- h. *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.

6.4.7 Sanctions.

If the student is found responsible for a violation of policy, sanctions may include one or more of the following:

- a. *Official Reprimand:*** a written warning that the continuation or repetition of unacceptable conduct may lead to further disciplinary action.
- b. *Educational Requirements:*** student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation.
- c. *Restitution:*** a student whose actions cause damage to, defacing of or destruction of public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property for medical bills related to injuries.
- d. *Referral:*** the student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social or emotional growth.
- e. *Disciplinary Probation:*** for a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.
- f. *Trespass:*** a student may be prohibited from entering or being on the premises of specific locations, facilities or buildings or the entire campus.
- g. *Suspension:*** termination of enrollment indefinitely or for a specific period of time. During the period of suspension, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior authorization by the Office of Student Rights and Community Standards. Conditions of re-enrollment following period of suspension may be determined by the University Review Board and/or the Office of Students Rights and Community Standards.
- h. *Expulsion:*** permanent termination of enrollment. Upon expulsion, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior authorization by the Office of Student Rights and Community Standards.
- i. *NOTE: Only the Hearing Board may recommend a sanction of suspension or expulsion.***

6.4.8 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 Review Board for further consideration of sanctions.

6.4.9 Appeal Process

- a. Students may appeal the result of an Administrative Hearing decision to the next level administrator.
- b. Decisions by the Hearing Board may be appealed to the Associate Dean for Student Affairs.
- 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. A student may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student or the hearing body
 - 2) An unduly harsh sanction against the accused student
 - 3) New information of a substantive nature not available at the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case
- e. An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded to a new disciplinary body.
 - 4) All allegations may be dismissed.
- f. The appellate decision shall be final and not subject to any further appeal.
- g. **NOTE: Any case resulting in suspension or expulsion from the University is automatically reviewed by the Associate Dean for Student Affairs.**

6.5 GRADE APPEALS

6.5.1 Initiate Grade Appeal Process.

- a. *Informal Resolution Phase.* Prior to a grade appeal, the student must request a review of the grade by contacting (in person, by phone, or by signed letter in hard or electronic form) the faculty member, or in his or her absence the department chairperson, within ten (10) school days after the start of the next academic (fall, spring, or summer) semester following the semester or summer session in which the grade was given. The faculty member, or in his or her absence the department chairperson, must respond to the student's request within ten (10) school days after receipt of the request.
- b. If the matter cannot be resolved with the faculty member, the student must inform the department chairperson within ten (10) school days after meeting with the faculty member and present the student's side of the dispute. The department chairperson will then attempt to resolve the dispute. If the department chairperson cannot resolve the dispute to the student's satisfaction, the student may proceed with the appeals process.
- c. *Formal Resolution Phase.* If the student chooses to initiate a grade appeal after completion of the informal resolution phase, the student must contact the Office of Student Rights and Community Standards, within ten (10) school days after the faculty member's response or the department chairperson's response is received. After consultation with the Director of Student Rights and Community Standards, the student, if he or she decides to appeal, must submit a formal appeal of the grade in writing to the Office of Student Rights and Community Standards. The matter of referral to the

University Review Board for hearing will be the decision of the chairperson for the students (Vice President of Student Government Association) and the chairperson for the University faculty and administration (Director of Student Rights and Community Standards or a designee). A decision on the referral will be made and communicated to the student and faculty member within ten (10) school days after receipt of written appeal in the Office of Student Rights and Community Standards. If the decision of the chairperson is not to forward the appeal to a hearing committee, the matter is concluded.

- d. *Basis for Grade Appeals.* The University Review Board will only address those appeals where a procedural or fairness issue is in question. The bases for a grade appeal or a suspected error in grading are:
 - 1) An obvious error in the calculation of the grade.
 - 2) The assignment of a grade to a particular student by application of more exacting or demanding standards than were applied to other students in the course.
 - 3) The assignment of a grade to a particular student on some basis other than performance in the course.
 - 4) The assignment of a grade by a substantial departure from the instructor's previously announced standards.
- e. This appeal procedure is not to be used for a review of the judgment of an instructor in assessing the quality of a student's work.
- f. Special circumstances exist for courses involving the placement of students in settings external to the University. In those courses, if it has been determined prior to the issuance of a final grade that removal of the student from the placement is necessary, a review of that decision is available solely upon request to the office of the dean of the college in which the course is offered. The review and determination of the dean is final.

6.5.2 Notice of Hearing. If a hearing is to be held, the student and the faculty member who assigned the grade being appealed will be notified in writing of the date, time, and place of the hearing, and at least five (5) school days prior written notice of the hearing shall be given to the student and to the faculty member. In case of an absent instructor, the department chairperson, with consent of the absent instructor, shall appoint a faculty member from the department or himself or herself to be present to represent the instructor at the hearing. The Hearing Committee may delay judgment if neither the faculty member nor a representative is available for the hearing, if such a presence, in the opinion of the Hearing Committee, is necessary to the decision of the University Review Board.

6.5.3 Presentation of Case. The presentation of the case is the responsibility of the student. The instructor may attend the hearing and present evidence in support of the instructor's decision.

6.5.4 Access to Information. The Hearing Committee will have access to pertinent information in the case.

6.5.5 Multiple Appeals. If two (2) or more members of a class appeal their grades, the Hearing Committee may elect to hear the appeals individually or collectively.

6.5.6 Disqualifications; Challenges. Any Hearing Committee member shall disqualify himself or herself if he or she has a conflict of interest with the case or with the student or personal bias. The student may challenge a Hearing Committee member on the grounds of conflict of interest or personal bias. The decision regarding disqualifying a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the Director of Student Rights and Community Standards may, at his

or her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of three-fourths (3/4) of all remaining members of the Hearing Committee.

- 6.5.7 Conduct of Hearing.** The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Committee with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing and deliberations of the committee shall be private. The student and the faculty member shall each have the right to have a person of his or her choice make an informal written record of the hearing.
- 6.5.8 Continuances.** The Hearing Committee, by majority vote, may continue the hearing to a later time or times.
- 6.5.9 Additional Rules.** Procedural rules not inconsistent with these procedures may be established by the Hearing Committee from time to time to fulfill its functions in an orderly manner.
- 6.5.10 Findings.** Decisions of the Hearing Committee shall be made by majority vote. The Hearing committee will prepare a written summary of the evidence presented, findings, and recommendation. A copy of the summary, findings and recommendation shall be given to the student, the instructor, the Provost and Vice President for Academic Affairs, the instructor's department chairperson, and the instructor's dean.
- a. Recommendations.** The Hearing Committee shall meet in one or more private sessions after the conclusion of the hearing and may recommend:
- 1) That a grade which has been appealed be raised;
 - 2) That a grade which has been appealed remain the same.
- b.** The decision as to whether or not the grade shall be raised (changed) rests with the instructor. The instructor will notify the student, Provost and Vice President for Academic Affairs, the Director of Student Rights and Community Standards, the instructor's chairperson, and the instructor's dean of his or her decision within five (5) school days of receipt of the Hearing Committee's summary, findings, and recommendation.
- 6.5.11 Appeal.** Method of appeal for grade appeals cases:
- a.** In the event the instructor chooses not to follow the recommendation of the Hearing Committee within ten (10) school days of the Hearing Committee's recommendation, the entire University Review Board will convene (3/4 of membership equals quorum) and review the case.
- b. Appellate Review.** The review shall be chaired by a faculty member on the University Review Board. The student and faculty member who assigned the grade shall be present at the review to answer questions. The review will be based upon the information and materials in the case file, the Hearing committee's summary of the evidence submitted, findings and recommendation, and questions and answers directed by the University Review Board to the student and faculty member.
- c. Decision of the University Review Board.** The decision of the University Review Board is final. The decision shall be communicated to both parties, the chairperson of the academic department of the faculty member, and the dean of the appropriate college within five (5) school days of the review. If the grade is to be changed, the University Review Board chairperson will direct the faculty member to initiate the process by filing

a “grade change form.” In the event the instructor chooses not to abide by the decision of the University Review Board within (10) days of the University Review Board’s decision, the chairperson of the University Review Board will direct the director of Registration and Academic Progress to change the grade at issue and also notify the faculty member, the appropriate department chairperson, and the appropriate dean. The following statement shall be noted with the changed grade on the transcript of the student:

Original grade of ___ was overruled by University Review Board.

