

**AGENDA FOR
UNIVERSITY SENATE MEETING**

(Meeting #5, 2014-15)

February 26, 2015

4:00 p.m.

LB (Letterman Building) Room 125

Approval of the Minutes of November 20, 2014

I. Announcements

A. Next Scheduled Meetings

Senate Agenda Committee – Monday, March 16, 2015 (LB 104). *Please forward agenda items to the senate office no later than noon on the Thursday before the Monday meeting.*

University Senate – Thursday, March 26, 2015, Letterman Building (LB), Room 125

B. Program Information – Academic Posting 2014-15, Volume XLVI-3, (Enclosure #1)

C. Revision of membership of Events Programming and Scheduling Committee (Enclosure #2)

D. Revision of ex officio membership of Student Center Committee (Enclosure #3)

E. Residence, Transfer, and Extension Work – Graduate School (Enclosure #4)

II. Recognition of Deaths

Frank Owens

Professor Emeritus of Computer Science
45 Years of Service

Eugene Wagner

Assistant Director Emeritus of the Center for Medical Education
Professor Emeritus of Medical Education
Professor Emeritus of Chemistry
Retired, 2003
32 Years of Service

III. Council/Committee/Student Senate Reports

A. Governance and Elections Committee – Chin-Sook Pak, Vice Chairperson
(Procedures for Creating and Populating a College – Enclosure #5)

B. Faculty Council – Michael Hanley, Chairperson

C. University Council – Jennifer Jones-Hall, Chairperson

D. Campus Council – Kevin Thurman, Chairperson

E. Student Senate – Nicholas Wilkey, President, Student Senate

- IV. Report by Chairperson of Senate – Amy Harden (Enclosure #6 - Issues in the Senate System)
 - V. Questions Directed to the President
 - VI. Question and Answer Period
 - VII. Unfinished Business
 - VIII. New Business
 - A. Policy on Chronic Unsatisfactory Performance (Enclosure #7)
 - B. Student Code Revisions (Enclosure #8)
 - IX. Other Items
 - X. Adjournment
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MINUTES OF THE FOURTH MEETING OF THE 2014-15 UNIVERSITY SENATE
Thursday, November 20, 2014

Members Present: 57

Members Absent: 12

1. The meeting was called to order by the chairperson of the University Senate, Amy Harden, at 4:00 p.m.

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

Members Present: S. Aegisdittor, A. Beane, R. Bernot, J. Bolin, B. Brey, S. Byrum, B. Canada, D. Caristi, B. Chang, J. Chapman, M. Chiuni, C. Corbin, E. Crawford, J. Fitzgerald, J. Forbey, J. Gruver, M. Hanley, A. Harden, M. Holtzman, A. Hopper, J. Huff, Z. Huffman, T. Jitpaiboon, J. Johnson, J. Jones-Hall, L. Julian, K. Kessler, T. King, K. Koch, R. Kovac, K. Kreamelmeyer, B. Kubel, I. Livshits, C. Luchs, M. Maggiotto, S. McFadden, E. Nesson, C. Pak, S. Pattison, L. Pellerin, S. Rice-Snow, D. Singh, C. Thomas, K. Thurman, D. Wheeler, R. Wijesinghe, N. Wilkey

Substitutes: Shannon Staton for A. Brown, Greg Morrison for B. Byers, Ron Hicks for M. Hill, David Call for J. Jemiolo, James Flowers for T. Mahfouz, Brian Meekin for C. Munchel, James Rediger for L. O'Hara, Michelle Johnson for J. Stroh, Mary Jo Germani for B. Wagner, Yaron Ayalon for S. Zhuk

Members Absent: E. Agnew, P. Buis, J. Christman, B. Collins, R. Davis, R. Engle, P. Ferguson, J. Hesser, L. Lehman, T. Lewers, N. Perera, L. Sullivan

A motion was made and seconded (Thurman/Hanley) to approve the minutes of October 23, 2014.

The following suggestions were submitted for revision of the minutes:

Under 7. Question and Answer Period, revise to:

Provost Terry King presented a brief history of the policy on Chronic Unsatisfactory Performance. Examples of similar policies at other institutions were reviewed by UPT and mentioned (available at individual university websites). Discussion ensued. A faculty member asked the Provost if he had sources to substantiate this statement. The Provost responded that he did not. He also stated that some of these policies were in process and he did not have all the details. The Provost's presentation and the policy under review were shared with Senate membership at a later date.

Under 9. A. Policy on Grades and Attendance, revise to:

- A. Policy on Grades and Attendance (University Senate Agenda, 10/23/14, Enclosure #4)

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

John McPherson, Director of Scholarships and Financial Aid, and Cindi Marini, chair of the Admissions and Credits Committee, were in attendance at today's meeting to answer questions.

A faculty member suggested that, if the average grade awarded at Ball State is a B, reference to C as the average grade in the policy is dishonest. Another faculty member reminded the faculty member this is not the issue for discussion. The faculty member stated that since the grading policy was on the senate floor for discussion, the entire policy was open for discussion.

John McPherson confirmed that Ball State is not required to take attendance; however, for federal student aid purposes, the university is required to document a student's attendance for financial aid.

Regarding the policy on grades, item 1.9, the Miller College of Business faculty do not have authority of issuing a W. In other colleges, a student can still withdraw after the withdrawal deadline with the instructor and dean's approval. In MCOB, the advisor acts with the authority of the dean, making the advisor the dean's signatory.

The motion to approve the policy on grades and attendance, carried.

2. Announcements

Items I. A. (Next Scheduled Meetings), I.B. (Report from Ad Hoc Committee on Final Grade Submission, Enclosure #1), were reviewed by the Senate membership. Item I.B. will go into effect this semester.

3. Council/Committee/Student Senate Reports

A. Governance and Elections Committee – Chin-Sook Pak, Chair. Chin-Sook reported the committee met on November and discussed and approved following:

- Policy on Chronic Unsatisfactory Performance – after reviewing the language in the current Faculty and Professional Personnel Handbook (FPPH), under the section, “Termination of a Tenured Faculty or Tenured Professional personnel’s Appointment is Proposed,” the committee approved to add this category as one of the causes for termination. Once the Faculty Salary and Benefits Committee finalizes the draft on how it will be determined by each academic unit and the process, the entire document will be forwarded to the Faculty Council and the Senate for discussion. It was confirmed that unsatisfactory performance process does not automatically lead to termination.
- Policy for the reorganization of academic units – the committee examined current language in the FPPH concerning the process for formation of a new college and reorganization of academic units. Following discussion, the committee reached consensus on the interpretation of the steps required. Once the proposals for reorganization is submitted (which can be originated by faculty or administrators), all affected faculty will vote on the proposal. The committee will further discuss the voting process. The role of the senate will be in an advisory capacity to the Board of Trustees, the President and the Provost.
- Constitutional amendments and organizational structure and committee system – in order to clarify the interpretation of what is included in the constitution, the committee reached consensus that the structure of committees is separate from the constitution; therefore, changes to the committee will not be considered constitutional amendment. After approval by the appropriate council(s) and ultimately the university senate, the revision of committee membership and responsibilities will be in effect, alleviating the 60-day timeframe necessary to forward to all departments/areas for vote.

B. Faculty Council – Michael Hanley, Chair. Michael reported the council met on October 30 and approved the membership and responsibilities of the Professional Education Committee and the policy on midterm grades. The Council meets again on December 4.

C. University Council – Jennifer Jones-Hall, Chairperson. Jennifer reported the council met on November 6. Mitch Isaacs, Retention and Graduation Specialist for First Time Freshman, gave a brief presentation and there were great reports from all committees under the council’s purview. The next meeting is January 8; President Ferguson will be the guest at that meeting.

D. Campus Council – Kevin Thurman, Chair. Kevin reported the council met on November 13 and approved Student Senate Resolutions, one regarding Step Up and Speak Up and the other endorsing the addition of more interactive learning spaces around campus. Mike Spillman, chair of the Undergraduate Education Committee, was also present to discuss the policy on midterm grades. The council approved this new policy.

E. Student Senate – Bryan Kubel, President of the Student Senate, reported the launch of Cardinal Kitchen on January 7, 2015. It will be located in the Multicultural Center. Several student organizations are currently conducting food drives to stock the pantry.

4. Report by Chairperson of Senate – Amy Harden (University Senate Agenda, 11/20/14, Enclosure #2)

The GANTT Chart was reviewed by the chair of the senate. There were no questions.

5. Questions Directed to the President

President Ferguson was attending the Ball State Foundation Board of Directors meeting today and tomorrow and could not attend today’s university senate meeting.

6. Question and Answer Period

Provost Terry King was available for questions from the membership of the senate.

A member questioned whether exam services would remain open since gradebook is not available. Gradebook had the capability to transfer Scantron scores to gradebook for students to see their results. Marilyn Buck replied this continues to be available. This would be very helpful for their particular department.

The Provost replied that the old technology of Scantron does not coincide with the new technology of Blackboard. He thought Vice President Repp had already spoken at length with their department. (The senate member reported their department did not feel they received enough information or alternatives, hence bringing it to the senate today.) The Provost added the issue is not the cost of the machines, but the cost of paper that is necessary to utilize Scantron and the other is how to import this old technology into the new system.

Vice President Repp will be invited to the next meeting of the university senate (January 22, 2015); however, this does not take care of their concerns for this semester since this is the last meeting for the fall.

A member was concerned about forcing faculty to use Vizi for introductory courses. They believe it is an undue cost for students and affects academic freedom.

The Provost reported they want to use Vizi for more introductory courses. They believe it will be helpful where there is significant DWF issues. Math 125 faculty are not required to use, but some do. Vizi was created by faculty members here at Ball State. The manner in which products are priced make it comparable or less expensive than a book. Whatever book (must be an e-book) is selected, Vizi and the book come together.

Regarding academic freedom, faculty are not being forced to use it. It is being made available to them. One way to look at it is that we have been struggling in making students succeed in these courses and we're seeing positive results.

Another area of confusion and concern is about grade inflation at the university. Psych 100 has been a suggested course in which we give too many elevated grades. If this is the case, Vizi will increase grades. A C in the class means they are capable to going on to the next course. The Provost has no problems with students having better student outcome.

A member mentioned the concern by his college regarding the new hotel. It seems faculty are unaware of these things after work has been secured from the outside, even though there are areas within the university in which work could be utilized.

The Provost responded he knew little about the project at this point. An architect has been selected, but there has been no design. There are several members of the Board of Trustees who will be meeting to discuss this issue. There is interest in involving faculty with the business aspect of the university (practice what we teach). He should have more information next week and encouraged the faculty member to email him concerning the issue.

