Ball State University

Code of Student Rights and Responsibilities

2012-2013

TABLE OF CONTENTS

| Introd | duction | 2 |
|--------|---|--------------|
| I. | Bill of Rights and Responsibilities | 3 |
| II. | Authority | 7 |
| III. | Equitable Procedures | 9 |
| IV. | Definitions | 9 |
| V. | Code of Conduct | 10 |
| | 5.1 Offenses Against Persons | 10 |
| | 5.2 Offenses Related to the Operation of the University | 11 |
| | 5.3 Violations That Compromise the Health/Safety/Welfare of Others | 13 |
| | 5.4 Offenses Against Property | 13 |
| | 5.5 Offenses Involving the Judicial Process | 13 |
| VI. | Disciplinary Procedures | 14 |
| | 6.1 General Procedures | 14 |
| | 6.2 Housing and Residence Life | 15 |
| | 6.3 Recreation Services | 16 |
| | 6.4 Student Organizations | 17 |
| | 6.5 Student Rights and Community Standards | 20 |
| | 6.6 Sanctions | 24 |
| | 6.7 Grade Appeals | 26 |
| VII. | Student Academic Ethics Policy | 31 |
| Appe | endices | |
| | Appendix A - Alcohol Policy | 40 |
| | Appendix B - Drug Policy | 41 |
| | Appendix C - Harassment Policy | 41 |
| | Appendix D - Hazing Policy | 42 |
| | Appendix E - Information Technology Users' Privileges and Responsibilities | s 43 |
| | Appendix F - Involuntary Withdrawal Policy | 49 |
| | Appendix G - Pet Policy | 52 |
| | Appendix H - Records Policy | 53 |
| | Appendix I - Self-Harm Policy | 55 |
| | Appendix J - Sexual Harassment Policy | 56 |
| | Appendix K - Sexual Misconduct Policy | 59 |
| | Appendix L - Smoking Policy | 64 |
| | Appendix M - Student Funeral and Bereavement Appeals | 66 |
| | Appendix N - Use of Property for Expressive Activities Policy | 68 |
| | Appendix O - Weapons Policy | 71 |
| | Appendix P - Policy Concerning the Ownership, Distribution and Commercial Dev | velopment of |
| | Ball State University Intellectual Property and Technology | 72 |
| | Appendix Q - Responding to Disruption in the Academic Setting | 75 |
| | Appendix R - Requirement to Disclose Felony Conviction after Admission | 76 |

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

INTRODUCTION

The vision of Ball State University is, in part, to be "a learner-centered and socially responsible academic community." Therefore, Ball State University expects and requires all of its students and their guests to cooperate in developing and maintaining high standards of scholarship and conduct. Upon entrance into the University, students are not only presented with many rights, privileges, and opportunities, they are also faced with attendant responsibilities. In order for students to live and learn in harmony with others in the University community, they must assume responsibility for their actions and respect the rights and beliefs of others. A broad statement of those expectations is expressed in Ball State's *Beneficence Pledge* which is found below (approved and published separately as well):

The Beneficence Pledge

Members of the Ball State University Community...

pledge to maintain high standards of scholarship and excellence to work with students, faculty, and staff to strengthen teaching and learning on campus.

pledge to practice academic honesty

to model and uphold academic integrity, to honor my peers and earn the trust and respect from all members of the community.

pledge to act in a socially responsible way

to treat each person in the Ball State community with civility, courtesy, compassion, and dignity; to respect the property and environment of the campus.

pledge to value the intrinsic worth of every member of the community to respect and learn from differences in people, ideas, and opinions.

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

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

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

I. Bill of Rights and Responsibilities

1.1 Preamble

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

The fundamental rights of others as citizens;

The rights of others based upon the nature of the educational process;

The rights of the institution; and

The rights of students to fair and equitable procedures determining when and upon whom penalties for violation of campus regulations should be imposed.

1.2 Student's Relation to Civil Law

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

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

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

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

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

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

1.3 Student's Relation to Community

- 1.3.1 Students attending the University take on responsibilities not only of campus citizenship but also citizenship in the surrounding community. When community standards are not respected and upheld by students, unpleasant and undesirable conflicts between students and other community residents may result. Such conflicts are destructive to human relationships in the community and detrimental to the image of the University, as well as, to the reputation of the student body. Students are also subject to legal sanctions when they violate local, state, and federal laws or otherwise infringe upon the rights of others.
- 1.3.2 Students shall conduct themselves responsibly in the community, respecting the personal and property rights of all residents. It is to the advantage of the student body, as well as in the best interest of the University and the community, for everyone to work together to

maintain community standards and to build good relations among the citizenry.

