

**AGENDA FOR  
UNIVERSITY SENATE**

**December 2, 2010  
4:00 p.m.**

**Letterman Building (LB) 125**

- I. Roll Call
- II. Approval of the minutes of September 30, 2010
- III. Announcements
  - A. Next Scheduled Meetings
    - Senate Agenda Committee – Monday, January 10, 2011, 8:00 p.m., Letterman Building (LB) 104
    - University Senate – Thursday, January 20, 2011, 4:00 p.m., Letterman Building (LB) 125
  - B. Program Information – Academic Posting 2010-11, Volume XLII-1&2
    - Revised Programs (1)
    - University Core Curriculum
    - College of Applied Sciences and Technology
      - Department of Family and Consumer Sciences
        - Major in Pre-Dietetics/Dietetics
      - Department of Technology
        - Minor in Business Administration
    - Miller College of Business
      - Major in Business Administration
      - Certificate in Community and Economic Development
      - Department of Information Systems and Operations Management
        - Teaching Major In Business and Marketing Education
    - College of Fine Arts
      - School of Music
        - Major in Music Media Production and Industry, BS, 84 hours
      - Department of Theatre and Dance
        - Minimum Grade Requirement
        - Minor in Dance, 24 hours
    - Honors College
      - Required Honors Curriculum
    - College of Sciences and Humanities
      - Department of Mathematical Sciences
        - Master of Arts in Actuarial Science
        - Master of Arts in Mathematics
        - Master of Arts in Statistics
      - Master of Science in Mathematics

- Department of Natural Resources and Environmental Management
  - Major in Natural Resources and Environmental Management, 60-62 hours
- Department of Physics and Astronomy
  - Master of Arts in Physics
  - Master of Science in Physics
- Teachers College
  - Department of Elementary Education
    - Teaching Major in Elementary Education (Grades K-6), 126 hours

Revised Programs (2)

- College of Sciences and Humanities
  - Department of Mathematical Sciences (pending ICHE approval)
    - Master of Science in Statistics
    - Middle School/Junior High Mathematics License (Graduate Level)

- C. Honorary Degrees (Enclosure #1)
- D. Editorial Revision of titles for ex officio members of Athletics Committee (Enclosure #2 )

IV. Recognition of Deaths – Robert (Bob) Eugene Bowman

V. Committee Reports

- A. Governance and Elections Committee – John Ledbetter, Chairperson
- B. Faculty Council – Barry Umansky, Chairperson
- C. University Council – Barbara Wills, Chairperson
- D. Campus Council – Michael Miller, Chairperson

VI. Report by Chairperson of Senate – Eric Kelly (Enclosure #3 - Issues in the Senate System)

VII. Questions Directed to the President

VIII. Question and Answer Period

IX. Unfinished Business

X. New Business

- A. Proposed amendments to the Constitution – First Reading (Enclosure #4)

This is the first reading of the amendments. No discussion takes place at this meeting.  
Discussion and vote will take place at the January 20, 2011, meeting of the University Senate.

- B. Clarification of Reconsideration/Appeal pertaining to deliberations of Promotion and/or Tenure (Enclosure #5)

XI. Other Items

XII. Adjournment

MINUTES OF THE THIRD MEETING OF THE 2010-11 UNIVERSITY SENATE  
Thursday, September 30, 2010

Members Present: 48

Members Absent: 13

1. The meeting was called to order by the Chairperson of the University Senate, Eric Kelly, at 4:00 p.m. Roll Call was taken by initialing the roster located at the entrance to LB 125.

Members Present: C. Ball, R. Bremigan, L. Deckers, J. Green, A. Gregg, D. Grosnick, T. Hendricks, R. Hicks, M. Holtzman, R. Kanu, C. Kapinus, E. Kelly, T. King, A. Leahy, J. Ledbetter, M. Maggiotto, D. Marini, C. Marlow, W. McCune, M. McGrew, B. McRae, M. Miller, J. Mitchell, S. Parkinson, P. Parkison, D. Pearson, K. Pickersgill, S. Rice-Snow, T. Richardson, J. Rybarczyk, D. Shawger, M. Steib, D. Supa, B. Umansky, B. Wagner, M. Whitlock, A. Wieseke, B. Wills, J. Yang, J. Zhao, T. Zivney

Substitutes: Frederick Suppe for A. Edmonds, Elizabeth Agnew for J. Fry, Lathrop Johnson for M. Guntsche, Andy Beane for K. Hall, Liz Riddle for J. Huff, Mitch Isaacs for L. Markle, David LeBlanc for M. Pyron

Members Absent: J. Chapman, J. Coggeshall, G. Crawley, T. Cummins, R. Dolon, J. Gora, M. Harvey, J. Kim, C. Munchel, W. Sharp, G. Stamp, C. Walker, K. Warren-Gordon

2. The chairperson announced that Terry Zivney would be the parliamentarian for the University Senate for this academic year.
3. A motion was made and seconded (Pearson/Umansky) to approve the minutes of September 2, 2010.

The motion carried.

4. There was a moment of silence to recognize the deaths of James G. Hunt and Richard F. Kishel.
5. Committee Reports

A. Governance and Elections Committee – John Ledbetter, Chairperson

John reported that the committee did not meet this month. There are two items on today's agenda that are from the committee.

B. Faculty Council – Barry Umansky, Chairperson

Barry reported that the Faculty Council met on September 9 and approved the standing rules of the council and heard a report from the Teaching Evaluation Committee. The council also passed the revision of minimum number of credit hours to graduate which is on today's agenda. There were questions from the council concerning the new healthcare bill for dependent children as well as the charge for employees to use the new Student Wellness and Recreation Center.

B. University Council – Barbara Wills, Chairperson

Barb reported that the University Council met on Thursday, September 16 for an organizational meeting. Their next meeting is scheduled for October 14.

C. Campus Council

Council member Jacquelyn Buckrop reported that the Council is continuing its investigation of Cardinal Cash possibilities and pursuing the issue of reimbursing students who have food plans who have to leave for extended studies.

6. Report by Chairperson of Senate – Eric Kelly (University Senate Agenda 9/2/10, Enclosure #3)

- The chairperson reviewed the items in the senate system. There are more items being added to the issues list so they will not be lost in the system.
- There have been thirteen names that have been submitted so far for the on-line evaluations task force focus groups. These names were given to Brien Smith, the chairperson of the task force. The student list is close to completion. He hopes that there will be a report by the next faculty council meeting.
- The chairperson asked Terry King to provide an update on the issue of Retirement Models. Provost King reported that the plan will be returned to the Salary and Benefits Committee for their final review. The plan is a phased retirement over a three-year period. The advantage for administration is that once a faculty member commits to the process, it's a commitment. You are retired in three years. The incentive for faculty members is they can scale back but not completely leave.

7. Questions Directed to the President

The President was unable to attend today's meeting.

8. Question and Answer Period

There were no questions.

9. Unfinished Business

There was no unfinished business.

10. New Business

A. Membership of Councils/Committees in University Governance system  
(Senate Agenda, 9/30/10, Enclosure #2)

A motion was made and seconded (Supa/Shawger) to accept the membership on the Councils/Committees.

The motion carried.

B. Process for Updating Faculty and Professional Personnel Handbook  
(Senate Agenda, 9/30/10, Enclosure #3)

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

Provost King explained that it has always been ambiguous as to when items passed by the University Senate should be updated in the Faculty and Professional Personnel Handbook. He suggested that the Senate indicate their preference as to when an action item should be updated in the handbook when it is sent to the President for approval. The decision on when to update the handbook is ultimately up to the President.

The motion to approve the process for updating the handbook, carried.

C. Credits required for graduation

Undergraduate Education Committee 4/26/10

Faculty Council 9/9/10

Senate Agenda Committee 9/20/10

The minimum number of credits required for graduation shall be at least 120 for all bachelor's degrees. Necessary changes will be made in the *Faculty and Professional Personnel Handbook*, and the *Undergraduate Catalog*.

A motion was made and seconded (Umansky/Steib) to place on the floor for discussion and vote.

Amy Leahy, immediate past chairperson of the Undergraduate Education Committee, reviewed the item for discussion.

The chairperson of the senate reported this item was also brought forward to the Campus Council for their discussion and there was no opposition to the revision.

