

***AGENDA FOR
UNIVERSITY SENATE***

***April 24, 2008
4:00 p.m.***

***David Letterman Communication & Media
Building (LB), Room 125***

New Senators will be seated and the first meeting of 2008-09 Senate will take place immediately following the last meeting of the 2007-08 Senate. Elections for 2008-09 will take place at that time.

- I. Roll Call
- II. Approval of the Minutes of the University Senate, March 27, 2008
- III. Announcements
 - A. Update on UEC and UCC Subcommittee progress
 - B. Constitutional Amendment Results (Enclosure #1)
 - C. Editorial Changes to Constitution (Enclosure #2)
- IV. Recognition of Deaths – Kenneth Bergman, J. Lee Dye, Gerald R. Showalter, Mary Schranz
- V. Council/Committee Reports
 - A. Governance and Elections Committee – David Pearson, Chairperson
 - B. Faculty Council – Brien Smith, Chairperson
 - C. University Council – Adam Stegner, Chairperson
 - D. Campus Council – Matthew Walker, Chairperson
 - E. Annual Athletics Report, James Ruebel, NCAA/MAC Faculty Representative
- VI. Report by Chairperson of Senate – Bruce W. Hozeski (Enclosure #3 – Issues in the Senate System)
- VII. Questions Directed to the President
- VIII. Question and Answer Period
- IX. Unfinished Business
 - A. Electronic Meetings Procedures for University Senate (Enclosure #4)

B. Student Academic Ethics Policy (Enclosure #5)

X. New Business

A. Revision to Voting Procedures

Revision approved by Governance and Elections Committee 4/3/08

Voting procedures shall be “of the members present and voting” as defined in Robert’s Rules of Order. In this process, “yes” and “no” votes are counted, while abstentions are not counted in the total. Unless defined differently by the standing rules of the Senate or Robert’s Rules of Order, motions pass by a simple majority of the votes cast. Voting by proxy is disallowed in this process.

To be added to the Standing Rules of the Senate

B. Student Code Revisions (Enclosure #6)

XI. Other Items

XII. Adjournment

/mt

MINUTES OF THE SIXTH MEETING OF THE 2007-08 UNIVERSITY SENATE
Thursday, March 27, 2008

Members Present: 47

Members Absent: 21

1. The meeting was called to order by the chairperson of the University Senate, Bruce Hozeski, at 4:00 p.m. Roll Call was taken by initialing the roster located at the entrance to CM 125.

Members Present: M. Brown, J. Clark, G. Crawley, L. Deckers, F. Groom, M. Groover, M. Guntsche, M. Harvey, M. Hawkins, B. Hozeski, S. Islam, K. Kalumba, E. Kelly, T. King, J. Ledbetter, M. Maggiotto, L. Markle, J. McClure, W. McCune, M. McGrew, G. Murray, K. Neumann, J. Olesen, P. Parkison, R. Rarick, G. Reid, J. Rybarczyk, D. Shawger, B. Smith, K. Speirs-Neumeister, G. Stamp, R. Stankewitz, A. Stegner, F. Suppe, B. Umansky, C. Walker, A. Wieseke, B. Wills, T. Zivney

Substitutes: Sue Whitaker for B. Adams, Michael Voss for K. Ellis, Danny Morton for F. Hood, John Dahlgren for S. Meier, Mitch Whaley for D. Pearson, Mark Masse´ for M. Popovich, Michael Pounds for M. Steib, Kyle Ellis for M. Walker

Members Absent: N. Ahmed, D. Chen, J. Cross, R. Dolon, O. Dotson, J. Eflin, J. Gora, D. Haber, T. Hinds, M. Jameson, C. Kapinus, C. Lehnertz, J. Manuel, C. Marlow, B. Mills, C. Munchel, C. Payne, W. Sharp, P. Spengler, C. Updike, E. Zygmunt-Fillwalk

2. A motion was made and seconded (Clark/Reid) to approve the minutes of February 21, 2008.

The motion carried.

3. Announcements

- A. The April 24 meeting date will include two meetings: one for the last meeting of 2007-08, and one for the first meeting of 2008-09. Elections will be the only agenda item for the first meeting of 2008-09. It will begin immediately following the last meeting of 2007-08.

- B. The Diversity Policy Institute has changed its name to the Office of Institutional Diversity

- C. The deadline for submitting departmental votes on the constitutional amendment is next Thursday, April 3, by 5:00 pm. No late votes will be accepted.

- D. The Beneficence Pledge and the revisions to the University Promotion and Tenure document were both approved by the Board of Trustees at their meeting on March 21. It will be documented in the next agenda of the University Senate.

- E. College elections forms are due in the Senate office tomorrow, March 28.

- F. The Chairperson of the Senate read a letter from President Gora concerning SJR 7, which was passed by the University Senate at their meeting in February (Attachment #1).

4. Recognition of Deaths – Don O. Lyon, Charles (Wave) Myers

5. Committee Reports

- A. Governance and Elections Committee

The Chairperson of the Senate reported that Dave is not at today's meeting, but he asked Bruce to make two announcements; one is regarding the deadline for the amendment to the constitution. The other is

regarding nominations for the election of University Senate officers and the member to the Senate Agenda Committee. Please consider nominating yourself or nominating someone else. Members were requested to contact the individual regarding their willingness to serve prior to forwarding their name to the Governance and Elections Committee.