7. Unfinished Business

There was no unfinished business.

8. New Business

B. Midterm Evaluation of Student Performance (University Senate Agenda, 11/20/14, Enclosure #3)

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

Michael Spillman, chair of the Undergraduate Education Committee (UEC), was present at today's meeting to answer questions.

There was no discussion and the motion carried to approve the policy.

C. Membership and Responsibilities of the Professional Education Committee (PEC) (University Senate Agenda, 11/20/14, Enclosure #4)

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

There was no discussion and the motion carried to revise the membership and responsibilities of the PEC.

9. Other Items

There were no other items.

10. Adjournment

A motion was made and seconded (Caristi/Thurman) to adjourn. The meeting adjourned at 4:25 p.m.

Respectfully submitted,

Lisa Pellerin, Secretary

/mt

Academic Posting 2014-15 Volume XLVI-3
New and Revised Programs

Miller College of Business

Department of Management

Major in Entrepreneurial Management

College of Communication, Information, and Media

Department of Telecommunications

Minor in Film/Screenwriting

College of Sciences and Humanities

Department of English

Master of Arts in Linguistics

Minor in Film/Screenwriting

Minor in Professional Writing and Emerging Media

Department of Mathematical Sciences

Master of Arts in Actuarial Science

Masters in Mathematics

Master of Science in Mathematics

Department of Political Science

Master of Public Administration (MPA)

MPA with administrative concentration

MPA with Criminal Justice and Criminology (CJC) concentration

MPA with community and economic development concentration

MPA with emergency management and homeland security concentration

MPA with information and communication technology concentration

Events Programming and Scheduling Committee

CURRENT:

- 1.121 Non-Voting
- 1.121 The Dean of the College of Fine Arts, ex officio, or a designee;
- 1.122 The Executive Director of Alumni Programs Office, ex officio, or a designee;
- 1.123 The Director of Emens Auditorium, ex officio, or a designee;
- 1.124 The Director of Sports Facilities Management, ex officio, or a designee;
- 1.125 The Associate Director of Emens Auditorium, ex officio, or a designee;
- 1.126 One representative from the Student Center Committee.

PROPOSED REVISION:

- 1.121 Non-Voting
- 1.121 The Dean of the College of Fine Arts, ex officio, or a designee;
- 1.122 ~~The Executive Director of Alumni Programs Office,~~ Associate Vice President of Alumni Programs and President of the Ball State University Alumni Association ex officio, or a designee;
- 1.123 The Director of Emens Auditorium, ex officio, or a designee;
- 1.124 The Director of Sports Facilities Management, ex officio, or a designee;
- 1.125 The Associate Director of Emens Auditorium, ex officio, or a designee;
- 1.126 One representative from the Student Center Committee.

Rationale: Title has changed. There is no longer an Executive Director of Alumni Programs.

(Faculty and Professional Personnel Handbook, Page 24)

Student Center Committee

CURRENT:

- 4.12 Non-Voting
 - 4.121 The Director of the Student Center, ex officio, or a designee;
 - 4.122 The Assistant Vice President for Student Affairs and Director of Student Life, ex officio, or a designee;
 - 4.123 The Director of Emens Auditorium, ex officio, or a designee.

PROPOSED REVISION:

- 4.12 Non-Voting
 - 4.121 The Director of the Student Center, ex officio, or a designee;
 - 4.122 ~~The Assistant~~ Associate Vice President for Student Affairs ~~and Director of Student Life~~, ex officio, or a designee;
 - 4.123 The Director of Emens Auditorium, ex officio, or a designee.

Rationale: Responsibilities have shifted. The Associate Vice President for Student Affairs supervises the Student Center.

Proposed Revision:

Residence, Transfer, and Extension Work

~~Each doctoral student must fulfill a residency requirement at Ball State University. Unless otherwise specified by a department program, the minimum is the completion of at least 15 credit hours in two consecutive semesters of graduate work beyond the master's degree. However, individual department programs for may have a residency requirements: for a description of the residency requirement. A minimum of 48 of the required 90 hours of graduate work must be completed at Ball State University. The residency encourages the to encourage doctoral students to concentrate focus on course work or research. It permits close collaboration with faculty and students; it fosters a familiarity with the university's libraries, computing resources, specialized collections, and other unique campus facilities.~~
There is no Graduate School residency requirement for residency for doctoral students at Ball State University. However, individual department programs may have a residency requirements: for a description of the residency requirement. A minimum of 48 of the required 90 hours of graduate work must be completed at Ball State University. The residency encourages the to encourage doctoral students to concentrate focus on course work or research. It permits close collaboration with faculty and students; it fosters a familiarity with the university's libraries, computing resources, specialized collections, and other unique campus facilities.

Clean copy new:

Residence, Transfer, and Extension Work

There is no Graduate School residency requirement for doctoral students at Ball State University. However, individual programs may have a residency requirement to encourage doctoral students to focus on course work or research. It permits close collaboration with faculty and students; it fosters a familiarity with the university's libraries, computing resources, specialized collections, and other unique campus facilities.

Page 28, 2014-2015 Graduate Catalog

Rationale for Revision:

A Graduate School residency requirement is difficult to enforce as more doctoral students are taking courses on-line and working full time. The elimination of a Graduate School policy gives departments flexibility in crafting a policy that best serves their students and program. Departments have the option of enforcing their own residency requirements. Other universities have also eliminated their residency requirement. (Per Carolyn Kapinus, Associate Dean of the Graduate School, and Professor of Sociology)

PROCEDURES FOR CREATING AND POPULATING A COLLEGE

CREATING A NEW COLLEGE

1. Proposal from Academic Planning Task Force, spring 2014; affirmed by Implementation Task Force (ITF), December 2014
2. Open Forums will be planned for spring, 2015, allowing discussion from interested constituencies concerning ITF recommendations, including college mission and vision, and recommended academic units
3. Spring/Fall, 2015: Provost submits proposal to University Senate Agenda Committee for inclusion on Senate Agenda
4. Senate considers and acts to approve a new college. Recommendation forwarded to Provost and President
5. President presents recommendation for new college to Board of Trustees for approval
6. Indiana Commission for Higher Education is informed of intent to create a new college

(Faculty and Professional Personnel Handbook, P. 48, Section 2)

POPULATING A NEW COLLEGE

1. Fall, 2015: Academic Units and/or programs wishing to change college affiliation (from current college to newly created college) conduct an election within the unit. Governance and Elections Committee will supervise elections.
2. Fall, 2015: All affected faculty within existing colleges having units and/or programs voting to move to new college, will vote on proposed move
3. College faculty and college administration, from which the transfer will occur, will develop conditions and procedures for implementation. Disputes over conditions/procedures will be resolved by the Provost
4. Proposed move to new college shall be presented to the Provost, as well as University Senate Agenda Committee for consideration by University Senate
5. University Senate's recommendation will be advisory to the President, Provost, and Board of Trustees

(Faculty and Professional Personnel Handbook, P. 48-49, Sections 1 & 4)

ISSUES IN THE SENATE SYSTEM, 2014-15

Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>FACULTY COUNCIL</i>												
Telecommuting	Salary&Benefits, to Business Affairs	11/19/12	3/19/13	[Cross-hatched]								
Anti-Nepotism Policy	AF&E	11/4/13		[Cross-hatched]								
Special Assigned Leave Policy	Special Leave	11/4/13		[Cross-hatched]								
Chronic Unsatisfactory Performance Policy	UP&T, to Faculty S&B, to G&E	2/3/14	9/15/14	[Cross-hatched]								
Policy on Consensual Sexual Relationships	Academic Freedom & Ethics	6/16/14		[Cross-hatched]								
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>UNIVERSITY COUNCIL</i>												
Telecommuting	Salary&Benefits to Business Affairs	11/19/12	3/19/13	[Cross-hatched]								
Online Evaluations	Distance Education/ Teaching Evaluation	9/16/13		[Cross-hatched]								
Responsible Conduct of Research	Agenda to Research	9/15/14		[Cross-hatched]								
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>CAMPUS COUNCIL</i>												
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>AGENDA COMMITTEE</i>												
University Use of Personal Data	Faculty S&B, PP S&B, VP for Business Affairs, General Counsel	11/6/14		[Cross-hatched]								
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<i>GOVERNANCE AND ELECTIONS</i>												
Membership/Responsibilities of Athletics Committee	From Senate Agenda Committee	1/12/15		[Cross-hatched]								

Policy on Chronic Unsatisfactory Performance

POLICIES FOR ANNUAL SALARY ADJUSTMENTS
FACULTY AND PROFESSIONAL PERSONNEL

1. Statement of Policy
 - 1.1 The general purposes of the salary program at Ball State University are to attract, retain, and reward faculty and other professional personnel who enable the University to realize its mission. The salary program should contribute positively to the morale of the faculty and professional personnel and provide both incentive and reward for achievement. The salary program at Ball State University is designed to recognize the differences in performance and characteristics among faculty and professional personnel. The salary program rewards meritorious performance and exceptional achievement and also takes into account other factors, such as marketability, that affect the University's ability to pursue excellence.
 - 1.2 The President of the University is responsible for developing salary programs consistent with the mission of the academic and administrative units of the University in accordance with this Statement of Policy.
2. Definitions
 - 2.1 Definition of Faculty and Professional Personnel.
University salary administration guidelines for faculty and professional personnel apply to all continuing professional personnel employees and those currently tenured or on tenure- track or continuing contract³⁸ appointment classified as follows:
 - 2.11 Faculty employed on academic or fiscal year contract;
 - 2.12 Professional personnel employed on academic or fiscal year contract (including professional personnel holding rank in academic departments);
 - 2.13 Faculty and professional personnel returning from approved leave of absence during present or next fiscal year.
 - 2.2 Definition of Salary Units.
The units covered by these guidelines are each of the colleges headed by a Dean and the non-collegiate units headed by the Vice Presidents or President.
 - 2.3 Definition of Salary Subunits.³⁹
Subunits are those academic and non-academic (e.g., centers, departments, institutes, museums, schools, special programs) entities which are under the administrative supervision of the respective salary unit.
 - 2.4 Unsatisfactory Performance
If the annual evaluation of performance for a tenured faculty member does not meet the minimum criteria for satisfactory performance as determined by the subunit Salary and Merit Committee or by the department chair, as determined by a departmental vote and specified in the subunit salary document, the tenured faculty member's performance is deemed unsatisfactory for the year and the individual will not receive a salary increase. If the tenured faculty member does not submit an annual report in the format established by the subunit, the individual's performance will be considered unsatisfactory. All departments must use a calendar year format (January 1-December 31) for faculty annual reports and performance evaluations.
 - 2.5 Chronic Unsatisfactory Performance
Two consecutive unsatisfactory evaluation years or three unsatisfactory evaluations in five years trigger a remediation process. Unsatisfactory completion of the remediation process is

the definition of chronic unsatisfactory performance.