VII. STUDENT ACADEMIC ETHICS POLICY

7.1 Introduction.

Honesty, trust, and personal responsibility are fundamental attributes of the University community. Academic dishonesty by a student will not be tolerated, for it threatens the foundation of an institution dedicated to the pursuit of knowledge. To maintain its credibility and reputation, and to equitably assign evaluations of scholastic and creative performance, Ball State University is committed to maintaining a climate that upholds and values the highest standards of academic integrity.

7.2 Academic Dishonesty.

Academic dishonesty includes, but is not limited to the following:

7.2.1 Violations of procedures which protect the integrity of a quiz, examination, or similar evaluation, such as:

- a.** Possessing, referring to, or employing open textbooks or notes or other devices not authorized by the faculty member;
- b.** Copying from another person’s paper;
- c.** Communication with providing assistance to, or receiving assistance from another person in a manner not authorized by the faculty member;
- d.** Possessing, buying, selling, obtaining, giving, or using a copy of any unauthorized materials intended to be used as or in the preparation of a quiz or examination or similar evaluation;
- e.** Taking a quiz or examination or similar evaluation in the place of another person;
- f.** Utilizing another person to take a quiz, examination, or similar evaluation in place of oneself;
- g.** Changing material on a graded examination and then requesting a re-grading of the examination;
- h.** Cooperating with someone else on a quiz, examination, or similar evaluation without the prior consent of the faculty member.

7.2.2 Plagiarism or violations of procedures prescribed to protect the integrity of an assignment, such as:

- a.** Submitting an assignment purporting to be the student’s original work which has been wholly or partly created by another person;
- b.** Presenting as one’s own work, ideas, representations or words of another person without customary and proper acknowledgment of sources;
- c.** Submitting as newly executed work, without faculty member’s prior knowledge and

consent, one's own work which has been previously presented for another class at Ball State University or elsewhere;

- d. Knowingly permitting one's work to be submitted by another person as if it were the submitter's original work.

7.2.3 Cooperating with another person in academic dishonesty, either directly or indirectly as an intermediary agent or broker.

7.2.4 Knowingly destroying or altering another student's work whether in written form, computer files, art work, or other format.

7.2.5 Aiding, abetting, or attempting to commit an act or action which would constitute academic dishonesty.

7.3 Implementation Procedures

7.3.1 *Informal Accusation.* If a faculty member accuses a student of academic dishonesty, the faculty member must inform the student of the alleged violation. The faculty member and student will discuss the alleged violation in a private conference within five (5) days after the faculty member becomes aware of the circumstances giving rise to the accusation. If, as a result of this initial conference, an appropriate solution is found which satisfies the faculty member and the student, the matter will be closed. The solution may include the assignment of the student to the Multimedia Integrity Teaching Tool program. If no solution is found, the faculty member may bring formal charges against the student.

7.3.2 *Formal Accusation.* A faculty member who is formally accusing a student of academic dishonesty shall notify the student of the accusation within fifteen (15) school days after the faculty member becomes aware of the circumstances giving rise to the accusation. The faculty member's notice to the student shall be given in writing and shall include a brief description of the circumstances giving rise to the accusation. A copy of the written notice shall be given to the faculty member's department chairperson.

7.3.3 *Student Response.* The student shall respond in writing to the accusation within fifteen (15) school days after the date on which the faculty member gave written notice to the student of the accusation. In responding, the student is expected to either admit or deny the accusation. If the student fails to either admit or deny the accusation within the fifteen (15) school day period, the student shall be deemed to have denied the accusation.

7.3.4 *Admission of Accusation.*

a. ***Action by Faculty Member.*** If the student admits, in writing, that he or she committed the conduct constituting academic dishonesty, the faculty member may either (1) Impose punishment up to and including failure in the course; or (2) Refer the matter to the University Academic Ethics Committee.

b. ***Imposition of Punishment.*** If the faculty member imposes punishment, within ten (10) school days after imposing the punishment, the faculty member shall notify the student, the faculty member's department chairperson, the faculty member's dean, and the Associate Provost, in writing, of the nature of the academic dishonesty committed and of the punishment imposed. After receipt of the faculty member's written notice the Associate Provost shall review the University Academic Dishonesty Files, and, if there is a prior instance of academic dishonesty by the student, the Associate Provost shall refer the case to the University Academic Ethics Committee for its recommendation concerning additional punishment, if any, to be imposed.

c. ***Referral to the University Academic Ethics Committee.*** If the faculty member refers the

matter to the University Academic Ethics Committee, the referral must be in writing and be received by the Office of the Associate Provost within fifteen (15) school days after the date the student admitted the accusation. At the same time, the faculty member shall give copies of the written referral to the student, the faculty member's department chairperson, and the faculty member's dean. The written referral shall include a brief description of the nature of the accusation and a copy of the student's written admission.

- d. ***Student Appeal.*** If the faculty member imposes a punishment, the student may appeal the appropriateness of the punishment imposed (but not his or her guilt or innocence) to the University Academic Ethics Committee. The student's appeal must be in writing and be received by the Office of the Associate Provost within fifteen (15) school days after the date the faculty member gave written notice to the student of the punishment imposed.

7.3.5 *Denial of Accusation.* If the student denies the accusation, or is deemed to have denied the accusation due to non-response, the faculty member may refer the matter to the University Academic Ethics Committee for resolution pursuant to this policy. The faculty member's referral must be in writing and received by the Office of the Associate Provost within fifteen (15) school days after the date the student denied the accusation or was deemed to have denied the accusation, whichever is later. If the faculty member does not refer the matter to the University Academic Ethics Committee, the student shall be deemed to be innocent of the accusation of academic dishonesty.

7.3.6 *Student's Grade.* If the student's grade in the course has not been assigned at the time the student is accused of academic dishonesty, the student shall be assigned an "Incomplete" in the course until the student's guilt or innocence is determined pursuant to this policy, at which time a grade shall be assigned. If the student has already been assigned a grade in the course at the time the student is accused of academic dishonesty, the assigned grade shall not be changed unless and until the student is determined to be guilty of academic dishonesty pursuant to this policy. For purposes of this policy a grade is considered to have been assigned at the time that final grades are due or when an incomplete removal is filed by the faculty member.

7.4 University Academic Ethics Committee: Composition

7.4.1 *Membership.* The University Academic Ethics Committee shall be composed of seven (7) faculty members, four (4) students, the Associate Provost or a designee, and the Director of Student Rights and Community Standards or a designee.

- a. Each college dean shall appoint one (1) regular faculty member from his or her college with the academic rank of assistant professor or higher to serve on the committee;
- b. The Student Government Association shall appoint four (4) students to serve on the committee. The students must be of not less than sophomore standing and shall not be on academic probation nor have a record of having committed academic dishonesty. Each student must consent in writing to the University verifying to the Student Government Association that he or she meets the requirements of the preceding sentence;
- c. The Associate Provost and the Director of Student Rights and Community Standards may each designate a representative from time to time to serve in their place on the committee.

7.4.2. *Term.* Faculty and student members of the University Academic Ethics Committee shall be appointed during spring semester of each year to serve a one (1) year term beginning the following fall semester. A faculty or student member may serve an unlimited number

of terms.

