AGENDA FOR UNIVERSITY SENATE

April 22, 2010 4:00 p.m.

TC (Teachers College), Room 102

- I. Roll Call
- II. Approval of the minutes of March 25, 2010
- III. Announcements

PLEASE NOTE: THIS IS THE FINAL MEETING OF THE 2009-10 SENATE.
AFTER ADJOURNMENT OF THIS MEETING, THERE WILL BE A FIVE MINUTE
BREAK AND THE NEW SENATORS WILL BE SEATED FOR THE FIRST MEETING
OF 2010-11, AT WHICH TIME THE SENATE ELECTIONS FOR EXECUTIVE
COMMITTEE WILL TAKE PLACE.

- A. Amendment Results (Enclosure #1)
- B. Nomination and Election of Jim Ruebel as Faculty Athletics Representative, term ending 2013 (Approved by Athletics Committee 3/30/10)

IV. Committee Reports

- A. Governance and Elections Committee John Ledbetter, Chairperson
- B. Faculty Council Barry Umansky, Chairperson
- C. University Council Laura Helms, Chairperson
- D. Campus Council Matthew Whitlock, Chairperson
- E. Annual Athletics Report James Ruebel, NCAA/MAC Faculty Representative
- V. Report by Chairperson of Senate Brien Smith (Enclosure #2 Issues in the Senate System)
- VI. Questions Directed to the President
- VII. Question and Answer Period
- VIII. Unfinished Business
- IX. New Business
 - A. Student Academic Ethics Policy (Enclosure #3)
- X. Other Items
- XI. Adjournment

/mt

MINUTES OF THE SIXTH MEETING OF THE UNIVERSITY SENATE March 25, 2010

Members Present: 48 Members Absent: 15

1. The meeting was called to order at 4:00 p.m., by the Chairperson of the University Senate, Brien Smith. Roll Call was taken by initialing the roster located at the entrance to TC 102.

Members Present: N. Ahmed, C. Ball, R. Bellaver, P. Chandler, G. Crawley, L. Deckers, R. Fluegeman, J. Gora, D. Grosnick, M. Guntsche, D. Haber, M. Harber, M. Harvey, L. Helms, R. Hicks, J. Huff, M. Johnson, R. Kanu, C. Kapinus, T. King, J. Ledbetter, M. Maggiotto, D. Marini, L. Markle, W. McCune, B. McRae, P. Parkison, R. Rarick, L. Shaffer, D. Shawger, G. Slater, B. Smith, G. Stamp, F. Sun, M. Steib, D. Supa, B. Umansky, K. Warren-Gordon, M. Whitlock, B. Wills, S. Woosley, J. Yang

<u>Substitutes</u>: Kathryn Shafer for R. Bremigan, Matt Breitbach for C. Hall, John McKillip for D. LeBlanc, Mark Malaby for T. Richardson, Sharon Bowman for J. Kim, Deborah Ceglowski for C. Walker

Members Absent: B. Adams, N. Akey, K. Brophy, B. Cahill, O. Dotson, A. Edmonds, E. Kelly, C. Marlow, M. Mills, C. Munchel, J. Rybarczyk, W. Sharp, D. Waechter, A. Wieseke, T. Zivney

2. A motion was made and seconded (Supa/Crawley) to approve the minutes of February 18, 2010.

The motion carried.

3. Announcements

A. Next Scheduled Meetings

The next scheduled meetings were reviewed and the members were reminded that there will be two meetings on April 22: the first will be the last meeting of 2009-10 and the second meeting will be the first meeting of 2010-11. Senate elections will be the only item on the agenda for the second meeting.

Members were encouraged to forward nominations (or self nominations) to the Governance and Elections Committee who will be forming the slate for elections.

Those members interested in serving on the Faculty Council executive committee should send all nominations or self nominations to the chairperson of the council, Barry Umansky.

Agenda Items III. B., C., and D., were reviewed.

E. University Budget

The chairperson reported that changes to the budget were passed by the Board of Trustees and the changes will be implemented soon. The Salary and Benefits and Financial and Budgetary Affairs Committees under the senate system are to be commended for their work with the administration.