The committee is continuing their work on the editorial changes to the constitution.

B. Faculty Council – Brien Smith, Chairperson

Brien reported that the Council met in February and is reviewing the Student Academic Ethics Policy. The revisions from the Graduate Education Committee are on today's agenda.

Brien yielded the floor to Sue Whitaker, Chairperson of the UCC Subcommittee, and Michael Spillman, Chairperson of the Undergraduate Education Committee, to present an update regarding the progress of UCC-21. (Power Point Presentation, Attachment #2)

Discussion ensued after the presentation and questions were presented to the two chairpersons.

C. University Council – Adam Stegner, Chairperson

Adam reported that the council met last month and had a report from the task force on professional personnel. The Council voted to form an investigative task force to look at specific issues regarding professional personnel. The recommendations will be routed through the University Council and then through the governance system.

D. Campus Council – Matthew Walker, Chairperson

Matthew reported that the council did not meet last month, but will meet for their last meeting in April to elect officers.

6. Report by the Chairperson of Senate – Bruce W. Hozeski (University Senate Agenda 3/27/08, Enclosure #1)

Most items have progressed through the senate system; however, some items still need attention. The Student Senate resolutions will be reviewed by the Master Planning and Facilities Committee this next week.

7. Questions Directed to the President

The President was not in attendance at today's meeting.

8. Question and Answer Period

There were no questions.

9. Unfinished Business

There was no unfinished business.

10. New Business

A. Graduate Education Committee revisions (University Senate Agenda, 3/27/08, Enclosure #2)

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

John Scheib, Chairperson of the Graduate Education Committee, discussed the item with the Senate members.

The motion carried to approve the revisions to the Graduate Education document.

B. Changes to Salary Document (University Senate Agenda, 3/27/08, Enclosure #3)

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

Provost Terry King discussed the issue with the Senate.

A motion was made and seconded (Zivney/McClure) to send it to the Salary and Benefits Committee for review and discussion.

The Provost indicated his willingness to attend the next Salary and Benefits Committee to discuss it, as there is a timeline issue involved as well.

The motion to forward the document to the Salary and Benefits Committee carried.

11. Other Items

There were no other items.

The meeting adjourned at 4:55 p.m.

April 24, 2008

Bruce W. Hozeski, Chairperson

Eva Zygmunt-Fillwalk, Secretary

/mt

**UNIVERSITY SENATE AMENDMENT – VOTING RESULTS – APRIL 3, 2008
 REVISIONS OF COMMITTEE MEMBERSHIP/RESPONSIBILITIES**

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>TOTAL</u>
Academic Affairs				
Business Affairs	33	0	56	
Information Technology	44	4	9	
Student Affairs	52	0	5	
University Advancement				
Enrollment, Marketing, and Communications	26	0	2	
SUB TOTALS				231
Family/Consumer Sciences	27	0	0	
Technology	8	0	0	
Military Science	2	0	6	
Nursing	28	1	0	
SPESES	32	0	0	
Wellness/Gerontology	5	0	0	
SUB TOTALS				109
Architecture	16	0	0	
Landscape Architecture	11	0	0	
Urban Planning	3	0	1	
SUB TOTALS				31
Accounting	11	1	0	
Economics	13	0	0	
Finance and Insurance	6	0	7	
Info.Syst/Oper.Mgmt.				
Marketing/Management	16	0	0	
SUB TOTALS				54
Information/Comm.Sciences	6	0	0	
Communication Studies	11	0	0	
Journalism	22	0	0	
Telecommunications	20	0	0	
SUB TOTALS				59
Art	25	0	0	
Music	29	1	0	
Theatre/Dance	15	0	0	
SUB TOTALS				70
Anthropology	6	0	4	
Biology	16	0	1	
Chemistry	14	0	0	
Computer Science	6	2	0	
Criminal Justice/Criminology	10	0	3	

English	20	0	0
Geography			
Geology	6	1	1
History			
Mathematical Sciences	25	0	0
Modern Languages/Classics	16	1	0
Natural Resources	8	0	0
Philosophy/Religious Studies	8	0	0
Physics and Astronomy	11	0	0
Physiology/Health Science	15	0	0
Political Science	14	0	0
Psychological Science	19	0	0
Social Work	6	0	2
Sociology	8	0	1
Speech Pathology/Audiology			
SUB TOTALS			224

Counseling Psychology	8	0	0
Educational Leadership			
Educational Psychology	13	0	0
Educational Studies	16	0	0
Elementary Education	23	0	0
Special Education	12	0	0
Burriss Laboratory School	43	0	0
SUB TOTALS			115

TOTALS	784	11	98	893
	YES	NO	ABSTAIN	TOTAL

EDITORIAL REVISIONS TO THE CONSTITUTION OF THE UNIVERSITY SENATE¹

Preamble

The purpose of this Constitution is to establish an orderly process whereby the academic-related groups may share in the determination of educational policy to the end that the purposes of Ball State University may be fully realized. The Senate is advisory to the President and the Board of Trustees. Organization for policy formation is not to be confused with administrative organization. the purpose of the latter being to designate clearly the responsibility and authority for performing certain institutional tasks that are dictated by accepted policy.