A motion was made and seconded (Rice-Snow/McGrew) to offer a friendly revision of the wording to delete the words "at least."

After further discussion, the motion was withdrawn.

Discussion included the timing of the effective date, which would be Fall, 2011, and to which students this new policy would apply (Current students on campus? Freshmen?)

The Provost confirmed that the academic unit can still decide how many credits are required to graduate.

The motion to approve the revision of credits required for graduation carried.

D. Professional Personnel Representation on Senate Committees (Enclosure #4)

A motion was made and seconded (Wills/Ledbetter) to place the item on the floor for discussion and vote. Barbara Wills, chairperson of the University Council, spoke to the issue. The main issue is to widen the choices for appointment of professional personnel. As it states now, most committee appointments are professional personnel from the University Council. The Salary and Benefits Committee representation was removed at the Senate Agenda Committee meeting and will be discussed at the next meeting of the Faculty Council.

Discussion ensued regarding items 4.112 and 5.112 in the document. The chairperson of the senate requested this item be added to the issues list and discussed at the faculty council meeting.

The motion to approve the revision of Professional Personnel representation on senate committees carried.

11. Other Items

A. Ramifications of revised Healthcare bill on Ball State Employees

In the absence of Vice President Howard, the senate chairperson reported that the university is not required to implement the new bill until the next plan year that starts after the implementation year (in Ball State's case, this would be 7/1/11). However, the administration has agreed to implement the new plan starting January 1, 2011. He reminded the members that this does not apply to employed dependents that can obtain insurance at their own employment. This also does not apply to dependents of dependents.

B. Student Wellness and Recreation Center fees for new facility

This item will be deferred until the next meeting of the senate.

Other items of discussion:

C. A senate member reported that they have purchased DIY:U on Amazon for \$10. He highly suggests purchasing it as it is a compelling book. It will be a topic of discussion at Ball State as it is filled with issues that are going to affect jobs.

D. A senator inquired about the policy at Ball State for allowing police enforcement into the classroom.

The Provost stated he would need to know the specifics of the situation. The chairperson of the senate indicated this would be placed on the agenda for discussion at the next senate meeting.

E. A senator requested an explanation of salary compression. It was explained that it refers to situations where someone is employed at the university for several years with many years of experience but earns less than new employees hired.

The Provost explained the promotion process and that salary increases are usually implemented. It was even implemented last year where there were no salary increases and is usually funded out of the Office of the Provost.

F. The chairperson of the senate discussed the procedure of filling student slots on committees. He sent an e-mail to all senate members and Matthew Whitlock, SGA president, reported he has received several e-mails replies with names of students for committee membership. Senate members do not have to nominate individuals, just send the names through and the SGA will talk with them about serving.

G. There were questions concerning an outside agency keeping the data from the on-line teaching evaluations. Is there some assurance that security will not be compromised? It was suggested Loren Malm attend the next Faculty Council meeting to address these concerns.

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September 30, 2010  
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The meeting adjourned at 4:45 p.m.

October 28, 2010

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Eric Kelly, Chairperson

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Carolyn Kapinus, Secretary

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NOTIFICATION OF ACTION BY THE BALL STATE UNIVERSITY  
BOARD OF TRUSTEES

Date of Board Meeting October 1, 2010

Item No. 5

Distributed to: Provost King  
Dr. Kelly  
Ms. Turner  
Ms. Arrington

Subject: Honorary Degrees

Provost King, with the endorsement of the Graduate Education Executive Committee, recommended Mr. Steve Inskeep and Mr. Steve Kroft be awarded honorary degrees.

STEVE INSKEEP  
Nominee for the Honorary Doctor of Humane Letters

In recognition of Mr. Inskeep's tremendous success as a journalist, author, and radio host it is recommended to award an honorary degree. Mr. Inskeep's professional success story and unique, worldly insights would be compelling and inspirational for our students, faculty, and staff.

Steve Inskeep is co-host of the most widely heard radio news program in the United States, *Morning Edition* on National Public Radio (NPR). He is a native of Carmel, Indiana, and a 1990 graduate of Morehead State University in Kentucky. Immediately after graduation, Inskeep went on to work for public and commercial stations in and around New York City.

Inskeep's first full-time assignment for NPR was the 1996 presidential primary in New Hampshire. He went on to cover the Pentagon, the U.S. Senate, and the 2000 presidential campaign of George W. Bush. After the September 11 attacks, Inskeep covered the war in Afghanistan, the hunt for al-Qaida suspects in Pakistan, and the war in Iraq. In 2003, he was honored by the Press Club of Atlantic City with a National Headliner Award for investigating a military raid that went wrong in Afghanistan. He has twice been part of the NPR News team to receive an Alfred I. duPont-Columbia University Silver Baton for coverage of Iraq. He received a 2006 Robert F. Kennedy journalism award for "The Price of African Oil," a series on conflict in Nigeria.

Inskeep has traveled across the nation and around the world for *Morning Edition* and NPR News. He has interviewed the famous and the infamous, those noted and those who should be noted. He has interviewed and written about presidents, warlords, authors, musicians, people who love rats, a pro wrestler recalling his career, and people in a town in a West Virginia gorge with a population of 11. Inskeep works tirelessly to make diverse voices heard: a steelworker, a school board member, the mother of a soldier killed in war. Inskeep's journalism has appeared in several publications, including *The New York Times* and *Washington Post*. He is also the author of a forthcoming book on Karachi.

In such a time as this, we must rely upon ambassadors of understanding, voices that give life and humanity to events and information as they come before us. Steve Inskeep is such an ambassador and such a voice. His work in the field has not only held to the highest standards of professionalism, but has brought humanity to the events, people, and places in his stories. I believe Mr. Inskeep would be an impressive recipient and a superb example for our graduates.



Notification of Action  
October 1, 2010  
Item No. 5, page 2

STEVE KROFT  
Nominee for the Honorary Doctor of Humane Letters

In recognition of Mr. Kroft's award-winning career and global impact as a journalist and television reporter it is recommended to award an honorary degree. Mr. Kroft's professional successes and the numerous subject matters on which he reports would be compelling and inspirational for our students, faculty, and staff.

Mr. Kroft is a journalist and a longtime correspondent for [60 Minutes](#). His investigative reporting has garnered him much acclaim, including five [Peabody Awards](#) and ten [Emmy](#) awards, one of which was an Emmy for Lifetime Achievement. Kroft was chosen for the 2010 Paul White Award by the Radio, Television and Digital News Association (RTDNA) - the highest honor from the industry's largest peer association. He added that to a long list of awards including: a George Polk award for his report attributing wild swings in the price of oil to Wall Street speculation; a Robert F. Kennedy Award for his joint investigation with the *Washington Post* exposing the deeply flawed forensic science of bullet lead analysis; three Sigma Delta Chi awards; the coveted Alfred I. duPont-Columbia University silver baton; the Fred Friendly First Amendment award; and the prestigious Renner Award for reporting on organized crime in Russia. Mr. Kroft's *60 Minutes* interviews have been instrumental and far reaching, whether it be in helping us to better know presidential candidates--Bill and Hillary Clinton, Barack and Michelle Obama—or in helping us to understand the effects of Chernobyl, AIDS, and the Wall Street financial crises.

Before joining *60 Minutes*, Kroft was a principal foreign correspondent for CBS News based in the London bureau, during which he covered international terrorism in Europe and the Middle East, including the TWA hijacking in Beirut, the massacres at the Rome and Vienna airports by the Abu Nidal terrorist cell, and the Achille Lauro hijacking. He also covered the war in Beirut and the sectarian violence in Northern Ireland.

Our graduates would be interested in Mr. Kroft's background as a Hoosier and Vietnam veteran who has gone on to travel the world, reporting from so many other countries very different from our own. With Ball State's increasing international student population, growing study-abroad program, and extensive emerging media initiatives, his views would be very timely and well-received.

The following action was recommended:

THAT APPROVAL BE GRANTED TO AWARD AN HONORARY DOCTOR OF HUMANE LETTERS DEGREE TO MR. STEVE INSKEEP AT THE DECEMBER 2010 COMMENCEMENT, AND THAT APPROVAL BE GRANTED TO AWARD AN HONORARY DOCTOR OF HUMANE LETTERS DEGREE TO MR. STEVE KROFT AT THE MAY 2011 COMMENCEMENT, BE APPROVED.