1.4 Student's Relation to University

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

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

1.5 Academic Freedom

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

policies to insure the academic freedom of students:

- **a.** That students have the right to the best education possible;
- **b.** That students have the rights and responsibilities for participation in policy and decision making and implementation in areas affecting student welfare;
- **c.** That students have inherent rights to the establishment and practice of representative self-government as set forth in the Constitution of the Student Government Association of Ball State University;
- **d.** That students have rights to and means whereby they may communicate their ideas and concerns to responsible authorities in the University;
- e. That students have the right to ready access to the spoken and printed word;
- **f.** That students have the right to express their thoughts and judgments concerning the professional competency of the faculty and professional personnel.
- 1.5.3 All students are subject to the University policy on intellectual property, as amended from time to time. A copy of the University's Intellectual Property Policy is available for review on the University website at http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx or a copy can be obtained from the University Sponsored Programs Office. An excerpt of the Intellectual Property Policy specifically for students is included as Appendix P.
- **1.5.4** If a student is concerned about any issue in the classroom, including a perceived academic freedom issue, this student may:
 - **a.** Consult with the Assistant to the Vice President for Student Affairs in the Office of Student Affairs to explore options available to the student.
 - **b.** Options available to the student include:
 - 1) The student may meet with the faculty or staff person to discuss the student's concerns and to come to an understanding about the situation.
 - 2) If resolution is not satisfactory, the student may request a meeting with the individual's department chair or supervisor to discuss the concern further.
 - 3) The chairperson or school director, will meet with all parties involved and will determine an appropriate resolution, conclusion or recommendations about the issue. The chairperson or school director will keep a written record of the issue and the conclusions and recommendations.
 - **4)** If the student's concern involves a grade appeal issue, the student may be referred to the grade appeal process outlined in Section 6.7 of the *Code of Student Rights and Responsibilities*.

1.6 Additional Rights and Responsibilities

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

- **1.6.1** Obligation to respect the freedom to teach, learn, and to conduct research and publish findings in the spirit of free inquiry (i.e., without detriment to or denigration of other, especially untried, methods and/or subjects of inquiry).
 - **a.** Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom, it being understood that assigning priorities or ranking to investigative programs may be an administrative necessity.

- **b.** Freedom to teach and learn implies that students, faculty, and administrators have the responsibility to respect and consider suggestions without detriment to grade or positions of the persons submitting them.
- c. Free inquiry implies that faculty and/or faculty-directed student research—the results of which are predestined for classification under the National Security Act—may be conducted only under the conditions imposed by the statements in the *Faculty and Professional Personnel Handbook*, "On preventing conflicts of interest in government sponsored research at universities" and with prior knowledge of the intended restrictions to be placed on the distribution of the results.
- 1.6.2 Obligation not to infringe upon the right of any of the members of the University community to privacy in office, laboratories, and residence and in the keeping of personal papers, confidential records and effects, subject only to the local, state and federal law and to conditions voluntarily entered into. Permanent records will not contain information concerning religion, political, or social beliefs, and membership in any organization other than honorary and professional organizations directly related to the academic processes, except upon expressed written request of the student in question.
- **1.6.3** Obligation not to interfere with the freedom of members of the University community to pursue normal academic and administrative activities, including freedom of movement.
- **1.6.4** Obligation not to interfere with the freedom of any member of the University community to hear and to study unpopular and controversial views on intellectual and public issues.
- **1.6.5** Right to identify oneself as a student of the University and a concurrent obligation not to speak or act on behalf of the institution, or any group of students therein, without authorization.
- 1.6.6 Right to hold public meetings in which students participate, to post notices, and to engage in peaceful, orderly demonstrations. Reasonable and impartially applied rules, designed to reflect the academic purposes of the institution and to protect the safety of the campus, shall be established regulating time, place, and manner of such activities and allocating the use of facilities in accordance with (1) Policy Concerning Distribution, Solicitation, Fund Raising, Sales, and Commercial Activity on University Property Office of the Vice President for Business Affairs; (2) Policy on Selection and Presentation of Lecturers or Speakers by Student Organizations Faculty and Professional Personnel Handbook; and (3) Policy on Special Events on Campus Faculty and Professional Personnel Handbook.
- **1.6.7** Right to recourse if another member of the University community is negligent or irresponsible in performance of his or her responsibilities, or if another member of the University community represents the work of others as his or her own.
- **1.6.8** Obligation to maintain an environment conducive to respect for the rights of others and fulfillment of *academic* responsibilities.
- **1.6.9** Right to Funeral and Bereavement Leave
 - **a.** Students will be excused from class for funeral leave in the event of the death of a member of the student's immediate family or household, including: father, mother,