I Duties and Responsibilities

1. The University Senate shall serve as the ~~agency body~~ with primary responsibility for formation of educational policy at Ball State University.
 - 1.1 It has primary responsibility for decisions on the following matters of educational policy, subject to review and acceptance or rejection by the President and/or Board of Trustees:
 - 1.11 Standards for admission, selection, and retention of students;
 - 1.12 Curricular requirements;
 - 1.13 Instructional standards;
 - 1.14 Requirements for granting of degrees;
 - 1.15 Standards of academic freedom and professional responsibility.
 - 1.2 It may advise the President and the Board of Trustees on the following matters of institutional policy:
 - ~~1.21 Appointment, promotion, tenure, and dismissal of faculty members and professional personnel and programs of faculty and professional personnel welfare, such as salaries, insurance, and special leave;~~
 - ~~1.22 Selection and removal of the President and principal academic officers having University-wide responsibilities as well as the creation or abolition of such offices;~~
 - ~~1.23 Major issues affecting current or projected budget decisions, and expenditures of funds allocated to instruction and academic or instruction-related research;~~
 - ~~1.24 Selection and retention of departmental and unit Chairpersons and collegiate deans; and~~
 - ~~1.25 Principles and guidelines for other educational matters related to the mission and goals of the institution.~~
 - 1.21 Appointment, promotion, tenure, and dismissal of faculty members and professional personnel;
 - 1.22 Programs related to faculty and professional personnel welfare such as salaries, insurance, and special leaves;
 - 1.23 Selection and removal of the President and principal academic officers having University-wide responsibilities as well as the creation or abolition of such offices;
 - 1.24 Current or projected budget decisions, and expenditures of funds allocated to instruction and academic or instruction-related research;
 - 1.25 Selection and retention of departmental and unit Chairpersons and collegiate deans; and
 - 1.26 Principles and guidelines for other education matters related to the mission and goals of the institution.

- 1.3 The University Senate shall transmit its minutes, decisions, and policy recommendations to the President. The President will provide the Board of Trustees with the minutes of all University Senate meetings and will inform the Board of Trustees of University Senate actions. The President will take to the Board all University Senate actions which require approval by the Board.
2. The University Senate may delegate such tasks and activities as it sees fit to its Councils and Committees but shall itself remain charged with the following duties and responsibilities:
 - 2.1 To promote through all possible means the open and continuing discussion within the University of both broad educational questions and specific matters of academic concern;
 - 2.2 To serve as the final forum for determining an official opinion representing the academic community of the University on any issue affecting educational policies or the status and well-being of the faculty and professional personnel;
 - 2.3 To review expeditiously all policies and actions taken by its Councils and Committees, or forwarded to it by departments, colleges, and other governance units, and to make a specific disposition of each item as follows:
 - 2.31 Approval of it as received whenever the item is found to conform to established guidelines and principles;
 - 2.32 Return of it to the originating body with a clear written explanation of why it cannot be accepted in its existing form; or
 - 2.33 Referral of it to another governance unit, e.g., Council or Committee, ~~governance unit~~ to resolve any conflicts or uncertainties arising from possible effects on other programs or units; and
 - 2.34 To ensure through continuous monitoring that all operations and activities of the governance system of the University function effectively and to take all actions necessary to maintain or restore sound functioning.
3. University policies in all matters concerned with educational programs and with professional status and well-being take precedence over policies developed by individual academic or governance units.
 - 3.1 In cases where flexibility is permissible or desirable, the University Senate shall develop and approve guidelines and principles of procedure, approving policies developed by departments, colleges, and other governance units that conform to the guidelines and principles, or approving policies as desirable variants to guidelines and principles.
 - 3.2 Where no University policy exists, and no statement of guidelines or principles on a matter has been approved for use by departments, colleges, and governance units, those units may develop their own policies, the University Senate merely reviewing them to make certain they are fair and open in procedure and application, and making them a matter of record.
 - 3.3 In cases where departments, colleges, and ~~other~~ governance units have developed policies on a matter subsequently made the subject of a University policy, the University policy shall prevail, and the colleges and other governance units must bring their policies into conformity with the University policy within an established reasonable time.

II Membership

1. Membership in the University Senate shall consist of the following elected and ex officio representatives:
 - 1.1 By virtue of their offices the President of the University, the Provost and Vice President for Academic Affairs, the Chairpersons of the three Councils of the University Senate, and one academic dean selected annually by all such deans to represent them;

