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CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

INTRODUCTION

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

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

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

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

I. Bill of Rights and Responsibilities

1.1 Preamble

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

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

1.2 Student's Relation to Civil Law

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

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

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

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

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

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

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

1.3 Student's Relation to Community

1.3.1 Students attending the University take on responsibilities not only of campus citizenship but also community citizenship. When community standards are not respected and upheld by students, unpleasant and undesirable conflicts between students and other community residents result. Such conflicts are destructive to human relationships in the community and detrimental to the image of the University, as well as to the reputation of the student body. Students are also subject to legal sanctions when they violate local, state, and federal laws or otherwise infringe upon the rights of others.

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

1.4 Student's Relation to University

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

- 1.4.1** Obligation to provide opportunities for students of the University to present and debate public issues.
- 1.4.2** Obligation not to take a position as an institution in electoral politics.
- 1.4.3** Right to require that persons on the campus be willing to identify themselves by name and address and state what connection, if any, they have with the University.
- 1.4.4** Right to establish reasonable standards of conduct for all persons on the campus in order to safeguard the educational process and to provide for the safety and welfare of its students, visitors, and University property.
- 1.4.5** Right to prohibit individuals and groups who are not students of the University from using its name, its finances, and its physical and operating facilities for political activities, or for commercial activities, except as specifically agreed to in writing by the proper authorities of the University.
- 1.4.6** Right to prohibit students of the University from using its name, its finances, or its physical and operating facilities for commercial activities, except in cases involving recognized student and faculty groups as provided for in policies governing use of the campus facilities and fund-raising activities.
- 1.4.7** Right and obligation to provide, for recognized student groups of the University, the use of campus facilities under the rules of the campus, including use for political purposes such as meeting of political clubs; to prohibit use of its facilities by individual students or student groups on a regular or prolonged basis as free headquarters for political campaigns; and to prohibit use of its name and its finances for any political purpose at any time. Use of other resources for political purposes must comply with existing local, state, and federal laws.

1.5 Academic Freedom

- 1.5.1** Academic freedom is a foundation of any University community. The affirmation of academic freedom of students should be accepted as a reciprocal understanding among the individual student or groups of students and the faculty and administration. The student is not only privileged to think independently but, in the tradition of a University, is responsible for developing independent thinking. The University seeks to provide and maintain an academic climate which is conducive to learning.

1.5.2 Ball State University, as an institution of higher education, reaffirms the following policies, insuring the academic freedom of students:

- a. That students have the right to the best education possible;
- b. That students have the rights and responsibilities for participation in policy and decision making and implementation in areas affecting student welfare;
- c. That students have inherent rights to the establishment and practice of representative self-government as set forth in the Constitution of the Student Government Association of Ball State University;
- d. That students have rights to and means whereby they may communicate their ideas and concerns to responsible authorities in the University;
- e. That students have the right to ready access to the spoken and printed word;
- f. That students have the right to express their thoughts and judgments concerning the professional competency of the faculty and professional personnel.

1.5.3 All students are subject to the University policy on intellectual property, as amended from time to time. A copy of the University's Intellectual Property Police is available for student's review on the University website or a copy can be obtained from the University Office of Technology Transfer.

1.5.4 If a student is concerned about any issue in the classroom, including a perceived academic freedom issue, this student may:

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

1.6 Additional Rights and Responsibilities

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

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

- a. Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom, it being understood that assigning priorities or ranking to investigative programs may be an administrative necessity.
 - b. Freedom to teach and learn implies that students, faculty, and administrators have the responsibility to respect and consider suggestions without detriment to grade or positions of the persons submitting them.
 - c. Free inquiry implies that faculty and/or faculty-directed student research-the results of which are predestined for classification under the National Security Act - may be conducted only under the conditions imposed by the statements in the *Faculty and Professional Personnel Handbook*, "On preventing conflicts of interest in government sponsored research at universities" and with prior knowledge of the intended restrictions to be placed on the distribution of the results.
- 1.6.2** Obligation not to infringe upon the right of any of the members of the University community to privacy in office, laboratories, and residence and in the keeping of personal papers, confidential records and effects, subject only to the local, state and federal law and to conditions voluntarily entered into. Permanent records will not contain information concerning religion, political, or social beliefs, and membership in any organization other than honorary and professional organizations directly related to the academic processes, except upon expressed written request of the student in question.
- 1.6.3** Obligation not to interfere with the freedom of members of the University community to pursue normal academic and administrative activities, including freedom of movement.
- 1.6.4** Obligation not to interfere with the freedom of any member of the University community to hear and to study unpopular and controversial views on intellectual and public issues.
- 1.6.5** Right to identify oneself as a student of the University and a concurrent obligation not to speak or act on behalf of the institution, or any group of students therein, without authorization.
- 1.6.6** Right to hold public meetings in which students participate, to post notices, and to engage in peaceful, orderly demonstrations. Reasonable and impartially applied rules, designed to reflect the academic purposes of the institution and to protect the safety of the campus, shall be established regulating time, place, and manner of such activities and allocating the use of facilities in accordance with (1) Policy Concerning Distribution, Solicitation, Fund Raising, Sales, and Commercial Activity on University Property - Office of the Vice President for Business Affairs; (2) Policy on Selection and Presentation of Lecturers or Speakers by Student Organizations - *Faculty and Professional Personnel Handbook*; (3) Policy on Special Events on Campus - *Faculty and Professional Personnel Handbook*.

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

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

1.6.9 Right to Funeral and Bereavement Leave

- a. Students will be excused from class for funeral leave in the event of the death of a member of the student's immediate family or household, including: father, mother, husband, wife, son, daughter, grandfather, grandmother, grandchild, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepfather, stepmother, stepson and stepdaughter. The number of excused absences allowed is determined by the distance of funeral services from Muncie, Indiana, as follows:

Three work days - Within 150 miles radius of Muncie

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

Five work days - Beyond 300 mile radius of Muncie

Seven work days - Outside of North America

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

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

II AUTHORITY

2.1 Authority

The Board of Trustees of Ball State University is empowered by the Indiana General Assembly to manage, control, and operate the institution and to promulgate rules and regulations to carry out its responsibilities. The Indiana statutes provide that the Board of Trustees may delegate this authority to its officers, faculty, employees, and others. The

statutory authority conferred upon the Board of Trustees includes the specific authority under Indiana Code 21-39-2 to regulate the conduct of students and others as follows:

- a. To govern, by regulation and other means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the institution.
- b. To govern, by lawful means, the conduct of its students, faculty and employees, wherever the conduct might occur, to prevent unlawful or objectionable acts that: (1) seriously threaten the ability of the institution to maintain its facilities; or (2) violate the reasonable rules and standards of the institution designed to protect the academic community from unlawful conduct or conduct presenting a serious threat to person or property of the academic community.
- c. To dismiss, suspend, or otherwise punish any student, faculty member, or employee of the institution who violates the institution's rules or standards of conduct, after determination of guilt by lawful proceedings.

The Board of Trustees has delegated its authority to regulate the conduct of students to the President and to the Vice President for Student Affairs & Dean of Students, who in turn have further delegated to other Student Affairs staff the authority to implement and apply the Code of Conduct and the Disciplinary Procedures set forth this Code of Student Rights and Responsibilities. Whenever an action is permitted or required to be taken under this Code of Student Rights and Responsibilities by a University Officer or other employee, the action may be taken by that person's designee.

2.2 The Code of Conduct and the Disciplinary Procedures set forth this Code of Student Rights and Responsibilities may apply to off-campus as well as on-campus conduct, as is clear from the statutory authority described in Section 2.1(b) above allowing for the regulation of the conduct of students "wherever the conduct might occur." The Code applies to all conduct of students and student organizations on-campus. It also applies to certain off-campus conduct including:

- a. Conduct that causes or threatens harm to the health or safety to the person or damage or destruction to the property of a member of the University community;
- b. Conduct in connection with an academic course assignment, internship, practicum, field trip, student teaching, research or other University activity;
- c. Conduct in connection with any activity sponsored, conducted or authorized by the University or by a student organization, fraternity or sorority;
- d. Conduct involving serious crimes including all crimes of violence, felonies or the sale or distribution of illegal drugs or controlled substances, if a police report has been filed, a summons or indictment has been issued, or an arrest has occurred; or
- e. Conduct adversely affecting the University community or indicating that the continued presence of a student on campus poses a threat to the student's well-being

or the well-being of other members of the University community.

At the discretion of University officials, disciplinary action under this Code of Student Rights and Responsibilities may proceed in advance of or during the pendency of other proceedings.

- 2.3** These policies and procedures, as from time to time amended, shall apply to all undergraduate and graduate students of Ball State University and shall be deemed a part of the terms and conditions of admission and enrollment of all students. These policies and procedures, and any amendments hereto, shall take effect on the date prescribed by the Board of Trustees and shall remain in effect until rescinded or modified by the Board of Trustees. Amendments may be proposed by the Ball State Student Government Association, University Senate, administrative staff, or by the Board of Trustees.

III. EQUITABLE PROCEDURES

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

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

University rule which is important to the continuing protection of other members of the University or to the safeguarding of the educational process.

IV. DEFINITIONS

The following definitions will be used in this code:

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

- 4.11 Judicial body** means any person or group of persons authorized by this Code to determine whether a student has violated any provision of the Code, to administer sanctions, or to grant appeals.

V. CODE OF CONDUCT

5.1 Offenses Against Persons:

- 5.1.1 Harassment** – Actions, whether physical, oral or written, that are sufficiently severe, pervasive, or persistent that it interferes significantly with an individual’s employment, education, or living conditions, and that have the purpose of creating a hostile or intimidating environment and which are directed at a specific individual(s). *See also Sexual Harassment Policy, Appendix J and Anti-harassment Policy, Appendix C.*
- 5.1.2 Hazing** - Any mental or physical action, requirement, or request of, or obligation placed upon any person which is harmful to the health, welfare or academic progress of the person, or which is personally degrading to the individual involved (*See also University Anti-hazing Policy, Appendix D*)
- 5.1.3 Physical Abuse** - Physical harm of any person or persons or threat of physical harm of any person or persons which causes that person to be reasonably apprehensive of physical harm.
- 5.1.4 Privacy Violation--** Use of audio, video or photographic devices to make an image or recording of an individual without that person's prior knowledge or consent, when such image or recording is likely to cause injury or distress to the reasonable person and when the image or recording occurs in a private area such as a residence, including a residence hall room, a public or private restroom, or a dressing/locker room. These examples of private areas are by way of illustration and not limitation.
- 5.1.5 Sexual Misconduct** –Sexual intercourse or sexual touching, however slight, by one person upon another without effective consent or when it involves compelling a person to submit to such conduct by force, threat of force, use of intoxicants to impair a victim’s ability to give consent or otherwise taking advantage of any impairment which might render a person incapable of making a reasonable or rational decision about sexual activity. As defined by the State of Indiana, sexual misconduct also includes any sexual act when the person is not of legal age. *See also Sexual Misconduct Policy, Appendix K.*
- 5.1.6 Stalking** - intentional, repetitious or continuous actions that are intended to frighten, harass, annoy, threaten, or alarm another person.