3. Promotions in Academic Rank

- 3.1 The value of the promotions in academic rank shall be determined by the Provost and Vice President for Academic Affairs with approval by the Board of Trustees.

4. General Salary Increases

- 4.1 Each year funding for continuing professional employees' salary increases will be allocated to each salary unit.
- 4.2 Salary increment funds to each salary unit will be equal to the previous year's base salaries for all continuing employees multiplied by eighty-five percent (85%) of the maximum percentage attainable for salary increases. Money not allocated to the salary units will be distributed by the President or appropriate Vice President for reasons such as:
- 4.21 to allow the University, as necessary, to meet offers received by faculty and professional personnel from competing employers when such action is recommended by the salary subunit; the decision to distribute money shall be accompanied by appropriate documentation;
- 4.22 to recognize differential merit or market circumstances between and among salary units and salary subunits; differential market decisions shall be accompanied by appropriate documentation;
- 4.23 to deal with inequitable salary circumstances in which an individual by virtue of initial salary inequity is paid demonstrably less than comparable colleagues;
- 4.24 to fund appeals that have been approved by the head of the salary unit. (Salary units will be expected to repay funds needed for appeals from their next year's salary allotment.);
- 4.25 to fund legally required salary adjustments.
- 4.3 Although incremental money distributed for market purposes will become part of the faculty member's salary base, annual University reviews will be conducted by the University Salary and Benefits Committee to assess changing market conditions and to make appropriate recommendations for adjustments.
- 4.4 Any funds committed for purposes designated in 4.2 but eventually not so used, must be returned to the total University salary increment pool for distribution the next fiscal year.
- 4.5 Total remaining compensation adjustment dollars available for continuing personnel each year will be distributed in ways established by majority vote of the continuing professional employees within each salary unit, except for promotion money to be distributed in accordance with 3.1.

All subunits must, however, award no less than seventy percent (70%)⁴⁰ of their total increment funds for meritorious service in accordance with the subunit criteria. These "merit" funds cannot be distributed on an "across the board" basis. Meritorious service must be determined annually.

4.6 Criteria and processes shall be developed within each salary unit for salary administration and approved by written ballot by a majority of a quorum of the members of each such unit who are eligible to vote. Subunits must develop criteria consistent with their unit's criteria. These criteria and processes shall be reviewed and approved annually by the appropriate subunit head (e.g., chairperson, director, coordinator)⁴¹ and unit head (Dean, Vice President, Provost and Vice President for Academic Affairs, President). The President or Provost and Vice President for Academic Affairs and the University Salary and Benefits Committee must approve all criteria and processes for all units. The criteria and processes shall be made known in advance of salary administration implementation. Discretionary awards need not be given to every individual. To be eligible for a salary increment, an individual's performance must be deemed to be satisfactory by the salary subunit. However, a faculty member's failure to receive a "satisfactory progress" recommendation in the tenure review process is not necessarily a determination that his or her performance is unsatisfactory for salary purposes.⁴²

Salary units or subunits that do not develop approved criteria and processes may have all merit and discretionary dollars withheld from them.

- 4.7 Personnel on joint appointments between colleges or between a college and a non-collegiate unit shall be evaluated for purpose of discretionary awards in proportion to their full- time equivalent

appointments in the unit. These personnel must be apprised of criteria and procedures used in all units to which they are appointed.

- 4.8 Each individual shall be informed in writing by the department chairperson or equivalent administrator at the first level of recommendation prior to forwarding the recommendation. Any changes at subsequent levels of review within the University shall be communicated to the initial administrator for purposes of informing the affected individual.
- 4.9 Salary grievance procedures shall be developed within the salary unit and it is expected that salary grievances will be resolved within the salary unit. All recommended salary adjustments based upon grievances or appeals must be approved by the head of the salary unit, appropriate University officer and the President. Any salary adjustment based on a grievance shall be made as soon as possible and no later than the beginning of the next academic year.

Faculty may ask for reconsideration by the committee or individual who made the initial adverse performance evaluation. Reconsideration, if requested, occurs before initiating appeal procedures. Appeals of subunit decisions are appealed to the unit following in accordance with the college salary appeal procedures.

5. Chronic Unsatisfactory Performance

- 5.1 Any unsatisfactory assessment must be accompanied by a letter from the chair of the Salary and Merit Committee or by the department chair—whoever conducted the evaluation. The letter should include specific justifications for the unsatisfactory recommendation and specific suggestions for improvement and the letter must be placed in the tenured faculty member's personnel file.
- 5.2 Two consecutive unsatisfactory years or three unsatisfactory evaluations in five years will trigger a remediation process.

5.21 A remediation plan will be developed by a departmentally-created peer committee. The committee shall consist of at least three tenured faculty members. It may be an existing committee or a committee established specifically for the remediation process. If there are not three eligible tenured faculty members in the department, members may be selected from other departments in the college.

A faculty member may request that a college committee be formed to develop the remediation plan. If requested, the Dean will establish a committee of tenured faculty members with the following qualifications:

- Member of the college
- Appointed based on ability to be objective and demonstrated academic strength, and
- Participants hold the same or higher rank than the faculty member being reviewed.

If the tenured faculty member being reviewed has cause to believe a committee member is biased against him/her, the tenured faculty member may request to the committee chair, in writing, to have that committee member replaced. This request must be submitted within 10 business days prior to the first remediation committee meeting. The remediation plan committee will have access to the tenured faculty member's performance evaluations and/or pertinent letters for the previous five years.

5.22 The department chair/director and dean must approve the remediation plan. The remediation plan must be sent via registered mail to the tenured faculty member's home address by June 30th or 30 days after an appeals process is completed, whichever is later. The said plan will be placed in the tenured faculty member's personnel file, ~~and be available for review during the next annual evaluation of the tenured faculty member by the committee or chair conducting the annual evaluation.~~ The same appeal process in place for salary decisions will be used to appeal any elements of the remediation plan.

5.23 As a part of the performance evaluation the following year, no sooner than 12 months after the remediation plan was initially mailed to the tenured faculty member, the

outcomes of the remediation plan will be reviewed by the Remediation Committee which created the plan to determine if the ~~plan has been satisfactorily completed.~~ **expected performance levels as set by the remediation plan have been met.**

- 5.231 If the terms of the remediation plan have been met, the tenured faculty member's evaluation is deemed satisfactory for ~~that~~ **the calendar year in which the faculty is under remediation. This evaluation replaces the annual evaluation of performance specified in the subunit salary document for that year.**
- 5.232 If the terms of the remediation plan have not been met, the tenured faculty member's performance will meet the definition of chronic unsatisfactory performance.
- 5.3 Any tenured faculty member who meets the definition of chronic unsatisfactory performance will be referred to the "Procedures in Cases where Termination of a Tenured Faculty or Tenured Professional Personnel Member's Appointment **is Proposed**" in the Faculty and Professional Personnel Handbook.
- 5.4 Any tenured faculty member currently evaluated as unsatisfactory in the Salary and Merit process cannot serve on a Salary and Merit or Remediation Committee.
6. Implementation and Amendment Procedures
- 6.1 The President or the Provost and Vice President for Academic Affairs, working with the Faculty Salary and Benefits Committee and the Professional Personnel Salary and Benefits Committee, will review annually salary administration guidelines to assure compliance.
- 6.2 Recommendations for improvements in the salary process, with rationale, may be made to the Faculty Salary and Benefits Committee and the Professional Personnel Salary and Benefits Committee. Such recommendations should be submitted in writing as early as possible each year to allow any revisions to be implemented in the salary administration process.
- 6.3 The timetable for the salary administration process and any changes in University guidelines shall be announced prior to the start of the salary administration process each year.
- 6.4 Once approved by the Board of Trustees, changes in these guidelines will be recommended by the President after obtaining the assistance and consultation of the University community.

Page 94-95, Faculty and Professional Personnel Handbook

**Please Note: As approved by the Faculty Council on 2/12/15, this policy will be reviewed by the appropriate committee(s) five years following its implementation. A reminder will be documented in both the Office of the Provost and Office of the University Senate.*

Code of Student Rights and Responsibilities

2015-2016



BALL STATE

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Changes proposed for 2015-2016. Text proposed for addition is underlined; text proposed for deletion is struck through. All changes are highlighted for ease of review. Proposed language approved by Student Rights, Ethics, and Standards committee on January 22 and January 29, 2015. Contact Dr. Mike Gillilan, Director of Student Rights and Communities Standards, at 285-5036 or mrgillilan@bsu.edu for clarifications/questions.

II. AUTHORITY

- ...
- 2.6 Amendments and Review—Amendments may be proposed by the Ball State Student Government Association, University Senate, administrative staff, or by the Board of Trustees. In addition, the *Code of Student Rights and Responsibilities* shall be reviewed at least every two years under the direction of the Director of Student Rights and Community Standards or other University official designated by the Vice President for Student Affairs and Dean of Students. The Code was last reviewed and amended in 2014 2015.
- 2.7 Notice—A notice of the *Code of Student Rights and Responsibilities* will be sent at the beginning of each semester to the University community by email.

V. CODE OF CONDUCT

Any student found to have committed or to have attempted to commit the following offenses is subject to the disciplinary sanctions outlined in sections VI and Section VII (*Student Academic Ethics Policy*).

- ...
- 5.2 Offenses Related to the Operation of the University
- 5.2.1 Academic Dishonesty Misconduct.¹ Acts—which include but are not limited to cheating, plagiarism, falsely claiming to have completed work, cooperating with another person in academic dishonesty misconduct, knowingly destroying or altering another student’s work, or attempting to commit an act of dishonesty misconduct—that violate the *Student Academic Ethics Policy*. See also Student Academic Ethics Policy, section VII.