- 1.2 ~~A total of forty-nine~~ one regular faculty representatives, ~~one~~ elected regular faculty representative from each department for staggered two-year terms;
 - 1.3 A total of two contract faculty elected for staggered two-year terms by and from the full-time contract faculty with a minimum of three years of full-time, continual service to the university;²
 - 1.4 ~~A total of six~~ One professional personnel representatives, ~~one each~~ elected by and from ~~the six~~ each professional personnel areas, for staggered two-year terms. The electorate in each unit shall be the professional personnel on tenure, tenure-track, or continuing contracts. For purposes of participation in the governance system, faculty with primary assignment in one of the ~~six~~ professional areas shall be defined as professional personnel.
 - 1.5 By virtue of their offices the President of the Student Government Association; the President of the Student Senate, the President Pro Tempore of the Student Senate, one graduate student elected by the graduate student body at large, and six undergraduate students elected by the student body at large for one-year terms. In the case of vacancies the President of the Student Government Association shall appoint students to best represent the diverse student population at Ball State University.
 - 1.6 Needed adjustments will be made whenever changes occur in the number of units.
2. No person except students may serve more than three consecutive full terms as an elected member of the Senate.
 3. All elections of faculty and professional personnel representatives to the University Senate will be conducted by the units which they represent under the ~~supervision of the~~ Governance and Elections Committee. Student representatives will be appointed by the Student Government Association. Appointments shall be made and elections shall be held by 15 March³ each year for Senators to be seated in the fall.
 4. Ex officio and elected members of the Senate have full voting rights in University Senate and on University Senate standing Committees. Any member of the University Senate who is unable to attend one or more of its sessions may designate an alternate from the same unit for such meetings. The alternate must register with the Secretary of the Senate ~~before the start of the meeting~~ to be eligible to participate and vote.
 5. Resignations from the Senate must be submitted in writing to the Secretary of the Senate and contain a specific date of effectiveness.
 6. If an elected senator is unable to discharge his or her obligations, the electorate of the unit concerned may by majority vote request the Governance and Elections Committee to declare the seat vacant.
 7. When a faculty or professional personnel position is vacated in the Senate, a replacement will be elected to complete the original term through the same process used for electing the vacating representative. The person chosen as a replacement will be eligible for later election to another full term.⁴ When a student position is vacated in the Senate, a replacement will be appointed by the President of the Student Government Association.
 8. The University Senate reserves the right to determine the eligibility of its members in accordance with this Constitution.
 9. Student members must meet eligibility requirements in accordance with the bylaws of the Student Government Association.

III Structure and Organization⁵

1. The University Senate shall have three elected officers, chosen by majority vote of the newly elected Senate to serve one year terms, who must be elected members and not ex officio members of the Senate. After the completion of Senate Senator elections in the spring, a special session of the Senate will be convened no later than 30 April for the purpose of electing Senate officers and members of Senate-standing Agenda Committee. Those eligible to vote during this session will be newly elected Senators and sitting Senators who have one year remaining in their current term. Newly appointed and elected officers and Committee members will be seated in the fall, and current-sitting officers will continue to serve until the fall.
 - 1.1 The Chairperson shall conduct all meetings of the Senate, serve as Chairperson of its Agenda Committee, and represent the University governance system at the highest level. To the President of the University and the Board of Trustees. A parliamentarian shall be named each year by the Chairperson.
 - 1.2 The Vice Chairperson shall serve in all capacities as assistant to the Chairperson, as presiding officer whenever the Chairperson is unable to perform the duties of the office, shall serve as Vice Chairperson of the Agenda Committee, and as Chairperson of the Governance and Elections Committee.
 - 1.3 The Secretary shall maintain and preserve all records of the Senate and governance system, assisted by a permanent Under Secretary designated by the Provost and Vice President for Academic Affairs, and shall serve as Secretary of the Agenda Committee.
2. Two standing Committees of the Senate shall be: the Agenda Committee, and Governance and Elections Committee.
 - 2.1 Agenda Committee⁶
 - 2.11 The membership of the Committee shall consist of: ~~eleven individuals by virtue of their offices~~ the Provost and Vice President for Academic Affairs, ex officio, or a designee; the Chairperson, Vice Chairperson, and Secretary of the Senate; the Chairpersons of the Faculty Council, University Council and Campus Council; the President Pro Tempore of the Student Senate; and three elected members of the Senate chosen by the body, for staggered two year terms.
 - 2.2 Governance and Elections Committee
 - 2.21 The membership of the Committee shall consist of ~~fourteen~~ the following individuals: ~~seven~~ one faculty members, ~~one~~ representing each college, elected by and from the Faculty Council for staggered two year terms; one academic dean chosen by all such deans for a two year term; two professional personnel, elected by and from the University Council for staggered two year terms; one student, elected by and from the Campus Council for a one year term; the President of the University, ex officio, or a designee; the President of the Student Government Association, ex officio, or a designee; and the Vice Chairperson of the Senate, who shall serve as Chairperson of the Committee. A Secretary shall be elected by the Committee each year.
3. In addition to its two standing Committees the Senate may form such ad hoc Committees or task forces as it deems necessary for carrying out its responsibilities. No ad hoc Committee or task force may continue in existence longer than twelve months unless its life is specifically extended by the Senate.
4. Other Operating Procedures⁷

- 4.1 All Councils and Committees will submit their minutes and policy recommendations to the ~~Agenda Committee~~ Office of the University Senate.
- 4.2 Policy recommendations shall require a simple majority vote of those present and voting to become the official recommendation of the University Senate. These recommendations shall become official when the minutes are approved.
- 4.3 All ~~existing educational~~ policies approved by previous Senates will remain in effect until they are changed by ~~appropriate~~ action of the University Senate.
- 4.4 At least four meetings shall be scheduled each semester during the academic year. The calendar shall be established by the Agenda Committee.
- 4.5 The Senate ~~may adopt for continuing or annual use such rules of procedure for conducting its or all University governance business as it deems appropriate.~~ must approve the Standing Rules of the Senate at the first meeting of the academic year.
- 4.6 A quorum shall consist of a majority of the membership total, including the ex officio members. ~~Ex officio members shall count toward creating a quorum.~~
- 4.7 Any proposed changes made in to the Faculty and Professional Personnel Handbook which fall within the purview of the Senate must be ~~considered~~ approved by the Senate.