5.2 Offenses Related To The Operation Of The University

- 5.2.1 Academic Dishonesty.** *See also Student Academic Ethics Policy, section VII.*
- 5.2.2 Aiding and Abetting** - Knowingly, recklessly or willfully encouraging or assisting others to commit acts prohibited by this code.
- 5.2.3 Computer Misuse** - Any behavior violating policies governing the use of the University's computer system and related equipment/technology. *See also Information Technology Users' Privileges and Responsibilities Policy, Appendix E.*
- 5.2.4 Disorderly Conduct** - Conduct that is disruptive of campus life or University activities, or that is a matter of public indecency, or a breach of the peace.
- 5.2.5 Failure to Comply** - Failing to comply with verbal or written instructions of University officials acting in the performance of their duties and made within the scope of their authority, or failing to identify oneself upon request of a University official.
- 5.2.6 False Information** - Submitting false information or records to a University official or office.
- 5.2.7 Fraudulent Use** - Forgery, alteration, taking possession of or the unauthorized use of University documents, records, keys or identification without the consent or authorization of appropriate University officials.
- 5.2.8 Interference with a Reprimand** - Obstructing or interfering with the reprimand, discipline or apprehension of another person who is involved in a violation of this Code or any other University rule or regulation.
- 5.2.9 Obstruction or Disruption** - Obstructing or disrupting the teaching and/or learning process in any campus classroom, building, or meeting area, or any University-sponsored activity, pedestrian or vehicular traffic, classes, lectures or meetings, obstructing or restricting another person's freedom of movement, or inciting, aiding, or encouraging other persons to do so. *See also Regulations for Use of Property for Expressive Activity, Appendix N.*
- 5.2.10 Residence Hall Policies** - Violating residence hall rules and regulations, or the housing contract. *See also Residence Life Policies.*
- 5.2.11 Solicitation** - Engaging in solicitation of any type on University property without appropriate authorization. *See also Regulations for Use of Property for Expressive Activity, Appendix N.*

5.2.12 Violation of the Law - Committing or attempting to commit any act that would be a violation of local, state or federal law on or off University property, when such behavior is judged by the Office of Student Rights and Community Standards to be detrimental to the University's educational process or objectives.

5.2.13 Other Policy Violations - Violating any other published University policies not specifically a part of this Code.

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

5.3.1 Alcohol -Using, possessing or distributing of alcoholic beverages except as expressly permitted by law and University policies. *See also Alcohol Policy, Appendix A.*

5.3.2 Arson - Attempting to set fires, or acting in a manner that disregards fire safety rules and results in a fire.

5.3.3 Drugs - Using, abusing, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs as defined by federal, state, or local laws, or any controller substance, (including marijuana, inhalants, and abuse of over-the-counter drugs and prescription drugs), except as expressly permitted by law. Possession of drug paraphernalia which can be demonstrated to be linked to illegal drug activity is also a violation of this policy. *See also Drug Policy, Appendix B.*

5.3.4 False Reporting - Falsely reporting an emergency.

5.3.5 Gambling - Engaging in gambling, wagering or other games of chance in violation of the law

5.3.6 Smoking - Smoking in areas on campus other than those designated for smoking. *See also Smoking Policy, Appendix L.*

5.3.7 Tampering with Fire Equipment - Unauthorized use, activation or alteration of fire fighting equipment, fire safety or other emergency equipment.

5.3.8 Weapons - Transferring, using, possessing or manufacturing explosives, fireworks, firearms, dangerous chemicals, or any other weapons (deemed capable of causing bodily injury or property damage), on University property. *See also Weapons Policy, Appendix O.*

5.4 Offenses Against Property

5.4.1 Misuse of Property – Trespass, occupancy of, unauthorized entry into, possession of, receipt of or use of the property of another person, of the

University or of University services, facilities or resources including, but not limited to, the University's name, seal or insignia.

5.4.2 Theft, Vandalism - Theft, vandalism, unauthorized use, possession, damage to, or destruction of public property, University property or the property of another person.

5.5 Offenses Involving The Judicial Process

5.5.1 Improper Influence - Attempting to influence the decision of a member of a Judicial body or a designated judicial officer, or attempting to discourage that person's participation in a judicial proceeding.

5.5.2 Intimidation of Participants - Attempting to intimidate, coerce or influence a witness, complainant or other persons participating in the judicial process.

5.5.3 Providing False Testimony - Providing false testimony or false information in the judicial process or knowingly making unfounded accusations against another individual.

5.5.4 Sanction Non-compliance - Failing to complete or to comply with a disciplinary sanction.

DISCIPLINARY PROCEDURES

REPORTING AN INCIDENT/FILING A COMPLAINT

Any individual (student, employee of the University or other person) who believes that a student or student organization may have committed a violation of the Code of Conduct published above, may file an incident report or complaint report with one of the following offices:

- . University Police Department
- . Office of Housing and Residence Life or with the Hall Director where a student lives or where the violation occurred
- . Office of Recreation Services
- . Office of Student Organizations and Activities
- . Office of Student Rights and Community Standards

Employees of the University shall make reports to the Office of Student Rights and Community Standards of violations of the Code of Conduct in cases where the offense must be reported to state and federal constituencies. That office shall inform University employees of what violations are included.

TYPES OF HEARINGS

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

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

GOOD SAMARITAN EXCEPTION

Students are always encouraged to call for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. When another person is in need of critical care or when a situation otherwise warrants emergency response, call 911 immediately. The Good Samaritan Exception provides students the opportunity of a grace from University disciplinary action if he/she risked revealing one's own violation of the Code of Student Rights and Responsibilities in order to get assistance to another person in distress. However, please note the decision to provide the exception shall be the judgment of the designated hearing officer.

NOTE: The exception does not apply to any criminal charges that might be incurred as a result of an offense.

6.1 HOUSING AND RESIDENCE LIFE DISCIPLINARY PROCEDURES

(See also Housing and Residence Life Handbook for a detailed description.)

When a violation occurs within or adjacent to facilities of Housing and Residence Life or in the context of programs sponsored by that office, the following disciplinary procedures apply.

After reviewing an incident report and related documentation the Housing and Residence Life or HRL staff member (Residence Hall Director or RHD, Assistant Residence Hall Director or ARHD, or Assistant Director of Housing and Residence Life) shall have two options: (1) to provide the option of a preliminary meeting with the accused student or (2) to send a case directly to a disciplinary hearing.

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

- a. Student can plead "responsible" for the policy violation(s) and have the sanction determined at that time by the designated HRL staff member.
- b. Student can plead "not responsible" for the policy violation(s) and request a hearing with the appropriate hearing body. For most situations, the appropriate hearing will be a Hall Director Hearing. In situations where cancellation of the student's housing contract is a possibility or if the student documented is already

on disciplinary probation, the student may be offered the choice of having an Administrative Hearing or a Conduct Board Hearing. (Note: When the Conduct Board is not operating, the student is automatically assigned to an Administrative Hearing.)

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

6.1.2 Housing and Residence Life Disciplinary Hearings

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

6.1.3 Sanctions

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

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

6.1.4 Appeal Process

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

6.1.5 Automatic Review

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

6.1.6 Referrals to the Office of Student Rights and Community Standards

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

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

6.2 RECREATION SERVICES DISCIPLINARY PROCEDURES

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

6.2.1 Preliminary Meeting

- a. Pending results of an investigative review of an incident, the student's I.D. or Recreation Privilege Card will be "turned off" and the student will not have the privilege of utilizing facilities or programs within Recreation Services.
- b. A preliminary meeting will be convened in a timely manner with the student(s) in question and a designated Recreation Services staff person (Graduate Assistant or Assistant Director for Recreation Services) to discuss the incident.
- c. The student may plead "responsible" for the behavior and the staff member may assign sanctions.
- d. If a student pleads "not responsible" for the behavior, the case will be referred to an Administrative Hearing.
- e. A student who fails to appear for a Preliminary Meeting will have their case referred to an Administrative Hearing.

6.2.2 Recreation Services Administrative Hearing

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

6.2.3 Sanctions

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

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

6.2.4 Appeal Process

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

6.2.5 Referrals to the Office of Student Rights and Community Standards

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

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

6.3 STUDENT ORGANIZATIONS AND ACTIVITIES DISCIPLINARY PROCEDURES

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

- a. When the accused organization is a fraternity or sorority, the Assistant Vice President for Student Affairs/Director of Student Life may choose to refer the case to the appropriate Greek governing Board (IFC, PHC, or NPHC) for investigation and adjudication.
- b. If it is determined that the alleged violations are by individuals but not collectively by the organization, the case will be referred to the Office of Student Rights and Community Standards for adjudication.
- c. If an organization is accused of a severe policy or risk management violation (including but not limited to hazing, fighting, or other physical violence, or egregious violation involving alcohol or illegal drugs) the adjudication for the organization can be handled through an administrative hearing by the Assistant Vice President for Student Affairs/Director of Student Life or appropriate Student Life staff members.
- d. If the allegation involves club sports, the administrative hearing will be done in consultation with the Director of Recreation Services or his/her designee.
- e. All other cases may be referred to the Student Organization Hearing Board for adjudication.

6.3.1 Adjudication Procedures

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

- a. **Selection of Hearing Board.** The Hearing Board will consist of five (5) members, three (3) to be selected from the Judicial Court of the Student Government Association, one (1) member being a current faculty/staff advisor of a recognized student organization and one (1) Student Affairs professional staff member selected in consultation with the Vice President of Student Affairs & Dean of Students. A chairperson will be selected from within the committee. The Assistant Vice President for Student Affairs/Director of Student Life (or his/her designee) will serve as an advisor and ex-officio member to the Board, will take minutes and will answer procedural questions but will not vote.
- b. **Quorum.** Four (4) of the five (5) voting members of the Hearing Board must be present to constitute a quorum.
- c. **Notice of Hearing.** The President or highest-ranking officer of the student organization shall be notified in writing by the Assistant Vice President for Student Affairs/Director of Student Life of the date, time, and place of the hearing at least three (3) business days before the hearing. The notice shall also include a statement of the allegations of policy violations and information regarding the student organization's rights in the hearing.
- d. **Absence of the Accused Organization.** The accused student organization may choose not to attend the hearing and may instead submit a written presentation of its case. The hearing may proceed in the absence of the accused and by such absence; the accused organization forfeits its right to question witnesses.
- e. **Witnesses.** The representative officer of the accused student organization, the complainant and the Assistant Vice President for Student Affairs/Director of Student Life or his/her designee may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the

chairperson of the Hearing Board may limit the number of witnesses to avoid repetition and cumulative testimony. The Board may also limit the testimony of character witnesses to the sanctioning phase of the hearing. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Assistant Vice President for Student Affairs/Director of Student Life a minimum of twenty-four (24) hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony, unless otherwise permitted by the Hearing Board to do so as a result of extenuating circumstances. Witnesses invited by either party shall be present only while they are testifying.

- f. *Student Organization Assistance.*** The officer of the student organization may be accompanied and assisted at the hearing by an advisor of the student organization's choice, provided the advisor is an employee or student of the University. For Greek organizations, a chapter advisor and/or chapter representative may also accompany the officer. In the event a student organization faces pending criminal or civil charges based on the incident that has given rise to the University disciplinary proceedings, the organization's attorney may accompany the officer of the student organization. The student organization must provide the name of the advisor to the Assistant Vice President for Student Affairs/Director of Student Life at least twenty-four (24) hours before the hearing. At no time may the advisor or attorney participate directly in the hearing proceedings. He/she may only consult with the student representing the organization.
- g. *Disqualification; Challenges.*** Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student organization, with the complainant or when the Board member feels a personal bias makes it impossible to render a fair decision. The accused student organization or the complainant may challenge a Hearing Board member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the chairperson may, at his/her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of the remaining members of the Hearing Board.
- h. *Conduct of the Hearing.*** The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Board with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing and the deliberations of the Hearing Board shall be private. The Office of the Assistant Vice President for Student Affairs/Director of Student Life shall make a record of the hearing which may be reviewed in that office by a designated representative of the accused student organization upon request. Decisions of the Hearing Board shall be made by majority vote.