6.5 OFFICE OF STUDENT RIGHTS AND COMMUNITY STANDARDS DISCIPLINARY PROCEDURES

6.5.3 Interim Suspension

Under certain circumstances, a student accused of a violation of the *Code of Student Rights and Responsibilities* may be subject to interim suspension from the University prior to a University Review Board² hearing. During the interim suspension, the student is subject to trespass from University property and facilities and is denied access to all classes, activities and privileges for which the student might be eligible. Interim suspension shall be imposed only when:

- A student is deemed to be a threat to the safety, and well-being, or property of any member(s)³ of the University community or property, or
- It is determined that such action would be beneficial to the student’s own safety and well-being, or⁴
- A student’s presence is deemed to pose a substantial threat of disruption to the University’s educational process.

The decision to suspend on an interim basis shall be made by the Vice President for Student Affairs & Dean of Students or his/her designee. The student will be notified in writing of this action and the reasons for the interim suspension. The notice should include the time, date, and place of a subsequent will provide the student the

¹ See discussion regarding this change at Student Academic Ethics Policy at section VII. Changes to this section have been proposed at the request of and in collaboration with the Office of the Associate Provost.

² There are now other hearing venues that could address behavior addressed by an interim suspension (e.g., Sexual Misconduct Board). The investigation taking place during the interim suspension can also result in removing the interim suspension prior to the hearing as well as dismissal of the complaint.

³ A review of other interim suspension policies suggested a tighter focus on persons.

⁴ This is likely to be interpreted as “harm to self” and is on the edge of compromising ADA/Title II. The other two clauses cover the types of behavior likely to be addressed by an interim suspension.

opportunity for a⁵ hearing with another of the Vice President's designees⁶ within three business days at which the student may show cause why his or her continued presence on the campus does not constitute a threat [and at which they may contest whether a violation of the *Code of Student Rights and Responsibilities* took place]. The interim suspension may continue until the entire disciplinary process including appeal, is completed. Every effort will be made to complete the disciplinary process in a timely manner so as to limit the interim suspension to the shortest time possible.

6.5.4 University Review Board

The University Review Board hears disciplinary cases referred to it by the Director of Student Rights and Community Standards or designee. It is composed of students, University faculty members, and/or professional staff members.

- a. *Student Membership.* The student membership will include the Vice President of the Student Government Association, five (5) members of the Judicial Court of Student Government Association and four (4) additional students appointed by the Student Government Association. The Judicial Court members typically are elected⁷ 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 typically assume responsibility at the start of the fall semester and serve for one calendar year. The dates of elections, appointments, and assumption of responsibilities may vary per agreement with the Student Government Association. A student member may serve an unlimited number of terms. If insufficient student members have been appointed by the Student Government Association when a hearing is required, the Director has the discretion to utilize non-appointed students in order to provide a timely process.
- b. *Faculty and Professional Staff Membership.* The faculty and professional staff members shall be selected by the Office of Student Rights and Community Standards and confirmed by the Campus Council University Senate's Governance Committee⁸ to assume their committee responsibility on the first day of fall semester and serve for one calendar year. A faculty or professional staff member may serve an unlimited number of terms. If insufficient faculty or professional staff members have been appointed by the appropriate governance committee when a hearing is required, the Director has the discretion to utilize non-appointed employees in order to provide a timely process.
- c. *Quorum.* To conduct a hearing for a student disciplinary case, a Hearing Board composed of a minimum of four (4) members of the University Review Board, of whom at least two (2) must be students and two (2) must be faculty and/or professional staff, will be designated by the Director of Student Rights and Community Standards or his/her designee. A hearing may proceed with a minimum of 3 members present.
- d. *Hearing Board Chairperson.* The hearing shall be chaired by one member of the Hearing Board designated in advance by the Office of Student Rights and Community Standards. The chairperson shall be a voting member of the Board. The Director of Student Rights and Community Standards or his/her designee will be present at all hearings as a non-voting consultant to the Hearing Board.

⁵ Not all students will seek a hearing. This is a more efficient means of scheduling the meeting and gives the student more flexibility to arrange for an advisor, etc.

⁶ This makes clear that the "show cause" hearing is made by someone other than the administrator making the initial interim suspension decision and maintains flexibility in designating the appeal officer.

⁷ Remove errant underline between "are" and "unelected."

⁸ This reflects the practice over the last five years with the exception of one year but retains involvement by a governance council (Campus Council) that has significant student involvement and which oversees proposals for changes in the Code. Additionally, while the Governance and Elections Committee does propose a slate of officers for University Senate, it does not propose members for other hearing bodies such as the Judicial Committee (faculty and professional personnel), Judicial Council (student organizations), or the Sexual Misconduct Board.

- e. *Hearings During Summer Session and Breaks.* To insure the functioning of the Hearing Board during Summer Session and at other times when regular classes are not in session, the Director of Student Rights and Community Standards or his/her designee may convene a University Review Board hearing with a minimum of three persons chosen from the pool of the University Review Board membership who are available. Should a minimum of three be unavailable from the University Review Board pool, the Director may select additional faculty, staff or student members to participate in the hearing process.

...

6.5.7 Appeal Process

- a. Students may appeal the result (finding and sanctions) of an Administrative Hearing decision to the next level administrator.
- b. Decisions by the Hearing Board (including accepted sanctioning recommendations) may be appealed to the Vice President for Student Affairs & Dean of Students or his/her designee.
- c. In both levels of cases, the student has three (3) business days from receipt of the original decision in which to submit an appeal in writing. **In cases that involve a crime of violence or sexual misconduct (see Appendix K), the other party will be notified of the appeal, provided the basis on which the appeal is made and a summary of the appeal, and given an opportunity to provide a response in writing within three (3) business days of notice for consideration by the appellate administrator.**⁹
- d. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the University Review Board hearing and supporting documents.
- e. A student may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student or the hearing body.
 - 2) An unduly harsh sanction (appeal by the accused student) or an insufficient sanction (appeal by the complainant).
 - 3) New information of a substantive nature sufficient to alter a decision, because such information and/or facts were not known to the person appealing at the time of the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case
- f. An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded to the Hearing Board reconstituted with new members to allow reconsideration of the original determination and/or sanctions.
- g. The appellate decision shall be final and not subject to any further appeal.

...

6.7 Grade Appeals

6.7.1 Introduction

- a. This process includes any appeal of a final grade (pass-fail or letter grade) for a course, field experience, clinical, student teaching, practicum, internship, or externship. *Appeal of an involuntary removal from a course in the middle of a term would be subject to departmental or program procedures, not the grade appeal process, unless a failing grade was issued.* A student who is considering an appeal of a final grade is encouraged to meet informally with his/her instructor before submitting a written appeal.
- b. Grades issued for examinations, individual papers, quizzes, portfolios and other grades that are not final grades are not eligible for consideration for the University Grade Appeal process as discussed in section 6.7.3.
- c. This appeal procedure is not to be used for a review of the judgment of an instructor in assessing the quality of a student's work or to complain of an instructor's performance.

⁹ Provided for clarity. Recommended for inclusion during sexual misconduct investigation training, November 2014./

- d. Time deadlines in the following procedures are intended to provide a framework for the grade appeal process and may be extended, as circumstances warrant, by the **Director of Student Rights and Community Standards or by the Associate Provost and Dean of University College or designee (Associate Provost)**.¹⁰
- e. This policy will be reviewed by the Ball State Grade Appeals Committee at its meeting each academic year.
- f. The Office of Student Rights and Community Standards will provide an annual notice by email of the grade appeal policy to students and faculty and will provide a paper copy of the policy to those persons who request one.
- g. Faculty members are encouraged to note the grade appeal policy and provide the link www.bsu.edu/studentrights/gradeappeal in their syllabi.

6.7.2 Department Grade Appeal Process

- a. A student who wishes to appeal a final grade must send to the instructor a request for reconsideration of the grade with a rationale for reconsideration. The request shall be in writing (email preferred) and sent to the instructor within ~~ten (10)~~ **five (5)**¹¹ school days **(including summer terms, however, see 6.7.1.d above)** after the final grade is posted by the Registrar's office.
- b. The instructor shall respond in writing (email preferred) with a decision regarding the student's grade within five (5) school days after receiving the request.
- c. If the instructor does not respond within the five day period in (b) above, the student may choose to send the appeal request to the unit head (e.g., department chair or program director) of the department or program that offers the class for a response.
- d. If the instructor responds within the five (5) school day period with a decision with which the student does not agree and the student wishes to proceed with an appeal, the student shall send written request (email preferred) for review of the grade to the unit head within five (5) days of receiving the response from the instructor. The written communication to the unit head should provide detailed information regarding the disputed grade including the written exchanges with the instructor.
- e. The unit head shall respond in writing (email preferred) to the student within five (5) school days of receiving the student's request for a review of the grade. The unit head's response should outline the details of the resolution. If the unit head cannot resolve the dispute, his/her communication to the student should refer the student to the University Grade Appeal process (e.g., a link to the Grade Appeal policy at www.bsu.edu/studentrights/gradeappeal and/or the **Student Rights and Community Standards Office of the Associate Provost**).
- f. The student may then choose to proceed with a university-level grade appeal as described below.

6.7.3 University Grade Appeal Process

a. Formal appeal. If the matter cannot be resolved satisfactorily at the unit level, the student may request consideration of a University grade appeal hearing. The University grade appeal process consists of the following steps:

¹⁰ A new position, an Associate Dean of University College, in Associate Provost's office November, 2014 has been designated to take over and coordinate a number of responsibilities previously implemented by the Director of Student Rights and Community Standards. In most cases, the Associate Provost's designee will be the Associate Dean. Practically all of the changes in the Grade Appeal section of the *Code* stem from this change.

¹¹ This is already a long process. There does not appear to be a good reason to wait two weeks into the next semester to begin this process formally, especially as students typically initiate communication with the instructor well before this date. Most of the other deadlines for response by other parties are tied to five school day period.