husband, wife, son, daughter, grandfather, grandmother, grandchild, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepfather, stepmother, stepson and stepdaughter. The number of excused absences allowed is determined by the distance of funeral services from Muncie, Indiana, as follows:

Three work days - Within 150 miles radius of Muncie Four work days - Between 150-300 miles radius of Muncie Five work days - Beyond 300 miles radius of Muncie Seven work days - Outside of North America

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

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

II. AUTHORITY

2.1 Authority

The Board of Trustees of Ball State University is empowered by the Indiana General Assembly to manage, control, and operate the institution and to promulgate rules and regulations to carry out its responsibilities. The Indiana statutes provide that the Board of Trustees may delegate this authority to its officers, faculty, employees, and others. The statutory authority conferred upon the Board of Trustees includes the specific authority under Indiana Code 21-39-2 to regulate the conduct of students and others as follows:

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

The Board of Trustees has delegated its authority to regulate the conduct of students to the President and to the Vice President for Student Affairs & Dean of Students, who in turn have further delegated to other Student Affairs staff the authority to implement and apply the Code of Conduct (section V) and the Disciplinary Procedures (section VI) set forth in this *Code of*

Student Rights and Responsibilities. Whenever an action is permitted or required to be taken under this Code of Student Rights and Responsibilities by a University Officer or other employee, the action may be taken by that person's designee.

- 2.2 The Code of Conduct and the Disciplinary Procedures set forth in this *Code of Student Rights and Responsibilities* may apply to off-campus as well as on-campus conduct, as is clear from the statutory authority described in Section 2.1(b) above allowing for the regulation of the conduct of students "wherever the conduct might occur." The *Code* applies to all conduct of students and student organizations on-campus. It also applies to certain off-campus conduct including:
 - **a.** Conduct that causes or threatens harm to the health or safety to the person or damage or destruction to the property of a member of the University community;
 - **b.** Conduct in connection with an academic course assignment, internship, practicum, field trip, student teaching, research or other University activity;
 - **c.** Conduct in connection with any activity sponsored, conducted or authorized by the University or by a student organization;
 - **d.** Conduct involving serious crimes including all crimes of violence, felonies or the sale or distribution of illegal drugs or controlled substances, if a police report has been filed, a summons or indictment has been issued, or an arrest has occurred; or
 - **e.** Conduct adversely affecting the University community or indicating that the continued presence of a student on campus poses a threat to the student's well-being or the well-being of other members of the University community.
- **2.3** At the discretion of University officials, disciplinary action under this *Code of Student Rights and Responsibilities* may proceed in advance of or during the pendency of other proceedings.
- 2.4 Application—These policies and procedures, as from time to time amended, shall apply to all undergraduate and graduate students of Ball State University and shall be deemed a part of the terms and conditions of admission and enrollment of all students. These policies and procedures shall apply to a student's conduct even if the student withdraws from the University while a disciplinary matter is pending. These policies and procedures, and any amendments hereto, shall take effect on the date prescribed by the Board of Trustees and shall remain in effect until rescinded or modified by the Board of Trustees.
- **2.5 Interpretation**—Any question of interpretation or application of the *Code of Student Rights and Responsibilities* shall be referred to the Vice President for Student Affairs and Dean of Students or his or her designee for final determination.
- Government Association, University Senate, administrative staff, or by the Board of Trustees. In addition, the *Code of Student Rights and Responsibilities* shall be reviewed at least every two years under the direction of the Director of Student Rights and Community Standards or other University official designated by the Vice President for Student Affairs and Dean of Students. The Code was last reviewed and amended in 2012.
- **2.7 Notice**—A notice of the *Code of Student Rights and Responsibilities* will be sent at the

beginning of each semester to the University community by email.