- i. **Continuances.** The Hearing Board, by majority vote, may continue the hearing to a later time.
- j. **Additional Rules.** Procedural rules not inconsistent with these procedures may be established by the Hearing Board from time to time to fulfill its functions in an orderly manner.

6.3.2 Sanctions

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

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

6.3.3 Decisions

The decision of the Hearing Board shall be submitted as a recommendation to the Assistant Vice President for Student Affairs/Director of Student Life who may do one of the following:

- a. Accept the recommendation and direct that the sanctions be implemented;
- b. Lessen or otherwise modify the sanctions imposed by the Hearing Board;
- c. Refer the case back to the Hearing Board for further consideration of sanctions.

6.3.4 Appeal Process

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

NOTE: Where the sanction imposed is withdrawal of recognition for the organization, the decision shall automatically be reviewed by the Vice President for Student Affairs & Dean of Students or his/her designee.

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

6.4 OFFICE OF STUDENT RIGHTS AND COMMUNITY STANDARDS DISCIPLINARY PROCEDURES

6.4.1 Preliminary Meeting

An initial meeting with a designated Student Rights and Community Standards staff person (Director or a Graduate Assistant) at which time the accused student is made aware of the nature of the charges against him/her and the range of sanctions possible for that type of offense. The student is also informed of his/her options in adjudicating the case, including one of the following:

- a. To plead “responsible” for the violation and have the sanctions determined at that time by the staff person. **The designated staff person conducting the preliminary meeting may choose to refer the determination of sanctions to a hearing board if the level of offense warrants more serious sanctions than that staff person is authorized to impose.**
- b. To plead “not responsible” for the violation and have the case heard in an Administrative Hearing by a designated hearing officer. **In cases that are complicated in nature and scope, or where the violations may result in more serious sanctions, the case may be referred to the Screening Committee of the University Review Board.**
- c. To plead “not responsible” to the violation and have the case heard by the University Review Board. **In the case of minor offenses, the designated staff person may choose to hear the case administratively.**

6.4.2 Screening Committee

After the Preliminary Meeting, the Director or his/her designee shall convene the Screening Committee made up of the Director or his designee and the Vice President of Student Government Association. The Screening Committee shall review all information available concerning the incident and make a decision on how to proceed, exercising one of the following options:

- a. Refer the case on to the University Review Board.
- b. Refer the case back to the Office of Student Rights and Community Standards for an Administrative Hearing.
- c. Dismiss all charges.

6.4.3 Administrative Hearing

The case is heard before a designated hearing officer who will determine if a student is in violation based on information provided and will determine sanctions rising to the level of disciplinary probation. The student will receive notification of the hearing at least three (3) business days in advance, shall have an opportunity at the hearing to call witnesses on his/her behalf, and shall be able to ask questions of witnesses.

6.4.4 Interim Suspension

Under certain circumstances, a student accused of a violation of the Code of Student Rights and Responsibilities may be subject to interim suspension from the University and trespass from University property and facilities. Interim suspension shall be imposed only when:

- a. **A student is deemed to be a threat to the safety and well-being of the University community or property.**
- b. **It is determined that such action would be beneficial to the student's own safety and well being.**
- c. **A student's presence is deemed to pose a substantial threat of disruption to the University's educational process.**

The decision to suspend on an interim basis shall be made by the Vice President for Student Affairs & Dean of Students or his/her designee after the student has been afforded an opportunity to challenge such action and provide argument and evidence to the contrary. The interim suspension may continue until completion of the entire disciplinary process including appeal. Every effort will be made to complete the disciplinary process in a timely manner so as to limit the interim suspension to the shortest time possible.

6.4.5 University Review Board

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

- a. ***Student Membership.*** The student membership will include the Vice President of the Student Government Association, five (5) members of the Judicial Court of Student Government Association and four (4) additional students appointed by the

Student Government Association President. The Judicial Court members shall be elected by students in the spring, assume their committee responsibilities on the first day of fall semester and shall hold office for one calendar year. Other appointed students also assume responsibility at the start of the fall semester and serve for one calendar year. A student member may serve an unlimited number of terms.

- b. ***Faculty and Professional Staff Membership.*** The faculty and professional staff members shall be selected by the University Senate's Governance Committee to assume their committee responsibility on the first day of fall semester and serve for one calendar year. A faculty or professional staff member may serve an unlimited number of terms.
- c. ***Quorum.*** To conduct a hearing for a student disciplinary case or grade appeal, a Hearing Board composed of a minimum of four (4) members of the University Review Board, of whom at least two (2) must be students and two (2) must be faculty, will be designated by the Director of Student Rights and Community Standards or his/her designee. A hearing may proceed with a minimum of 3 members present.
- d. ***Hearing Board Moderator.*** The hearing shall be moderated by one member of the Hearing Board designated in advance by the Office of Student Rights and Community Standards. The moderator shall be a voting member of the Board. The Director of Student Rights and Community Standards or his/her designee will be present at all hearings as a non-voting consultant to the Hearing Board.
- e. ***Hearings During Summer Session and Breaks.*** To insure the functioning of the Hearing Board during Summer Session and at other times when regular classes are not in session, the Director of Student Rights and Community Standards or his/her designee may convene a hearing with a minimum of three persons chosen from the pool of the University Review Board membership who are available. Should a minimum of three be unavailable from the University Review Board pool, the Director may select additional faculty, staff or student members to participate in the hearing process.

6.4.6 Procedures for Disciplinary Hearings.

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

- a. ***Notice of Hearing.*** The accused student shall be notified by the Office of Student Rights and Community Standards in writing of the date, time, and place of the hearing at least three (3) school days before the hearing. This notice shall also include a statement of the allegations of policy violations, information about the hearing process and the range of sanctions available.
- b. ***Absence of the Accused Student.*** The accused student may choose not to attend the hearing and may instead submit a written presentation of his/her case. The hearing may proceed in the absence of the accused and by such absence; the accused forfeits his/her right to question witnesses.
- c. ***Witnesses.*** The accused student, the complainant and the Director of Student Rights and Community Standards or his/her designee may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Board may limit the number of witnesses

to avoid repetition and cumulative testimony. The Board may also limit the testimony of character witnesses to the sanctioning phase of the hearing. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Office of Student Rights and Community Standards a minimum of twenty-four (24) hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony unless otherwise permitted by the Hearing Board to do so as a result of extenuating circumstances. Witnesses invited by either party shall be present only while they are testifying.

- d. ***Student Assistance.*** The accused student and the complainant may be accompanied and assisted at the hearing by an advisor of their choice, provided the advisor is an employee or student of the University, or a relative. In the event the accused student faces pending criminal charges based on the incident that has given rise to the University disciplinary proceedings, his/her attorney may accompany the student. The student must provide the name of his/her advisor to the Office of Student Rights and Community Standards at least twenty-four (24) hours before the hearing. At no time may the advisor or the attorney participate directly in the hearing proceedings. He/she may only consult with the student.
- e. ***Disqualification, Challenges.*** Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student, with the complainant or when the Board member feels a personal bias makes it impossible to render a fair decision. The accused student or complainant may challenge a Hearing Board member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the chairperson may, at his/her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of the remaining members of the Hearing Board.
- f. ***Conduct of the Hearing.*** The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Board with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing and the deliberations of the Hearing Board shall be private. The Office of Student Rights and Community Standards shall make a record of the hearing that may be reviewed in the office by the accused student upon request. This record remains the property of Ball State University. Decisions of the Hearing Board shall be made by majority vote.
- g. ***Continuances:*** The Hearing Board, by majority vote, may continue the hearing to a later time.
- h. ***Additional Rules:*** Procedural rules not inconsistent with this process may be established by the Hearing Board from time to time to fulfill its functions in an orderly manner.

6.4.7 Sanctions.

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

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

6.4.8 The Decision

The decision of the Hearing Board shall be submitted as a recommendation to the Director of Student Rights and Community Standards who may do one of the following:

- a.** Accept the recommendation and direct that the sanctions be implemented.
- b.** Lessen or otherwise modify the sanctions imposed by the Hearing Board.
- c.** Refer the case back to the Review Board for further consideration of sanctions.

6.4.9 Appeal Process

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

6.5 GRADE APPEALS

Introduction

This process includes any appeal of a final grade (pass-fail or letter grade) for a classroom course, field experience, clinical, student teaching, practicum, internship or externship. *Appeal of removal from a course in the middle of a term (involuntary withdrawal) would be subject to departmental procedures, not the grade appeal process, unless a failing grade was issued.* Students considering an appeal of a final grade are encouraged to meet informally with their instructor before submitting a written appeal.

NOTE: 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.

6.5.1 Department Grade Appeal Process.

- a. **Meeting with instructor:** A student wishing to appeal a final grade must inform the instructor or, in his or her absence, the department chairperson, within ten (10) school days after the final grade is posted by the Registrar's Office. The student's request for review of the grade must be submitted in writing (via letter or email) to the faculty member. The faculty member or, in his or her absence, the department chairperson, must respond via letter or email with a decision regarding the student's grade within five (5) school days after receipt of the request.

b. *Resolution by department chair:* If the matter cannot be resolved with the faculty member, the student may notify the department chairperson within five (5) school days after the date of the instructor's response. This notification shall be made via letter or email to the department chair and should outline the nature of the dispute. The department chairperson will then attempt to resolve the dispute. If resolution is successful, the department chair shall inform the student and the faculty member of the nature of the resolution in writing. If the matter cannot be resolved, the department chairperson shall notify the student via letter or email. Either notification must be made within five (5) school days of the student's contact with the department chair. The student may then choose to proceed with a university appeal.

6.5.2 University Grade Appeal Process

a. *Notification of intent to appeal.* If the matter cannot be resolved satisfactorily at the departmental level, the student may request consideration of a grade appeal hearing. To do so, the student must submit a formal appeal of the grade in writing to the Office of Student Rights and Community Standards within five (5) school days after notification from the department chairperson, clearly stating the basis for appeal and providing supporting argument. The Director of Student Rights and Community Standards or his/her designee shall solicit a written response from the instructor. Within five (5) school days after receipt of the written appeal in the Office of Student Rights and Community Standards, the Director or designee, in collaboration with the Associate Provost or designee and the Vice President of the Student Government Association, will 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 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. If the decision is not to forward the appeal to a hearing, the matter is concluded.

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.

NOTE: 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.

6.5.3 University Grade Appeal Committee

The University Grade Appeal Committee hears grade appeals referred to it by the Office of Student Rights and Community Standards. It is composed of fourteen

(14) members; seven (7) shall be students and seven (7) shall be University faculty members.

- a. **Student Membership.** The student membership will include one undergraduate or graduate student appointed by each of the seven college deans for a one year appointment to assume their committee responsibility at the start of the fall semester and serving for 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 or student vacancy occur, the appropriate dean shall appoint a member to the committee for the remainder of the twelve-month term.