On motion by Ms. Glick, seconded by Ms. Vauter, the recommendation was approved.

FROM: Anita Kelsey  
Recording Secretary  
Board of Trustees

Editorial Revision of titles for ex officio members of Athletics Committee

3. Athletics Committee <sup>37</sup>
- 3.1 Membership – The membership of the Athletics Committee shall consist of the following:
- 3.11 Voting
- 3.111 Seven faculty, one representing each college, appointed by the Faculty Council, for staggered two year terms;
- 3.112 Two professional personnel, at least one of whom is a member of the University Council, appointed by the University Council, for staggered two year terms;
- 3.113 Five students with special interest or expertise in intercollegiate athletics to be appointed by the Student Government Association, for one year terms;
- 3.114 The University representative to the NCAA and Mid American Conference.
- 3.12 Non-Voting (CURRENT EX OFFICIO MEMBERSHIP)
- 3.121 The President, ex officio, or a designee; **(Jo Ann Gora)**
- 3.122 The ~~Director of Athletics~~ **Athletic Director**, ex officio, or a designee; **(Tom Collins)**
- 3.123 The ~~Director of Athletic Compliance and Eligibility~~ **Associate Athletic Director**, ex officio, or a designee; **(Pat Quinn)**
- 3.124 The ~~Director of Athletic Facilities~~ **Director of Sports Facilities and Recreation Services**, ex officio, or a designee; **(Dan Byrnes)**
- 3.125 One representative from the Ball State University Alumni Association; **(Ed Shipley)**
- 3.126 The Coordinator of Academic Support Services for Student Athletes, ex officio, or a designee. **(Pamela Riegle)**

Constitutional Amendments – FIRST READING

**Note: Current membership appears in plain text and strike-through mode; suggested changes are in italics and underlined. For clarity purposes, ex-officio member listings have been removed.**

Campus Council Standing Committees

**1. Events Programming and Scheduling Committee**

1.1 Membership – The membership of the Events Programming and Scheduling Committee shall consist of the following:

1.11 Voting

1.111 Two members appointed by the Campus Council, of whom at least one appointee must be member of that Council, for staggered two year terms;

1.112 Two faculty, appointed by the Faculty Council, for staggered two year terms;

~~1.113 Two members appointed by the University Council, for staggered two year terms;~~

1.113 Two professional personnel, appointed by the University Council, for staggered two year terms;

1.114 Two students with special interest or expertise in the performing arts to be appointed by the Student Government Association, for one year terms;

1.115 Four members from the community or region to be appointed by the President of the University, for staggered two year terms.

**4. Student Center Committee**

4.1 Membership – The membership of the Student Center Committee shall consist of the following:

4.11 Voting

4.111 Two members appointed by the Campus Council, of whom at least one appointee must be a member of that Council, for staggered two year terms;

4.112 Two faculty appointed by the Faculty Council, for staggered two year terms;

~~4.113 Two members appointed by the University Council, for staggered two year terms;~~

4.113 Two professional personnel, appointed by the University Council, for staggered two year terms;

4.114 Four students appointed by the Student Government Association, for one year terms;

4.115 One student representative appointed by the University Program Board, for a one year term.

**Task Force Rationale for Membership Change: Both the Events Programming and Scheduling Committee and the Student Center Committee carry responsibilities for scheduling programs and events which may be sponsored by administrative offices supervised by or student groups advised by professional personnel. Changing the phrases *members appointed by University Council* to *professional personnel appointed by University Council* complements the stipulations for *faculty members* and *student members*.**

**2. Public Safety Committee**

2.1 Membership – The membership of the Public Safety Committee shall consist of the following:

2.11 Voting

2.111 Two members appointed by the Campus Council, of whom at least one appointee must be member of that Council, for staggered two year terms;

2.112 Two faculty appointed by the Faculty Council, for staggered two year terms;

~~2.113 Two members appointed by the University Council, for staggered two year terms;~~

2.113 Two professional personnel, appointed by the University Council, for staggered two year terms;

2.114 Two students appointed by the Student Government Association, for one year terms;

**Task Force Rationale for Membership Change: The Public Safety committee addresses issues relevant to all constituencies represented by the three branches of the governance system: faculty, professional personnel, and students. Task force members believe stipulating *professional personnel* in the membership requirements (2.113) allows for more appropriate representation.**

**5. Student Financial Assistance Committee**

5.1 Membership – The membership of the Student Financial Assistance Committee shall consist of the following:

5.11 Voting

5.111 Two members appointed by the Campus Council, of whom at least one appointee must be a member of that Council, for staggered two year terms;

5.112 Two faculty appointed by the Faculty Council, for staggered two year terms;

~~5.113 Two members appointed by the University Council, for staggered two year terms;~~

5.113 Two professional personnel, appointed by the University Council, for staggered two year terms;

5.114 Two students appointed by the Student Government Association, for one year terms.

**6. Student Rights, Ethics and Standards Committee**

6.1 Membership – The membership of the Student Rights, Ethics and Standards Committee shall consist of the following:

6.11 Voting

6.111 Two members appointed by the Campus Council, of whom at least one appointee must be a member of that Council, for staggered two year terms;

6.112 Two faculty appointed by the Faculty Council, for staggered two year terms;

~~6.113 Two members appointed by the University Council, for staggered two year terms;~~

6.113 Two professional personnel, appointed by the University Council, for staggered two-year terms;

6.114 Two students appointed by the Student Government Association, for one year terms.

**Task Force Rationale for Membership Change: Because of their university assignments, professional personnel in specific administrative areas often have experience with the issues addressed by both committees. Professional personnel appointments allow University Council to include people with appropriate expertise who may or may not be members of the council itself.**

University Council Standing Committees

**4. Extended Education Committee**

4.1 Membership – The membership of the Extended Education Committee shall consist of the following:

4.11 Voting

~~4.111 Three members appointed by the University Council; one of whom must be a member of the University Council, for staggered two year terms;~~

4.111 Three professional personnel appointed by the University Council; for staggered two year terms;

4.112 Seven faculty members, one representing each college, appointed by the Faculty Council, for staggered two year terms;

4.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

**5. Financial and Budgetary Affairs Committee**

5.1 Membership – The membership of the Financial and Budgetary Affairs Committee shall consist of the following:

5.11 Voting

~~5.111 Three members appointed by the University Council, one of whom must be from the University Council, for staggered two year terms;~~

5.111 Three professional personnel appointed by University Council, for staggered two year terms;

5.112 Three faculty members appointed by the Faculty Council, one of whom must be from the Faculty Council, for staggered two year terms;

5.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

## **7. International Programs Committee**

7.1 Membership – The membership of the International Programs Committee shall consist of the following:

7.11 Voting

~~7.111 Two members appointed by the University Council, one of whom must be a member of University Council, for staggered two year terms;~~

**7.111 Two professional personnel appointed by University Council.**

7.112 Seven faculty, one representing each college, appointed by the Faculty Council, for staggered two year terms;

7.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

## **9. Master Planning and Facilities Committee**

9.1 Membership – The membership of the Master Planning and Facilities Committee shall consist of the following:

9.11 Voting

9.111 Three faculty appointed by the Faculty Council, one of whom must be a member of the Faculty Council, for staggered two year terms;

~~9.112 Three members appointed by the University Council, one of whom must be a member of the University Council, for staggered two year terms;~~

**9.112 Three professional personnel appointed by University Council;**

9.113 One undergraduate and one graduate student appointed by the Student Government Association, for one year terms.

**Task Force Rationale for Membership Change: The recommended membership changes for the above four committees would ensure those committee "slots" are dedicated to professional personnel. Eliminating the "...one of whom must be a member of University Council..." restriction would expand representation from the limited professional personnel membership of University Council.**