7.5 University Academic Ethics Committee: Procedures

- 7.5.1. *Selection of Hearing Committee; Chairperson.*** Upon receipt of a referral or an appeal, the Associate Provost shall select a Hearing Committee from among the members of the University Academic Ethics Committee. The specific members selected shall be determined at the discretion of the Associate Provost but the Hearing Committee shall be composed of three (3) faculty, two (2) students; the Associate Provost or a designee, and the Director of Student Rights and Community Standards or a designee. The Associate Provost shall serve as chairperson of the Hearing committee.
- 7.5.2 *Notice of Hearing.*** The Associate Provost shall establish the time, date, and place that the referral or appeal will be heard by the Hearing Committee and shall give at least ten (10) school days prior written notice thereof to the student and to the faculty member. The notice shall include the names of the persons who will serve on the Hearing Committee and shall briefly state the nature of the accusation and the circumstances giving rise to the accusation. The date of the hearing shall be not more than twenty (20) school days after the date the referral or appeal was received by the Office of the Associate Provost.
- 7.5.3 *Quorum.*** All of the voting members of the Hearing Committee must be present to constitute a quorum, but a majority of the voting members present, whether or not a quorum exists, may adjourn any meeting to another time or date.
- 7.5.4 *Disqualification; Challenges.*** Any Hearing Committee member shall disqualify himself or herself if he or she has a conflict of interest with the case or the student or a personal bias relevant to the case. The student may challenge a Hearing Committee member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the Associate Provost may, at his or her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of all remaining voting members of the Hearing Committee.
- 7.5.5 *Witnesses.*** The student and the faculty member may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Committee may limit the number of witnesses to avoid repetition and cumulative testimony. Each party shall be responsible for insuring the presence of his or her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony of a witness unless the chairperson of the Hearing Committee determines that the witness is unavailable to testify. The student and the faculty member must provide the names of all witnesses who may testify at least twenty-four (24) hours before the scheduled time of the hearing to the Office of the Associate Provost. All witnesses who testify, as well as the student and the faculty member, may be questioned by any member of the Hearing Committee concerning any matter relevant to the issues before the Hearing Committee. Witnesses invited by either party shall be present only while they are testifying.
- 7.5.6 *Conduct of the Hearing.*** The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view to providing the Hearing

Committee with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded.

- 7.5.7 *Continuances.*** The Hearing Committee, by a majority vote, may continue the hearing to a later time or times.
- 7.5.8 *Student Assistance.*** The student may be accompanied and assisted at the hearing by an advisor of the student's choice, provided the advisor is an employee or student of the University or a relative of the student and the advisor agrees to act as the student's advisor. The student should inform the Office of the Associate Provost who will serve as his or her advisor at least twenty-four (24) hours before the hearing.
- 7.5.9 *Decisions of the Hearing Committee.*** Decisions of the Hearing Committee shall be made by majority vote.
- 7.5.10 *Additional Rules.*** Procedural rules not inconsistent with this policy may be established by the Hearing Committee from time to time to fulfill its functions in an orderly manner.

7.6 University Academic Ethics Committee: Determination/Recommendations

- 7.6.1 *Determination and Recommendation of the Hearing Committee.*** The Hearing Committee's determinations shall be based solely on the evidence presented or summarized at the hearing and the credibility and demeanor of the student, faculty member, and witnesses; however, the Hearing Committee may take official notice of matters which would be within the general experience or knowledge of faculty or students of the University and may consider any prior instances of academic dishonesty by the student in determining its recommendation for punishment. The Hearing Committee shall meet in one or more private sessions after the conclusion of the hearing for the following purposes and procedures:
- a.** Unless the student admitted guilt in writing or unless the only issue before the Hearing committee is the punishment to be imposed, to determine the guilt or innocence of the student; and
 - b.** If the student is determined to be guilty, if the student admitted guilt in writing, or if the only issue before the Hearing Committee is the punishment to be imposed, to determine the Hearing Committee's recommendation for punishment; and
 - c.** To prepare the Hearing Committee's written summary of the evidence presented, findings, and recommendation for punishment for delivery to the Provost and Vice President for Academic Affairs.
- 7.6.2 *Determination of Innocence.*** If the Hearing Committee determines that the student is innocent of the accusation, the accusation shall be dismissed and the Hearing Committee shall request the faculty member involved to assign a grade to the student based upon the student's academic performance. If the student thereafter disagrees with the grade assigned, the student may appeal the grade through the University's grade appeal procedure.
- 7.6.3 *Determination of Guilt: Findings and Recommendation to Provost and Vice President for Academic Affairs.*** If the Hearing Committee determines that the student is guilty of the accusation, if the student has admitted guilt in writing, or if the only issue before the Hearing Committee is the punishment to be imposed, the Hearing Committee shall give its written summary of the evidence presented, its written findings, and its recommendation for punishment to the Provost and Vice President for Academic Affairs.

The Multimedia Integrity Teaching Tool Program may be assigned as part of the sanction. A copy of the summary, findings, and recommendation shall at the same time be given to the student, the faculty member, the faculty member's department chairperson, and the faculty member's dean.

7.6.4 *Comment to Provost and Vice President for Academic Affairs.* The faculty member and the student may submit written comments to the Provost and Vice President for Academic Affairs concerning the Hearing Committee's summary, findings, and recommendation. To be considered by the Provost and Vice President for Academic Affairs, such comments must be received by the Office of the Provost within ten (10) school days after the date the Hearing Committee's summary, findings, and recommendations are given to the Provost and Vice President for Academic Affairs.

7.6.5 *Action by Provost and Vice President for Academic Affairs.* After receipt of the Hearing Committee's summary, findings, and recommendation and any written comments timely submitted by the faculty member or student, the Provost and Vice President for Academic Affairs may: (1) approve the determination and recommendation of the committee; (2) overrule or modify the committee's recommendation for punishment; or (3) refer the matter to the Hearing Committee for such action as the Provost and Vice President for Academic Affairs may direct. If the Provost and Vice President for Academic Affairs refers the matter to the Hearing Committee, the results of the Hearing Committee's further actions shall be communicated to the Provost and Vice President for Academic Affairs for final decision.

7.7 Punishment

7.7.1 *By Faculty Member.* As provided in Section VIII.C. of this code, a faculty member may impose punishment for academic dishonesty up to and including failure in the course.

7.7.2 *By Provost and Vice President for Academic Affairs.* After receipt of the Hearing Committee's summary, findings and recommendation, the Provost and Vice President for Academic Affairs may impose punishment up to and including suspension or expulsion from the University or revocation of a previously awarded degree.

7.8 Records of Academic Dishonesty

7.8.1 *University Academic Dishonesty Files.* Records concerning accusation of student academic dishonesty, including records of the University Academic Ethics Committee, shall be maintained in a University Academic Dishonesty File in the Office of the Associate Provost.

7.8.2 *Innocent Student.* If a student is determined or deemed to be innocent of an accusation of academic dishonesty:

- a. All materials concerning the accusation which are in the possession of the faculty member, the faculty member's department chairperson, or the faculty member's dean shall be promptly destroyed.
- b. All materials concerning the accusation which are in the University Academic Ethics File shall be destroyed ten (10) school years after the date the student is determined or deemed to be innocent of the accusation; however, if at the conclusion of the ten (10) school year period, the materials are relevant to pending or threatened litigation, the Provost and Vice President for Academic Affairs may direct that destruction of the materials be delayed until such litigation is concluded. During the ten (10) school years period and any extension of it, access to or release of the materials shall occur only with

the prior written consent of the student or upon the express, written direction of the Provost and Vice President for Academic Affairs.

7.8.3 *Transcripts.* Other than the grade finally assigned in a course, a student's academic dishonesty shall not be recorded on the student's transcript unless the student is suspended or expelled from the University or a previously awarded degree is revoked.

7.9 Miscellaneous

7.9.1 *Action by Designee.* Whenever an action may be or is required to be taken under this policy by the Provost and Vice President for Academic Affairs, the Associate Provost, or the Director of Student Rights and Community Standards, the action may be taken by that person's designee.

7.9.2 If the student believes the accusation of academic dishonesty was in whole or in part due to unlawful discrimination relating to race, color, religion, sex, national origin, age, Vietnam veteran status, or physical or mental disability, the student must inform the Office of the Associate Provost in writing of this belief before the date of the hearing. The Associate Provost shall then select a member from the University's Discrimination Appeals Board Panelists to serve as an additional voting member of the Hearing Committee for the referral or appeal. The allegation of discrimination shall then be considered and disposed of under this policy rather than under any other University policy.

APPENDIX A - Alcohol Policy

When students choose to consume alcoholic beverages, Ball State University encourages responsible practices and behavior in accordance with campus policies, the laws of the State of Indiana and the City of Muncie. Violation of University policy and local and state laws related to alcohol on or off campus will result in disciplinary action.