IV University Councils and Committees

1. The Senate shall maintain three University Senate Councils – the Campus Council, the Faculty Council, and the University Council – to assist the University Senate in forming educational policies. The three University Senate Councils shall maintain the following standing Committees:
 - 1.1 **Campus Council:** Events Programming and Scheduling, Public Safety, Student Activities, Student Center, Student Financial Assistance, Student Rights, Ethics and Standards;
 - 1.2 **Faculty Council:** Academic Freedom and Ethics, Contract Faculty, Creative Arts, Creative Teaching, Graduate Education, Instructional Media Support, Library, Professional Education, Salary and Benefits, Special Leave, Teaching Evaluation, Undergraduate Education, University Grade Appeals, University Promotion and Tenure;
 - 1.3 **University Council:** Academic Assessment and Institutional Research, Admissions and Credits, Athletics, Extended Education, Financial and Budgetary Affairs, Information Technology, International Programs, Judicial, Master Planning and Facilities, Publications and Intellectual Properties, and Research.
2. The establishment of new University Senate Councils and Council Standing Committees shall be recommended to the Senate by the Governance and Elections Committee.
3. The membership of each Council will elect by majority vote a Chairperson, Vice Chairperson and a Secretary for a one year term who will constitute the Executive Committee responsible for the following:
 - 3.1 Proposing assignments to each of the standing Committees on the Councils;
 - 3.2 Preparing an agenda for each meeting of the Councils;
 - 3.3 Receiving and forwarding recommendations or issues approved by each Council.
4. The Chairperson for the Campus Council shall be a student; the Chairperson for the Faculty Council shall be a faculty member; and the Chairperson of the University Council shall be a professional personnel member.
5. The duties of University Senate Councils and Council Committee officers shall be as follows:

- 5.1 The Chairperson shall conduct all meetings of the Council or Committee, provide leadership and coordination to the work of the body, and represent the body before others units of the governance system;
 - 5.2 The vice-Chairperson shall serve as assistant to the Chairperson and as presiding officer in the Chairperson's absence:
 - 5.3 The Secretary shall take the minutes of the Council or Committee and distribute them as directed, and shall serve as presiding officer in the absence of a Vice Chairperson whenever the Chairperson is unable to perform the duties of the office.
6. Ex officio members shall not vote or hold office on Councils or Council Committees.
 7. Each Council shall have the power to establish, on a temporary basis, ad hoc Committees to inquire into a specific issue or topic related to its responsibilities and not under the jurisdiction of a Standing Committee. Such ad hoc Committees shall be established by resolution of the entire Council, which shall specify the membership and duration of the ad hoc Committee. Each ad hoc Committee shall have a majority of its membership from Council members.
 8. All actions of University Senate Councils and Council Standing Committees which establish or alter educational policy shall be referred to the University Senate for approval. Other actions not involving a change in educational policy shall be forwarded to the appropriate administrative officer. Implementation of such action is the responsibility of the administrative officer in accordance with University procedures.
 9. All actions of University Senate Councils and Council Standing Committees are subject to review by the University Senate. Such action may be initiated by the Agenda Committee or by a senator on the floor of the Senate supported by a majority of the members present and voting.
 10. Any three members of a University Senate Council or Council standing Committee may petition the Chairperson of that Council or Committee to call a meeting of ~~the~~ that body.
 11. Meetings of Councils, Committees, and Subcommittees are open meetings unless the Chairperson announces in advance that a closed meeting is to be held for the purpose of discussing ~~sensitive or~~ personnel issues. Visitors may attend open meetings but are not permitted to participate unless invited to do so.⁸
 12. A quorum is a majority of the voting members serving on a Council or Committee.
 13. Each Council or Committee shall ~~make~~ submit a written summary report of its activities at the end of each academic year to the Office of the University Senate.
 14. Each Council or Committee shall transmit ~~eight copies of~~ its minutes, the summary report, and also all bylaws and operating procedures adopted by the body to the office of the University Senate to be distributed to: as follows: the Office of the President, the Chairperson of the Council, and the Executive Secretary of the Council, ~~and five copies to the Under Secretary of the University Senate, who shall forward one copy each to~~ the Chairperson, Vice Chairperson, Secretary of the University Senate, the President of the Student Government Association, and the Ball State University Archives maintained by the University Libraries. ~~However,~~

The minutes of the Academic Freedom and Ethics Committee and the University

Promotion and Tenure Committee insofar as they concern confidential personnel recommendations shall be distributed instead to the President, the appropriate Vice President, and the Chairperson of the Faculty Council.⁹

15. University Senate Council or Committee members who cannot attend a meeting may with the concurrence of the Chairperson arrange to have an informed substitute attend, provided that such substitute was eligible at the time of the original appointment or election to be appointed or elected from or representing the same constituency, if any.¹⁰ A substitute may participate in the deliberations of the body and may vote, but only after proper registration with the Secretary of the body before the start of the meeting. When a position is vacated in the University Senate Councils, or Committees within the governance system, a replacement will be selected to complete the original term through the same process used for selecting the vacating representative. The person chosen as a replacement will be eligible for later selection to another full term.¹¹
16. University Senate Councils or Committee members who establish a pattern of absences from official meetings, thus depriving their unit or constituency of representation, may be replaced upon the recommendation of the Chairperson or the written request of at least one-third of the membership of the Committee or Council affected. Such recommendation or request shall be made to the Chairperson of the Governance and Elections Committee. After review by the Governance and Elections Committee, and being satisfied that appropriate notification to those involved has been made, the Governance and Elections Committee shall declare the position vacant and will initiate appropriate replacement procedures.¹²
17. The word “colleges” in this document refers to the following ~~seven~~ colleges: College of Applied Sciences and Technology; College of Architecture and Planning; Miller College of Business; College of Communication, Information, and Media; College of Fine Arts; College of Sciences and Humanities; and Teachers College.¹³