F. Policies for Online Graduate Courses and Programs (Senate Agenda, 3/25/10, Enclosure #1)

The chairperson informed the members that this is not a change to the handbook and that any item under announcements maybe brought to the floor as an action item. These policies are to be considered an internal document.

G. The chairperson reminded the senate that preference polls are due in the Senate Office on Monday, April 5.

University Senate Minutes March 25, 2010 Page Two

4. Committee Reports

A. Governance and Elections Committee – John Ledbetter, Chairperson

John reported that the committee met this morning and reviewed a proposal from the University Council concerning professional personnel representation.

B. Faculty Council - Barry Umansky, Chairperson

Barry reported that the Faculty Council met last month and had a brief discussion concerning the budget as well as reports from committees represented on the GANTT chart. They passed the policies for online graduate programs and courses.

C. <u>University Council</u> – Laura Helms, Chairperson

Laura reported that the council did not meet last month but will meet in April to discuss unfinished business and conduct elections for 2010-11.

D. Campus Council - Matthew Whitlock, Chairperson

Matthew reported that the Campus Council met and discussed six student senate resolutions, of which two have been addressed and already in motion. They will review the Student Academic Ethics Policy at their next meeting as well as conduct elections for the next academic year.

6. Report by Chairperson of Senate – Brien Smith (University Senate Agenda, 2/18/10, Enclosure #2)

7. Questions Directed to the President

The president reviewed the "high impact" projects that are currently in process:

- Current Strategic plan (2007-2012)
- Capital Campaign (2004-11) New Strategic Plan (20012-17)
- NCAA Athletic Certification process –report due in February, 2012. Vice President Bales will be chairing the committee.
- North Central Accreditation process will start at the beginning of the next academic year; they are currently working on data files and getting systems in place (visit expected by June, 2014).
- ERP implementation this is an expensive but important process. It is in the implementation phase right now. (2009-2013)
- Geothermal Project Phase I to be completed by summer, 2011. Currently in bid process for energy stations for phase I; Phase I will be completed in summer, 2011 and two coal-fired boilers will close down. They are in the process of securing funding for Phase II, to close down the last two coal-fired boilers.

There were no questions to the President.

8. Question and Answer Period

There were no questions.

University Senate Minutes March 25, 2010 Page Three

9. Unfinished Business

/mt

A. Compensation and Load Credit for Teaching Responsibilities
(Returned to Salary and Benefits Committee by President Gora – Senate Action #0809-06)

Salary and Benefits Committee 10/16/08 Faculty Council 2/26/09 Senate Agenda Committee 3/16/09 University Senate 3/26/09 Senate Agenda Committee 8/24/09 Faculty Council 9/10/09 Salary and Benefits Committee 11/4/09 Faculty Council 2/25/10 Senate Agenda Committee 3/15/10

Compensation and Load Credit for Teaching Responsibilities

4.13 Under normal circumstances, the direction of independent studies, master's theses, and doctoral dissertations shall be considered part of a faculty member's scholarly, creative, and teaching responsibilities during the academic year. Each college will establish a written policy to address load credit for teaching responsibilities beyond one's regular course load such as the direction of independent studies, master's theses, honor's theses, and doctoral dissertations. This policy is subject to the approval of the appropriate dean, provost, and the Board of Trustees.

Faculty and Professional Personnel Handbook, p. 48

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

The motion to approve the Compensation and Load Credit for Teaching Responsibilities <u>carried</u>, with abstentions.

	Will do Stellions	
10.	New Business	
	There was no new business.	
11.	Other Items	
	There were no other items.	
The	meeting adjourned at 4:25 p.m.	
<u>Apı</u>	ril 22, 2010	
Bri	en N. Smith, Chairperson	Carolyn Kapinus, Secretary