III. EQUITABLE PROCEDURES

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

- 3.1 These procedures shall be structured so as to facilitate a reliable determination of the truth or falsity of charges and to meet the fundamental requirements of fairness (i.e., right to notice of charge in advance, right to a hearing, right to examine evidence, right to prepare defense, right to appeal, and right to presence of counsel but not representation by counsel).
- 3.2 Students have the right to know in advance the range of penalties for violations of campus regulations. Upon request students have the right to obtain copies of all specific policies of the University (e.g., routine administrative policies, *Faculty and Professional Personnel Handbook*, etc.).
- 3.3 Charges of minor infractions of regulations, for which a student is penalized by fines or reprimands, may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal to the next higher level of administration or to an established appeals committee.
- 3.4 In cases involving charges of infractions of regulations that may result in suspension or expulsion from the University, students have a right to formal procedures which include right of appeal. Any person penalized for a serious infraction of established University regulations or policies has the right to appeal, either to the next higher administrator or to an established appeals committee.
- Appendix R for policy requiring students to disclose a felony conviction occurring after admission to the University) may be subject to the University sanctions for the same conduct, in accord with established policies and procedures, when the conduct is in violation of a University rule which is important to the continuing protection of other members of the University or to the safeguarding of the educational process. At the discretion of University officials, disciplinary action under this *Code of Student Rights and Responsibilities* may proceed in advance of or during the pendency of criminal proceedings. Determinations made or sanctions imposed under this *Code of Student Rights and Responsibilities* shall not be subject to change because criminal charges arising out of the same set of facts giving rise to University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

IV. DEFINITIONS

The following definitions will be used in this *Code*:

- **4.1 University** means Ball State University.
- **4.2 University official** means any employee of the University performing administrative, professional, or staff responsibilities.

- **4.3 Student** is defined as any person admitted to the University, registered or enrolled in classes either full-time or part-time, or otherwise associated with the University. Persons who withdraw after allegedly violating the *Code of Student Rights and Responsibilities*, or who are not officially enrolled for a given term but in a "continuing relationship" with the University, shall be considered "students." Continuing relationship may include but is not limited to: students enrolled in a previous semester and registered or otherwise indicating intent to register for a future period of enrollment or; a student accepted for admission who has indicated intent to attend in a future period of enrollment.
- **4.4 School day** means Monday, Tuesday, Wednesday, Thursday, and Friday. It does not include Saturday or Sunday, nor does it include any day on which there are no scheduled University classes.
- **4.5 Business day** refers to any day, Monday through Friday, in which University offices are open.
- **4.6 University activity** includes any teaching, research, service, administrative function, proceeding, ceremony, or activity conducted or authorized by students, faculty, staff, or administrators that is held by the authority of the University.
- **4.7 University property** means property owned, controlled, used, or occupied by the university.
- **4.8 Written notice** is deemed to begin running on the first business day after the date such notice is mailed by the University, or immediately when the notice is hand delivered, delivered to a residence hall mailbox, or delivered to a student's University email in-box or forwarded to an alternative email address as directed by the student.
- **4.9 Members of the University community** include anyone who belongs to any of the following groups: students, faculty, professional personnel, staff personnel, service personnel.
- **4.10 Organization** means any group granted official recognition by the University after meeting established criteria for such recognition.
- **4.11 Judicial body** means any person or group of persons authorized by this *Code* to determine whether a student has violated any provision of the *Code*, to administer sanctions, or to grant appeals.

V. CODE OF CONDUCT

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

5.1 Offenses Against Persons:

5.1.1 Harassment – Conduct towards another person or identifiable group of persons that has the purpose or effect of (a) creating an intimidating or hostile educational environment,

work environment, or environment for participation in a University activity; (b) unreasonably interfering with a person's educational environment, living environment, work environment, or environment for participation in a University activity; or unreasonably affecting a person's educational or work opportunities or participation in a University activity. This offense also includes behaviors prohibited in *Sexual Harassment Policy*, *Appendix J*, *and Anti-harassment Policy*, *Appendix C*.