Revision of Definitions concerning Reconsideration/Appeals

**Definitions**

1. Department and departmental refer to schools, academic departments located within the seven colleges and those comparable units which have faculty and/or eligible professional personnel but are not located within colleges.
2. College and collegiate refer to the seven academic colleges and also to the Academic Affairs promotion and tenure unit.
- ~~3. Reconsideration refers to the initial action required when there is an adverse recommendation concerning promotion or tenure at the departmental level. Request for reconsideration by the department is the first step to be taken by the appellant.~~
3. Reconsideration is the act whereby a candidate may request that an initial adverse decision by the departmental or collegiate committee be reexamined. Reconsideration provides an opportunity for the candidate to clarify content of materials.
4. Appeal refers to the action taken by the appellant when the outcome of the departmental reconsideration is the same as the original recommendation or when an adverse recommendation is made at the collegiate or Provost and Vice President for Academic Affairs level. Appeals examine the process followed and not the content of materials.
5. Working days are those days when Ball State University administrative offices are open.
6. Calendar days are the days which appear on a calendar, including Saturday, Sunday, and holidays. They do not relate to the Ball State academic schedule or calendar.
7. Eligible professional personnel are those individuals who hold academic rank and/or tenure or who are eligible for tenure.
8. Tenure is a means to certain ends; specifically: (1) freedom of teaching and research, and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. (Faculty Handbook, Appointment, Academic Freedom, and Tenure 2.3). Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.
9. Tenure-track faculty are those who are currently in the seven-year probationary tenure period.
10. Tenured faculty are those faculty who have been granted tenure.
11. Scholarship is the process of attaining new knowledge, creating a new work, or recreating/interpreting existing works, and disseminating the results. Generally this takes the form of appropriate peer reviewed publications, presentations or exhibits, performances, other creative endeavors and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching.
  - 11.1 The scholarship of discovery is traditional research and creative endeavors that pursue and contribute to new knowledge for its own sake.
  - 11.2 The scholarship of integration makes connections across disciplines bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.
  - 11.3 The scholarship of application applies knowledge to address significant societal issues.
  - 11.4 The scholarship of teaching studies the development of knowledge, skill, mind, character, and/or ability of others.

Clarification of Reconsideration/Appeal pertaining to deliberations of Promotion and/or Tenure

**VII. Right of Reconsideration (NEW SECTION)**

1. Reconsideration

- 1.1 Reconsideration is the act whereby a candidate may request that an initial adverse decision by a departmental or collegiate committee be reexamined. Reconsideration can take place before an appeal. Reconsideration provides an opportunity for a candidate to clarify content of material.
- 1.2 If the initial adverse recommendation has been made by the Department Promotion and Tenure Committee, then the candidate must ask for a reconsideration of that recommendation by the Department Committee before he or she may proceed further.
  - 1.21 The candidate must ask, in writing, for the reconsideration within ten (10) calendar days following the date of the faculty member's receipt of the written recommendation adversely affecting him or her. For example, if a Department Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure to such member, the period to request reconsideration would run from the date of receipt of that communication, rather than from the date on which the Board of Trustees subsequently announces the names of faculty members who have been awarded tenure. Any request for reconsideration not filed within this time limit will be denied automatically, unless the academic dean determines that good cause has existed for the delay.
  - 1.22 The written request for reconsideration shall be filed in the office of the department chairperson.
  - 1.23 After receiving a request for reconsideration, the Department Committee must meet to reconsider its initial adverse recommendation. The Department Committee must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the documents or the process.
  - 1.24 After meeting to reconsider the candidate's materials, the committee shall vote to overturn or affirm the previous decision. This vote supercedes the previous vote.
  - 1.25 The candidate's materials for promotion and/or tenure shall be held in the departmental office
- 1.3 If the initial adverse recommendation has been made by the College Committee, then he or she may ask for reconsideration at the collegiate level.
  - 1.3.1 The candidate must ask, in writing, for the reconsideration within ten (10) calendar days following the date of the faculty member's receipt of the written recommendation adversely affecting him or her. For example, if a College Promotion and Tenure Committee advises a faculty member in writing that it is recommending against awarding tenure to such member, the period to request reconsideration would run from the date of receipt of that communication, rather than from the date on which the Board of Trustees subsequently announces the names of faculty members who have been awarded tenure. Any request for reconsideration not filed within this time limit will be denied automatically, unless the academic dean determines that good cause has existed for the delay.
  - 1.3.2 The written request for reconsideration shall be filed in the office of the college dean.
  - 1.3.3 After receiving a request for reconsideration, the Collegiate Committee must meet to reconsider its initial adverse recommendation. The Collegiate Committee must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the documents or the process.
  - 1.3.4 After meeting to reconsider the candidate's materials, the committee shall vote to overturn or affirm the previous decision. This vote supercedes the previous vote.
  - 1.3.5 The candidate's materials for promotion and/or tenure shall be held in the collegiate office and shall not be forwarded to the University Promotion and Tenure Committee until all requests for reconsideration have been exhausted.

## VIII Right of Appeal

### 1. Appeals from Adverse Decisions

1.1 Regular full-time faculty and regular professional personnel may appeal promotion and/or tenure decisions which adversely affect such individuals in accordance with provisions set forth in this Part VIII. Appeals examine the process not the content.

### 2. Bases for Request for ~~Reconsideration and/or~~ Appeal

~~3.2.1~~ If the appellant is not satisfied with the response of the Department Committee, then he or she may appeal to the College Promotion and Tenure Committee. The request must be made within ten (10) calendar days following the appellant's receipt of the Department Committee's decision and must be filed in the office of the academic dean. See "~~Bases for Request for Reconsideration and/or Appeal~~" VII, 2., for information on ~~the bases of appeal and what should be included in the request for a hearing.~~ Any request that is not filed within this time limit will be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay.

2.4.2 There are three permissible reasons to request ~~reconsideration or~~ appeal:

2.4.2.1 Allegation of a substantial violation of approved departmental, collegiate, and/or University policies, including those set forth in the Faculty and Professional Personnel Handbook, so as to deny a fair review of the candidate's credentials for promotion and/or tenure.

2.4.2.2 Allegation of unfair treatment on the part of the decision makers;

2.23 Allegation of discriminatory treatment on the part of the decision makers.

2.2.3 When an appellant alleges violation of approved departmental, collegiate, and/or University policies, including those set forth in the Faculty and Professional Personnel Handbook, then he or she must cite the specific policies which a committee or administrator failed to follow. When filing a request for ~~reconsideration or~~ appeal, the appellant must also provide a summary of the way(s) in which the policies were violated and how such violation(s) adversely affected the appellant.

2.3.4 When an appellant alleges unfair treatment on the part of the decision makers, then he or she must cite the specific treatment engaged in by a committee or administrator. When filing a request for ~~reconsideration or~~ appeal, the appellant must also provide a summary of the reasons why the decision in question was clearly not merited by the evidence available to the decision makers and must also attach to the summary specific and detailed evidence in support of the reasons listed in the summary. Unfair treatment is defined as decisions which are arbitrary or capricious or which are clearly not supported by the evidence.

2.4.5 When an appellant alleges discriminatory treatment on the part of the decision makers, then he or she must cite the specific treatment engaged in by a committee or administrator. When filing a request for ~~reconsideration or~~ appeal, the appellant must also provide a summary of the constitutionally or statutorily prohibited reasons upon which he or she believes the decision 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.

2.5.6 When a request for ~~reconsideration or~~ appeal is filed which alleges discriminatory treatment on the part of the decision makers, 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 promotion and tenure decisions 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."

2.6.7 In all cases, the appellant has the burden of proving his or her allegations.

~~3.3~~ ~~If the appellant is not satisfied with the response of the Department Committee, then he or she may appeal to the College Promotion and Tenure Committee. The request must be made within ten (10) calendar days following the appellant's receipt of the Department Committee's decision and must be filed in the office of the academic dean. See "Bases for Request for Reconsideration and/or Appeal" VII, 2., for information on the bases of appeal and what should be included in the request for a hearing. Any request that is not filed within this time limit will be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay.~~

3.4.2.8 The academic dean is responsible for preparing an appeal file that will consist of (a) the formal request for hearing and any other materials submitted by the appellant; (b) the response and any other materials submitted by the Department Committee when it reconsidered its initial adverse recommendation. The appeal file will be forwarded to the chairperson of the hearing panel who will make certain that it is made available to all parties to the hearing.

~~3.4.2.8.1~~ The academic dean will assist the chairperson of the hearing panel in arranging the hearing at the collegiate level.



[3.52.9](#) A formal hearing will take place.