A. General Guidelines

1. *University Sponsored Events* - Illegal purchase, service, consumption, or possession of alcoholic beverages at any University-sponsored event on or off campus is prohibited. Upholding applicable local, state, and federal laws in connection with this policy is the joint responsibility of the persons in attendance at the activity, the sponsoring organization, and the management of the establishment in which the activity is held.
 2. Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited wherever it may occur.
 3. Providing alcoholic beverages at any time to an individual who is under 21 years of age is strictly prohibited.
 4. Adverse behavior as a result of alcohol consumption, including disruption, disorderly conduct, and public intoxication shall be a violation of the Student Code.
 5. The sale of alcoholic beverages by any person without a license is strictly prohibited.
 6. Students found responsible for providing alcohol to minors and selling or distributing alcohol in violation of state law shall be in violation of the student code.
- ***Students hosting parties where alcohol is provided to minors, provided in excess to others, or otherwise distributed in violation of the law shall be***

subject to possible suspension or expulsion from the University.

- B. On Campus** - With respect to the service, possession or consumption of alcoholic beverages on the Ball State University campus, state statutes and city ordinances will be enforced in addition to the following regulations:
1. Residents who are of legal age to possess or consume alcoholic beverages and who reside in University-operated employee or University Apartment units may possess and consume such alcoholic beverages in the privacy of their residences.
 2. Consumption and possession of alcohol may be permitted on some residence hall floors where all residents are of legal age to possess or consume alcoholic beverages. Such use of alcoholic beverages will not be permitted in the public lounges, study lounges, recreation areas, dining rooms, or any area other than the student rooms.

APPENDIX B - Computer Users Policies

Abbreviated Version (For complete Users' Policy, log on to (www.bsu.edu/web/ucs/policy))

A. Institutional Purposes

Use of BSU computing-related resources is for purposes related to the University's mission of education, research, and public service.

1. Security

The user is responsible for correct and sufficient use of the tools each computer system provides for maintaining the security and confidentiality of stored information. For example:

- Computer accounts, passwords, and other types of authorization are assigned to individual users and must not be shared with others. Each user is responsible for making authorized use of resources only for intended purposes, and is responsible for all transactions made under the assigned account number.
- The user must select an obscure account password and change it frequently.
- The user must understand the level of protection each computer system automatically applies to files and supplement it, if necessary, for sensitive information.
- The microcomputer user must be aware of computer viruses and other destructive computer programs and take steps to avoid being their victim.

2. Restriction on Usage

Computing resources may be used to further the mission of the University in any way associated with teaching, learning, research, administrative or public services. Users must comply with all federal, Indiana, and other applicable laws; all generally applicable University rules and policies; and all applicable contracts and licenses. Such laws, rules, policies, and licenses include, for example, the laws of libel, privacy, copyright, trademark, obscenity, and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit "hacking," "cracking," and similar activities; the University's Code of Student Rights and Responsibilities; the University's Anti-Harassment and Sexual Harassment Policies; and all applicable software licenses. Users who engage in electronic communications with persons in other states or countries or

on other systems or networks should be aware that they may also be subject to the laws of those other states and countries and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular uses. Examples of usage which would violate these restrictions include:

- obtaining unauthorized access to computers or network resources, or using improperly obtained computer accounts, access codes, or network identification numbers;
- Intentionally destroying or damaging facilities, equipment, software, or data belonging to the University or other users;
- Intentionally disrupting or unauthorized monitoring of electronic communications; Committing fraud or engaging in forgery; or
- Unauthorized copying of copyrighted material. Computer software protected by copyright is not to be copied from, into, or by using campus computing facilities except as permitted by law or by the copyright contract. This means that such computer software may be copied only in order to make backup copies if permitted by the copyright owner. The number of copies and distribution of copies may not be done in such a way that the number of simultaneous users in a department, college, or the University exceeds the number of original copies purchased by the department, college, or the University.
- Computing resources should be used in accordance with the high ethical standards of the University community. Examples of unethical use follow, some of which would also violate the restrictions contained in the preceding paragraph:
 - Violations of computer system security. This includes all software, files, passwords and accounts.
 - Intentional use of computer networking facilities in ways that necessarily impede the computing activities of others (randomly initiating interactive electronic communications or e-mail exchanges, overuse of interactive network utilities, initiating or perpetuating chain letters, and so forth).
 - Use of computing facilities for commercial or personal advertisements, solicitations, promotions, political material or other purposes unrelated to the mission of the University or University life.
 - Academic dishonesty (plagiarism, cheating).
 - Disruptive conduct within lab facilities.
 - Violation of campus or internet network or host usage policies and regulations.
 - Violation of another user's privacy. A user must obtain written permission from the owner of a file to alter or copy a file. The ability to read, alter, or copy a file does not imply permission to read, alter, or copy that file.
 - Waste of computing facilities and resources.
Failing to honor departmental or unit laboratory and system procedures, policies, and/or protocol.
 - Allowing access to computing resources by unauthorized users.
 - Student and employee Internet pages are the responsibility of the individual maintaining them. The individual, not the University, is liable for all claims or actions resulting from a violation of any of the above Restrictions on Usage.

3. **Facilitative Usage**
Computing resource users can facilitate computing in the BSU environment in many ways. Collegiality demands the practice of facilitative computing. It includes:
 - Regular deletion of unneeded files from one's accounts on central machines.
 - Refraining from overuse of connect time, log in sessions, information storage space, CPU cycles, software licenses or printing facilities.
 - Refraining from overuse of interactive network utilities (such as high bandwidth audio or video applications).
4. **Reporting Violations**
Violations of this policy should be reported immediately to the systems administrator or department chair of a departmental system, or the office of the Director of University Computing Services for a central or shared computer resource. The University will make every effort to maintain confidentiality to the extent consistent with legal, ethical and other policy obligations. It must be remembered that in the event that the University has reason to believe that the user is using University resources in an illegal or unethical manner, or in some way inconsistent with the institution's purposes or mission, the user has no right to confidentiality and such information may be subject to sanctions as described in the next paragraph.

APPENDIX C - Harassment Policy – University Anti-Harassment Policy

- A. Harassment of students or employees at Ball State University on the basis of race, color, national origin, ancestry, religion, creed, gender*, sexual orientation, age, or physical or mental disability is unacceptable and will not be tolerated. Such conduct is inconsistent with the University's commitments to excellence and to respect for all individuals. This policy is intended to complement the University's Equal Opportunity and Affirmative Action Policy.
- B. The University is also committed to protecting the academic freedom and freedom of expression of all members of the University community. This policy will be construed and applied in a manner that protects the Academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, philosophies, or religious beliefs, however controversial, in classroom or other academic settings.
- C. The term "harassment," as used in Paragraph 1 of the policy refers to verbal, physical, graphic, or written conduct that has the purpose or effect of creating a hostile or intimidating environment; i.e., conduct which is sufficiently severe, persuasive, or persistent that it interferes significantly with an individual's employment, education, or living conditions. The conduct alleged to constitute harassment under this policy will be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all of the facts and circumstances. Harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into

discussion and full participation.

- D. Members of the University community and others who believe they have been harassed in violations of the policy by University employees or students, or by contractors or vendors serving the University, may contact the Office of University Compliance. Formal complaints must be filed in the Office of University Compliance within 45 calendar days following the occurrence of the act, incident, conduct, or pattern of conduct constituting the alleged violation. Such complaints will be processed under the “Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process.” A copy of this document may be obtained by contacting the Office of University Compliance. Complaints involving students may instead be filed in the Office of Student Rights and Community Standards for handling under the procedures set forth in the Student Code.
- E. Any University employee who becomes aware of conduct by another University employee, student, vendor, or contractor which the employee reasonably believes constitutes harassment under this Policy shall report the conduct immediately to the Office of University Compliance; or, if the harassment involves students, the conduct may instead be reported to the Office of Student Rights and Community Standards. To knowingly file a false or malicious complaint or report of harassment is a violation of the policy.