V Amendments¹⁴

This Constitution can be amended in the following manner: (1) presenting a written statement of the proposed amendment at a regular meeting of the University Senate and then at the next regular meeting of the University Senate securing a majority vote of those present and voting. If the proposed amendment receives such a majority vote, it will then be distributed to all faculty and professional personnel units; (2) securing approval of the proposed amendment by a two-thirds vote of all those present and voting at meetings held within the faculty and professional personnel units within sixty calendar days of notification for a unit meeting to be held, with vote results from each unit to be reported promptly by the unit Chairperson/Head to the Provost and Vice President for Academic Affairs; and (3) securing the approval of the University Board of Trustees for the proposed amendment.

Procedures for an emergency synchronous e-meeting for the University Senate

1. The Senate will include in its standing rules each year a provision for the electronic mode to be used during synchronous e-meetings.
2. The standing rules of the Senate will be followed. For example, as with regular senate meetings all motions must be seconded and passed. Special modifications are needed to accommodate electronic forums.
3. Starting the meeting: The chairperson will send an e-mail to all senators notifying them that the official start of the meeting will begin on a particular date at least three business days in the future.
4. This notification will include an agenda, times to begin and end the meeting, and links to all other materials necessary to conduct the anticipated meeting, such as electronic forum, reading materials, reports from officers, and minutes from the previous meeting.
5. At the specified time, senators shall register to establish a quorum. Substitutes must register their names and for whom they are substituting.
6. Once a quorum is reached, as defined by the standing rules of the Senate, the chairperson may begin the meeting.
7. The names of senators and contact information for the specified forum will serve as the basis of the "meeting roster," and these senators constitute the deliberative assembly. The roster must be included in the minutes.
8. The chairperson announces that a quorum has been reached, lists the names of the senators, and starts the meeting. It is assumed that once the meeting begins the quorum is maintained until the chairperson announces that the meeting is adjourned. To be considered "present" at a meeting means that one has access to a computer and access to the ongoing messages during the time of the meeting. Therefore, being present is defined as having the ability, electronically, to follow the on-going conversation of the meeting and participate fully over the meeting time.
9. Senators who were not a part of the opening quorum may participate in the meeting, respond to the electronic discourse, and vote as appropriate after being added to the meeting roster.
10. The meeting will automatically adjourn at the stated time unless a senator makes a motion to extend the meeting and the motion is passed.
11. The chairperson will officially declare the meeting is adjourned after a motion to adjourn has passed.
12. Senators in the deliberative process shall structure their messages with the following sections: a) a heading indicating motion number; b) whether they are "for," "against," or asking for a "point of information"; and c) a closing to the message including the senator's name. Each message must pertain to the motion under consideration.
13. Senators may electronically comment upon and respond to others' statements, but all messages must be addressed to the chairperson and accessible to all senators.
14. All motions are recorded in the minutes.
15. The chairperson must "recognize" individual senators to speak since simultaneous messages would bring disorder to a synchronous meeting. Contributions should be succinct.
16. Secondary motions (including point of information inquiries) are addressed in the order they are received. A legitimate point of order may interrupt the proceedings. The chairperson would send out a message explaining the "interruption." All messages that arrive while the "point of order" is addressed are set aside until the "point of order" is settled. If the "point of order" ruling is appealed by a senator, the chairperson will temporarily suspend discussion on the motion until a final ruling is made by vote of the senate as a whole.
17. General rules for voting: senators will forward their votes electronically to all participating senators, including the chairperson, who will tabulate them. Eligible senators may vote "yes," vote "no," or abstain. Votes will be structured in the following manner: a) a heading indicating motion number; b) whether they vote "yes," vote "no," or abstain; and c) a closing to the message including the senator's name. A numerical majority of those present and voting must vote "yes" to pass an item unless otherwise mentioned by Robert's Rules (e.g., a motion to end debate requiring two-thirds). Abstentions do not count as a vote.

The chairperson will allow sufficient time for senators to cast their votes. The numerical results of all e-votes will be entered in the minutes of the next regularly scheduled meeting, but no senator identification on votes will be preserved.

18. The secretary and undersecretary of the Senate will take the electronic record and produce the minutes of the meeting. If available, time/date stamps will be used when preparing the minutes.

Glossary:

E-meeting would include listservs, blackboard discussion boards, e-mail, etc.

Synchronous e-meeting: a meeting for which the senators are in multiple physical locations and are all participating simultaneously. Listservs and Blackboard chat are examples a synchronous meeting forum. Since e-mail is inherently an asynchronous forum, it cannot be used to conduct synchronous meetings.