[3.512.91](#) Timing. The College Committee must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing. Days outside the regular academic year will not be counted in the thirty day computation. The chairperson of the College Committee may, with good cause, extend the thirty day deadline.

[3.522.92](#) Membership of the hearing panel. The College Promotion and Tenure Committee may serve as the hearing panel, or it may establish a separate hearing panel. The hearing panel shall consist of not fewer than five (5) faculty members, at least two (2) of whom must also be members of the Promotion and Tenure Committee establishing the panel. The chairperson of the College Promotion and Tenure Committee, or his or her designee, will serve as chairperson of the hearing panel.

[3.5212.921](#) If the appellant is a minority, at least one (1) member of the hearing panel shall be a minority. Also, at least one (1) member of the hearing panel shall be of the same gender as the appellant. If the College Promotion and Tenure Committee serves as the hearing panel, the Committee may (to meet the requirements of this paragraph) be required to add to the Committee faculty member(s) from within the college who shall participate fully in the appeal hearing. If the addition of faculty member(s) is required, the faculty member(s) selected must be approved by the dean. This paragraph shall not apply (a) if the college has no minority faculty members or faculty members of the required gender who are eligible to serve on the hearing panel, or (b) if all of the eligible minority faculty members or faculty members of the required gender either decline to serve or are disqualified from serving on the hearing panel due to their unavailability, conflict of interest, personal bias or other good and sufficient reason as determined by the College Promotion and Tenure Committee chairperson. For the purposes of this paragraph, "minority" refers to an individual who is a member of a minority classification recognized by the U.S. Equal Employment Opportunity Commission.

[3.5222.922](#) When an appeal is filed which alleges that a decision was the result of illegal discrimination, two (2) of the members of the hearing panel shall be appointed from among the full-time faculty and professional personnel serving on the Complaint Appeals Board of the Ball State University "Equal Opportunity and Affirmative Action Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose the other such panelist. If either the appellant or the responding party fails to make a selection, the University's Director of Equal Opportunity and Affirmative Action shall make that party's selection. The University's Director of Equal Opportunity and Affirmative Action, or his or her designee, shall serve in an advisory capacity to the hearing panel.

[3.5232.923](#) No one may serve to hear an appeal who has a demonstrated conflict of interest such as previous involvement with the case, assignment to the same academic department or administrative area as any of the principals in the case, business involvement, or relationship to any of the principals. Decisions regarding such conflicts shall be made by the committee chairperson.

[3.532.10](#) Parties. Parties participating in the hearing are (a) the appellant; and (b) the department chairperson and the Department Promotion and Tenure Committee chairperson, who together shall serve as the responding party (unless the chairperson of the College Promotion and Tenure Committee appoints a different individual or individuals to serve as the responding party).

[3.542.11](#) Notice of hearing. The parties shall be given at least ten (10) calendar days notice of the date, time, and place of the hearing, unless they waive that notice in writing. The hearing may be postponed or continued by the chairperson of the hearing panel whenever he or she may deem appropriate, or upon the request of either party for good cause shown.

[3.552.12](#) Materials used in hearing. The parties must furnish the chairperson of the hearing panel with the following materials at least five (5) working days prior to the date of the hearings:

[3.5512.121](#) Copies of all documents upon which they intend to rely but which are not already a part of the appeal file;

[3.5522.122](#) A list of any witnesses whom they plan to call.

Copies of these materials must be distributed to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.

[3.562.13](#) Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.

[3.5612.131](#) A full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.

[3.5622.132](#) Representative of the academic dean's office.

[3.5632.133](#) Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.

[3.5642.134](#) Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.

[3.5652.135](#) Witnesses called by either party. Such witnesses shall be present only while they are testifying.

[3.5662.136](#) A recording secretary designated by the appellant, if he or she desires. This person must be a full-time Ball State faculty, professional personnel, or staff member.

Failure, without good cause, of the appellant or the responding party to appear and proceed at the hearing may force the hearing panel to hear and respond to the appeal in the absence of the appellant or the responding party.

[3.572.14](#) Quorum and challenges. A majority of the members of a hearing panel shall constitute a quorum.

Either party may challenge a panel member on the grounds of personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members, conducted by written ballot. If this vote results in a tie, the decision shall be made by the chairperson of the hearing panel.

[3.582.15](#) Conduct of hearings. Hearings shall be conducted with a view toward providing the hearing panel with a complete understanding of the circumstances surrounding the decision which is being appealed. The chairperson of the hearing panel shall preside at the hearing and shall make all procedural rulings. These rulings may be reversed by a majority vote of the panel members present, including the chairperson.

[3.592.16](#) Witnesses. Each party is responsible for ensuring the presence of his or her witnesses at a hearing. Written statements in lieu of the personal testimony of a witness shall not be permitted unless a majority of the panel members determines that a witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the hearing by any member of the hearing panel.

[3.5102.17](#) Hearing records. The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include a general summary of the major points made by the parties and participants at the hearing, any motions made or votes taken by the hearing panel. Copies of approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. Recordings or tapes of a hearing shall not be permitted.

[3.5112.18](#) Decision by the hearing panel. After the conclusion of the hearing, the hearing panel shall meet to consider the evidence presented at the hearing, or evidence already presented in the hearing file. At this time, the hearing panel may request an interview with the academic dean, or the academic dean may request an interview with the hearing panel. The hearing panel must determine whether the appeal should be upheld or denied, and it must set forth in writing a brief summary of the reasons for its decision. Copies of that decision are to be addressed to the academic dean and must be provided to all participants in the appeal within twenty (20) calendar days of the conclusion of the hearing.

[3.51112.181](#) The decision of the hearing panel shall be deemed to be the decision of the College Promotion and Tenure Committee, without further action on the part of the committee.

[3.51112.1811](#) When a hearing panel votes to uphold an appeal, then it must specify a remedy for the situation or specify a recommended course of action to the appropriate parties (for example, a rehearing of a case by a previous committee or administrator or a recommendation for or against promotion or tenure of an appellant). If the responding party does not agree with this recommendation, that party may appeal to the University Promotion and Tenure Committee.

[3.51112.1812](#) When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the University Promotion and Tenure Committee.

[3.62.19](#) If an appellant or respondent wishes to appeal the decision of a collegiate hearing panel, either may request a hearing before the University Promotion and Tenure Committee. The request must be made within ten (10) calendar days following receipt by the appealing party of the collegiate hearing panel's decision and must be filed in the Office of the Provost and Vice President for Academic Affairs. See "Bases for Request for [Reconsideration and/or Appeal](#)" VIII, 2., for information on the bases of appeal and what should be included in the request for a hearing. Any request not filed within this time limit shall be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay.

[3.72.20](#) The Provost and Vice President for Academic Affairs is responsible for preparing an appeal file that shall consist of (a) the formal request for hearing and any other materials submitted by the appellant; (b) the responses and any other materials submitted by the Department Committee when it reconsidered its initial adverse recommendation; (c) the responses and any other materials submitted by the College Committee when it considered the appeal. The appeal file shall be forwarded to the chairperson of the hearing panel who shall make certain that it is made available to all parties to the hearing.

[3.712.201](#) The Provost and Vice President for Academic Affairs shall assist the chairperson of the hearing panel in arranging the hearing at the University level.

[3.82.21](#) A formal hearing will take place.

[3.812.211](#) Timing. The University Promotion and Tenure Committee must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing. Days outside the regular academic year shall not be counted in the thirty day computation. The chairperson of the University Committee may, with good cause, extend the thirty day deadline.

[3.822.212](#) Membership of the hearing panel. The University Promotion and Tenure Committee may serve as the hearing panel, or it may establish a separate hearing panel. The hearing panel shall consist of not fewer than five (5) faculty members, at least two (2) of whom must also be members of the Promotion and Tenure Committee establishing the panel. The chairperson of the University Promotion and Tenure Committee, or his or her designee, shall serve as chairperson of the hearing panel.

[3.8212.2121](#) When an appeal is filed which alleges that a decision was the result of illegal discrimination, two (2) of the members of the hearing panel shall be appointed from among the full-time faculty and professional personnel then serving on the Complaint Appeals Board of the Ball State University "Equal Opportunity and Affirmative Action Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose the other such panelist. If either the appellant or the responding party fails to make a selection, the University's Director of Equal Opportunity and Affirmative Action, shall make that party's selection. The University's Director of Equal Opportunity and Affirmative Action, or his or her designee, shall serve in an advisory capacity to the hearing panel.