	YES	NO	ABSTAIN	TOTAL
President	11	3	6	20
Academic Affairs	30	3	0	33
Business Affairs	48	1	58	107
Information Technology	83	0	18	101
Student Affairs	36	6	1	43
University Advancement				
Enrollment, Marketing, and				
Communications	21	0	0	21
SUB TOTALS	229	13	83	325
Family/Consumer Sciences	23	0	0	23
Technology	20	0	0	20
Military Science	10	0	0	10
Nursing	23	0	0	23
SPESES	34	0	0	34
Wellness/Gerontology				
SUB TOTALS	110	0	0	110
Architecture	16	0	0	16
Landscape Architecture				
Urban Planning	7	0	0	7
SUB TOTALS	23	0	0	23
SCD TOTALS	20	v	v	
Accounting	12	0	2	14
Economics	2	2	14	18
Finance and Insurance	10	0	3	13
Info.Syst/Oper.Mgmt.				
Marketing/Management	9	0	0	9
SUB TOTALS	33	2	19	54
SCD TOTALS		_	13	
Information/Comm.Sciences	6	0	0	6
Communication Studies	11	0	2	13
Journalism	24	0	0	24
Telecommunications			<u> </u>	
SUB TOTALS	41	0	2	43
SCD TOTALS	••	v	-	
Art	21	0	0	21
Music	36	0	0	36
Theatre/Dance	21	0	0	21
SUB TOTALS	78	0	0	78
202 1011120	. 0	Ū	v	, ,
Anthropology	11	0	0	11
Biology	18	0	0	18
Chemistry	17	0	0	17
Computer Science	10	1	3	14
Criminal Justice/Criminology	= -			
English				
Geography	13	0	0	13
Geological Sciences	7	0	0	7
History	15	0	2	17
~~~_,,		<u> </u>		<b>-</b> ,

<b>Mathematical Sciences</b>	30	0	0	30
Modern Languages/Classics	23	0	0	23
Natural Resources	6	0	0	6
Philosophy/Religious Studies	10	0	1	11
Physics and Astronomy	12	0	0	12
Physiology/Health Science	19	0	0	19
Political Science				
Psychological Science	14	0	1	15
Social Work	6	0	0	6
Sociology	10	0	1	11
Speech Pathology/Audiology				
SUB TOTALS	221	1	8	230
Counseling Psychology Educational Leadership	9	0	0	9
Educational Psychology	7	0	0	7
Educational Studies		<u> </u>		,
Elementary Education	23	0	0	23
Special Education	10	0	0	10
<b>Burris Laboratory School</b>	31	0	8	39
SUB TOTALS	80	0	8	88
TOTALS	815	16	120	951
	YES	NO	ABSTAIN	TOTAL

2/3 of 831 = 554 Amendment Passed

	YES	NO	ABSTAIN	TOTAL
President	15	1	5	21
Academic Affairs	19	1	12	32
<b>Business Affairs</b>	38	1	68	107
Information Technology	71	1	19	91
Student Affairs	34	0	9	43
University Advancement				
Enrollment, Marketing, and			_	
Communications	180		3	_ 21
SUB TOTALS	195	4	116	315
Family/Consumer Sciences	15	0	1	16
Technology	20	0	0	20
Military Science	10	0	0	10
Nursing	23	0	0	23
SPESES	34	0	0	34
Wellness/Gerontology				
SUB TOTALS	102	0	1	103
Architecture	15	1	0	16
Landscape Architecture			_	
Urban Planning	7	0	0	7
SUB TOTALS	22	1	0	23
Accounting	6	3	2	11
Economics	2	2	14	18
Finance and Insurance	8	0	5	13
Info.Syst/Oper.Mgmt.				
Marketing/Management	9	0	0	9
SUB TOTALS	25	5	21	51
Information/Comm.Sciences	6	0	0	6
<b>Communication Studies</b>	6	0	7	13
Journalism	24	0	0	24
Telecommunications			_	
SUB TOTALS	36	0	7	43
Art	20	0	1	21
Music	35	0	1	36
Theatre/Dance	21	0	0	21
SUB TOTALS	76	0	2	78
Anthropology	11	0	0	11
Biology	18	0	0	18
Chemistry	17	0	0	17
Computer Science	10	1	3	14
Criminal Justice/Criminology				
English				
Geography	13	0	0	13
Geological Sciences	7	0	0	7
History	13	0	4	17
Mathematical Sciences	30	0	0	30
Modern Languages/Classics	14	1	0	15
Natural Resources	0	0	6	6
Philosophy/Religious Studies	11	0	0	11
	_	_		

Physics and Astronomy	12	0	0	12
Physiology/Health Science	19	0	0	19
Political Science				
Psychological Science	14	0	1	15