Procedures for an emergency asynchronous meeting for the University Senate

1. Starting the meeting: The chairperson sends an e-mail to all senators notifying them that the official start of the meeting will begin on a particular date at least three business days in the future.
2. This notification will include an agenda and links to all other materials necessary to conduct the anticipated meeting, such as electronic forum, reading materials, reports from officers, and minutes from the previous meeting. The chairperson will ensure that the text of a proposed motion is clear and unambiguous and that explanations and reasons for any suggested actions are provided. The agenda must specify a sign-in period to establish the quorum, the start and end dates for discussion, and a time period for voting. The time period for voting shall be no less than 24 hours and no more than 72 hours. The act of forwarding the motion to the senators is the “stating of the question on the motion.”
3. On the specified date, in order to establish a quorum, senators shall reply stating that they are “ready to meet and will be available to vote” during the meeting and voting periods specified by the chairperson. Although a specific start time is not necessary, the chairperson shall indicate that all senators should reply within the specified period that they are participating in the meeting.
4. Since a quorum is necessary to conduct business, a quorum is defined by the standing rules of the Senate. Once a quorum is reached (as defined by the number of senators stating that they are participating), the chairperson may begin the meeting. If, on the other hand, a quorum is not reached the chairperson may either extend the participation deadline and/or inform all senators through e-mail of an alternative meeting or voting period. Senators without access to the specified forum should designate a substitute to act on their behalf. Should a senator be unable to designate a substitute, the senator waives the right to participate.
5. The names of senators and contact information for the specified forum will serve as the basis of the “meeting roster,” and these senators constitute the deliberative assembly.
6. The chairperson announces that a quorum has been reached, lists the names of the senators, and starts the meeting. It is assumed that once the meeting begins the quorum is maintained until the chairperson announces that the meeting is adjourned. Although not all senators may be constantly following the discussion and responding immediately to the conversation that unfolds during the e-meeting, it is the responsibility of each senator to periodically engage in the meeting process. To be considered “present” at a meeting means that one has access to a computer and access to the ongoing messages during the time of the meeting. Therefore, being present is defined as having the ability, electronically, to follow the on-going conversation of the meeting and participate fully over the meeting time.
7. Senators who were not a part of the opening quorum may participate in the meeting, respond to the electronic discourse by asking the chairperson to add their names to the meeting roster, and vote as appropriate.
8. The chairperson shall set an end date with the idea that all senators shall have sufficient time to participate in the electronic discussion. A proposed time for the vote to begin will be designated. The meeting will not end prior to the announced deadline. Should a senator make a motion to extend the meeting, the chair has the discretion to grant an extension of no less than 24 hours and no more than 72 hours to allow complete discussion of the issue(s). During the extension, the meeting may be adjourned by a formal motion or by the chairperson declaring that the business of the meeting is completed. The vote automatically moves to the end of the extension period.
9. Senators in the deliberative process shall structure their messages with the following sections: a) a heading indicating motion number; b) whether they are “for,” “against,” or asking for a “point of information”; and c) a closing to the message including the senator’s name. Each message will be limited to a single motion.
10. Senators may electronically comment upon and respond to others’ statements, but all messages must be addressed to the chairperson and accessible to all senators.
11. Seconds to motions are not required since time is more flexible in asynchronous e-meetings. All motions are recorded in the minutes.
12. There is no need to “recognize” individual senators to speak since simultaneous messages would not bring disorder to an asynchronous meeting. Input, however, is limited to no more than 1,000 words (a short message rule) and shall not include attachments.
13. Subsequent motions are addressed in the order they are received, according to their respective time stamps. A legitimate point of order may interrupt the proceedings. The chairperson would send out a message explaining the “interruption.” All messages that arrive while the “point of order” is addressed are set aside until the “point of order” is settled. If the “point of order” ruling is appealed by a senator, the chairperson

will temporarily suspend discussion on the motion until a final ruling is made by vote of the committee as a whole.

14. General rules for voting: senators will forward their votes electronically to all participating senators, including the chairperson, who will tabulate them. Eligible senators may vote “yes,” “no,” or “abstain.” Votes will be structured in the following manner: a) a heading indicating motion number; b) whether they vote “yes,” vote “no,” or abstain; and c) a closing to the message including the senator’s name. A numerical majority of those senators present and voting must vote “yes” to pass an item unless otherwise mentioned by Robert’s Rules (e.g., a motion to end debate requiring two-thirds). Abstentions do not count as votes. The numerical results of all e-votes will be entered in the minutes of the next regularly scheduled meeting, but no senator identification on votes will be preserved.
15. The secretary and undersecretary of the Senate will take the electronic record and produce the minutes of the meeting. Time/date stamps are used when preparing the minutes.

Glossary:

E-meeting would include listservs, blackboard discussion boards, e-mail, etc.

Asynchronous e-meeting: a meeting for which the senators are in multiple physical locations and are not all participating simultaneously. E-mail and Blackboard discussion boards are examples of asynchronous forums.

RATIONALE FOR RULES AND POLICIES FOR EMERGENCY E-MEETINGS

All handbooks and guides for conducting committee business by electronic means state that Roberts' Rules of Order should be followed as much as possible, with adjustments as necessary to accommodate the logistical requirements inherent in such a medium. The basic guiding philosophy in making such rules and adjustments shall continue to be to allow all members a fair and reasonable opportunity to participate, to protect the rights of a minority to express their views, and to provide the means for a body to make decisions after a thorough discussion. For example, in a traditional meeting of the University Senate the chairperson recognizes only one senator to speak at a time; in a synchronous e-meeting (one with all senators participating on-line simultaneously), several members might send messages simultaneously and the chair would need to intervene to decide which message shall have priority in being considered.