[3.8222.2122](#) No one may serve to hear an appeal who has a demonstrated conflict of interest such as previous involvement with the case, assignment to the same academic department or administrative area as any of the principals in the case, business involvement, or relationship to any of the principals. Decisions regarding such conflicts shall be made by the committee chairperson.

[3.8232.2123](#) If the appellant is a minority, at least one (1) member of the hearing panel shall be a minority. Also, at least one (1) member of the hearing panel shall be of the same gender as the appellant. If the University Promotion and Tenure Committee serves as the hearing panel, the Committee may (to meet the requirements of this paragraph) be required to add to the Committee faculty member(s) who shall participate fully in the appeal hearing. If the addition of faculty member(s) is required, the faculty member(s) selected must be approved by the University Promotion and Tenure Committee chairperson. For the purposes of this paragraph, "minority" refers to an individual who is a member of a minority classification recognized by the U.S. Equal Employment Opportunity Commission.

[3.832.22](#) Parties. The parties participating in the hearing are (a) the appellant; and (b) the administrator and the chairperson of the Promotion and Tenure Committee at the level of the initial adverse recommendation; and (c) if applicable, the dean and the chairperson of the College Promotion and Tenure Committee.

[3.842.23](#) Notice of hearing. The parties shall be given at least ten (10) calendar days notice of the date, time, and place of the hearing, unless they waive that notice in writing. The hearing may be postponed or continued by the chairperson of the hearing panel whenever he or she may deem appropriate, or upon the request of either party for good cause shown.

[3.852.24](#) Materials used in hearing. The parties must furnish the chairperson of the hearing panel with the following materials at least five (5) working days prior to the date of the hearings:

[3.8512.241](#) Copies of all documents, including records of the college hearing, upon which they intend to rely but which are not already a part of the appeal file;

[3.8522.242](#) A list of any witnesses whom they plan to call.

Copies of these materials must be distributed to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.

[3.862.25](#) Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.

[3.8612.251](#) A full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.

[3.8622.252](#) Representative of the Provost and Vice President for Academic Affairs' Office.

[3.8632.253](#) Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.

[3.8642.254](#) Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.

[3.8652.255](#) Witnesses called by either party. Such witnesses shall be present only while they are testifying.

[3.8662.256](#) A recording secretary designated by the appellant, if he or she desires. This person must be a full-time Ball State faculty, professional personnel, or staff member.

Failure, without good cause, of the appellant or the responding party to appear and proceed at the hearing may force the hearing panel to hear and respond to the appeal in the absence of the appellant or the responding party.

[3.872.26](#) Quorum and challenges. A majority of the members of a hearing panel shall constitute a quorum. Either party may challenge a panel member on the grounds of personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members, conducted by written ballot. If this vote results in a tie, the decision shall be made by the chairperson of the hearing panel.

[3.882.27](#) Conduct of hearings. Hearings shall be conducted with a view towards providing the hearing panel with a complete understanding of the circumstances surrounding the decision which is being appealed. The chairperson of the hearing panel shall preside at the hearing and shall make all procedural rulings. These rulings may be reversed by a majority vote of the panel members present, including the chairperson.

[3.892.28](#) Witnesses. Each party is responsible for ensuring the presence of his or her witnesses at a hearing. Written statements in lieu of the personal testimony of a witness shall not be permitted unless a majority of the panel members determines that a witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the hearing by any member of the hearing panel.

[3.8102.29](#) Hearing records. The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include a general summary of the major points made by the parties and participants at the hearing, any motions made or votes taken by the hearing panel.

Copies of approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. Recordings or tapes of a hearing shall not be permitted.

[3.8112.30](#) Decision by the hearing panel. After the conclusion of the hearing, the hearing panel shall meet to consider the evidence presented at the hearing, or evidence already presented in the hearing file. The hearing panel must determine whether the appeal should be upheld or denied, and it must set forth in writing a brief summary of the reasons for its decision. Copies of that decision are to be addressed to the Provost and Vice President for Academic Affairs, and must be provided to all participants in the appeal within twenty (20) calendar days of the conclusion of the hearing.

[3.8112.301](#) The decision of the hearing panel shall be deemed to be the decision of the University Promotion and Tenure Committee, without further action on the part of the committee.

[3.8112.3011](#) When a hearing panel votes to uphold an appeal, then it must specify a remedy for the situation or specify a recommended course of action to the appropriate parties (for example, a rehearing of a case by a previous committee or administrator or a recommendation for or against promotion or tenure of an appellant). If the responding party does not agree with this recommendation, that party may appeal to the Provost and Vice President for Academic Affairs.

[3.8112.30112](#) When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the Provost and Vice President for Academic Affairs.

[3.92.31](#) If either the appellant or the respondent is not satisfied with the response of the University hearing panel, then either may request a conference with the Provost and Vice President for Academic Affairs. This request must be made within ten (10) calendar days following the requesting party's receipt of the University hearing panel's decision. Any appeal not filed within this time limit will be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay. The Provost and Vice President for Academic Affairs must confer with the parties and then reply in writing to any bases for appeal set forth by the party requesting the conference, and must furnish a copy of this statement to the appellant and the responding parties within thirty (30) calendar days of receipt of the request for the conference. The Provost and Vice President for Academic Affairs may, with good cause, extend the thirty (30) day deadline.

[3.102.32](#) The decision of the Provost and Vice President for Academic Affairs is final.

#### 4.3 Appeals Which Begin at the College Level

[4.13.1](#) If the initial adverse recommendation has been made by the College Promotion and Tenure Committee or academic dean, then the appellant may request a hearing before the University Promotion and Tenure Committee.

[4.23.2](#) The procedures outlined above in [3.6-3.102.19-2.32](#) shall then be in effect.

#### 54. Appeals Which Begin at the Provost and Vice President for Academic Affairs Level

5.14.1 When the initial adverse recommendation has been made by the Provost and Vice President for Academic Affairs, then the appeal must be made to the President.

5.24.2 The request for appeal must be made in writing within ten (10) calendar days following the appellant's receipt of written notice of the adverse decision on the part of the Provost and Vice President for Academic Affairs. Any appeal not filed within this limit will be denied automatically unless the President determines that good cause has existed for the delay. The President must confer with the parties and then reply in writing to any bases for appeal set forth by the appellant, and must furnish a copy of this statement to the appellant and the responding parties within thirty (30) calendar days of receipt of appeal. The President may, with good cause, extend the thirty (30) day deadline.

5.34.3 The decision of the President is final.

To immediately follow the new VII. in Faculty and Professional Personnel Handbook

## VIII. Right of Appeal (CLEAN COPY)

1. Appeals from Adverse Decisions
  - 1.1 Regular full-time faculty and regular professional personnel may appeal promotion and/or tenure decisions which adversely affect such individuals in accordance with provisions set forth in this Part VIII. Appeals examine the process not the content.
2. Bases for Request for Appeal
  - 2.1 If the appellant is not satisfied with the decision of the Department Committee, then he or she may appeal to the College Promotion and Tenure Committee. The request must be made within ten (10) calendar days following the appellant's receipt of the Department Committee's decision and must be filed in the office of the academic dean. Any request that is not filed within this time limit will be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay.
  - 2.2 There are three permissible reasons to request appeal:
    - 2.21 Allegation of a substantial violation of approved departmental, collegiate, and/or University policies, including those set forth in the Faculty and Professional Personnel Handbook, so as to deny a fair review of the candidate's credentials for promotion and/or tenure.
    - 2.22 Allegation of unfair treatment on the part of the decision makers;
    - 2.23 Allegation of discriminatory treatment on the part of the decision makers.
  - 2.3 When an appellant alleges violation of approved departmental, collegiate, and/or University policies, including those set forth in the Faculty and Professional Personnel Handbook, then he or she must cite the specific policies which a committee or administrator failed to follow. When filing a request for appeal, the appellant must also provide a summary of the way(s) in which the policies were violated and how such violation(s) adversely affected the appellant.
  - 2.4 When an appellant alleges unfair treatment on the part of the decision makers, then he or she must cite the specific treatment engaged in by a committee or administrator. When filing a request for appeal, the appellant must also provide a summary of the reasons why the decision in question was clearly not merited by the evidence available to the decision makers and must also attach to the summary specific and detailed evidence in support of the reasons listed in the summary. Unfair treatment is defined as decisions which are arbitrary or capricious or which are clearly not supported by the evidence.
  - 2.5 When an appellant alleges discriminatory treatment on the part of the decision makers, then he or she must cite the specific treatment engaged in by a committee or administrator. When filing a request for appeal, the appellant must also provide a summary of the constitutionally or statutorily prohibited reasons upon which he or she believes the decision 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.
  - 2.6 When a request for appeal is filed which alleges discriminatory treatment on the part of the decision makers, 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 promotion and tenure decisions 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."
  - 2.7 In all cases, the appellant has the burden of proving his or her allegations.
  - 2.8 The academic dean is responsible for preparing an appeal file that will consist of (a) the formal request for hearing and any other materials submitted by the appellant; (b) the response and any