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

APPENDIX D - Hazing Policy

- A. Hazing by student organizations and groups of Ball State University is prohibited. Hazing is defined as follows: Any mental or physical requirement, request, or obligation placed upon any person (e.g., a pledge, associate member, affiliate, prospective member, guest, or initiate) which could be harmful to the health and/or welfare of the person, or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person, or which violates any federal, state, or local laws or University policy. Individual acceptance of or acquiescence to any activity covered by the foregoing definition in no way validates or excuses the activity. Student groups may be required to certify in writing that they are in compliance with this policy.
- B. Individual members of organizations or groups who violate this policy are subject to disciplinary action as provided in Section V, above. Any organization which violates this policy is subject to sanctions which may be imposed by the coordinating body of which the organization is a constituent member, the Dean of the Division of Student Affairs or a designee, and/or the Student Activities Committee.

APPENDIX E - Involuntary Withdrawal Policy

A. Introduction

The procedure for involuntary administrative withdrawal of a student from the University are to be used only after reasonable attempts to secure voluntary cooperation for psychological evaluation or withdrawal have been exhausted, and will be used only after thoughtful consideration by members of the Student Affairs staff. As described below

under Section IX.C., “Procedures,” a student will be subject to involuntary administrative withdrawal from the University when, in the judgment of the Associate Dean for Student Affairs, the Director of the Counseling Center, and the Director of the University Health Center, there is a substantial possibility that the student, as a result of a physical or psychological condition;

1. Will harm himself or herself or others, or
2. Will cause significant property damage, or
3. Will be substantially unable, even with the help of auxiliary aids, to meet his or her responsibilities as a student, or
4. Will be unable to care for his or her daily physical needs without assistance and has failed to secure such assistance.

The Associate Dean for Student Affairs will initiate a review through either this process or the University’s student disciplinary process. If the student has engaged in an activity which subjects him or her to University disciplinary action, the matter will be handled through the University’s student disciplinary process unless the Associate Dean for Student Affairs determines that the student, as a result of psychological conditions:

1. Lacks the capacity to respond to pending disciplinary charges against him or her, or
2. Did not know the nature or wrongfulness of the conduct at the time of the offense.

B. Interim Withdrawal

An Interim Withdrawal may be implemented immediately by the Associate Dean for Student Affairs if the Associate Dean determines, based upon a qualified medical or psychological opinion, that the student may be suffering from a mental or psychological disorder and that the student’s behavior poses an imminent danger of causing physical harm to the student or to others, of causing significant property damage, or of substantially impeding the lawful activities of others. A student withdrawn on an interim basis shall be given an opportunity to appear personally before the Associate Dean for Student Affairs within two (2) school days from the effective date of the interim withdrawal in order to review the following issues only:

1. The reliability of the information concerning the student’s behavior and
2. Whether or not the student’s behavior poses a danger of causing imminent physical harm to the student or to others, causing significant property damage, or substantially impeding the lawful activities of others. Unless the Associate Dean for Student Affairs determines otherwise, the student will remain withdrawn on an interim basis pending completion of the procedures described below.

C. Procedures

1. Meeting with the Associate Dean for Student Affairs. A student may be requested in writing and/or orally (depending on the urgency of the situation) to attend an informal meeting with the Associate Dean for Student Affairs for the purpose of determining whether the student, as a result of a physical or psychological condition, falls within one of the four categories described in Section IX. A., “Introduction,” above, and, if so, the necessity for withdrawal. Such a request will include a statement of the reasons for the University’s concern. The director of the Counseling Center and the director of the University’s Health Center will attend the meeting. Other appropriate personnel may be present and/or consulted. Parents, spouse, or any person who would be of support to the

student may, with the consent of the Associate Dean for Student Affairs, and of the student, participate in the informal meeting. At the meeting the reasons for the University's concern regarding the student will be stated and the student will be given an opportunity to respond to these concerns. If, after the meeting, the student is found not to fall within one of the four categories described in the "Introduction" above, he or she will be so informed in writing by the Associate Dean for Student Affairs and allowed to continue as a student.

2. **Associate Dean's Withdrawal Decision.** If, after the informal meeting, the Associate Dean for Student Affairs, the director of the University Health Center, and the director of the Counseling Center decide that the student should withdraw from the University and be permitted to re-enter the University only with their approval, the student shall be informed in writing of such decision and the basis for the decision within five (5) school days of the informal meeting.

3. **Voluntary Withdrawal.** If the student agrees to withdraw voluntarily from the University, regular withdrawal procedures will be followed. The student may be permitted to withdraw voluntarily without grades if, in the judgment of the Associate Dean for Student Affairs (after consultation with the approval by the student's instructors), the circumstances warrant such action.

4. **Notice of Refusal to Withdraw Voluntarily.** If the student fails to accept the decision of the withdrawal and refuses to withdraw from the University voluntarily, the student shall notify the Associate Dean for Student Affairs of such refusal within five (5) school days of receipt of the written decision. If the student fails to notify the Associate Dean for Student Affairs of such refusal within five (5) school days of receipt of the written decision, the student will be deemed to have waived his or her right to appeal the withdrawal decision.

5. **Appeal.** The student may appeal the withdrawal decision to the Dean of the Division of Student Affairs within five (5) school days of receipt of the written decision. The Dean of the Division of Student Affairs shall hear the matter after notice to the student, the Associate Dean for Student Affairs, the Director of the Counseling Center and the Director of the University Health Center. The student may be accompanied and assisted at the hearing by an advisor of the student's choice, provided the advisor is an employee or student of the University or a member of the student's immediate family and the advisor agrees to act as the student's advisor. The student, the student's advisor, the Associate Dean for Student Affairs, the Director of the Counseling Center and the Director of the University Health Center may attend the hearing and present evidence. In addition, the Dean of the Division of Student Affairs may require the student, at his or her expense, to obtain a psychiatric/medical evaluation from sources external to the University to be entered as evidence. The hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The issues or concerns to be resolved by the Dean of the Division of Student Affairs shall be as follows:

- a) Whether the student, as a result of a physical or psychological condition, falls within one of the four categories described in Section IX.A., Introduction, above; and
- b) If so, whether the student should be involuntarily withdrawn from the University.

6. **Findings; Decisions.** The Dean of the Division of Student Affairs shall prepare a written decision containing findings and conclusions. Copies of the decision shall be

furnished to the student, the Associate Dean for Student Affairs, the student's advisor, the Director of the Counseling Center, and the Director of the University Health Center. The decision of the Dean of the Division of Student Affairs shall be final and conclusive and not subject to appeal.

7. **Action by Designee.** Whenever an action may be or is required to be taken under this policy by the Dean of the Division of Student Affairs, the Associate Dean for Student Affairs, the Director of the Counseling Center, or the Director of the University Health Center, the action may be taken by the person's designee.

8. **Deviations from Established Procedures.** Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.

APPENDIX F - Pet Policy

1. **General** - The pet is any domesticated or tamed animal that would normally be expected to belong to someone whether or not there is any acknowledged ownership.³⁶
2. **University Buildings** - (Except Residence Halls and Student Family Housing) Written authorization is to be obtained from the appropriate Department Chairperson, Dean or Administrative Head involved before a pet may be brought into University buildings. Such authorization is to state the purpose and duration of the activity involving the pet. The authorization is to be in the possession of the owner or person in control of the pet during the time the pet is in a University building.
3. **Residence Halls** - Pets are not permitted in the residence halls except for marine life in fresh water aquariums.
4. **University Grounds** - Pets are not permitted on University grounds unless they are appropriately leashed or caged and under the control of and accompanied by their owners or others designated by their owners as having responsibility for the control and care of the pet.
5. **Student Family Housing Apartments** - Pets are not permitted in Student Family Housing Apartments with the exception of marine life in fresh water aquariums and small caged birds.
6. **Enforcement** - Violations of the University Pet Policy will be dealt with in accordance with University rules governing the conduct of faculty, staff, and students. In addition, violations in the Residence Halls and Student Family Housing Apartments, will have action taken in accordance with "Conditions of Occupancy" for Student Family Housing, and "Policies of University Residence Halls" for the Residence Halls.
7. **Limitations** - Provisions of this policy do not apply to seeing eye or guide dogs or to police or K9 dogs while such animals are performing their duties under supervision.
8. **Additional Laws** - This Pet Policy is in addition to applicable ordinances of the City of Muncie and statutes of the state of Indiana.