- 1) The student must submit a formal appeal of the grade in writing (email preferred) to the Office of the Associate Provost and Dean of University College (Associate Provost) Director of the Office of Student Rights and Community Standards (stdtrights@bsu.edu) or designee (Director) within five (5) school days after notification from the unit head. *Note: a sample structure answers to frequently asked questions about the grade of the appeal are is and other support is available at www.bsu.edu/studentrights/gradeappeal.*
- 2) The appeal shall clearly include the criterion or criteria on which the appeal is based and a supporting argument for each criterion cited in the appeal with evidence that supports that argument. See 6.7.3.b below for the criteria for appeals.
- 3) The appeal also shall include all written exchanges with the instructor and unit head regarding the grade appeal. The written exchanges must include the original date stamps. Direct forwards of emails to the Director Associate Provost are acceptable and preferred.
- 4) The appeal also should include the following components:
 - a. The student's full name, email address, telephone number and local mailing address;
 - b. The class name, number, and section number of the class in which the grade was received (e.g., SRCS 100, section 002, Introduction to Grade Appeals);
 - c. The instructor's name;
 - d. The semester in which the class was taken;
 - e. The grade received;
 - f. The grade expected to have been received;
- 5) Once the appeal has been received, the Director Associate Provost shall review the appeal to determine if the student has complied with grade appeal procedures, met the required deadlines and provided the information noted in 2) and 3) above.
 - a. If the student's appeal does not comply with grade appeal procedures, meet required deadlines, or provide information noted in 2) and 3) above, the Director may inform the student will be informed and the grade appeal process will be terminated. that the appeal does not meet requirements and terminate the appeal request.
 - b. If the Director determines that the appeal meets the requirements in 2) through 4), the Director Associate Provost shall forward the student's appeal to the instructor by email (with copy to unit head) and solicit the following:
 - i. a written response from the instructor;
 - ii. a copy of the syllabus for the appropriate class; and
 - iii. any other materials relevant to the grade appeal (e.g., rubric, class grades, etc.).¹²
- 6) The instructor is expected to respond to the Director's provide the requested materials within five (5) school days. Upon receipt of the materials from the instructor, the Associate Provost will convene a screening committee to review the appeal. The screening committee will include comprised of the Associate Provost or designee, the Director of Student Rights and Community Standards or designee, and the Vice President of the Student Government Association or designee. The screening committee will review the student's compliance with grade appeal procedures, the written request for appeal, and the criteria cited within the written appeal. Based on these criteria, the screening committee will determine whether or not to refer the appeal to the University Grade Appeal Committee for a hearing.
 - a. If the decision is not to forward the appeal to a hearing, the appeal will be rejected. The Associate Provost shall inform the parties in writing of the decision, within ten (10) school days after receipt of the formal appeal, and the matter is concluded.
 - b. If the appeal is approved for further review, the Associate Provost shall inform the parties in writing of the decision and convene a University Grade Appeal hearing as described below.¹³

¹² These changes also include a restructuring to merge the former a5) and a6) into the proposed a5).

will review the appeal request and make a decision on whether to refer the appeal to the University Grade Appeal Committee for a hearing. The decision to refer, or not to refer, the appeal for a hearing shall be based upon the student's compliance with grade appeal procedures, the written request for appeal and the criteria cited within the written appeal.

- 7) If the decision is not to forward the appeal to a hearing, the appeal will be rejected and the matter is concluded. The Director shall inform the student in writing of the decision and the matter is concluded.
- 8) If the appeal is approved for further review, the Director shall inform the student in writing of the decision and convene a University grade appeal hearing as described below.
- 9) The notification to the student as described in 8) and 9) above should take place within ten (10) school days after receipt of the formal appeal.

b. Basis for Grade Appeals. The University Grade Appeal Committee will only address those appeals for which a procedural or fairness issue is in question. The criteria for a grade appeal are:

- 1) An obvious error in the calculation of the grade.
- 2) The assignment of a grade to a particular student by application of more exacting or demanding standards than were applied to other students in the course.
- 3) The assignment of a grade to a particular student on some basis other than performance in the course.
- 4) The assignment of a grade by a substantial departure from the instructor's previously announced standards.

6.7.4 University Grade Appeal Committee

The University Grade Appeal Committee hears grade appeals referred to it by Office of Student Rights and Community Standards after the screening process described above is concluded. It is composed of fourteen (14) members; seven (7) shall be students, and seven (7) shall be University faculty members one (1) undergraduate student, one (1) graduate student, and one (1) faculty member from each college.¹⁴

- a. *Student Membership.* The student membership will include one undergraduate ~~or~~ and graduate student appointed by each of the seven college deans for a one-year appointment to assume their committee responsibility at the start of the fall semester and serving for a twelve-month term. A student member may serve an unlimited number of terms.
- b. *Faculty Membership.* The faculty members, one from each of the seven colleges, shall be elected by the faculty of each individual college, assuming responsibility at the start of the fall semester and serving for a twelve-month term. A faculty member may serve an unlimited number of terms.
- c. *Vacancies.* Should a faculty member or student vacancy occur, the appropriate dean shall appoint a member to the committee for the remainder of the twelve-month term.

6.7.5 Hearing Procedures

- a. *Quorum.* To conduct a hearing for a grade appeal, a hearing panel (Panel) composed of five (5) members of the University Grade Appeal Committee, of whom at least two (2) must be students (drawn from either the undergraduate pool or the graduate pool depending on the status of the student

¹³ The proposed a6) incorporates the former a7) through a10). The structure of the content and wording have been changed for ease of use, but there are no changes to the process other than the Associate Provost or designee convening the committee and communicating with the parties.

¹⁴ The intent of this change is to have undergraduate students participating in hearings where an undergraduate student is the appellant and have graduate students participating in hearings where a graduate student is the appellant. The change recognizes differences often found in academic and departmental interactions and culture between faculty and undergraduate vs. graduate students. Finally, the change accommodates future expansion of colleges.

- appellant)¹⁵ and two must be faculty. The Office of Student Rights and Community Standards Associate Provost shall assume responsibility for assembling assemble the Panel. A hearing may proceed with a minimum of four (4) members present.
- b. *Hearing Moderator and Advisor.* The hearing shall be moderated by the Associate Provost or his/her designee (Associate Provost). The Director of Student Rights and Community Standards or his/her designee (Director) will be present at all hearings as a non-voting procedural consultant to the Panel and will make a record of the proceedings.
 - c. *Notice of Hearing.* If a hearing is to be held, the student and the faculty member who assigned the grade being appealed will be notified in writing of the date, time, and place of the hearing at least five (5) school days in advance. In case of an absent instructor, the unit head, with consent of the absent instructor, shall appoint a faculty member from the department or himself or herself to represent the instructor at the hearing. The Panel may delay judgment if neither the faculty member nor a representative is available for the hearing, if such a presence, in the opinion of the Panel, is necessary to the decision.
 - d. *Presentation of Case.* The presentation of the case is the responsibility of the student and the burden of proof is on the student. The instructor shall be provided an opportunity to respond to the student's claim and to present evidence in support of his or her original grade decision. Each presentation is not to exceed 15 minutes in length. Both sides will also have an opportunity to call witnesses with information pertaining to the appeal criteria cited by the student.
 - e. *Access to Information.* The Panel will have access to pertinent information in the case and may request additional information from either party or call additional witnesses as needed to render a decision.
 - f. *Multiple Appeals.* If two (2) or more members of a class appeal their grades, the Panel may elect to hear the appeals individually or collectively.
 - g. *Disqualifications; Challenges.* Any Panel member shall disqualify himself or herself if he or she has a personal bias or a conflict of interest with the case or with the student either party, or believes he/she may have a personal bias. The student or instructor may challenge a Panel member on the grounds of conflict of interest or personal bias. The burden of proof is on the challenger. The decision regarding disqualifying a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the Associate Provost has the discretion to either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of three-fourths (3/4) of all remaining members of the Panel.
 - h. *Conduct of Hearing.* The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Panel with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing shall be closed to the public; the deliberations of the Panel shall be limited to Panel members only.
 - i. *Advisors.* The student and the faculty member shall each have the right to have one person of his or her choice present as an advisor in the hearing. That person must be a student, faculty or staff person of the University or (in the case of the student) his/her parent. The advisor may not participate directly in the hearing and is only present to consult with or support the student or faculty member involved.
 - j. *Continuances.* The Panel, by majority vote, may continue the hearing to a later time or times.
 - k. *Additional Rules.* Procedural rules not inconsistent with these procedures may be established by the Panel from time to time to ensure that the hearing is conducted in a fair and orderly manner.
 - l. *Confidentiality of Appeal Hearing.* With the exception of the Director for the purposes of maintaining the case record, Panel members shall not retain in their possession any personal files, materials received

¹⁵ See note above.

during the appeal procedure, or notes taken during the meetings of the University Grade Appeal Committee. No party, Panel member, or other participant or observer in the appeal procedure shall reveal any facts, documents, or testimony gained through participating in or observing the hearing to any other person, unless required by a court of law to do so or upon the advice of the University's legal counsel.

- m. *Hearings during Summer Session and Breaks.* To ensure the functioning of the University Grade Appeal Committee during Summer Session and at other times when regular classes are not in session, the **Director Associate Provost** may convene a hearing with a minimum of three persons chosen from the pool of the committee membership who are available. Should a minimum of three be unavailable from the pool, the **Director Associate Provost** may select additional faculty members or students to participate in the hearing process. **The Associate Provost will moderate the hearing.**¹⁶

6.7.6 *Findings.* Decisions of the Hearing Panel shall be made by majority vote which shall not be revealed to either the student or the instructor. Upon completion of the hearing, the Associate Provost will communicate the Panel's decision via letter to the student, the instructor, the Provost and Vice President for Academic Affairs, and the instructor's department chairperson within **three (3)**¹⁷ **two (2)** school days of completion of the hearing.

- a. *Findings of the Panel.* The Panel may render one of two decisions:
- 1) That a grade which has been appealed be changed with specific designation of the new grade;
 - 2) That a grade which has been appealed remains the same.

If the panel decides to change the grade, the instructor shall have five (5) school days in which to file a grade change with the Office of the Registrar or request a review by the Provost (see 6.7.6b below). In the event the instructor takes no action, the Provost shall process a change of grade form.

- b. *Provost's Determination.* If either party believes that there **have been were** procedural errors **that substantially affected**¹⁸ the decision or that they did not receive a fair hearing, they may request a review by the Provost that shall be limited to an examination of the process and procedures followed. The Provost shall communicate the final decision to all parties in writing.

The review may be resolved in one of the following ways:

- 1) The Provost will determine that there were no procedural errors **that had a substantial effect**, in which case the original decision is upheld. If that original decision was to change the grade, the Provost shall notify the faculty member that a change of grade form is to be submitted to the Office of the Registrar. The instructor shall have five (5) school days in which to file a grade change with the Office of the Registrar or inform the Provost of intent not to do so. In the event the instructor takes no action or chooses not to change a grade, the Provost shall process a change of grade form.
 - 2) The Provost will determine that there were procedural errors **that had a substantial effect**, in which case the grade appeal may be remanded back to the original Panel for further consideration.
- c. *Transcript notation.* If a grade has been changed by the Provost, the appeal case record shall reflect the following: *Original grade of ___ was overruled by the Provost upon recommendation of the University Grade Appeal Panel.*
- d. *Record.* A record of the case including all materials submitted during the appeal process, written exchanges to and from the student regarding the appeal, the record of the proceedings of the University Grade Appeal Committee hearing (if applicable) and communication to and from the Provost (if

¹⁶ The Associate Provost or designee has already been named as moderator.