If circumstances do not allow a synchronous e-meeting to be convened, then the Senate may need to resort to an asynchronous e-meeting (one in which not all senators are participating on-line at the beginning of the meeting or at any one particular time during the course of the meeting.) During such a meeting extra time must, therefore, be allowed for senators who are not on-line continuously to catch up with the flow of messages. For similar reasons not all senators will be able to vote at the same time and a voting period must be announced sufficiently long to give all senators the chance to vote electronically.

A **traditional meeting** as described by Roberts' Rules of Order with all senators present in the same room at the same time is the most efficient way to conduct official business quickly and effectively. For this reason, such a meeting is preferable when conveners wish to transact Senate business using the shortest possible meeting time.

However, if it is not possible to assemble all senators (or at least a quorum of them) together in the same physical space, then a **synchronous e-meeting** would be the second preference in terms of efficiency of action. Because senators would be in various physically separate locations and because moderating simultaneous e-messages by participants is more complex and burdensome for the presider, a synchronous e-meeting may take somewhat longer to transact business compared to a traditional meeting. However, because all senators would be on-line and participating in real time, such a meeting could still be reasonably efficient.

A third alternative, an **a-synchronous e-meeting** must necessarily take longer, probably days instead of hours, because the participating senators would not necessarily be engaged continuously or simultaneously. The chief virtue of such a meeting is expediency: when circumstances do not allow a quorum of senators to meet together in the same room nor even at the same time, it does allow a format for conducting official business. The essential criterion for convening an emergency asynchronous e-meeting is that the agenda item must be truly urgent, requiring attention before the next scheduled meeting of the Senate. Because a meeting in this format will take longer to complete, all participants should strive to avoid wasting time. For example, a participant should carefully draft and revise an e-mail message before sending it to be considered by the meeting.

It is suggested that the Senate decide upon the electronic medium to be used for its e-meetings before scheduling such meetings, ensure that all senators have access to the chosen medium and are familiar with its operation, and conduct a trial meeting to reveal any technological or ergonomic problems. As senators become more familiar with the nature of e-meetings, some modification of these rules may be necessary or beneficial.

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.

7.5 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 a designee.
- a. Each college dean shall appoint one (1) regular faculty member from his or her college with the academic rank of assistant professor or higher to serve on the committee;
 - b. The Student Government Association shall appoint four (4) students to serve on the committee. The students must be of not less than sophomore standing and shall not be on academic probation nor have a record of having committed academic dishonesty. Each student must consent in writing

to the University verifying to the Student Government Association that he or she meets the requirements of the preceding sentence;

- c. The 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 a 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.

7.5.5 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's 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 ~~and~~ 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 *Innocent Student.* ~~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 student, the faculty member, the faculty member's department chairperson, or the faculty member's dean will be promptly destroyed.~~

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 *University Academic Dishonesty Files.*** ~~Records concerning accusation of student academic dishonesty, including records of the Hearing Committee, will be maintained in a University Academic Dishonesty File. These records will include all materials used in the hearing, as well as findings of violation and imposition of punishment as a result of any informal resolution between the faculty member and the student as described in Section 7.4.1.~~

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 and Disposal of University Academic Dishonesty Files.*** ~~All materials concerning an accusation which are in a student's academic dishonesty file will be destroyed ten (10) school years after the date the case is resolved or will be maintained until the student has graduated 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. During the holding period and any extension of it, access to or release of the materials will occur only with the prior written consent of the student or upon the express, written direction of the Provost and Vice President for Academic Affairs under conditions as set forth by the Family Educational Rights and Privacy Act.~~

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.

REVISIONS TO 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.

II AUTHORITY

2.1 Authority

The Board of Trustees of Ball State University is empowered by the ~~legislature of the State of Indiana~~ Indiana General Assembly to manage, control and operate the institution and to formulate such policies and regulations as are necessary to maintain the institution. ~~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 ~~such authority as it may possess. Powers and duties~~ The statutory authority conferred upon the Board of Trustees include the following includes the specific authority under Indiana Code 21-39-2 to regulate the conduct of students and others as follows:

- a. To govern, by ~~specific~~ regulation and other ~~lawful~~ means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the institution.
- b. To govern, by lawful means, the conduct of its students, faculty and employees, wherever the conduct might occur, to ~~the end of preventing~~ prevent unlawful or objectionable acts ~~which~~ that : (1) seriously threaten the ability of the institution to maintain its facilities; ~~available for performance of its educational activities of which are in violation of~~ or (2) violate the reasonable rules and standards of the institution designed to protect the academic community from unlawful conduct or conduct ~~which presents~~ 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.

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

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

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, who in turn have further delegated to the Dean of Students and 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.

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

2.2 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.

~~2.5~~ 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.

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 H and Anti-harassment Policy, Appendix C.*

5.2.4 Disorderly Conduct - Conduct that is ~~disorderly~~ disruptive of campus life or University activities, or that is a matter of public indecency, or a breach of the peace.

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

APPENDIX N- Weapons Policy

E. For the purposes of this policy, “weapons” include (a) firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, tazers, electronic stun weapons or soft air guns; (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.

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.

Students 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.