APPENDIX G - Records Policy

A. The University policies related to educational information are based upon the Family Educational Rights and Privacy Act of 1974. This act provides the student the opportunity to review his or her records and also limits disclosure of his or her student information to others. If the student wants to review his or her educational records and

he or she is or has been enrolled as a student at Ball State, the student may simply contact the area within the University that stores the records in which he or she is interested.

B. Educational records are defined to be all the records maintained by the University about the student with the following exceptions:

1. Personal notes of faculty and staff that are not shared with anyone else;
2. Financial records of parents filed in connection with financial aid applications for the student;
3. Confidential letters and statements of recommendation that were placed in the student's file before January 1, 1975;
4. Confidential recommendations related to admission to the University, an application for employment, or the receipt of an honor, if the student has signed a waiver of his or her right to future access to this information (under no conditions will the student be required to waive his or her rights to future access to information before receiving University services or benefits);
5. Investigatory information within the Department of Public Safety; and
6. Information maintained by the Health Center or the Counseling Center.

C. In the event that the student believes his or her records to be inaccurate, misleading, or otherwise in violation of his or her rights of privacy, he or she may challenge the information that is contained in his or her educational records by contacting the University official responsible for the particular educational record in question. The student may then provide for informal meetings and discussions to resolve his or her concerns. The University official may decide that the student has sufficiently demonstrated that the challenged material should be deleted or modified, and the change will subsequently be made. Otherwise, the student may insert a statement into his or her record to explain any such material from his or her point of view, or a formal hearing may be requested in writing through the Office of the Dean of the Division of Student Affairs. This right to challenge information contained in the student's educational records does not extend to grades unless a grade assigned by a professor was inaccurately recorded. Individuals, agencies, or organizations shall not have access to the student's personally identifiable educational record without his or her written consent except for the following:

- 1) University personnel who require access on an internal need-to-know basis;
- 2) Officials of other schools in which the student may seek or intend to enroll provided that the student has the opportunity to receive a copy of such records if he or she desires;
- 3) Authorized representatives of the government when release of such data is necessary in connection with the audit and evaluation of federal- or state-supported educational programs, or in connection with the enforcement of legal requirements that relate to such programs;
- 4) In connection with the student's application for, or receipt of, financial aid;
- 5) State and local officials or authorities to which such information is specifically required to be reported or disclosed according to Indiana statute adopted before November 19, 1974;
- 6) Organizations conducting studies for, or on behalf of, the University for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction;
- 7) His or her parents, if he or she is dependent student as defined by the Internal

- Revenue Service Code, which means that he or she receives more than one-half of his or her financial support from his or her natural or adoptive parents;
- 8) In connection with emergency, if the knowledge of the student's information is necessary to protect his or her health or safety or that of other persons; and
 - 9) In compliance with a judicial order or pursuant to any lawfully issued subpoena provided that the student is notified of any such order or subpoena before his or her information is released. A log is maintained for student's inspection of those individuals, agencies, or organizations listed above (other than University personnel) who have had access to or been provided personally identifiable information from the student's file.
- D.** Unless the student has requested that the Office of the Dean of the Division of Student Affairs withhold all or a portion of his or her public information from normal disclosure and printing in the student directory, the following information may be released in response to inquiries from the public; name; address (local, home); sex, telephone listing (local, home), date and place of birth; major field of study; class or years of study; class schedule; participation in officially recognized activities and sports; weight and height if a member of an athletic team; dates of attendance; degrees and awards received; and the most recent previous educational institution attended. Portions of this information will be printed in the annual *Ball State University Directory*, and any of this information will be routinely released to any inquirer unless the student requests that all or part of this list be withheld. A form for this purpose may be obtained in the Registration and Academic Progress Office in Lucina Hall.
- E.** The student should consider very carefully the consequences of any decision to remove any of these items from the list of directory information. The University receives many inquiries for directory information from a variety of sources, including friends, parents, relatives, prospective employers, graduate schools, honor societies, licensing agencies, government agencies, and news media. Should the student decide to request that the University not release any or all of this information, any future requests from others for such information will be refused. For example, the University could not release the student's address or telephone number to a friend or family member wishing to notify him or her of a serious illness or crisis in his or her family. A prospective employer would also be denied access to such items.
- F.** If the student has any questions or desires additional information regarding provisions of the Family Educational Rights and Privacy Act or of University Records Policy, he or she may contact the Office of the Dean of the Division of Student Affairs.

APPENDIX H - Sexual Harassment Policy

- A.** Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of Civil Rights Act of 1964, as well as, state law. Student-on-student sexual harassment and sexual harassment directed toward a student by a University employee violates Title IX of the Education Amendments of 1972.
- B.** Ball State University will not tolerate sexual harassment of students or employees by members of its faculty or staff, its students or by other agents of the University and will respond in a suitable manner to every complaint.
- C.** The University has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for our academic community: Sexual harassment is

defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a University-sponsored education program or activity;
2. Submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment decisions or academic decisions or assessments effecting an individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct.

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

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

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

- E.** Examples of conduct which may constitute sexual harassment include but are not limited to:

1. requests for sexual favors;
2. unwelcome physical contact such as hugging, rubbing, touching, patting, pinching, or brushing another's body;
3. veiled suggestions of sexual activities;
4. requests for private meetings outside of class or business hours for other than legitimate academic or business-related purposes;
5. use in the classroom of sexual jokes, stories, or images in no way germane to the subject of the class;
6. use in the workplace of sexual jokes, stories, or images in no way germane to the subject of the work environment;
7. remarks about a person's body or sexual relationships, activities, or experience that are in no way germane to the subject of the work or academic

environment;

8. use of inappropriate body images to advertise events.

- F.** Members of the University community can expect to be free from sexual harassment and thus all members of the University community should guard against it. The fact that someone did not intend to sexually harass an individual is generally not considered a sufficient defense to a complaint of sexual harassment, although the reasonableness of the accused person's perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complaint and whether a reasonable person similarly situated would find the conduct offensive that determine whether the behavior constitutes sexual harassment.
- G.** The University will not tolerate retaliation or discrimination against persons who report or charge sexual harassment or against those who testify, assist, or participate in any investigation, proceeding or hearing involving a complaint of sexual harassment. In this context, retaliation means speech or conduct that adversely affects another's terms or conditions of employment or education and is motivated by an intent to harm the targeted person because of his or her participation in the filing or investigation of an allegation of sexual harassment. Any such retaliation - or any encouragement of another to retaliate - is a serious violation of University policy and law, independent of whether the particular claim of sexual harassment is substantiated. Anyone who believes he or she has been subjected to retaliation in violation of this rule may use the procedures described in this policy to complain and seek redress.
- H.** Any member of the University community who believes he or she is being sexually harassed or is being retaliated against is encouraged to contact the Office of University Compliance and make a complaint. The complaint will be investigated in accordance with the "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process". A copy of this document may be obtained by contacting the Office of University Compliance.
- I.** The University can respond to specific instances and allegations of harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced sexual harassment to come promptly forward (typically within 45 calendar days) with inquiries, reports or complaints and to seek assistance from the Office of University Compliance. In addition, any University employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report them to the Office of University Compliance. It shall be the responsibility of the Office of University Compliance to respond to allegations and reports of sexual harassment or refer them to other University officials for appropriate response.
- J.** Any dean, chairperson, director or department head or other similar administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Office of University Compliance. These administrators must respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Administrators should consult the Office of University Compliance prior to responding to any situation involving alleged harassment.
- K.** Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:

1. oral written reprimand, placed in the personnel file;
2. required attendance at a sexual harassment sensitivity program;
3. an apology to the victim;
4. loss of salary or benefit, such as sabbatical or research or travel funding;
5. transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);
6. demotion;
7. suspension, probation, termination, dismissal, or expulsion.