6.5.4 Hearing Procedures

- a. **Quorum.** To conduct a hearing for a grade appeal, a hearing panel composed of five (5) members of the University Grade Appeal Committee, of whom at least two (2) must be students and two must be faculty. The Office of Student Rights and Community Standards shall assume responsibility for assembling the panel. A hearing may proceed with a minimum of four (4) members present.
- b. **Hearing Board Moderator and Advisor.** The hearing shall be moderated by the Associate Provost or his/her designee. The Director of Student Rights and Community Standards or his/her designee will be present at all hearings as a non-voting procedural consultant to the Hearing 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 department chairperson, 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 Hearing 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 Hearing Panel will have access to pertinent information in the case and may request additional information from either party or call additional witnesses as needed to render a decision.
- f. **Multiple Appeals.** If two (2) or more members of a class appeal their grades, the Panel may elect to hear the appeals individually or collectively.
- g. **Disqualifications; Challenges.** Any panel member shall disqualify himself or herself if he or she has a conflict of interest with the case or with the student or

- believes he/she may have a personal bias. The student or instructor may challenge a panel member on the grounds of conflict of interest or personal bias. The burden of proof is on the challenger. The decision regarding disqualifying a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the Associate Provost or his/her designee 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 and deliberations of the committee shall be private.
 - 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 or 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 insure that the hearing is conducted in a fair and orderly manner.
 - l. *Confidentiality of Appeal Hearing.*** Panel members shall not retain in their possession any personal files, materials received during the appeal procedure, or notes taken during the meetings of the University Grade Appeal Committee. No party, panel member, or other participant or observer in the appeal procedure shall reveal any facts, documents, or testimony gained through participating in or observing the hearing to any other person, unless required by a court of law to do so or upon the advice of the University's legal counsel.
 - m. *Hearings during Summer Session and Breaks.*** To insure the functioning of the University Grade Appeal Committee during Summer Session and at other times when regular classes are not in session, the Associate Provost or his/her designee 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 Associate Provost or his/her designee may select additional faculty, or student members to participate in the hearing process.

6.5.5 Findings. Decisions of the Hearing Panel shall be made by majority vote. Upon completion of the hearing, the Associate Provost will communicate the panel's decision via letter to the student, the instructor, the Provost and Vice President for Academic Affairs, and the instructor's department chairperson within two (2) school days of completion of the hearing.

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

If the decision of the panel is that the grade be changed, 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 6.5.5b). In the event the instructor takes no action, the Provost shall process a change of grade form.

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

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

- 1) The Provost will determine that there were no procedural errors, in which case the original decision is upheld. If that original decision was to change the grade, the Provost shall notify the faculty member that a change of grade form is to be submitted it to the Office of the Registrar. The instructor shall have five (5) school days in which to file a grade change with the Office of the Registrar or inform the Provost of intent not to do so. In the event the instructor takes no action or chooses not to change a grade, the Provost shall process a change of grade form.
 - 2) The Provost will determine that there were procedural errors, in which case the grade appeal may be remanded back to the original Panel for further consideration.
- c. Transcript notation.** If a grade has been changed by the Provost, the transcript shall reflect the following:
Original grade of ___ was overruled by the Provost upon recommendation of the University Grade Appeal Panel.

VII. STUDENT ACADEMIC ETHICS POLICY

7.1 Introduction.

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

7.2 Academic Dishonesty.

Academic dishonesty involves violations of procedures which protect the integrity of the coursework completed by a student.

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

- 7.2.1** Violations of procedures which protect the integrity of a quiz, examination, or similar evaluation, such as:
- a. Possessing, referring to, or employing open textbooks or notes or other devices not authorized by the faculty member;
 - b. Copying from another person's paper;
 - c. Communication with, providing assistance to, or receiving assistance from another person in a manner not authorized by the faculty member;
 - d. Possessing, buying, selling, obtaining, giving, or using a copy of any unauthorized materials intended to be used as or in the preparation of a quiz or examination or similar evaluation;
 - e. Taking a quiz or examination or similar evaluation in the place of another person;
 - f. Utilizing another person to take a quiz, examination, or similar evaluation in place of oneself;
 - g. Changing material on a graded examination and then requesting a re-grading of the examination;
 - h. The use of any form of technology capable of originating, storing, receiving or sending alphanumeric data and photographic or other images to accomplish or abet any of the violations listed in parts a through g.
- 7.2.2** Plagiarism or violations of procedures prescribed to protect the integrity of an assignment, such as:
- a. Submitting an assignment purporting to be the student's original work which has been wholly or partly created by another person;
 - b. Presenting as one's own work, ideas, representations or words of another person without customary and proper acknowledgment of sources;
 - c. Submitting as newly executed work, without faculty member's prior knowledge and consent, one's own work which has been previously presented for another class at Ball State University or elsewhere;
 - d. Knowingly permitting one's work to be submitted by another person as if it were the submitter's original work.
- 7.2.3** Falsely claiming to have completed work during an internship or class group assignment.
- 7.2.4** Cooperating with another person in academic dishonesty, either directly or indirectly as an intermediary agent or broker.

- 7.2.5 Knowingly destroying or altering another student's work whether in written form, computer files, art work, or other format.
- 7.2.6 Aiding, abetting, or attempting to commit an act or action which would constitute academic dishonesty.

7.3 Accusation of Discrimination

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

- 7.3.1 When a student involved in an academic dishonesty case alleges as a partial or complete defense, discriminatory treatment on the part of the faculty member, then the student must at the first opportunity cite the specific treatment engaged in by the faculty member. When raising such defense, the student must also provide a summary of the constitutionally or statutorily prohibited reasons upon which he or she believes the decision or accusation was based and a detailed summary of the evidence which supports the appellant's allegation. Discriminatory treatment is defined as decisions based upon constitutionally or statutorily prohibited reasons, including unlawful discrimination.
- 7.3.2 When a student involved in an academic ethics case alleges discriminatory treatment on the part of the faculty member, the University's Director of Equal Opportunity and Affirmative Action, or his or her designee, shall serve in an advisory capacity to the committee or hearing panel at each level of appeal. All appeals alleging discriminatory treatment in cases that begin as academic ethics cases shall be pursued under the procedures set forth in this document rather than under the Ball State University "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process."
- 7.3.3 In all cases, the appellant has the burden of proving his or her allegations.

7.4 Implementation Procedures

The Provost will designate the person (Provost's designee) responsible for overall administration of this policy. Throughout this document, *written notice* is defined as Priority United States Mail and/or electronic communication with a read/receipt request attached to the document.

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

- 7.4.1 Informal Resolution.** If a faculty member accuses a student of academic dishonesty, the faculty member must inform the student, either in person or by written notice, of the alleged violation within five (5) school days after the faculty member becomes aware of the initial circumstances giving rise to the accusation. The faculty member and student will discuss the alleged violation in a private conference within five (5) school days after the faculty member notifies the student of the accusation. The student's failure to respond to this accusation will be considered an admission of guilt.
- a. **Finding of Innocence.** If, as the result of the conference, the faculty member thinks that the student is not responsible, the matter will be closed.
 - b. **Finding of Violation.** If, as a result of the initial conference, the student admits his or her academic dishonesty, the student will be required to indicate this admission in writing to the faculty member within five (5) school days following the conference.
 - c. **Imposition of Punishment.** If, after receiving the written admission of a violation, an appropriate resolution and punishment is found which satisfies the faculty member and the student, written documentation of the meeting will be sent to the Provost's designee, and the matter will be closed. This written documentation must be signed by both the faculty member and the student. After receipt of the faculty member's written notice, the Provost's designee shall review the University Academic Dishonesty Files, and, if there is a prior instance of academic dishonesty by the student, the Provost's designee shall refer the case to the University Academic Ethics Committee for its recommendation concerning additional punishment, if any, to be imposed.
 - d. **Disagreement as to Violation.** If, as a result of the initial conference, the faculty member thinks a violation has occurred and the student disagrees, the faculty member must notify the student in writing within five (5) school days following the initial conference that the faculty member is proceeding with the formal resolution process.
 - e. **Disagreement as to Punishment.** If the faculty member imposes punishment after a student has admitted guilt (written admission or failure to respond), the student may appeal within five (5) school days following the initial conference the appropriateness of the punishment imposed (but not his or her guilt) to the Student Academic Ethics Committee.

- 7.4.2 Formal Resolution.** A faculty member's written notification to the student that he or she is proceeding with the formal resolution process shall include a brief description (no more than five (5) pages) of the circumstances giving rise to the accusation and inform the student of his/her right to appeal. A copy of the written notice shall be given to the faculty member's chairperson. The student must respond in writing to the formal accusation within five (5) school days after receiving the faculty member's written notice.
- a. The student's written response must indicate why he/she denies the accusation and wishes to appeal.
 - b. If the student fails to respond in writing within the five (5) school day period, the student shall be deemed to have admitted to the accusation.
 - c. If the student denies the accusation, in writing, the faculty member shall refer the matter, in writing, to the University Academic Ethics Committee within five (5) school days from the date of the student's response. At that same time, the faculty member shall provide copies of the academic dishonesty referral to the student, department chairperson, and Provost's designee. The faculty member bears the burden of proof for establishing academic dishonesty.
 - d. If the matter is not resolved informally, and if the faculty member does not refer the matter to the University Academic Ethics Committee, the student shall be deemed to be innocent of the accusation of academic dishonesty and no punishment may be imposed.

7.4.3 Timing of Grade. During the formal resolution process, the student's enrollment and participation in class shall not be affected. If the student's grade in the course has not been resolved by this process and the semester ends, the student shall receive an "Incomplete" in the course until such time as a grade can be determined pursuant to this policy. If the student has already been assigned a grade in the course at the time the student is accused of academic dishonesty, the assigned grade shall not be changed unless and until the student is determined to be guilty of academic dishonesty pursuant to this policy.

7.4.4 Course Withdrawal. Withdrawal from a course when faced with an accusation of academic dishonesty in that course does not preclude imposition of a penalty for the violation, including failure in the course. If penalty shall be determined to be course failure, the instructor may submit a Change of Grade form to the Registrar to replace the "W" with an "F".

7.5 Student Academic Ethics Committee – Composition

7.5.1 Membership. The Student Academic Ethics Committee shall be composed of seven (7) faculty members, four (4) students, the Provost's designee, and the Director of Student Rights and Community Standards or his/her designee.

- a. Each college dean shall appoint one (1) regular faculty member from his or her college with the academic rank of assistant professor or higher to serve on the committee;
- b. The Student Government Association shall appoint four (4) students to serve on the committee. The students must be of not less than sophomore standing and shall not be on academic probation or have a record of having committed academic dishonesty. Each student must consent in writing to the University verifying to the Student Government Association that he or she meets the requirements of the preceding sentence;
- c. The Provost's designee and the Director of Student Rights and Community Standards may each designate a representative from time to time to serve in their place on the committee.

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

7.6 Student Academic Ethics Committee: Procedures

7.6.1. Selection of Hearing Committee; Chairperson. Upon receipt of an academic dishonesty referral or an appeal, the Provost's designee shall select a Hearing Committee from among the members of the University Academic Ethics Committee. The specific members selected shall be determined at the discretion of the Associate Provost but the Hearing Committee shall be composed of five (5) voting members: three (3) faculty, two (2) students; and two (2) non-voting members: the Provost Designee, and the Director of Student Rights and Community Standards or his/her designee. The Provost's designee shall serve as chairperson of the Hearing committee.