¹⁷ Given the amount of time this process generally takes and in comparison to the other timeframes allowed, allowing another day to draft and finalize the report is not unreasonable.

¹⁸ This language is consistent with the appeal criteria for other types of hearings (e.g., University Review Board, Sexual Misconduct Board). Additionally, the previous language implies that established procedures are perfect and will/can be implemented perfectly; this is unrealistic.

applicable) shall be retained on file in the Office of ~~Student Rights and Community Standards~~ the Associate Provost for a period of one year after the decision. After that year, unless precluded by a pending legal matter, all materials will be destroyed with the exception of final decisions made by the screening committee, the University Grade Appeal Committee, and the Provost as applicable. These documents may be maintained in digital form.

VII. STUDENT ACADEMIC ETHICS POLICY¹⁹

7.1 Introduction

Honesty, trust, and personal responsibility are fundamental attributes of the University community. Academic dishonesty ~~and other forms of academic misconduct by a student will not be tolerated, for it threatens the foundation of an institution dedicated to the pursuit of knowledge and will not be tolerated.~~ 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 ~~Misconduct Dishonesty~~²⁰

Academic ~~misconduct dishonesty~~ involves violations of procedures which protect the integrity of the coursework completed by a student. ~~Academic misconduct includes but is not limited to acts of academic dishonesty, or “intentional acts of fraud” in the academic setting.~~

~~“In academic dishonesty cases, a distinction must be made between simple negligence and intentional acts of fraud. The former does not merit subjecting students to the disciplinary process. An example of academic negligence would be the omission of a single footnote due to a typing error.~~

~~While the student responsible for such error should not be subject to disciplinary penalties, the instructor is free to award a grade which reflected the student's carelessness.~~

~~The issue of ‘intent’ is a question of fact. A student who cites long passages from a book without any acknowledgment cannot expect the decision maker to believe the omission was merely negligent. Requiring a showing of intent should not be confused with excusing students who claim they were unaware of the rules.” (p. 23)²¹~~

Academic ~~misconduct 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:
- Possessing, referring to, or employing open textbooks or notes or other devices not authorized by the faculty member;
 - Copying from another person's ~~work paper~~;
 - Communication with, providing assistance to, or receiving assistance from another person in a manner not authorized by the faculty member;
 - 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;
 - Taking a quiz or examination or similar evaluation in the place of another person;
 - Utilizing another person to take a quiz, examination, or similar evaluation in place of oneself;

¹⁹ Changes to this section have been proposed at the request of and in collaboration with the Office of the Associate Provost.

²⁰ This change and illustration below regarding intent are proposed to (1) more accurately incorporate some of the behaviors listed in sections 7.2.1-6, (2) help students and faculty more accurately distinguish between unethical and negligent behavior, and (3) facilitate better matching of intervention to behavior.

²¹ Gehring, D., & Pavela, G. (1994). *Issues and perspectives on academic integrity* (2nd ed.). Washington, DC: National Association of Student Personnel Administrators.

- g. Changing material on a graded examination and then requesting a re-grading of the examination;
- h. The use of any form of technology capable of originating, storing, receiving or sending alphanumeric data and photographic or other images to accomplish or abet any of the violations listed in parts a through g.

- 7.2.2 Plagiarism—defined as “intentionally or knowingly representing the words or ideas of others as one’s own in any academic exercise”²² (also see discussion below) or violations of procedures prescribed to protect the integrity of an assignment, such as:
- a. Submitting an assignment purporting to be the student’s original work which has been wholly or partly created by another person;
 - b. Presenting as one’s own work the ideas, representations or words of another person without customary and proper acknowledgment of sources;
 - 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.

Discussion: Regarding plagiarism, the Council of Writing Program Administrators notes the following:

“Most current discussions of plagiarism fail to distinguish between:

1. submitting someone else’s text as one’s own or attempting to blur the line between one’s own ideas or words and those borrowed from another source, and
2. carelessly or inadequately citing ideas and words borrowed from another source.

Such discussions conflate plagiarism with the misuse of sources.

Ethical writers make every effort to acknowledge sources fully and appropriately in accordance with the contexts and genres of their writing. A student who attempts (even if clumsily) to identify and credit his or her source, but who misuses a specific citation format or incorrectly uses quotation marks or other forms of identifying material taken from other sources, has not plagiarized. Instead, such a student should be considered to have failed to cite and document sources appropriately.”²³

- 7.2.3 Falsely claiming to have completed work during an internship or class group assignment.
- 7.2.4 Cooperating with another person in academic dishonesty misconduct, either directly or indirectly as an intermediary agent or broker.
- 7.2.5 Knowingly destroying or altering another student’s work whether in written form, computer files, art work, or other format.
- 7.2.6 Aiding, abetting, or attempting to commit an act or action which that would constitute academic dishonesty misconduct.
- 7.2.7 Fabrication, or “intentional and unauthorized falsification or invention of any information or citation in an academic exercise.”²⁴

7.3 Accusation of Discrimination

²² Pavela, G. (1997). Applying the power of association on campus: a model code of academic integrity, p. 10. Accessed January 14, 2014 from the Center for Academic Integrity website at http://www.academicintegrity.org/icai/assets/model_code.pdf

²³ Council of Writing Program Administrators, (2003). *Defining and Avoiding Plagiarism: The WPA Statement on Best Practices*. Accessed January 15, 2015 at <http://wpacouncil.org/positions/WPAplagiarism.pdf>

²⁴ Pavela, G. (1997). Applying the power of association on campus: a model code of academic integrity, p. 11. Accessed January 14, 2014 from the Center for Academic Integrity website at http://www.academicintegrity.org/icai/assets/model_code.pdf

If the student believes the accusation of academic **dishonesty misconduct** is in whole or in part due to unlawful discrimination relating to race, religion, color, sex, sexual orientation, physical or mental disability, national origin, ancestry, or age, the student must inform the Office of University Compliance in writing of this belief immediately after an accusation has been made. The charge of unlawful discrimination shall be dealt with under the procedures set forth by the Office of University Compliance. ~~prior to or in conjunction with any consideration under the academic dishonesty procedures which follow.~~

7.3.1 When a student involved in an academic **dishonesty misconduct** case alleges as a partial or complete defense, discriminatory treatment on the part of the faculty member, then the student must at the first opportunity cite the specific treatment engaged in by the faculty member. When raising such defense, the student must also provide a summary of the constitutionally or statutorily prohibited reasons upon which he or she believes the decision or accusation was based and a detailed summary of the evidence which supports the appellant's allegation. Discriminatory treatment is defined as decisions based upon constitutionally or statutorily prohibited reasons, including unlawful discrimination.

7.3.2 When a student involved in an academic ethics case alleges discriminatory treatment on the part of the faculty member, the University's Vice President and General Counsel or his or her designee **will be consulted on how to best resolve both allegations in a timely and fair manner that meets the University's statutory compliance and ethical obligations.** ~~shall serve in an advisory capacity to the committee or hearing panel at each level of appeal. All appeals alleging discriminatory treatment in cases that begin as academic ethics cases shall be pursued under the procedures set forth in this document rather than under the Ball State University "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process."~~

~~7.3.3 In all cases, the appellant has the burden of proving his or her allegations.²⁵~~

7.4 Implementation Procedures

The Provost ~~will designate~~ **has designated** the person (Provost's designee) **the Associate Provost²⁶ to be** responsible for overall administration of this policy. **Specific responsibilities have been further delegated to other staff members with the Office of the Associate Provost. Unless specifically noted, "Associate Provost" will mean any of these persons.²⁷**

Throughout this document, *written notice* is defined as Priority United States Mail and/or **electronic communication university email** with a read/receipt request attached to the document.

No statute of limitation shall exist for issues of academic **dishonesty misconduct**, including post-graduation situations. In the case of post-graduation issues, the same procedures and timetables as described for current students are applicable. However, before the procedures may begin, the individual in question must be located and contacted. Once located, the **Office of the Associate** Provost will send a certified letter to the individual, containing all required information. When the **Office of the Associate** Provost receives confirmation that the letter has been delivered, the timetable of events begins.

7.4.1 *Informal Resolution.* If a faculty member accuses a student of academic **dishonesty misconduct**, the faculty member must inform the student, either in person or by written notice, of the alleged violation within five (5) school days after the faculty member becomes aware of the initial circumstances giving rise to the accusation. The faculty member and student will discuss the alleged violation in a **private**

²⁵ Complaints made under this section are resolved in conjunction with procedures defined in other policies. The obligation to investigate a complaint of this nature is the University's and not necessarily the "appellant."

²⁶ "Provost's designee" has been confusing and has resulted in unnecessary phone calls to determine what office is the "designee." "Associate Provost" is accurate and more specific.

²⁷ As with changes to the grade appeal policy, some changes to the academic ethics policy reflect the new Associate Dean of University College position within the Associate Provost's office.

conference²⁸ within five (5) school days after the faculty member notifies the student of the accusation. The student's failure to respond to this accusation will be considered an admission of guilt responsibility for the violation.

- a. *Finding of Innocence Not Responsible*. If, as the result of the conference, the faculty member thinks that the student is not responsible, the matter will be closed.
- b. *Finding of Violation*. If, as a result of the initial conference, the student admits his or her academic dishonesty misconduct, the student will be required to indicate this admission in writing to the faculty member within five (5) school days following the conference.
- c. *Imposition of Punishment Consequences*. If, after receiving the written admission of a violation, an appropriate resolution and punishment (including consequences) is found to which satisfies the faculty member and the student agree, written documentation of the meeting will be sent to the Provost's designee Associate Provost. This written documentation must be signed by both the faculty member and the student.
- d. *Disagreement as to Violation*. If, as a result of the initial conference, the faculty member thinks a violation has occurred and the student disagrees, the²⁹ faculty member must notify the student in writing within five (5) school days following the initial conference that the faculty member is proceeding with the formal resolution process. [See Timing of Grade, section 7.4.3.]³⁰
- e. *Disagreement as to Punishment Consequences*.

If the student admits responsibility or fails to respond, and the faculty member subsequently imposes consequences that the student considers too severe, the student may appeal within five (5) school days of being notified of the consequence. This appeal should be filed with the Associate Provost to be considered by the Student Academic Ethics Committee.³¹ [See Timing of Grade, section 7.4.3.]