Social Work	4	0	2	6
Sociology	10	0	1	11
Speech Pathology/Audiology				
SUB TOTALS	203	2	17	222
	0		0	0
Counseling Psychology	9	0	0	9
Educational Leadership				
Educational Psychology	7	0	0	7
Educational Studies				
Elementary Education	23	0	0	23
Special Education	10	0	0	10
Burris Laboratory School	31	0	8	_ 39
SUB TOTALS	80	0	8	88
TOTALS	739	12	172	923
	YES	NO	ABSTAIN	TOTAL

2/3 of 751 = 500.67Amendment Passed

	YES	NO	ABSTAIN	TOTAL
President	15	0	5	20
Academic Affairs	27	2	2	31
<b>Business Affairs</b>	49	0	58	107
Information Technology	72	0	19	91
Student Affairs	34	3	6	43
University Advancement				
Enrollment, Marketing, and				
Communications	20	0	1	21
SUB TOTALS	217	5	91	313
2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2				
Family/Consumer Sciences	23	0	0	23
Technology	20	0	0	20
Military Science	10	0	0	10
Nursing	23	0	0	23
SPESES	33	1	0	34
Wellness/Gerontology			<u> </u>	
SUB TOTALS	109	1	0	110
	107	•	v	110
Architecture	16	0	0	16
Landscape Architecture	10	<u> </u>	<u> </u>	10
Urban Planning	7	0	0	7
SUB TOTALS	23	0	0	23
SCD TOTALS	23	v	v	25
Accounting	12	0	2	14
Economics	2	2	14	18
Finance and Insurance	11	0	2	13
Info.Syst/Oper.Mgmt.	11	U		13
Marketing/Management	9	0	0	9
SUB TOTALS	34	2	18	54
SUB TOTALS	34	4	10	34
Information/Comm.Sciences	6	0	0	6
Communication Studies	11	0	2	13
Journalism	24	0	0	24
Telecommunications			<u> </u>	
SUB TOTALS	41	0	2	43
202 1011122		Ü	_	
Art	20	0	1	21
Music	35	2	0	37
Theatre/Dance	21	0	0	21
SUB TOTALS	76	2	1	79
202 1011122		_	-	.,
Anthropology	11	0	0	11
Biology	18	0	0	18
Chemistry	17	0	0	17
Computer Science	10	1	3	14
Criminal Justice/Criminology	10	1		14
English				
Geography	13	0	0	13
Geological Sciences	13 7	0	0	13 7
History	15	0	2	17
Mathematical Sciences	30	0	0	30
		0	0	
Modern Languages/Classics	23			23
Natural Resources	6	0	0	6
Philosophy/Religious Studies	11	0	0	11

Physics and Astronomy	12	0	0	12
Physiology/Health Science	19	0	0	19
Political Science				
Psychological Science	14	0	1	15
Social Work	6	0	0	6
Sociology	10	0	1	11
Speech Pathology/Audiology				
SUB TOTALS	222	1	7	230
Courselling Danish alogu	9	0	0	9
Counseling Psychology	9	U	U	9
Educational Leadership				_
Educational Psychology	7	0	0	7
Educational Studies				
Elementary Education	23	0	0	23
Special Education	10	0	0	10
<b>Burris Laboratory School</b>	31	0	8	_ 39
SUB TOTALS	80	0	8	88
TOTALS	802	11	127	940
	YES	NO	ABSTAIN	TOTAL

2/3 of 813 = 542Amendment Passed 4/7/10

	YES	NO	ABSTAIN	TOTAL
President	15	0	6	21
Academic Affairs	29	1	1	31
<b>Business Affairs</b>	37	1	69	107
Information Technology	72	1	9	82
Student Affairs	33	6	4	43
University Advancement				
Enrollment, Marketing, and				
Communications	20	0	1	_ 21
SUB TOTALS	206	9	90	305
Family/Consumer Sciences	21	2	0	23
Technology	20	0	0	20
Military Science	10	0	0	10
Nursing	23	0	0	23
SPESES	33	1	0	34
Wellness/Gerontology				
SUB TOTALS	107	3	0	110
Architecture	16	0	0	16
Landscape Architecture				
Urban Planning	7	0	0	
SUB TOTALS	23	0	0	23
Accounting	12	0	2	14
Economics	2	2	14	18
Finance and Insurance	11	0	2	13
Info.Syst/Oper.Mgmt.				
Marketing/Management	9	0	0	9
SUB TOTALS	34	2	18	54
Information/Comm.Sciences	6	0	0	6
Communication Studies	10	0	3	13
Journalism	24	0	0	24
Telecommunications				
SUB TOTALS	40	0	3	43
Art	20	0	1	21