7.6.2 Advisors. The student and faculty member may each be accompanied and assisted at the hearing by one advisor. However, an advisor may not address the Hearing Committee or witnesses directly. The student and faculty member shall each indicate to the Provost's designee who will serve as his or her advisor at least twenty-four (24) hours before the hearing.

7.6.3 Notice of Hearing. The Provost's designee shall establish the time, date, and place that the academic dishonesty referral or appeal will be heard by the Hearing Committee and shall give at least ten (10) school days prior written notice thereof to the student and to the faculty member. The notice shall include the names of the persons who will serve on the Hearing Committee and shall briefly state the nature of the accusation and the circumstances giving rise to the accusation. The date of the hearing shall be not more than twenty (20) school days after the faculty member's

written notice or the student's appeal was received by the office of the Provost's designee. In the case of an absent faculty member, the department chairperson, with consent of the absent faculty member, shall appoint a faculty member from the department or himself or herself to represent the faculty member at the hearing.

- 7.6.4. *Quorum.*** All of the voting members of the Hearing Committee must be present to constitute a quorum, unless a vacancy occurs, as provided in 7.5.5, but a majority of the voting members present, whether or not a quorum exists, may adjourn any meeting to another time or date.
- 7.6.5. *Disqualification; Challenges.*** Any Hearing Committee member shall disqualify himself or herself if he or she has a conflict of interest with the case or the student or a personal bias relevant to the case. The student may challenge a Hearing Committee member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the Provost's designee may, at his or her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of all remaining voting members of the Hearing Committee.
- 7.6.6. *Witnesses.*** The student and the faculty member may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Committee may limit the number of witnesses to avoid repetition and cumulative testimony. The witnesses must be affiliated with the University and knowledgeable about the academic dishonesty accusation. Each party shall be responsible for insuring the presence of his or her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony of a witness unless the chairperson of the Hearing Committee determines that the witness is unavailable to testify. The student and the faculty member must provide the names of all witnesses who may testify at least twenty-four (24) hours before the scheduled time of the hearing to the Office of the Provost's designee. All witnesses who testify, as well as the student and the faculty member, may be questioned by any member of the Hearing Committee concerning any matter relevant to the issues before the Hearing Committee. Witnesses invited by either party shall be present only while they are testifying.
- 7.6.7. *Materials Used in the Hearing.*** The student must provide a written statement of no more than five (5) pages outlining the basis of the appeal and provide any supporting documentation. The faculty member will provide the original written notification and any additional supporting materials. All documentation must be received in the Office of the Provost no less than five (5) school days prior to the hearing. All

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

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

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

7.7 Hearing Committee: Determination/Recommendations

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

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

- 7.7.2 *Determination of Innocence.*** If the Hearing Committee determines that the student is innocent of the accusation, the accusation shall be dismissed and the Hearing Committee shall request the faculty member involved to assign a grade to the student based upon the student's academic performance. If the student thereafter disagrees with the grade assigned, the student may appeal the grade through the University's grade appeal procedure. The Hearing Committee shall give its written summary of evidence presented and its written findings of innocence to the Provost and Vice President for Academic Affairs. A copy of the summary and findings of innocence shall at the same time be given to the student, faculty member, the faculty member's department chairperson, and the faculty member's dean.
- 7.7.3 *Determination of Guilt: Findings and Recommendation to Provost and Vice President for Academic Affairs.*** If the Hearing Committee determines that the student is guilty of the accusation, if the student has admitted guilt in writing, or if the only issue before the Hearing Committee is the punishment to be imposed, the Hearing Committee shall give its written summary of the evidence presented, its written findings, and its recommendation for punishment to the Provost and Vice President for Academic Affairs. A copy of the summary, findings, and recommendation for punishment shall at the same time be given to the student, the faculty member, the faculty member's department chairperson, and the faculty member's dean.
- 7.7.4 *Appeal to the Provost and Vice President for Academic Affairs.*** The faculty member or the student may appeal the Hearing Committee's decision to the Provost and Vice President for Academic Affairs. To be considered by the Provost and Vice President for Academic Affairs, such appeals must be received by the Office of the Provost and Vice President for Academic Affairs within five (5) school days after the date the Hearing Committee's summary, findings, and recommendations are given to the student, the faculty member, the faculty member's department chairperson, and the faculty member's dean. The decision of the Provost and Vice President for Academic Affairs is final.
- 7.7.5 *Action by Provost and Vice President for Academic Affairs.*** After receipt of the Hearing Committee's summary, findings, and recommendation and any written comments timely submitted by the faculty member or student, the Provost and Vice President for Academic Affairs may: (1) approve the determination and recommendation of the committee; (2) overrule or modify the committee's recommendation for punishment; or (3) refer the matter to the Hearing Committee for such action as the Provost and Vice President for Academic Affairs may direct. If the Provost and Vice President for Academic Affairs refers the matter to

the Hearing Committee, the results of the Hearing Committee's further actions shall be communicated to the Provost and Vice President for Academic Affairs for final decision.

7.8 Punishment

- 7.8.1 *By Faculty Member.*** A faculty member may impose punishment for academic dishonesty up to and including failure in the course.
- 7.8.2 *By Provost and Vice President for Academic Affairs.*** After receipt of the Hearing Committee's summary, findings and recommendation, the Provost and Vice President for Academic Affairs may impose punishment up to and including suspension or expulsion from the University or revocation of a previously awarded degree.

7.9 Records of Academic Dishonesty

- 7.9.1 *Records in Case with No Adverse Finding.*** If a student is determined or deemed to be innocent of an accusation of academic dishonesty, and any appeal of that decision has been concluded with no change in judgment, all materials concerning the accusation that are in the possession of the University or any University faculty or staff member shall be destroyed, except that any student work product involved in the dispute shall be evaluated, retained, returned to the student or otherwise handled as required by the original assignment.
- 7.9.2 *Records in Case with Adverse Finding.*** If an academic dishonesty proceeding concludes, after any available appeals, in a finding that there was academic dishonesty of any type in any degree, or if a case is resolved by informal resolution under 7.4.1., with a stipulation by the student that there was academic dishonesty of any type in any degree, the records of the proceedings shall be maintained in accordance with Subsection 7.9.3.
- 7.9.3 *Maintenance of Records.*** Records of any proceeding described in Section 7.9.2 shall be maintained in a separate file, identified by the name of the student. The records shall include all materials used in the hearing, as well as findings of violation and imposition of punishment as a result of informal resolution under Section 7.4.1. All materials in a student's academic dishonesty file will be destroyed five (5) years after the case is resolved or when the student graduates from Ball State University, whichever date comes later. However, if at the conclusion of this holding period, the materials are relevant to pending or threatened litigation, the Provost and Vice President for Academic Affairs may direct that destruction of the materials be delayed until such litigation is concluded. Access to or release of the materials will occur only with the prior written consent of the student or in accordance with the Registrar's policies for the

release of student records, in accordance with federal and state law and university policy.

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

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 A - Alcohol Policy

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

A. *General Guidelines*

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

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

APPENDIX B - Drug Policy

The use, abuse, possession, sale, distribution, manufacture or transfer of narcotics, illegal drugs as defined by state or federal law, or any controlled substance is prohibited at all times, except as expressly permitted by law. Any controlled substance includes, without limitation, marijuana, hash oil, hashish, inhalants, and abuse of over-the-counter drugs and prescription drugs, and/or the use of over-the-counter drugs or prescription drugs, or any other immediate precursor to be used to manufacture any other illegal drug, including without limitation, methamphetamine, except as expressly permitted by law.

Possession or manufacture of drug paraphernalia which is to be used for any one of the following purposes (a) to introduce into a person's body a drug, marijuana or any controlled substance, (b) to test the strength, effectiveness or purity of a drug, marijuana or any controlled substance, or (c) enhances, or is perceived to enhance, the physiological effect of a drug, marijuana or any controlled substance, is also a violation of this policy.

Violation of this policy, on or off campus, will result in disciplinary action by the University. Those found responsible may face sanctions up to and including consideration of suspension or expulsion, depending on prior disciplinary record and severity of the violation.

Students who reside in University housing facilities, will be subject to immediate contract cancellation if found responsible for any violation of this policy.

Student need to be aware that any student convicted of a state or federal drug violation that occurred while enrolled and while receiving federal financial aid may be declared ineligible for future federal student aid for up to a year. Individuals convicted of both possession and selling may face a longer period of ineligibility.

APPENDIX C - Harassment Policy – University Anti-Harassment Policy

- A.** Harassment of students or employees at Ball State University on the basis of race, color, national origin, ancestry, religion, creed, gender*, sexual orientation, age, or physical or mental disability is unacceptable and will not be tolerated. Such conduct is inconsistent with the University’s commitments to excellence and to respect for all individuals. This policy is intended to complement the University’s Equal Opportunity and Affirmative Action Policy. **NOTE: *Students accused of violating the University’s Anti-harrassment policy may, depending on the seriousness of the allegation, be referred to the University Review Board for adjudication and consideration of possible suspension or expulsion.***
- B.** The University is also committed to protecting the academic freedom and freedom of expression of all members of the University community. This policy will be construed and applied in a manner that protects the Academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, philosophies, or religious beliefs, however controversial, in classroom or other academic settings.
- C.** The term “harassment,” as used in Paragraph 1 of the policy refers to verbal, physical, graphic, or written conduct that has the purpose or effect of creating a hostile or intimidating environment; i.e., conduct which is sufficiently severe, pervasive, or persistent that it interferes significantly with an individual’s employment, education, or living conditions. The conduct alleged to constitute harassment under this policy will be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all of the facts and circumstances. Harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.
- D.** Members of the University community and others who believe they have been harassed in violations of the policy by University employees or students, or by contractors or vendors serving the University, may contact the Office of University Compliance. Formal complaints must be filed in the Office of University Compliance within 45 calendar days following the occurrence of the act, incident, conduct, or pattern of conduct constituting the alleged violation. Such complaints will be processed under the “Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process.” A copy of this document may be obtained by contacting the Office of University Compliance. Complaints involving students may instead be filed in the Office of Student Rights and Community Standards for handling under the procedures set forth in the Student Code.
- E.** Any University employee who becomes aware of conduct by another University employee, student, vendor, or contractor which the employee reasonably believes constitutes harassment under this Policy shall report the conduct immediately to

the Office of University Compliance; or, if the harassment involves students, the conduct may instead be reported to the Office of Student Rights and Community Standards. To knowingly file a false or malicious complaint or report of harassment is a violation of the policy.

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

APPENDIX D - Hazing Policy

- A. Hazing by students, student organizations, groups or teams of Ball State University is prohibited. Hazing is defined as follows: Any mental or physical requirement, request, or obligation placed upon any person (including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate or team member) which could be harmful to the health and/or welfare of the person, or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person, or which violates any federal, state, or local laws or University policy. Individual acceptance or acquiescence to any activity covered by the foregoing definition in no way validates or excuses the activity. Student groups may be required to certify in writing that they are in compliance with this policy.
- B. Individual members of organizations, groups or teams who violate this policy are subject to disciplinary action as provided in Section V, of the Code of Student Rights and Responsibilities. Any organization which violates this policy is subject to sanctions which may be imposed by the coordinating body of which the organization is a constituent member, the Vice President for Student Affairs & Dean of Students or his/her designee, and/or the Student Activities Committee.