If the faculty member imposes punishment consequences after a student has admitted guilt responsibility for the violation (written admission or failure to respond), the student may appeal within five (5) school days following the initial conference the appropriateness of the punishment consequences imposed (but not his or her guilt responsibility for the violation) to the Student Academic Ethics Committee).

- 7.4.2 *Formal Resolution*. A faculty member's written notification to the student that he or she is proceeding with the formal resolution process shall include a brief description (no more than five (5) pages) of the circumstances giving rise to the accusation and inform the student of his/her right to appeal. A copy of the written notice shall be given to the faculty member's chairperson. The student must respond in writing to the formal accusation within five (5) school days after receiving the faculty member's written notice.
- a. The student's written response must indicate why he/she denies the accusation and wishes to appeal.
 - b. If the student fails to respond in writing within the five (5) school day period, the student shall be deemed to have admitted to the accusation.

²⁸ *Explanatory footnote (will remain with document)*: the "private conference" is not required to be a face-to-face meeting; it can be conducted by telephone, email or Skype for example. Additionally, there may be times when more than one student is accused of being involved which can require a meeting between an instructor and two students, for instance. Finally, there may be times when the support of an advisor for the student or instructor or both is appropriate. The "private conference" may not be a public affair attended by anyone who wishes to do so; this meeting is an opportunity for the student to respond, for the instructor to gather information, and for all parties to clarify what has happened and determine the next step.

²⁹ "Punishment" is not a term suited to a description of treatment of students in the higher education setting. "Guilt" and "innocence" are similarly replaced throughout this document by "responsible" and "not responsible," terms better suited for an educational setting and that are consistent with the remainder of the *Code of Student Rights and Responsibilities*.

³⁰ This insertion is intended to provide a timely notice to instructors to refrain from designating a grade in a contested matter until the process is finalized informally or formally.

³¹ This paragraph is an alternative proposal to the modified paragraph below.

- c. If the student denies the accusation, in writing, the faculty member shall refer the matter, in writing, to the University Student Academic Ethics Committee within five (5) school days from the date of the student's response. At that same time, the faculty member shall provide copies of the academic dishonesty misconduct referral to the student, department chairperson, and Associate Provost Provost's designee. The faculty member bears the burden of proof for establishing academic dishonesty misconduct.
- d. If the matter is not resolved informally, and if the faculty member does not refer the matter to the University Student Academic Ethics Committee, the student shall be deemed to be innocent of the accusation of academic dishonesty misconduct and no punishment consequences may be imposed.
- 7.4.3 *Timing of Grade*. During the formal resolution process, the student's enrollment and participation in class shall not be affected. If the student's grade in the course has not been resolved by this process and the semester ends, the student shall receive an "Incomplete" in the course until such time as a grade can be determined pursuant to this policy. If the student has already been assigned a grade in the course at the time the student is accused of academic dishonesty misconduct, the assigned grade shall not be changed unless and until the student is determined to be guilty responsible for the violation of academic dishonesty misconduct pursuant to this policy.
- 7.4.4 *Course Withdrawal*. ~~Withdrawal from a course when~~ Students who are faced with an accusation of academic dishonesty misconduct are not allowed to withdraw from the course until the issue has been resolved. If the student withdraws from the course before the Associate Provost learns of the accusation, he or she will be administratively re-enrolled in the course until the adjudication is complete, including imposition of consequences if appropriate. in that course does not preclude imposition of a penalty for the violation, including failure in the course. Once adjudication is complete and the ~~If penalty shall be is determined to be course failure, the instructor may submit a Change of Grade form to the Registrar to replace the "W" with an "F".~~
- 7.4.5 *Multiple Offense Review*. Upon receipt of a faculty member's written notification of an informal resolution of a student academic integrity misconduct accusation issue or of a need for a formal resolution process and if it is found that one or more prior offenses has occurred, the Provost's designee Associate Provost shall review all records and make a determination determine if the student has prior offenses on record, and if so, as to whether what further action is warranted.
- a. *Informal Process Resolution*. After review of past incidents, the Provost's designee Associate Provost may close the matter with no further action, or may choose to impose additional consequences penalty for the most recent violation.
- b. *Referral to Student Academic Ethics Committee*. The Provost's designee Associate Provost may also choose, upon review, to forward the matter to the Student Academic Ethics Committee for consideration of additional penalties.
- c. *Forwarding Cases Resolved at Informal Level*. In cases where the most recent offense has been resolved by agreement of the faculty member and student, the hearing will include only the student and the hearing panel Hearing Panel. The faculty members involved in student's violations need not appear unless circumstances warrant faculty involvement. The hearing panel Hearing Panel may recommend no additional consequences penalty or may recommend consequences penalty up to and including suspension or expulsion from the University or revocation of a previously awarded degree.
- d. *Forwarding Cases Resolved at Formal Level*. If the determination of prior violations occurs during the Formal Resolution process (7.4.2), the process and hearing will proceed as outlined for a single offense. The hearing panel Hearing Panel will include questioning about any other offenses and will consider the issue of multiple offenses as part of a recommendation to the Provost and Vice President for Academic Affairs for penalty the determination of consequences.

7.4.6 *Standing of Alternate Complainants:* This policy is designed to address the typical scenario that a faculty member is alleging academic misconduct by a student under his or her instruction (class, internship, thesis, student teaching, etc.). However, there are times when a student reports academic misconduct or when a student not under a faculty member's instruction assists a student who is under that faculty member's instruction. In these cases, a faculty member who is in the best position to exercise the authority to impose an academic consequence (i.e., a grade) will be sought to review the allegation. If a faculty member who is able to serve in this capacity cannot be found, the Associate Provost may designate the Director of Student Rights and Community Standards (Director) to serve as the complainant. However, in these instances, the Associate Provost ~~Dean~~ or Director may not impose an academic consequence but may impose consequences authorized under section 6.6.4 of this Code.³²

7.5 Student Academic Ethics Committee – Composition

7.5.1 *Membership.* The Student Academic Ethics Committee shall be composed of ~~seven (7)~~ one (1)³³ faculty members from each college, ~~four (4)~~ one (1) undergraduate students from each college, one (1) graduate student from each college, the Associate Provost, and the Director of Student Rights and Community Standards or his/her designee.

- a. Each college dean shall appoint one (1) regular faculty member from his or her college with the academic rank of assistant professor or higher to serve on the committee and one (1) undergraduate and one (1) graduate student from his or her college;³⁴
- b. ~~The Student Government Association shall appoint four (4) students to serve on the committee.~~ The students must be of not less than have earned sophomore standing or above, shall not be on academic or disciplinary probation, or have a record of having committed academic dishonesty misconduct. Each student must consent in writing to the University verifying to the Student Government Association college dean that he or she meets the requirements of the preceding sentence;
- c. ~~The Provost's designee 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.~~³⁵

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

7.6 Student Academic Ethics Committee: Procedures

7.6.1. *Selection of Hearing Committee Panel; Chairperson.* ~~Upon receipt of an academic dishonesty misconduct referral or an appeal, the Provost's designee~~ The Associate Provost shall select a Hearing Committee Panel 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 Panel shall be composed of five (5) voting members: three (3) faculty, two (2) students selected from either the undergraduate or graduate pool of students to match the status of the accused student; and two (2) non-voting members: the Associate Provost Designee, and the Director of Student Rights and Community Standards or his/her designee. ~~The Provost's designee Associate Provost~~ shall serve as chairperson of the Hearing committee Panel.

³² This addition addresses the rare occurrence when a faculty member is not the one who uncovers academic misconduct. When a student reports academic misconduct to his/her instructor, that instructor should accept the obligation to investigate and address the allegation. There are also cases in which, for instance, a student not in Professor A's class is assisting a student who is: this addition provides guidance on who can accept standing as the complainant.

³³ Changed to accommodate future colleges.

³⁴ This change (see also "b" immediately below) mirrors the appointment process for the grade appeal policy. The increase in number of students also provides a larger pool from to select. Finally, the appointments by college deans to the grade appeal has been a relatively efficient process which is often finalized during the summer when Student Government Association is not active.

³⁵ Terms "Associate Provost" and "Director" have already been defined as including designees.

- 7.6.2 *Advisors.* The student and faculty member may each be accompanied and assisted at the hearing by one advisor. However, an advisor may not address the Hearing **Committee Panel** or witnesses directly. The student and faculty member shall each indicate to the **Provost's designee Associate Provost** who will serve as his or her advisor at least twenty-four (24) hours before the hearing.
- 7.6.3 *Notice of Hearing.* The **Provost's designee Associate Provost** shall establish the time, date, and place that the academic **dishonesty misconduct** referral or appeal will be heard by the Hearing **Committee Panel** 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 Panel** and shall briefly state the nature of the accusation and the circumstances giving rise to the accusation. The date of the hearing **shall should**³⁶ be not more than twenty (20) school days after the faculty member's written notice or the student's appeal was received by the office of the **Provost's designee Associate Provost**. In the case of an absent faculty member, the department chairperson, with consent of the absent faculty member, shall appoint a faculty member from the department or himself or herself to represent the faculty member at the hearing.
- 7.6.4. *Quorum.* All of the voting members of the Hearing **Committee Panel** must be present to constitute a quorum, unless a vacancy occurs, as provided in 7.6.5. ~~, but A~~ majority of the voting members present, whether or not a quorum exists, may adjourn any meeting to another time or date.
- 7.6.5 *Disqualification; Challenges.* Any Hearing **Committee Panel** member shall disqualify himself or herself if he or she has a conflict of interest with the case, the student, a personal bias relevant to the case. The student may challenge a Hearing **Committee Panel** member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the **Provost's designee 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 Panel**.
- 7.6.6. *Witnesses.* The student and the faculty member may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Committee may limit the number of witnesses to avoid repetition and cumulative testimony. The witnesses must be affiliated with the University and knowledgeable about the academic **dishonesty misconduct** accusation. Each party shall be responsible for insuring the presence of his or her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony of a witness unless the chairperson of the Hearing **Committee Panel** ~~determines that the witness is unavailable to testify~~ **permits a written statement**³⁷. The student and the faculty member must provide the names of all witnesses who may testify at least twenty-four (24) hours before the scheduled time of the hearing to the Office of the **Provost's designee Associate Provost**. All witnesses who testify, as well as the **accused** student and the faculty member, may be questioned by any member of the Hearing **Committee Panel** concerning any matter relevant to the issues before the Hearing **Committee Panel**. Witnesses invited by either party shall be present only while they are testifying.
- 7.6.7 *Materials Used in the Hearing.* The student must provide a written statement of no more than five (5) pages outlining the basis of the appeal and provide any supporting documentation. The faculty member will provide the original written notification and any additional supporting materials. All documentation must be received in the Office of the **Associate** Provost no less than five (5) school days prior to the

³⁶ "Should" provides more flexibility but still maintains the expectation of a timely process.