- **5.1.2 Hazing -** Any mental or physical action, requirement, request of, or obligation placed upon any person (including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate or team member) which could be harmful to the health, welfare or academic progress of the person, or which is personally degrading to the individual involved, or which has an adverse effect on the academic progress of the person, or which violates any federal, state, or local laws, or University policy. Individual acceptance of or acquiescence to any activity covered by the foregoing definition in no way validates or excuses the activity. (See also University Anti-hazing Policy, Appendix D)
- **5.1.3 Harm, Threat or Endangerment** Conduct that causes physical harm to any person is prohibited, as is any reckless or unauthorized conduct that threatens, endangers or reasonably could threaten or endanger the health or safety of any person. Conduct covered under this rule also includes but is not limited to impairment of any person's freedom of movement as well as verbal or written threats of any action described above.
- **5.1.4 Privacy Violation**—Use of audio, video, or photographic devices to make an image or recording of an individual without that person's prior knowledge, or without that person's effective consent, when such image or recording is likely to cause injury or distress as determined by a reasonable person. This includes but is not limited to, surreptitiously taking pictures of another person in a private area such as a residence hall room, a public or private restroom, or a dressing/locker room.
- **5.1.5 Sexual Misconduct**—Sexual intercourse or sexual touching, however slight, by one person upon another without effective consent or when it involves compelling a person to submit to such conduct by force, threat of force, use of intoxicants to impair a victim's ability to give consent or otherwise taking advantage of any impairment which might render a person incapable of making a reasonable or rational decision about sexual activity. As defined by the State of Indiana, sexual misconduct also includes any sexual act when the person is not of legal age. *This prohibition also includes behaviors outlined in the Sexual Misconduct Policy, Appendix K.*
- **5.1.6 Stalking**—Intentional repetitious or continuous actions that would cause a reasonable person to feel frightened, harassed, annoyed, threatened, or alarmed and that cause the person who is the object of the stalking to feel frightened, harassed, annoyed, threatened, or alarmed. Such actions could be either implicit or explicit threats against a specific person; an acquaintance, friend, family member, or pet of that person; or that person's property.
- 5.2 Offenses Related To The Operation Of The University
- **5.2.1 Academic Dishonesty**. Acts—which include but are not limited to cheating, plagiarism, falsely claiming to have completed work, cooperating with another person in academic

- dishonesty, knowingly destroying or altering another student's work, or attempting to commit an act of academic dishonesty—that violate the *Student Academic Ethics Policy*. See also Student Academic Ethics Policy, section VII.
- **5.2.2** Aiding and Abetting Knowingly, recklessly, or willfully encouraging or assisting others to commit acts prohibited by this code.
- **5.2.3 Computer Misuse** Any behavior violating policies governing the use of the University's computer system and related equipment/technology. *See also Information Technology Users' Privileges and Responsibilities Policy, Appendix E.*
- **5.2.4 Disorderly Conduct** Conduct that is disruptive of campus life or University activities, or that is a matter of public indecency, or a breach of the peace.
- **5.2.5 Failure to Comply** Failing to comply with verbal or written instructions of University officials acting in the performance of their duties and made within the scope of their authority, or failing to identify oneself upon request of a University official.
- **5.2.6 False Information**—Intentionally submitting false information, verbally or in writing, to a University official or office.
- **5.2.7 Fraudulent Use -** Forgery, alteration, taking possession of, or the unauthorized use of University documents, records, keys, or identification without the consent or authorization of appropriate University officials.
- **5.2.8 Interference with a Reprimand** Obstructing or interfering with the reprimand, discipline, or apprehension of another person who is involved in a violation of this *Code* or any other University rule or regulation.
- **5.2.9 Obstruction or Disruption** Obstructing or disrupting the teaching and/or learning process in any campus classroom, building, or meeting area, or any University-sponsored activity, pedestrian or vehicular traffic, classes, lectures or meetings, obstructing or restricting another person's freedom of movement, or inciting, aiding, or encouraging other persons to do so. See also Regulations for Use of Property for Expressive Activity, Appendix N and Responding to Disruption in the Academic Setting, Appendix Q.
- **5.2.10 Residence Hall Policies** Violating residence hall rules and regulations, or the housing contract. *See also Residence Life Policies*.
- **5.2.11 Solicitation** Engaging in solicitation of any type on University property without appropriate authorization. *See also Regulations for Use of Property for Expressive Activity, Appendix N.*
- **5.2.12 Violation of the Law** Committing or attempting to commit any act that would be a violation of local, state or federal law on or off University property, when such behavior is judged by the Office of Student Rights and Community Standards to be detrimental to the University's educational process or objectives.
- **5.2.13 Other Policy Violations** Violating any other published University policies not specifically a part of this *Code*.