APPENDIX E - Information Technology Users’ Privileges and Responsibilities

1. INTRODUCTION

Information technology plays a crucial role in the delivery of Ball State University’s educational mission. In making use of these shared resources, members of the university community have a responsibility to help create an intellectual environment in which students, faculty and staff may feel free to create and collaborate with colleagues both on and off campus without fear that the products of these efforts will be violated by misrepresentation, tampering, illegal access, destruction, or theft. This policy outlines the ethical and acceptable use of information systems and resources at Ball State University as well as the duties and responsibilities incumbent upon everyone who makes use of these resources.

2. **SCOPE**

This policy applies to all students and employees, as well as all others who make use of Ball State University information technology resources and services. Violations of this policy are unethical and possibly unlawful and may result in sanctions as discussed below.

3. **AVAILABILITY OF SERVICES**

The university takes all reasonable steps to ensure that information technology resources are free from errors, viruses, and malicious activity by conducting regular security scanning of production systems and engaging in proactive security monitoring. However, due to the fact that information technology infrastructure is composed of a wide variety of systems including personal computers not under the control of the university, Ball State University does not guarantee that the safety or reliability of services or access are free from all dangers.

Ball State University will make reasonable efforts to maintain the confidentiality of the storage contents and to safeguard the contents from loss, but cannot be held liable for the inadvertent or unavoidable loss or disclosure of the contents, or for disclosure resulting from the unlawful acts of others. Because of these limitations, services and access are provided on an “as is” basis and to the extent permissible by law, the university hereby excludes all implied warranties and guarantees of availability or quality of services, including without limitation any expectation as to skill and care or timeliness of performance.

4. **CENSORSHIP**

Freedom of expression and preservation of an open environment within which to pursue scholarly inquiry and to share information is central to the academic mission of Ball State University. While freedom of expression will generally be protected, users of institutional systems must also respect the legal and ethical boundaries of such usage.

Ball State University reserves the right to limit or restrict the use of its information technology resources based on institutional priorities and financial considerations. Content found to be inconsistent with institutional purposes is subject to immediate suspension or removal by the administrator of the relevant system or their designee. Conduct and related content does not meet the institutional purposes of the university when it is found to be:

- a. In possible violation of federal, state, or local laws.
- b. May violate the copyright or other intellectual property rights of others.
- c. Harassing or threatening, or otherwise disruptive to the learning or working environment.
- d. In violation of other university policies, procedures, or contractual obligations.
- e. Inappropriate for the stated purpose of the system, service, or environment.
- f. A security risk affecting the confidentiality, integrity, or availability of services.
- g. Otherwise inconsistent with the mission of the university.

Anyone who becomes aware of conduct or content on university systems which may be in violation of the above requirements should report the incident as described in the *Reporting Suspected Security Breach Or Policy Violation* section below.

Users whose information is removed will be notified of the removal as soon as is feasible.

Users who wish to appeal such removal may do so through an appeal board made up of the governing body appropriate to the system and status of the user. If no appeal board exists the appeal may be made to the Director of University Computing Services.

5. CONFIDENTIALITY

In general, and subject to applicable law, the university reserves the right to access files, documents, and other information residing on university-owned or controlled equipment and services. All such infrastructure is subject to the policies of Ball State University, and the university may exercise its ability under certain circumstances to access, restrict, monitor and regulate these systems. Policy for such monitoring and access is described below:

a. Administrative Monitoring And Inspection

Although the university retains ownership and rights as described above, monitoring and administrative inspection of electronic systems will be strictly controlled. Any such monitoring will be governed by applicable U.S. and Indiana laws and by university policies. Monitoring of information systems communications may only be conducted when there is evidence or reasonable belief that there is risk of activity inconsonant with institutional purposes as defined above. Each such incident of monitoring and inspections of information systems or communications will be approved in advance by the Director of University Computing Services, the Information Security Officer, or their designee having the written pre-approval of the Vice President of Information Technology to engage in such monitoring and inspections. The Information Security Officer will establish detailed written technical procedures for such monitoring and will ensure ongoing adherence to such procedures. Records of all monitoring activity will be maintained by the Information Security Officer and shared with the Director of University Computing Services and the Vice President of Information Technology. When monitoring reveals evidence of a violation of the law or university policy, the results of such monitoring will be reported to appropriate university administrators and may be shared with external entities including law enforcement agencies.

b. Non-Intrusive Monitoring

All users of university systems should be aware that non-intrusive monitoring of campus network traffic and security scanning of information systems occurs routinely, to assure adequate confidentiality, availability, and integrity of university systems and to identify and resolve problems. When problem traffic patterns suggest that information security, integrity, or performance has been compromised, Information Security staff will investigate and protective restrictions, including the commencement of intrusive monitoring as described above, may be applied until the condition has been rectified.

c. University Employees

University employees are provided with the use of university resources for work-related purposes. Accordingly, employees may be directed to produce certain work files or to make the information in a computer account accessible to a supervisor or other employee. In the event that business-related files stored on an employee's account or workstation become inaccessible because of absence, death, or severance of employment from the university, the supervisor of the department may request access to such business-related files be granted to an

alternate employee.

d. Public Records

Under Indiana law (Indiana Code 5-14-3) any official university documents in the files of employees of the State of Indiana may be found to be a public document, and hence subject to inspection through the public records act.

e. Other Administrative Access

Under certain circumstances, the Director of University Computing Services or the Information Security Officer, in consultation with the Vice President of Information Technology may authorize access to certain information by third parties. For example, personal e-mail or other communications may be released to the relatives of a deceased student or employee. In such circumstances, the Information Security Officer will direct the technical information access procedures and will document each such incident in writing to the Director of University Computing Services and the Vice President of Information Technology.

If any user has evidence of the fact that his or her privacy or other rights have been infringed upon by another user, the affected party may ask for monitoring or inspection through the appropriate university office or legal authority as detailed above. Individuals involved in conducting such monitoring must retain records of these directives for a period of not less than five years.

6. PERSONAL & COMMERCIAL USAGE OF INFORMATION TECHNOLOGY RESOURCES

Ball State University information technology resources exist to support the university's mission of education, research, and public service. These facilities and resources are provided in large part by funding from taxpayers of Indiana for the academic use of our students, faculty and staff. We all must be responsible stewards of these resources. Generally the use of university information technology resources is limited to institutional purposes such academic research, study, instruction, discharge of employee duties in conjunction with official business of the university, and other purposes related to university sanctioned activities. Personal and commercial usage is governed by the following policies:

a. Permitted Personal Usage

Incidental personal usage of Ball State University information technology resources by students and employees of the university is acceptable, provided the usage adheres to all applicable university policies and does not result in additional costs to the university. Note that licensing of some software and information systems is restricted to educational use only and hence may not be used for even incidental personal purposes unless permitted within the terms of the relevant license agreement.

b. Permitted Commercial Usage

The use of Ball State University information technology systems for academically related but commercial purposes is permitted only with approval of the Office of Academic Research and Sponsored Programs. Researchers who require substantial computer resources as part of grants and consulting contracts

may be required to reimburse BSU for a portion of the resource costs.

c. Personal and Commercial Uses Not Permitted

Technology resources, including Internet access through the university network, may not be utilized in ways which may be inconsistent with the university's tax-exempt status or legal obligations, such as using university systems for hosting or advertising commercial services for private financial gain, political campaigning, or services to outside organizations not recognized by the university as being entitled to make use of university resources. Personal usage of a nature disruptive to the learning or working environment, such as subjecting other members of the university community to pornographic content unrelated to an academic purpose is also prohibited. Under no circumstances may incidental personal or commercial usage involve violations of the law, interfere with the fulfillment of an employee's university responsibilities, or adversely impact or conflict with activities supporting the mission of the university.

7. INDIVIDUAL RESPONSIBILITIES

Thousands of students, faculty and staff share information technology resources at Ball State University. Irresponsible usage by even a small number of users has the potential to seriously disrupt the work of others within the community. All users are expected to exercise due diligence in the care of their own information, and to be civil and respectful of other users of these systems and technology resources. The following responsibilities are incumbent upon all users of Ball State University Information Technology resources:

a. General Requirements

i. Liability for Personal And Harassing Communications

Individual users are responsible for their own words and actions. Other than official publications, the university is not expected to be aware of, and is not responsible for, material that individuals may post, send, or publish.

Harassing communications are prohibited and include repeated contacts with a person who has requested to be left alone absent some legitimate institutional purpose for such communication. Harassment may also involve malicious public disclosure of private facts, threats, defamation, and vulgar or repulsive content posted about an individual or group.

ii. Responsibly to Read E-Mail From The University

Certain official communications from the university are delivered to students and employees through their assigned e-mail address. Each person has a responsibility to maintain and regularly check their e-mail account, whether hosted at Ball State University or elsewhere, and to ensure their account is capable of receiving these official communications so that important email messages sent by the University are not missed.

iii. Reporting Suspected Security Breach Or Policy Violation

Anyone who discovers or suspects an information security breach involving confidential information of the university has a duty to report the breach to the Office of Information Security Services by e-mail at security@bsu.edu or by phone at 765-285-1549. Reporting must not be delayed in order to collect more information or to make a determination if a breach has actually

occurred.

b. Responsibility to Protect Confidential Information And Access

i. Ability To Access Does Not Grant An Unlimited Right

Legitimate use of resources does not extend to whatever one is capable of doing with them. Although information security controls may permit access, a person may not access confidential information unless they have some legitimate reason for doing so. For example, employees with access to confidential student records have no right to access them absent an approved legitimate business purpose.

ii. Sharing Of Passwords Is Prohibited

User accounts are generally assigned to individuals and may not be shared with any other person. No university employee or student may ask for a password assigned to another person. Where there is a legitimate need for access, proxy rights or similar methods may be used which do not require the sharing of individually assigned passwords.

iii. Disclosure Of Confidential Information to Third Parties

Unauthorized access or disclosure of confidential information or information otherwise protected by the university is prohibited by Indiana and federal law. Questions regarding appropriate access or disclosure of information should be directed to the area of the university having administrative responsibility for it, typically Business Affairs, Student Affairs, or Marketing & Enrollment Management as appropriate.

iv. Access Revocation Upon Change of Position Or Severance Of Employment

Employees have a duty to renounce access to confidential information upon severance from the university or a change in position in which such access has not previously been approved. Supervisors of employees having such access must ensure that access rights have been revoked upon such severance or change in position or status.

c. Responsibility to Refrain From Doing Harm

i. Minimum Standards for Connected Systems

Students, employees, and guests of the university who connect computer systems to the university network have a duty to ensure that these systems are free from malicious software including viruses, spyware, root kits and other programs which may attempt to flood or attack other university system. Computers or devices which do not meet minimum standards may be isolated and disconnected without notice.

ii. Subversion Of Security

Attempted bypass or subversion of security restrictions is prohibited. Unauthorized attempts to access files, passwords, or other confidential information of others, and unauthorized vulnerability scanning of systems other than those owned by the user is prohibited without prior approval of the

Information Security Officer.

iii. Misrepresentation Of Identity

Using information systems to initiate or continue communications using the name or identity of another person without the explicit authorization of the person who's identity is being impersonated is prohibited.