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

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

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

APPENDIX I - Sexual Misconduct Policy

Ball State University defines sexual misconduct as sexual intercourse (anal, oral, or vaginal) or sexual touching (including disrobing or exposure), however slight, with any object, by a man or woman upon a man or a woman, without effective consent.

Effective Consent is informed, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it results from the use of force, threats, intimidation, or coercion.

In addition, to have sex with someone who you know to be, or should know to be incapable of making a rational, reasonable decision about a sexual situation is a violation of this policy (e.g. an intoxicated person or someone with a mental or emotional impairment).

Ball State University respects and fully endorses the Sexual Assault Victims Bill of Rights (www.bsu.edu/sa/dean/sexassault) which provides protection, guidance, and options for complainants of sexual misconduct. This includes such principles as:

Every complainant will be treated with dignity and respect.

Every complaint will be taken seriously and thoroughly investigated regardless of the complainant’s gender or the gender of the accused.

The University will assist the complainant in obtaining necessary medical attention and counseling.

The prior sexual histories of any party in a sexual misconduct complaint are inadmissible in University judicial proceedings. The only exception to this rule will be when a party can

demonstrate the relevance of past sexual relations between the parties and the issue of consent and/or when the accused wishes to demonstrate physical evidence in the complaint which can be attributed to another party. The University Review Board retains the right to consider these exceptions and their admissibility in closed session.

(Citation: from Brett Sokolow, JD, NCHERM)

APPENDIX J - Smoking Policy

Ball State University has demonstrated a continuing commitment to the health and wellness of its students, faculty, and staff as evidenced by the John and Janice Fisher Institute for Wellness and Gerontology, various wellness programs, and a curriculum devoted to developing wellness leaders. Documented research has substantiated the health problems caused by both smoking and passive smoke. Demonstrating a similar concern for the health and wellness of all Indiana government employees, the General Assembly of the State of Indiana adopted the Indiana Clean Indoor Air Law which is applicable to all state entities. The law sets forth the minimum guidelines but allows state entities to adopt a more stringent policy for all facilities and vehicles in which University functions or services are carried out or offered. All contractors, visitors and guests are subject to these regulations as well.

- A.** As used herein, "smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment or the inhalation or exhalation of smoke from any lighted smoking instrument.
- B.** Smoking is prohibited in all buildings containing classrooms, offices (private), and other indoor work areas except as indicated in Section **G**.
- C.** Smoking is prohibited within 30 feet of any university building entrance, air intake, or operable window.
- D.** Smoking is prohibited in all areas where any food products are sold and/or consumed, or delivered.
- E.** Smoking is prohibited in all University vehicles, including maintenance vehicles, automobiles, and public carriers.
- F.** Smoking is prohibited in all student housing areas and in all dining areas, including snack bars, except smoking will be permitted within designated individual University apartments. The Office of Housing and Residence Life will make every effort to maintain separate smoking areas in the apartment complex, consistent with the need to provide housing for students.
- G.** Smoking is not permitted in any spectator or practice areas, including all athletic facilities (both indoors and outdoors), the Worthen Arena, the Pittenger Student Center, Pruis Hall, University Theatre, Strother Theater, and Emens Auditorium with the exception of:
 - 1. Certain rooms in the Pittenger Student Center Hotel may be designated smoking rooms. If smoking is permitted in a room, the official in charge will request a "Smoking Permitted in this Room" sign from the Physical Plant to be placed in a visible position at the entrance to the room.
 - 2. Smoking is permitted in the Worthen Arena, University Theatre, Strother Theater, AC007, and Emens Auditorium when it is called for by the director of a production. Smoking may only be done by specific characters during rehearsals and performances. The appropriate department in charge of the production shall include notification that there will be smoking in the show. Smoking in the Green Room is prohibited.
 - 3. Smoking is permitted in outdoor spectator or practice facilities when

events/practices are not scheduled. During an event, smoking is permitted in designated areas within the confines of the outdoor venue but out of the spectator area.

- H. Conspicuous signs will be posted in all buildings, vehicles, and areas where smoking is prohibited that read: "Smoking is Prohibited in this Building (Vehicle) (Area)" or "Smoking is Prohibited in this Building (Area) Except in Designated Smoking Areas" or "Smoking is Prohibited within 30 feet of the Entrance to this Building."
- I.. Enforcement of this smoking policy will be the responsibility of those persons who head individual units, departments, buildings, student housing units, and other public facilities and venues. Existing disciplinary procedures created to address rule infractions and violations shall be applicable should a person be found smoking in violation of this policy. Under Indiana Code 16-41-37-4, a person who smokes in a University building, vehicle, or area where smoking is prohibited commits a Class B infraction, which is punishable by a fine of up to \$1,000 plus costs.

APPENDIX K – Student Funeral and Bereavement Appeals

- A. To initiate a Funeral and Bereavement Appeal, the student must request a review of funeral and bereavement conflict by contacting (in person, by phone, or by letter) the faculty member, or in his or her absence the department chairperson. Students are strongly encouraged to request the review as soon as the funeral and bereavement conflict becomes apparent, but must request the review no later than ten (10) school days after the start of the next academic (fall, spring, or summer) semester following the semester or summer session in which the funeral and bereavement conflict occurred. The faculty member, or in his or her absence the department chairperson, must respond to the student's request within ten (10) school days after receipt of the request.
- B. If the matter cannot be resolved with the faculty member, the student must inform the department chairperson of the disagreement with the faculty member and present the student's side of the dispute. The department chairperson will then attempt to resolve the dispute by consulting all affected parties.
- C. If the department chairperson cannot resolve the dispute to the student's satisfaction, the student may continue with the appeals process by contacting the Dean of the College in which the department resides. The Dean will then attempt to resolve the dispute by consulting all affected parties. If the Dean of the College cannot resolve the dispute to the student's satisfaction, the student may appeal to the Provost and Vice President for Academic Affairs, who will consult all affected parties. The decision of the Provost and Vice President for Academic Affairs is final.
- D. In the case that the faculty member involved in the appeal is the administrator next in the line of the appeal process, then the appeal will move directly to the next level.

APPENDIX L - Use of Property for Expressive Activities Policy **Distribution, Demonstrations, Fund Raising, Marches, Sales, Solicitation, Structures** *(Abbreviated Version. For complete, document go to* <http://publish.bsu.edu/soa/downloads.htm>

- IV. Out-of-Doors Activities.**
 - A. Distribution.**

1. By Anyone. Any person may distribute printed material by hand directly to other persons, at any time, in an out-of-doors area of BSU if such distribution is done without tables, booths, or other similar apparatus. Because of litter concerns, printed material may not be placed on motor vehicles on BSU property. Except as permitted by this Policy, printed material may not be posted or otherwise attached to BSU property.

2. By Non-profit organizations. In addition to distribution permitted in IV (A)(1), non-profit organizations may distribute materials using a table, booth or other apparatus in designated out-of-doors areas of BSU property. Such use must be scheduled with the Office of Space Studies and Utilization (OSSU) in accordance with then-existing BSU policies. A non-profit organization may post printed material on out-of-doors bulletin boards, kiosks or other areas designated for this purpose by the OSSU. Such posting may be limited to a particular place or manner, or to particular types of organizations, in a content-neutral manner.

B. Fund Raising.

1. Non-profit organizations. A non-profit organization may engage in fund raising in an out-of-doors area if the activity is either: (1) for the benefit of the non-profit organization conducting the fund raising and the funds raised will be used for the activities of the organization or (2) the non-profit organization is raising the funds for the benefit of another, clearly identifiable non-profit organization. If the fund raising will use a table, booth or similar apparatus, the organization is required to schedule the activity with the OSSU, and such use is limited to the area designated for such purposes by the OSSU. Such use may be limited to a particular place or manner, or to particular types of organizations, in a content-neutral manner.

2. Recognized student organizations as agents of commercial firms. A recognized student organization may function as an agent or representative of a commercial firm only if: (1) the commercial activity involved is merely incidental to a larger scheduled event of a recognized student organization and is provided under contract with the recognized student organization merely for the convenience of those attending the event, e.g., the Watermelon Bust food sales. AND (2) the sale by the recognized student organization of goods or services of the commercial firm is conducted in the name of the recognized student organization without promotion of the name of the commercial firm or the trade names of the commercial firm's goods or services. Such fund raising shall not be used to evade the restrictions of this Policy which would otherwise be applicable to a commercial firm.