- other materials submitted by the Department Committee when it reconsidered its initial adverse recommendation. The appeal file will be forwarded to the chairperson of the hearing panel who will make certain that it is made available to all parties to the hearing.
- 2.81 The academic dean will assist the chairperson of the hearing panel in arranging the hearing at the collegiate level.
- 2.9 A formal hearing will take place.
- 2.91 Timing. The College Committee must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing. Days outside the regular academic year will not be counted in the thirty day computation. The chairperson of the College Committee may, with good cause, extend the thirty day deadline.
- 2.92 Membership of the hearing panel. The College Promotion and Tenure Committee may serve as the hearing panel, or it may establish a separate hearing panel. The hearing panel shall consist of not fewer than five (5) faculty members, at least two (2) of whom must also be members of the Promotion and Tenure Committee establishing the panel. The chairperson of the College Promotion and Tenure Committee, or his or her designee, will serve as chairperson of the hearing panel.
- 2.921 If the appellant is a minority, at least one (1) member of the hearing panel shall be a minority. Also, at least one (1) member of the hearing panel shall be of the same gender as the appellant. If the College Promotion and Tenure Committee serves as the hearing panel, the Committee may (to meet the requirements of this paragraph) be required to add to the Committee faculty member(s) from within the college who shall participate fully in the appeal hearing. If the addition of faculty member(s) is required, the faculty member(s) selected must be approved by the dean. This paragraph shall not apply (a) if the college has no minority faculty members or faculty members of the required gender who are eligible to serve on the hearing panel, or (b) if all of the eligible minority faculty members or faculty members of the required gender either decline to serve or are disqualified from serving on the hearing panel due to their unavailability, conflict of interest, personal bias or other good and sufficient reason as determined by the College Promotion and Tenure Committee chairperson. For the purposes of this paragraph, "minority" refers to an individual who is a member of a minority classification recognized by the U.S. Equal Employment Opportunity Commission.
- 2.922 When an appeal is filed which alleges that a decision was the result of illegal discrimination, two (2) of the members of the hearing panel shall be appointed from among the full-time faculty and professional personnel serving on the Complaint Appeals Board of the Ball State University "Equal Opportunity and Affirmative Action Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose the other such panelist. If either the appellant or the responding party fails to make a selection, the University's Director of Equal Opportunity and Affirmative Action shall make that party's selection. The University's Director of Equal Opportunity and Affirmative Action, or his or her designee, shall serve in an advisory capacity to the hearing panel.
- 2.923 No one may serve to hear an appeal who has a demonstrated conflict of interest such as previous involvement with the case, assignment to the same academic department or administrative area as any of the principals in the case, business involvement, or relationship to any of the principals. Decisions regarding such conflicts shall be made by the committee chairperson.
- 2.10 Parties. Parties participating in the hearing are (a) the appellant; and (b) the department chairperson and the Department Promotion and Tenure Committee chairperson, who together shall serve as the responding party (unless the chairperson of the College Promotion and Tenure Committee appoints a different individual or individuals to serve as the responding party).
- 2.11 Notice of hearing. The parties shall be given at least ten (10) days notice of the date, time, and place of the hearing, unless they waive that notice in writing. The hearing may be postponed or continued by the chairperson of the hearing panel whenever he or she may deem appropriate, or upon the request of either party for good cause shown.
- 2.12 Materials used in hearing. The parties must furnish the chairperson of the hearing panel with the following materials at least five (5) working days prior to the date of the hearings:
- 2.121 Copies of all documents upon which they intend to rely but which are not already a part of the appeal file;
- 2.122 A list of any witnesses whom they plan to call.

Copies of these materials must be distributed to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.

- 2.13 Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.
- 2.131 A full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.
  - 2.132 Representative of the academic dean's office.
  - 2.133 Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.
  - 2.134 Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.
  - 2.135 Witnesses called by either party. Such witnesses shall be present only while they are testifying.
  - 2.136 A recording secretary designated by the appellant, if he or she desires. This person must be a full-time Ball State faculty, professional personnel, or staff member.

Failure, without good cause, of the appellant or the responding party to appear and proceed at the hearing may force the hearing panel to hear and respond to the appeal in the absence of the appellant or the responding party.

- 2.14 Quorum and challenges. A majority of the members of a hearing panel shall constitute a quorum. Either party may challenge a panel member on the grounds of personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members, conducted by written ballot. If this vote results in a tie, the decision shall be made by the chairperson of the hearing panel.
- 2.15 Conduct of hearings. Hearings shall be conducted with a view toward providing the hearing panel with a complete understanding of the circumstances surrounding the decision which is being appealed. The chairperson of the hearing panel shall preside at the hearing and shall make all procedural rulings. These rulings may be reversed by a majority vote of the panel members present, including the chairperson.
- 2.16 Witnesses. Each party is responsible for ensuring the presence of his or her witnesses at a hearing. Written statements in lieu of the personal testimony of a witness shall not be permitted unless a majority of the panel members determines that a witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the hearing by any member of the hearing panel.
- 2.17 Hearing records. The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include a general summary of the major points made by the parties and participants at the hearing, any motions made or votes taken by the hearing panel. Copies of approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. Recordings or tapes of a hearing shall not be permitted.
- 2.18 Decision by the hearing panel. After the conclusion of the hearing, the hearing panel shall meet to consider the evidence presented at the hearing, or evidence already presented in the hearing file. At this time, the hearing panel may request an interview with the academic dean, or the academic dean may request an interview with the hearing panel. The hearing panel must determine whether the appeal should be upheld or denied, and it must set forth in writing a brief summary of the reasons for its decision. Copies of that decision are to be addressed to the academic dean and must be provided to all participants in the appeal within twenty (20) calendar days of the conclusion of the hearing.
- 2.181 The decision of the hearing panel shall be deemed to be the decision of the College Promotion and Tenure Committee, without further action on the part of the committee.
    - 2.1811 When a hearing panel votes to uphold an appeal, then it must specify a remedy for the situation or specify a recommended course of action to the appropriate parties (for example, a rehearing of a case by a previous committee or administrator or a recommendation for or against promotion or tenure of an appellant). If the responding party does not agree with this recommendation, that party may appeal to the University Promotion and Tenure Committee.
    - 2.1812 When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the University Promotion and Tenure Committee.
- 2.19 If an appellant or respondent wishes to appeal the decision of a collegiate hearing panel, either may