8. POLICY REGARDING DEPLOYMENT OF INFORMATION SYSTEMS

Policies and standards regarding information security and deployment of information systems are contained within the *Production Information Systems Integration and Supportability Standards, Procedures, and Practices* which can be found at <http://www.bsu.edu/informationtechnology/itgovernance/>. These policies apply to all production information systems at Ball State University.

9. SUSPENSION OF SERVICES AND OTHER SANCTIONS

Access to university information technology resources is a privilege. Violations of the above policies and standards may result in penalties ranging from a reprimand and temporary loss of access, to referral to the appropriate university office for imposition of further evaluation and possible sanctions including the possibility of expulsion from the university and dismissal from a position. Student conduct utilizing information technology resources or facilities which may violate the Code of Student Rights and Responsibilities will be referred to the Office of Student Rights and Community Standards for possible disciplinary action. Certain violations of this policy may also be prohibited under Indiana or federal law, and are therefore subject to possible criminal prosecution.

APPENDIX F - Involuntary Withdrawal Policy

A. Introduction

The procedure for involuntary administrative withdrawal of a student from the University are to be used only after reasonable attempts to secure voluntary cooperation for psychological evaluation or withdrawal have been exhausted, and will be used only after thoughtful consideration by members of the Student Affairs staff. As described below under Section C., "Procedures," a student will be subject to involuntary administrative withdrawal from the University when, in the judgment of the Associate Vice President for Student Affairs & Director of Housing & Residence Life (hereafter referred to as the Associate Vice President), the Director of Counseling and Health Services and the Medical Director of the University Health Center, there is a substantial possibility that the student, as a result of a physical or psychological condition;

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

The Associate Vice President will initiate a review through either this process or the University's student disciplinary process. If the student has engaged in an activity which subjects him or her to University disciplinary action, the matter will be handled through the

University's student disciplinary process unless the Associate Vice President determines that the student, as a result of psychological conditions:

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

B. Interim Withdrawal

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

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

C. Procedures

1. Meeting with the Associate Vice President. A student may be requested in writing and/or orally (depending on the urgency of the situation) to attend an informal meeting with the Associate Vice President for the purpose of determining whether the student, as a result of a physical or psychological condition, falls within one of the four categories described in Section A., "Introduction," above, and, if so, the necessity for withdrawal. Such a request will include a statement of the reasons for the University's concern. The Director of Counseling and Health Services and the Medical Director of the University Health Center will attend the meeting. Other appropriate personnel may be present and/or consulted. Parents, spouse, or any person who would be of support to the student may, with the consent of the Associate Vice President, and of the student, participate in the informal meeting. At the meeting the reasons for the University's concern regarding the student will be stated and the student will be given an opportunity to respond to these concerns. If, after the meeting, the student is found not to fall within one of the four categories described in the "Introduction" above, he or she will be so informed in writing by the Associate Vice President and allowed to continue as a student.

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

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

4. Notice of Refusal to Withdraw Voluntarily. If the student fails to accept the decision of the withdrawal and refuses to withdraw from the University voluntarily, the student shall notify the Associate Vice President of such refusal within five (5) school days of receipt of

the written decision. If the student fails to notify the Associate Vice President of such refusal within five (5) school days of receipt of the written decision, the student will be deemed to have waived his or her right to appeal the withdrawal decision.

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

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

6. Findings; Decisions. The Vice President for Student Affairs and Dean of Students shall prepare a written decision containing findings and conclusions. Copies of the decision shall be furnished to the student, the Associate Vice President, the student's advisor, the Director of Counseling and Health Services, and the Medical Director of the University Health Center. The decision of the Vice President for Student Affairs and Dean of Students shall be final and conclusive and not subject to appeal.

7. Action by Designee. Whenever an action may be or is required to be taken under this policy by the Vice President for Student Affairs & Dean of Students, the Associate Vice President for Student Affairs & Director of Housing & Residence Life, the Director of Counseling and Health Services, or the Medical Director of the University Health Center, the action may be taken by the person's designee.

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

APPENDIX G – Pet Policy

1. **General** - The pet is any domesticated or tamed animal that would normally be expected to belong to someone whether or not there is any acknowledged ownership.
2. **University Buildings** - (Except Residence Halls and Student Family Housing) Written authorization is to be obtained from the appropriate Department Chairperson, Dean or Administrative Head involved before a pet may be brought into University buildings. Such authorization is to state the purpose and duration of the activity involving the pet. The authorization is to be in the possession of the owner or person in control of the pet during the time the pet is in a University building.

3. **Residence Halls** - Pets are not permitted in the residence halls except for marine life in fresh water aquariums.
4. **University Grounds** - Pets are not permitted on University grounds unless they are appropriately leashed or caged and under the control of and accompanied by their owners or others designated by their owners as having responsibility for the control and care of the pet.
5. **Student Family Housing Apartments** - Pets are not permitted in Student Family Housing Apartments with the exception of marine life in fresh water aquariums and small caged birds.
6. **Enforcement** - Violations of the University Pet Policy will be dealt with in accordance with University rules governing the conduct of faculty, staff, and students. In addition, violations in the Residence Halls and Student Family Housing Apartments, will have action taken in accordance with "Conditions of Occupancy" for Student Family Housing, and "Policies of University Residence Halls" for the Residence Halls.
7. **Limitations** - Provisions of this policy do not apply to seeing eye or guide dogs or to police or K9 dogs while such animals are performing their duties under supervision.
8. **Additional Laws** - This Pet Policy is in addition to applicable ordinances of the City of Muncie and statutes of the state of Indiana.

APPENDIX H - Records Policy

- A. The University policies related to educational information are based upon the Family Educational Rights and Privacy Act of 1974. This act provides the student the opportunity to review his or her records and also limits disclosure of his or her student information to others. If the student wants to review his or her educational records and he or she is or has been enrolled as a student at Ball State, the student may simply contact the area within the University that stores the records in which he or she is interested.
- B. Educational records are defined to be all the records maintained by the University about the student with the following exceptions:
 1. Personal notes of faculty and staff that are not shared with anyone else;
 2. Financial records of parents filed in connection with financial aid applications for the student;
 3. Confidential letters and statements of recommendation that were placed in the student's file before January 1, 1975;
 4. Confidential recommendations related to admission to the University, an application for employment, or the receipt of an honor, if the student has signed a waiver of his or her right to future access to this information (under no conditions will the student be required to waive his or her rights to future access to information before receiving University services or benefits);

5. Investigatory information within the Department of Public Safety; and
6. Information maintained by the Health Center or the Counseling Center.

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

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

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

APPENDIX I – Self-Harm Protocol

The Ball State University Self Harm Protocol consists of three main sections: (1) Self Harm Prevention: (2) Incident Response: and (3) Emergency Notification. The primary intent of the protocol is to assist in identifying at-risk students and provide for them the care/treatment needed to effectively and safely deal with their problems. The protocol includes procedures for responding to incidents of suicide, suicidal attempts and/or threats, and other self-harm ideation, as well as guidelines for when and how to contact family and/or friends during an emergency.

The Incident Response portion of the protocol is intended to provide faculty, staff and others guidelines to follow when faced with incidents of suicide, self-harm attempts or suicide ideation involving students living on and off campus. In each case, specific directions guide the individual's response for particular emergency situations, including appropriate follow-up with the student. **Minimally, students who are judged to be at significant risk of self harm will be required to attend two risk assessment sessions in the Counseling Center. For those students who demonstrate a repeated risk of self harm, a referral will be made to the Associate Vice President for Student Affairs & Director of Housing and Residence Life or his/her designee who will convene a committee to help determine the appropriateness for the student to remain in school.**

A brief overview of the protocol includes the following:

- Faculty/staff awareness of self harm incident
- Implementation of the Incident Response Protocol
- Referral for appropriate services (hospitalization, Counseling Center, 911 emergency, etc.)
- Referral to the Associate Vice President for Student Affairs & Director of Housing and Residence Life or his/her designee (Official letter to student detailing notice of requirements, parental notification, etc.)
- Required minimum of two sessions of assessment in the Counseling Center
- Referral back to the Associate Vice President for Student Affairs & Director of Housing and Residence Life or his/her designee as necessary
- Committee consultation to determine appropriate recommendations for the student.

Further, in the event of a serious suicide attempt or ideation, and in cases of completed suicide, it is likely to be appropriate to notify parents, spouse, or other family members. The decision to notify shall be made in accordance with the Emergency Response procedures provided within the Self Harm Protocol. These procedures also apply to notification in the event of any death of student, accidental injury or life-threatening illness. The protocol is designed to assist faculty and staff in making appropriate decisions for notification; however all incidents involving student hospitalization, serious suicide attempts, and the death should only be handled by the Vice President for Student

Affairs & Dean of Students or his/her designee. Faculty/staff should not contact parents directly.

APPENDIX J - Sexual Harassment Policy

- A.** Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of Civil Rights Act of 1964, as well as, state law. Student-on-student sexual harassment and sexual harassment directed toward a student by a University employee violates Title IX of the Education Amendments of 1972.
- B.** Ball State University will not tolerate sexual harassment of students or employees by members of its faculty or staff, its students or by other agents of the University and will respond in a suitable manner to every complaint.
- C.** The University has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for our academic community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:
 - 1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a University-sponsored education program or activity;
 - 2. Submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment decisions or academic decisions or assessments effecting an individual; or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct.

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

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

The inquiry can be particularly complex in an academic community, where the free and open exchange of ideas and viewpoints preserved by the concept of

academic freedom may sometimes prove distasteful, disturbing or offensive to some. Sexual harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities.

Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

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

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

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

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

- H.** Any member of the University community who believes he or she is being sexually harassed or is being retaliated against is encouraged to contact the Office of University Compliance and make a complaint. The complaint will be investigated in accordance with the “Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process”. A copy of this document may be obtained by contacting the Office of University Compliance.
- I.** The University can respond to specific instances and allegations of harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced sexual harassment to come promptly forward (typically within 45 calendar days) with inquiries, reports or complaints and to seek assistance from the Office of University Compliance. In addition, any University employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report them to the Office of University Compliance. It shall be the responsibility of the Office of University Compliance to respond to allegations and reports of sexual harassment or refer them to other University officials for appropriate response.
- J.** Any dean, chairperson, director, or department head or other similar administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Office of University Compliance. These administrators must respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Administrators should consult the Office of University Compliance prior to responding to any situation involving alleged harassment.
- K.** Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:
1. oral written reprimand, placed in the personnel file;
 2. required attendance at a sexual harassment sensitivity program;
 3. an apology to the victim;
 4. loss of salary or benefit, such as sabbatical or research or travel funding;
 5. transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);
 6. demotion;
 7. suspension, probation, termination, dismissal, or expulsion.

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

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

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

APPENDIX K - Sexual Misconduct Policy

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

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

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

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

Every complainant will be treated with dignity and respect.

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

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

The prior sexual histories of any party in a sexual misconduct complaint are inadmissible in University judicial proceedings. The only exception to this rule will be when a party can demonstrate the relevance of past sexual relations between the parties and the issue of consent and/or when the accused wishes to demonstrate physical evidence in the complaint which can be attributed to another party. The University Review Board retains the right to consider these exceptions and their admissibility in closed session.