C. Distribution, Solicitation, Fund Raising, Sales or Commercial Activity During Limited Period.

Non-profit organizations, commercial firms, and other persons may engage in distribution, solicitation, fund raising, sales or commercial activity, including the use of tables, booths or other apparatus between 7:00 a.m. and 11:00 p.m. in a designated area during the three (3) calendar days preceding the fall semester and first summer session, as well as the first day of the fall semester and first summer session. The space is available on a first-come, first-served, basis, by registering with the OSSU at any time during the eight (8) week period preceding the desired use. The OSSU may impose restrictions on the use of such designated space in a

content-neutral manner. Visitors may be subject to a rental fee. No goods or services may be made available for sale if similar goods or services are available for sale on BSU property by BSU or persons under contract with BSU. Amplification devices are prohibited in the designated area.

D. Demonstrations.

1. Demonstrations are permitted out-of-doors on BSU property.
2. Demonstrations may not take place within sixty (60) feet of any window of any classroom or office, or any door of any classroom building, office building, or residence hall.
3. Demonstrators may not block access to or exit from BSU buildings or residence halls.
4. Demonstrators may not disrupt instruction, research, administration or other University activity.
5. Demonstrations which are not expected to involve fifty (50) or more people are not required to be scheduled; however, in the event more than one demonstration is planned for the same area, the demonstration sponsored by students, employees, or recognized student organizations shall have priority. Otherwise, the demonstration that is scheduled first will be held in the approved location. An attempt will be made to identify an alternate location for the second group.
6. If a demonstration is expected to involve fifty (50) or more people:
 - a) The demonstration must be scheduled with the Student Center Reservation Office (SCRO) at least three (3) business days prior to the demonstration, and approved by the Associate Dean of Student Affairs. Approval or disapproval of a demonstration shall be based upon consultation with Public Safety and other events scheduled for the area, in a content-neutral manner. Events sponsored by students by students, employees or other events. Otherwise, the demonstration that is scheduled first will be held in the approved location.
 - b) The demonstration must be held in either the Quad area or LaFollette Field. The Quad is the outdoor area of campus bounded on the North by the Arts Terrace, on the South by the Beneficence monument, on the East by the Burkhardt Building, and on the West by the Ball Gymnasium. LaFollette Field is the field across McKinley Avenue from the LaFollette complex.

E. Marches

1. Students, employees, and recognized student organizations may be permitted to construct temporary structures out-of-doors in a designated area, where the structure is designed to express the students' views or to raise public consciousness and awareness of an issue. Structures must be scheduled with the SCRO and approved by the Associate Dean of Student Affairs at least three (3) business days prior to the construction of the structure. Approval or disapproval of a structure shall be based upon consultation with Public Safety and other events already scheduled for the area, in a content-neutral manner.
2. The designated areas for structures are: the Quad and LaFollette field. The Office of Associate Dean of Student Affairs shall determine the specific

location of the structure within the designated area.

3. Structures are permitted for a period of ten (10) days, which includes all time used to set up and tear down the structure.

4. In addition to other restrictions on BSU property use in this Policy, approval for a structure may be denied or revoked where the weather conditions are such as to pose a substantial threat to the health, safety or welfare of the students residing in or sheltered by the structure or where the conditions of the structure become unsanitary for any reason, and where such unsanitary conditions pose a threat to students residing or sheltered by the structure or to the BSU community.

5. Any structure not in compliance with this Policy shall be subject to immediate removal by BSU and the students or recognized student organizations which sponsored, constructed or participated in the use of the unauthorized structure may be subject to disciplinary action up to and including dismissal from BSU and will be responsible for the costs associated with the structure removal.

V. Activities Inside BSU Buildings.

A. Distribution/Solicitation/Fund Raising/Sales/Commercial Activity

1. Door to Door Distribution/Solicitation/Fund Raising/Sales/Commercial Activity

a) This activity is prohibited within BSU offices or residence halls, but is permitted within BSU family housing. Activity related to voter registration is not prohibited by this Policy.

b) Occupants of offices and/or residence hall rooms may invite an individual or organization to the occupant's office or residence hall room for distribution, solicitation, fund raising, sales or other commercial activity within the privacy of the occupant's office or residence hall room.

2. Other Buildings. Non-profit organizations may engage in distribution in designated areas of BSU buildings, if such use is scheduled with the OSSU in accordance with then-existing BSU policies. Such use may be limited to a particular time, place or manner, or to particular types of organizations in a content-neutral manner.

3. Fund raising, sales and other commercial activity is prohibited in residence halls during the three (3) calendar days preceding the Fall semester and the first Summer Session, and during the first day of the Fall Semester and first Summer Session.

4. Residence Hall Lobbies

a) Bulletin boards may be used by residents and the hall government only.

b) Printed material may be distributed only on specific tables designated for that purpose by BSU.

c) Commercial activity in the lobby area is permitted only if it is a (1) demonstration of goods or services sponsored by the hall government that does not involve sales or (2) fund raising activity of the hall government and otherwise complies with this Policy.

B. Demonstrations.

1. Students, employees, and recognized student organizations may be granted

permission to hold a demonstration within a specified area of the following buildings: Student Center, Emens Auditorium, or Pruis Hall, subject to availability and any fees uniformly required.

2. Demonstrations inside designated BSU buildings shall be scheduled at least three (3) business days prior to the demonstration, and must be approved by the Associate Dean of Student Affairs. Approval or disapproval of a demonstration shall be based upon consultation with Public Safety and other events already scheduled for the area, in a content-neutral manner.

VII. Obscenity.

A. Obscene speech is not protected by the federal or state constitution, and is prohibited by BSU policy. Obscene materials share the following elements:

1. The average person, applying contemporary community standards, finds that the dominant theme of the matter or performance, taken as a whole, appeals to the prurient interest in sex;
2. The matter depicts or describes, in a patently offensive way, sexual conduct; and
3. The matter or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value.

B. Under Indiana law (I.C. 35-49-3-1) a person who knowingly or intentionally exhibits or distributes obscene material commits a Class A misdemeanor. However, the offense is a Class D felony if the matter depicts or describes sexual conduct involving a person who is or appears to be under sixteen years of age.

APPENDIX M - Weapons Policy

Ball State University recognizes the importance of providing a climate which is conducive to the safety of all members of the University community. To aid in the accomplishment of this objective:

- A.** Faculty, Professional Personnel, and Staff employees of Ball State University, students, visitors, guests, and all other individuals are prohibited from possessing or carrying weapons of any kind while on University property, regardless of whether they are licensed to carry the weapon or not. Such prohibition extends to such individuals having such weapons in briefcases, purses, tool boxes, personal vehicles or other personal property or effects.
- B.** The only exceptions to this policy are: (a) firearms in the possession of University police officers and other individuals who have written authorization from the University's Director of Public Safety to carry such weapons; (b) firearms in the possession of sheriffs, police officers, law enforcement officers, and correctional officers, who are duly authorized by law to carry such firearms; (c) equipment, tools devices and materials which are prescribed for use by authorized University employees as a condition of employment or class enrollment; and (d) legal chemicals dispensing devices, such as pepper sprays, that are sold commercially for personal protection.
- C.** University property includes all University owned, leased, or otherwise controlled building and lands. University vehicles are covered by this policy at all times whether or

- not they are on University property.
- D.** University sanctions will be imposed on offenders as appropriate and, in addition, criminal charges may be filed.
 - E.** For the purposes of this policy, “weapons” include (a) firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, tazers, or electronic stun weapons; (b) explosives, such as bombs, grenades, blasting caps, or other containers containing explosive substances; and (c) other equipment, material, and devices that, in the manner they are used could ordinarily be used, or are readily capable of causing serious bodily injury. The items described in clause (c) include, but are not limited to, knives (except small personal pocket knives with folding blades that are less than three (3) inches long.), tear gas, chemical substances, brass knuckles, clubs or chains.

08/19/2005