³⁷ Determining that the witness is unavailable to testify creates an implicit expectation that the chairperson will somehow investigate the ability of the witness to appear. This is an inefficient use of time.

hearing. All documents shall be distributed to both parties and the Hearing Committee Panel no less than twenty-four (24) hours in advance of the scheduled hearing.

7.6.8 *Conduct of the Hearing.* The hearing shall be conducted without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view to providing the Hearing Committee Panel with a complete understanding of the facts involved. Each party shall be granted up to thirty (30) minutes to present relevant information to the Hearing Committee Panel. Time used by witnesses shall count toward those thirty minutes (excluding time spent questioning the witness by the Hearing Committee Panel). Decisions of the Hearing Committee Panel shall be made by a majority vote. The Hearing Committee Panel may delay judgment if the faculty member (or his/her representative) or the student is not available for a legitimate reason.

7.6.9 *Confidentiality of Appeal Hearing.* The Hearing Committee members shall return any personal files, materials received during the appeals procedure, or notes taken during the meetings of the Hearing Committee to the Chairperson of the Hearing Committee, once the process is complete. No member of the Hearing Committee, or other participant or observer in the appeal procedure shall reveal any facts, documents, or testimony gained through participating in or observation of the hearing to any other person unless required by a court of law to do so or upon the advice of the University's legal counsel.

7.7 Hearing Committee: Determination/Recommendations

7.7.1 *Determination and Recommendation of the Hearing Committee Panel.* The Hearing Committee Panel's determinations shall be based solely on the evidence presented or summarized at the hearing, as well as the testimony provided by the student, faculty member, and witnesses; however, the Hearing Committee Panel may take official notice of matters which would be within the general experience or knowledge of faculty or students of the University. The Hearing Committee Panel shall complete the following tasks:

- a. determine the guilt or innocence responsibility of the student (if not previously determined);
- b. determine the recommendation for punishment consequences if the student is determined to be guilty responsible for the violation or the student admitted guilt responsibility for the violation in writing, or the only issue before the Hearing Committee Panel is the punishment consequence to be imposed. The Hearing Committee Panel may consider any prior instances of academic dishonesty misconduct by the student in determining its recommendation for punishment consequences;
- c. meet in one or more private sessions after the conclusion of the hearing for the purpose of preparing the written summary of the evidence presented, findings, and recommendation for punishment consequences for delivery to the Provost and Vice President for Academic Affairs.

7.7.2 *Determination of Innocence Not Responsible.* If the Hearing Committee Panel determines that the student is innocent of the accusation not responsible for the alleged violation, the accusation shall be dismissed and the Hearing Committee Panel shall request the faculty member involved to assign a grade to the student based upon the student's academic performance. If the student thereafter disagrees with the grade assigned, the student may appeal the grade through the University's grade appeal procedure. The Hearing Committee Panel shall give its written summary of evidence presented and its written findings of innocence "not responsible" to the Provost and Vice President for Academic Affairs. A copy of the summary and findings of innocence "not responsible" shall at the same time be given to the student, faculty member, the faculty member's department chairperson, and the faculty member's dean.

7.7.3 *Determination of Guilt Responsibility for the violation: Findings and Recommendation to Provost and Vice President for Academic Affairs.* If the Hearing Committee Panel determines that the student is guilty responsible for the violation of the accusation, if the student has admitted guilt responsibility for the violation in writing, or if the only issue before the Hearing Committee Panel is the punishment consequences to be imposed, the Hearing Committee Panel shall give its written summary of the evidence presented, its written findings, and its recommendation for punishment consequences to the Provost and Vice President for Academic Affairs. A copy of the summary, findings, and

- recommendation for **punishment consequences** shall at the same time be given to the student, the faculty member, the faculty member's department chairperson, and the faculty member's dean.
- 7.7.4 *Appeal to the Provost and Vice President for Academic Affairs.* The faculty member or the student may appeal the Hearing **Committee Panel's** decision to the Provost and Vice President for Academic Affairs. To be considered by the Provost and Vice President for Academic Affairs, such appeals must be received by the Office of the Provost and Vice President for Academic Affairs within five (5) school days after the date the Hearing **Committee Panel's** summary, findings, and recommendations are given to the student, the faculty member, the faculty member's department chairperson, and the faculty member's dean. The decision of the Provost and Vice President for Academic Affairs is final.
- 7.7.5 *Action by Provost and Vice President for Academic Affairs.* After receipt of the Hearing Committee's summary, findings, and recommendation and any written comments promptly 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 consequences**; or (3) refer the matter **back (remand)** 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 remands** the matter to the Hearing Committee, the results of the Hearing Committee's further actions shall be communicated to the Provost and Vice President for Academic Affairs for final decision.
- 7.8 **Punishment Consequences**
- 7.8.1 *By Faculty Member.* A faculty member may impose **punishment consequences** for academic **dishonesty misconduct** up to and including failure in the course.
- 7.8.2 *By Provost and Vice President for Academic Affairs.* After receipt of the Hearing Committee's summary, findings and recommendation, the Provost and Vice President for Academic Affairs may impose **punishment consequences** up to and including suspension or expulsion from the University or revocation of a previously awarded degree.
- 7.9 Records of Academic **dishonesty Misconduct**
- 7.9.1 *Records in Case with No Adverse Finding.* If a student is determined or deemed to be innocent of an accusation of academic **dishonesty misconduct**, and any appeal of that decision has been concluded with no change in judgment, all materials concerning the accusation that are in the possession of the University or any University faculty or staff member shall be destroyed, except that any student work product involved in the dispute shall be evaluated, retained, returned to the student or otherwise handled as required by the original assignment.
- 7.9.2 *Records in Case with Adverse Finding.* If an academic **dishonesty misconduct** proceeding concludes, after any available appeals, in a finding that there was academic **dishonesty misconduct** of any type in any degree, or if a case is resolved by informal resolution under 7.4.1., with a stipulation by the student that there was academic **dishonesty misconduct** of any type in any degree, the records of the proceedings shall be maintained in accordance with Subsection 7.9.3.
- 7.9.3 *Maintenance of Records.* Records of any proceeding described in Section 7.9.2 shall be maintained in a separate file, identified by the name of the student. The records shall include all materials used in the hearing, as well as findings of violation and imposition of **punishment consequences** as a result of informal resolution under Section 7.4.1. All materials in a student's academic **dishonesty misconduct** file will be destroyed five (5) years after the case is resolved or when the student graduates from Ball State University, whichever date comes later. However, if at the conclusion of this holding period, the materials are relevant to pending or threatened litigation, the Provost and Vice President for Academic Affairs may direct that destruction of the materials be delayed until such litigation is concluded. Access to or release of the materials will occur only with the prior written consent of the student or in

accordance with the Registrar's policies for the release of student records, in accordance with federal and state law and university policy.

7.9.4 *Transcripts.* Other than the grade finally assigned in a course, a student's academic **dishonesty misconduct** shall not be recorded on the student's transcript unless the student is expelled from the University or a previously awarded degree is revoked. In these cases the transcript has a notation but which does not specify expulsion or revocation of degree.

7.10 Miscellaneous

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

APPENDIX M – Student Leaves for Funerals, Bereavement, ~~and~~ Jury Duty, ~~and~~ Pregnancy

Changes proposed for 2015-2016. Text proposed for addition is underlined; text proposed for deletion is struck through. All changes are highlighted for ease of review. Contact Dr. Mike Gillilan, Director of Student Rights and Communities Standards, at 285-5036 or mgillilan@bsu.edu for clarifications/questions.

A. Funeral and Bereavement Leave

1. Students will be excused from class for funeral leave in the event of the death of a **close friend or**³⁸ member of the student's family or household. The number of excused absences allowed is determined by the distance of funeral services from Muncie, Indiana, as follows:

Three school days - Within 150 miles radius of Muncie

Four school days - Between 150-300 miles radius of Muncie

Five school days - Beyond 300 miles radius of Muncie

Seven school days - Outside of North America

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

3. 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 this policy.⁴⁰

B. Jury Duty Leave

1. Ball State supports the responsibilities of citizens and encourages students to engage in the Muncie and home communities. One expectation of citizenship is jury duty.
2. Ball State University advises students summoned for jury duty to contact the court as soon as possible and to request a deferral if jury duty will interfere with classes. Many jurisdictions allow college students to defer service to a later date, or may even exempt college students from serving on juries.
3. Absences will be excused for students who are summoned to report for jury duty or to serve as a witness in court during class time. Official documentation of jury service dates or a copy of the subpoena to be a witness must be submitted to instructors in order for absences to be excused. Students are expected to make up academic work.

³⁸ After sending forward the leave change proposal for 2014-2015 which removed designations for specific family members, the Senate Agenda committee recommended that the Student Rights, Ethics, and Standards committee consider language that allowed students to grieve and/or attend funerals for loved ones who are not necessarily family members, e.g., friends, recognizing the significance of the peer group in the lives of younger adults. "Loved ones" is a generic term meant to capture that peer group without requiring significant "word-smithing."

³⁹ This statement now codified to accommodate new #3 in this section.

⁴⁰ This section appeared later in policy and was moved for accurate placement.

C. Absence Notification Pregnancy Leave

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 this policy.

Ball State does not discriminate against any student on the basis of pregnancy or related conditions. Absences due to medical conditions relating to pregnancy will be excused for as long as deemed medically necessary by a student's doctor and students will be given the opportunity to make up missed work. Students needing assistance may contact the Associate Dean of Students/Deputy Title IX Coordinator for Student Affairs (Mrs. Katie Slabaugh, 765.285.1545).

D. Absence Notification to Faculty

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). Students should review each instructor's course syllabus regarding absence guidelines and follow those guidelines. In general, students are expected to notify all of their instructors once they anticipate being absent for any reason (e.g., funeral) or as soon as possible after the absence begins (e.g. unexpected injury or illness). The student will provide documentation to each instructor if requested. 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 this policy.

Procedures for Appeals Regarding Student Funeral, Bereavement Leave, or Jury Duty Leaves

- A. To initiate an appeal regarding a leave, the student must request a review of the dispute 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 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.