(Citation: from Brett Sokolow, JD, NCHERM)

APPENDIX L - Smoking Policy

Ball State University has demonstrated a continuing commitment to the health and wellness of its students, faculty, and staff as evidenced by the John and Janice Fisher Institute for Wellness, various wellness programs, employee health enhancement programs, and a number of curricula devoted to developing health and wellness professionals. Years of documented research has substantiated the health problems caused by both smoking and secondhand smoke. The State of Indiana adopted the Clean Indoor Air Law which is applicable to all state entities. The law sets forth minimum guidelines but allows state entities to adopt a more stringent policy if they desire. Therefore, Ball State University establishes the following smoking policy for all facilities, campus areas, and vehicles in which university functions or services are carried out or offered. All university students, employees, contractors, and visitors are subject to these regulations.

1. As used herein, “smoking” means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment or the inhalation or exhalation of smoke from any lighted smoking instrument.
2. Smoking is prohibited in all university buildings and outdoor campus areas except for officially posted designated smoking areas.
3. Smoking is prohibited in all university vehicles, including maintenance vehicles, automobiles, and public carriers.
4. Smoking may be permitted:
 - A. In officially posted designated smoking areas.
 - B. In venues where artistic productions are held when it is called for by the director of a production. Smoking may be done only by the specified characters during rehearsals and performances. The appropriate department in charge of the production shall include notification that there will be smoking in the show. Smoking in the Green Room is prohibited.
 - C. In designated individual University Apartments as determined by the Office of Housing and Residence Life. The Office of Housing and Residence Life will make every effort to maintain separate smoking areas in the apartment complex, consistent with the need to provide housing for students.
5. While the responsibility for the enforcement and communication of this policy rests with all members of the university community, primary enforcement of this smoking policy will be the responsibility of those persons who head individual units, departments, buildings, student housing units, those who supervise personnel, public safety personnel, and others designated by the university.

- A. Failure to comply with this policy shall result in a fine of \$50.00 per occurrence.
- B. The Office of Bursar will be responsible for fine collection and account maintenance. Monies collected from fine assessments will be used to fund smoking cessation initiatives, health education, and other relevant health and wellness related programs.
- C. Citations may be appealed through the University Traffic Appeals Subcommittee. All appeals will be handled in a manner consistent with traffic appeal procedures.
- D. Failure of a student or employee to pay a fine shall be subject to existing policies and procedures for collecting delinquent accounts owed the university.
- E. In addition, under Indiana Code IC 16-41, 37-1, a person who smokes in a university building where smoking is prohibited commits a Class B infraction, which is punishable by a fine of up to \$1,000.

For a listing of locations go to www.bsu.edu/smokefree. This smoking policy shall be effective March 17, 2008.

APPENDIX M – Student Funeral and Bereavement Appeals

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

the Provost and Vice President for Academic Affairs, who will consult all affected parties. The decision of the Provost and Vice President for Academic Affairs is final.

- D.** In the case that the faculty member involved in the appeal is the administrator next in the line of the appeal process, then the appeal will move directly to the next level.

APPENDIX N - Use of Property for Expressive Activities Policy
Distribution, Demonstrations, Fund Raising, Marches, Sales, Solicitation, Structures
(Abbreviated Version. For complete, document go to
<http://bsu.edu/studentlife/policies>

IV. Out-of-Doors Activities.

A. Distribution.

1. By Anyone. Any person may distribute printed material by hand directly to other persons, at any time, in an out-of-doors area of BSU if such distribution is done without tables, booths, or other similar apparatus. Because of litter concerns, printed material may not be placed on motor vehicles on BSU property. Except as permitted by this Policy, printed material may not be posted or otherwise attached to BSU property.
2. By Non-profit organizations. In addition to distribution permitted in IV (A)(1), non-profit organizations may distribute materials using a table, booth or other apparatus in designated out-of-doors areas of BSU property. Such use must be scheduled with the Office of Facilities Planning and Management (OFPM) in accordance with then-existing BSU policies. A non-profit organization may post printed material on out-of-doors bulletin boards, kiosks or other areas designated for this purpose by the Office of Facilities Planning and Management. Such posting may be limited to a particular place or manner, or to particular types of organizations, in a content-neutral manner.

B. Fund Raising.

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

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

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

Non-profit organizations, commercial firms, and other persons may engage in distribution, solicitation, fund raising, sales or commercial activity, including the use of tables, booths or other apparatus between 7:00 a.m. and 11:00 p.m. in a designated area during the three (3) calendar days preceding the fall semester and first summer session, as well as the first day of the fall semester and first summer session. The space is available on a first-come, first-served, basis, by registering with the OFPM at any time during the eight (8) week period preceding the desired use. The OFPM may impose restrictions on the use of such designated space in a content-neutral manner. Visitors may be subject to a rental fee. No goods or services may be made available for sale if similar goods or services are available for sale on BSU property by BSU or persons under contract with BSU. Amplification devices are prohibited in the designated area.

D. Demonstrations.

1. Demonstrations are permitted out-of-doors on BSU property.
2. Demonstrations may not take place within sixty (60) feet of any window of any classroom or office, or any door of any classroom building, office building, or residence hall.
3. Demonstrators may not block access to or exit from BSU buildings or residence halls.
4. Demonstrators may not disrupt instruction, research, administration or other University activity.
5. Demonstrations which are not expected to involve fifty (50) or more people are not required to be scheduled; however, in the event more than one demonstration is planned for the same area,

the demonstration sponsored by students, employees, or recognized student organizations shall have priority. Otherwise, the demonstration that is scheduled first will be held in the approved location. An attempt will be made to identify an alternate location for the second group.

6. If a demonstration is expected to involve fifty (50) or more people:
 - a) The demonstration must be scheduled with the Student Center Reservation Office (SCRO) at least three (3) business days prior to the demonstration, and approved by the Vice President for Student Affairs & Dean of Students or his/her designee. Approval or disapproval of a demonstration shall be based upon consultation with Public Safety and other events scheduled for the area, in a content-neutral manner. Events sponsored by students, employees or other events. Otherwise, the demonstration that is scheduled first will be held in the approved location.
 - b) The demonstration must be held in either the Quad area or LaFollette Field. The Quad is the outdoor area of campus bounded on the North by the Arts Terrace, on the South by the Beneficence monument, on the East by the Burkhardt Building, and on the West by the Ball Gymnasium. LaFollette Field is the field across McKinley Avenue from the LaFollette complex.

E. Marches

1. Students, employees, and recognized student organizations may be permitted to construct temporary structures out-of-doors in a designated area, where the structure is designed to express the students' views or to raise public consciousness and awareness of an issue. Structures must be scheduled with the SCRO and approved by the Vice President for Student Affairs & Dean of Students or his/her designee at least three (3) business days prior to the construction of the structure. Approval or disapproval of a structure shall be based upon consultation with Public Safety and other events already scheduled for the area, in a content-neutral manner.
2. The designated areas for structures are: the Quad and LaFollette field. The Vice President for Student Affairs & Dean of Students or his/her designee shall determine the specific location of the structure within the designated area.
3. Structures are permitted for a period of ten (10) days, which includes all time used to set up and tear down the structure.
4. In addition to other restrictions on BSU property use in this Policy, approval for a structure may be denied or revoked where the weather conditions are such as to pose a substantial threat to the health, safety or welfare of the students residing in or sheltered by the structure or where the conditions of the structure become unsanitary for any reason, and where such unsanitary conditions

pose a threat to students residing or sheltered by the structure or to the BSU community.

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

V. Activities Inside BSU Buildings.

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

1. Door to Door Distribution/Solicitation/Fund Raising/Sales/Commercial Activity
 - a) This activity is prohibited within BSU offices or residence halls, but is permitted within BSU family housing. Activity related to voter registration is not prohibited by this Policy.
 - b) Occupants of offices and/or residence hall rooms may invite an individual or organization to the occupant's office or residence hall room for distribution, solicitation, fund raising, sales or other commercial activity within the privacy of the occupant's office or residence hall room.
2. Other Buildings. Non-profit organizations may engage in distribution in designated areas of BSU buildings, if such use is scheduled with the OSSU in accordance with then-existing BSU policies. Such use may be limited to a particular time, place or manner, or to particular types of organizations in a content-neutral manner.
3. Fund raising, sales and other commercial activity is prohibited in residence halls during the three (3) calendar days preceding the Fall semester and the first Summer Session, and during the first day of the Fall Semester and first Summer Session.
4. Residence Hall Lobbies
 - a) Bulletin boards may be used by residents and the hall government only.
 - b) Printed material may be distributed only on specific tables designated for that purpose by BSU.
 - c) Commercial activity in the lobby area is permitted only if it is a (1) demonstration of goods or services sponsored by the hall government that does not involve sales or (2) fund raising activity of the hall government and otherwise complies with this Policy.

B. Demonstrations.

1. Students, employees, and recognized student organizations may be granted permission to hold a demonstration within a specified area of the following buildings: Student Center, Emens Auditorium, or

2. Pruis Hall, subject to availability and any fees uniformly required. Demonstrations inside designated BSU buildings shall be scheduled at least three (3) business days prior to the demonstration, and must be approved by the Vice President for Student Affairs & Dean of Students or his/her designee. Approval or disapproval of a demonstration shall be based upon consultation with Public Safety and other events already scheduled for the area, in a content-neutral manner.

VII. Obscenity.

- A. Obscene speech is not protected by the federal or state constitution, and is prohibited by BSU policy. Obscene materials share the following elements:
 1. The average person, applying contemporary community standards, finds that the dominant theme of the matter or performance, taken as a whole, appeals to The prurient interest in sex;
 2. The matter depicts or describes, in a patently offensive way, sexual conduct; and
 3. The matter or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- B. Under Indiana law (I.C. 35-49-3-1) a person who knowingly or intentionally exhibits or distributes obscene material commits a Class A misdemeanor. However, the offense is a Class D felony if the matter depicts or describes sexual conduct involving a person who is or appears to be under sixteen years of age.

APPENDIX O- Weapons Policy

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

- A. Faculty, Professional Personnel, and Staff employees of Ball State University, students, visitors, guests, and all other individuals are prohibited from possessing or carrying weapons of any kind while on University property, regardless of whether they are licensed to carry the weapon or not. Such prohibition extends to such individuals having such weapons in briefcases, purses, tool boxes, personal vehicles or other personal property or effects.
- B. The only exceptions to this policy are: (a) firearms in the possession of University police officers and other individuals who have written authorization from the University's Director of Public Safety to carry such weapons; (b) firearms in the possession of sheriffs, police officers, law enforcement officers, and correctional officers, who are duly authorized by law to carry such firearms; (c) equipment, tools devices and materials which are prescribed for use by authorized University

- employees as a condition of employment or class enrollment; and (d) legal chemicals dispensing devices, such as pepper sprays, that are sold commercially for personal protection.
- C.** University property includes all University owned, leased, or otherwise controlled building and lands. University vehicles are covered by this policy at all times whether or not they are on University property.
 - D.** University sanctions will be imposed on offenders as appropriate and, in addition, criminal charges may be filed.
 - E.** For the purposes of this policy, “weapons” include (a) firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, tazers, or electronic stun weapons; (b) explosives, such as bombs, grenades, blasting caps, or other containers containing explosive substances; and (c) other equipment, material, and devices that, in the manner they are used could ordinarily be used, or are readily capable of causing serious bodily injury. The items described in clause (c) include, but are not limited to, knives (except small personal pocket knives with folding blades that are less than three (3) inches long.), tear gas, chemical substances, brass knuckles, clubs or chains.

07/28/2009