- request a hearing before the University Promotion and Tenure Committee. The request must be made within ten (10) calendar days following receipt by the appealing party of the collegiate hearing panel's decision and must be filed in the Office of the Provost and Vice President for Academic Affairs. See "Bases for Request for Appeal" VIII, 2., for information on the bases of appeal and what should be included in the request for a hearing. Any request not filed within this time limit shall be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay.
- 2.20 The Provost and Vice President for Academic Affairs is responsible for preparing an appeal file that shall consist of (a) the formal request for hearing and any other materials submitted by the appellant; (b) the responses and any other materials submitted by the Department Committee when it reconsidered its initial adverse recommendation; (c) the responses and any other materials submitted by the College Committee when it considered the appeal. The appeal file shall be forwarded to the chairperson of the hearing panel who shall make certain that it is made available to all parties to the hearing.
- 2.201 The Provost and Vice President for Academic Affairs shall assist the chairperson of the hearing panel in arranging the hearing at the University level.
- 2.21 A formal hearing will take place.
- 2.211 Timing. The University Promotion and Tenure Committee must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing. Days outside the regular academic year shall not be counted in the thirty day computation. The chairperson of the University Committee may, with good cause, extend the thirty day deadline.
- 2.212 Membership of the hearing panel. The University Promotion and Tenure Committee may serve as the hearing panel, or it may establish a separate hearing panel. The hearing panel shall consist of not fewer than five (5) faculty members, at least two (2) of whom must also be members of the Promotion and Tenure Committee establishing the panel. The chairperson of the University Promotion and Tenure Committee, or his or her designee, shall serve as chairperson of the hearing panel.
- 2.2121 When an appeal is filed which alleges that a decision was the result of illegal discrimination, two (2) of the members of the hearing panel shall be appointed from among the full-time faculty and professional personnel then serving on the Complaint Appeals Board of the Ball State University "Equal Opportunity and Affirmative Action Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose the other such panelist. If either the appellant or the responding party fails to make a selection, the University's Director of Equal Opportunity and Affirmative Action, shall make that party's selection. The University's Director of Equal Opportunity and Affirmative Action, or his or her designee, shall serve in an advisory capacity to the hearing panel.
- 2.2122 No one may serve to hear an appeal who has a demonstrated conflict of interest such as previous involvement with the case, assignment to the same academic department or administrative area as any of the principals in the case, business involvement, or relationship to any of the principals. Decisions regarding such conflicts shall be made by the committee chairperson.
- 2.2123 If the appellant is a minority, at least one (1) member of the hearing panel shall be a minority. Also, at least one (1) member of the hearing panel shall be of the same gender as the appellant. If the University Promotion and Tenure Committee serves as the hearing panel, the Committee may (to meet the requirements of this paragraph) be required to add to the Committee faculty member(s) who shall participate fully in the appeal hearing. If the addition of faculty member(s) is required, the faculty member(s) selected must be approved by the University Promotion and Tenure Committee chairperson. For the purposes of this paragraph, "minority" refers to an individual who is a member of a minority classification recognized by the U.S. Equal Employment Opportunity Commission.
- 2.22 Parties. The parties participating in the hearing are (a) the appellant; and (b) the administrator and the chairperson of the Promotion and Tenure Committee at the level of the initial adverse recommendation; and (c) if applicable, the dean and the chairperson of the College Promotion and Tenure Committee.
- 2.23 Notice of hearing. The parties shall be given at least ten (10) calendar days notice of the date, time, and place of the hearing, unless they waive that notice in writing. The hearing may be postponed or continued by the chairperson of the hearing panel whenever he or she



- may deem appropriate, or upon the request of either party for good cause shown.
- 2.24 Materials used in hearing. The parties must furnish the chairperson of the hearing panel with the following materials at least five (5) working days prior to the date of the hearings:
- 2.241 Copies of all documents, including records of the college hearing, upon which they intend to rely but which are not already a part of the appeal file;
  - 2.242 A list of any witnesses whom they plan to call.

Copies of these materials must be distributed to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.

- 2.25 Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.
- 2.251 A full-time regular Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.
  - 2.252 Representative of the Provost and Vice President for Academic Affairs' Office.
  - 2.253 Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.
  - 2.254 Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.
  - 2.255 Witnesses called by either party. Such witnesses shall be present only while they are testifying.
  - 2.256 A recording secretary designated by the appellant, if he or she desires. This person must be a full-time Ball State faculty, professional personnel, or staff member.

Failure, without good cause, of the appellant or the responding party to appear and proceed at the hearing may force the hearing panel to hear and respond to the appeal in the absence of the appellant or the responding party.

- 2.26 Quorum and challenges. A majority of the members of a hearing panel shall constitute a quorum. Either party may challenge a panel member on the grounds of personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members, conducted by written ballot. If this vote results in a tie, the decision shall be made by the chairperson of the hearing panel.
- 2.27 Conduct of hearings. Hearings shall be conducted with a view towards providing the hearing panel with a complete understanding of the circumstances surrounding the decision which is being appealed. The chairperson of the hearing panel shall preside at the hearing and shall make all procedural rulings. These rulings may be reversed by a majority vote of the panel members present, including the chairperson.
- 2.28 Witnesses. Each party is responsible for ensuring the presence of his or her witnesses at a hearing. Written statements in lieu of the personal testimony of a witness shall not be permitted unless a majority of the panel members determines that a witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the hearing by any member of the hearing panel.
- 2.29 Hearing records. The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include a general summary of the major points made by the parties and participants at the hearing, any motions made or votes taken by the hearing panel.

Copies of approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. Recordings or tapes of a hearing shall not be permitted.

- 2.30 Decision by the hearing panel. After the conclusion of the hearing, the hearing panel shall meet to consider the evidence presented at the hearing, or evidence already presented in the hearing file. The hearing panel must determine whether the appeal should be upheld or denied, and it must set forth in writing a brief summary of the reasons for its decision. Copies of that decision are to be addressed to the Provost and Vice President for Academic Affairs, and must be provided to all participants in the appeal

within twenty (20) calendar days of the conclusion of the hearing.

2.301 The decision of the hearing panel shall be deemed to be the decision of the University Promotion and Tenure Committee, without further action on the part of the committee.

2.3011 When a hearing panel votes to uphold an appeal, then it must specify a remedy for the situation or specify a recommended course of action to the appropriate parties (for example, a rehearing of a case by a previous committee or administrator or a recommendation for or against promotion or tenure of an appellant). If the responding party does not agree with this recommendation, that party may appeal to the Provost and Vice President for Academic Affairs.

2.3012 When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the Provost and Vice President for Academic Affairs.

2.31 If either the appellant or the respondent is not satisfied with the response of the University hearing panel, then either may request a conference with the Provost and Vice President for Academic Affairs. This request must be made within ten (10) calendar days following the requesting party's receipt of the University hearing panel's decision. Any appeal not filed within this time limit will be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay. The Provost and Vice President for Academic Affairs must confer with the parties and then reply in writing to any bases for appeal set forth by the party requesting the conference, and must furnish a copy of this statement to the appellant and the responding parties within thirty (30) calendar days of receipt of the request for the conference. The Provost and Vice President for Academic Affairs may, with good cause, extend the thirty (30) day deadline.

2.32 The decision of the Provost and Vice President for Academic Affairs is final.

3. Appeals Which Begin at the College Level

3.1 If the initial adverse recommendation has been made by the College Promotion and Tenure Committee or academic dean, then the appellant may request a hearing before the University Promotion and Tenure Committee.

3.2 The procedures outlined above in 2.19-2.32 shall then be in effect.

4. Appeals Which Begin at the Provost and Vice President for Academic Affairs Level

4.1 When the initial adverse recommendation has been made by the Provost and Vice President for Academic Affairs, then the appeal must be made to the President.

4.2 The request for appeal must be made in writing within ten (10) calendar days following the appellant's receipt of written notice of the adverse decision on the part of the Provost and Vice President for Academic Affairs. Any appeal not filed within this limit will be denied automatically unless the President determines that good cause has existed for the delay. The President must confer with the parties and then reply in writing to any bases for appeal set forth by the appellant, and must furnish a copy of this statement to the appellant and the responding parties within thirty (30) calendar days of receipt of appeal. The President may, with good cause, extend the thirty (30) day deadline.

4.3 The decision of the President is final.

To immediately follow the new VII. in Faculty and Professional Personnel Handbook

## **ADDITION TO SENATE AGENDA – HANDOUT AT MEETING**

### **Proposed Fall Calendar for 2011**

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Maintain Labor Day as holiday

Eliminate practice of holding MWF classes on Tuesday of Thanksgiving week (Fuesday)

Two-day fall break on a Monday-Tuesday or Thursday-Friday (dates TBD)

Thanksgiving week: MWF classes meet Monday; TR classes meet Tuesday; No classes Weds, Thurs, Fri

Recapture instructional day on Monday of finals week

Four-day finals schedule, Tuesday through Friday (no MWF finals on Tuesday)

#### **Net Result**

Yields 75 instruction days (no change)

Eliminates Fuesday

Maintains MWF/TR parity

Maintains schedule that completes exams on Friday of exam week