Music	35	1	0	36
Theatre/Dance	21	0	0	21
SUB TOTALS	<b>76</b>	1	1	78
Anthropology	11	0	0	11
Biology	18	0	0	18
Chemistry	11	5	1	17
Computer Science	10	1	3	14
Criminal Justice/Criminology				
English				
Geography	13	0	0	13
Geological Sciences	7	0	0	7
History	14	0	3	17
Mathematical Sciences	30	0	0	30
Modern Languages/Classics	22	0	1	23
Natural Resources	6	0	0	6
Philosophy/Religious Studies	10	0	1	11

Physics and Astronomy	12	0	0	12
Physiology/Health Science	19	0	0	19
Political Science				
Psychological Science	14	0	1	15
Social Work	6	0	0	6
Sociology	10	0	1	11
Speech Pathology/Audiology				
SUB TOTALS	213	6	11	230
	0	0	0	
Counseling Psychology	9	0	0	9
Educational Leadership				
Educational Psychology	7	0	0	7
Educational Studies				
Elementary Education	23	0	0	23
Special Education	10	0	0	10
<b>Burris Laboratory School</b>	31	0	8	_39
SUB TOTALS	80	0	8	88
TOTALS	779	21	131	931
	YES	NO	ABSTAIN	TOTAL

2/3 of 800 = 533.33Amendment Passed 4/7/10 Faculty Council 4/3/08 Senate Agenda Committee 4/14/08 University Senate 4/24/08 Student Rights, Ethics and Standards Committee 3/16/10 Faculty Council 4/1/10 Senate Agenda Committee 4/12/10 University Senate Agenda April 22, 2010 Enclosure #3

### VII. <u>STUDENT ACADEMIC ETHICS POLICY</u> (Specifically, revisions to 7.4.1.c. and addition of 7.4.5)

### 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;
  - 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".

### 7.4.5 Multiple Offense Review

Upon receipt of a faculty member's written notification of an informal resolution of a student academic integrity issue or of a need for a formal resolution process and if it is found that one or more prior offenses has occurred, the Provost's designee shall review all records and make a determination as to whether further action is warranted.

- a. <u>Informal Process Resolution</u>. After review of past incidents, the Provost's designee may close the matter with no further action, or may choose to impose additional penalty for the most recent violation.
- b. <u>Referral to Academic Ethics Committee</u>. The Provost's designee may also choose, upon review, to forward the matter to the Academic Ethics Committee for consideration of additional penalties.
- c. Forwarding Cases Resolved at Informal Level. In cases where the most recent offense has been resolved by agreement of the faculty member and student, the hearing will include only the student and the hearing panel. The faculty members involved in student's violations need not appear unless circumstances warrant faculty involvement. The hearing panel may recommend no additional penalty or may recommend penalty up to and including suspension or expulsion from the University or revocation of a previously awarded degree.
- d. Forwarding Cases Resolved at Formal Level. If the determination of prior violations occurs during the Formal Resolution process (7.4.2), the process and hearing will proceed as outlined for a single offense. The hearing panel will include questioning about any other offenses and will consider the issue of multiple offenses as part of a recommendation to the Provost and Vice President for Academic Affairs for penalty.

- **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.