- 5.3 Violations That Compromise The Health/Safety/Welfare Of Others
- **5.3.1 Alcohol** -Using, possessing or distributing alcoholic beverages except as expressly permitted by law and University policies. *See also Alcohol Policy, Appendix A.*
- **5.3.2** Arson Setting or attempting to set fires, or acting in a manner that disregards fire safety rules and results in a fire.
- **5.3.3 Drugs** Using, abusing, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs as defined by federal, state, or local laws, or any controller substance, (including marijuana, inhalants, and abuse of over-the-counter drugs and prescription drugs), except as expressly permitted by law. Possession of drug paraphernalia which can be demonstrated to be linked to illegal drug activity is also a violation of this policy. *See also Drug Policy, Appendix B*.
- **5.3.4** False Reporting Falsely reporting an emergency.
- **5.3.5 Gambling** Engaging in gambling, wagering or other games of chance in violation of the law.
- **5.3.6 Smoking** Smoking in areas on campus other than those designated for smoking. *See also Smoking Policy, Appendix L.*
- **5.3.7 Tampering with Fire Equipment** Unauthorized use, activation, or alteration of fire-fighting equipment, fire safety, or other emergency equipment.
- **5.3.8 Weapons** Transferring, using, possessing, or manufacturing explosives, fireworks, firearms, dangerous chemicals, or any other weapons (deemed capable of causing bodily injury or property damage) on University property. *See also Weapons Policy, Appendix O.*
- **5.4** Offenses Against Property
- **5.4.1 Misuse of Property** Trespass, occupancy of, unauthorized entry into, possession of, receipt of, or use of the property of another person, of the University, or of University services, facilities, or resources including, but not limited to, the University's name, seal, or insignia.
- **5.4.2 Theft, Vandalism** Attempted or actual theft, vandalism, unauthorized use, possession, damage to, or destruction of public property, University property, or personal property.
- 5.5 Offenses Involving The Judicial Process
- **5.5.1 Improper Influence** Attempting to influence the decision of a member of a judicial body or a designated judicial officer, or attempting to discourage that person's participation in a judicial proceeding.
- **5.5.2 Intimidation of Participants** Attempting to intimidate, coerce, or influence a witness, complainant, or other persons participating in the judicial process.

- **5.5.3 Providing False Testimony** Providing false testimony or false information in the judicial process or knowingly making unfounded accusations against another individual.
- **5.5.4 Sanction Non-compliance** Failing to complete or to comply with a disciplinary sanction.

VI. DISCIPLINARY PROCEDURES

6.1 General Procedures

- **6.1.1 Reporting an incident/Filing a complaint -** Any individual (student, employee of the University, or other person) who believes that a student or student organization may have committed a violation of the *Code* published above, may file an incident report or complaint report with one of the following offices:
 - University Police Department
 - Office of Housing and Residence Life or with the Hall Director where a student lives or where the violation occurred
 - Office of Recreation Services
 - Office of Student Life
 - Office of Student Rights and Community Standards

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

- **6.1.2 Types of hearings -** The hearing process for students may vary according to the level at which the case is adjudicated. Adjudication may occur in the administrative area where the violation occurred. Where the offense is of a more serious nature and may warrant consideration of suspension or expulsion from the University, the case will be referred to the Office of Student Rights and Community Standards.
- 6.1.3 Good Neighbor Exception Students are always encouraged to call for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. When another person is in need of critical care or when a situation otherwise warrants emergency response, call 911 immediately. The Good Neighbor Exception provides students the opportunity for University disciplinary action to be waived if he/she risked revealing one's own violation of the Code of Student Rights and Responsibilities in order to seek medical or other emergency assistance to another person in distress. The decision to provide the exception shall be the judgment of the designated hearing officer. NOTE: The exception does not apply to any criminal charges that might be incurred as a result of an offense.

6.1.4 Decision-making

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

b. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in *Code of Student Rights and Responsibilities* proceedings.

6.2 HOUSING AND RESIDENCE LIFE DISCIPLINARY PROCEDURES

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

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

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

- **6.2.1 Preliminary Meeting** Student meets with the designated HRL staff member to discuss the documentation. The following options are available:
 - **a**. Student can plead "responsible" for the policy violation(s) and have the sanction determined at that time by the designated HRL staff member.
 - **b.** Student can plead "not responsible" for the policy violation(s) and request a hearing with the appropriate hearing body. For most situations, the appropriate hearing will be a Hall Director Hearing. In situations where cancellation of the student's housing contract is a possibility or if the student documented is already on disciplinary probation, the student may be offered the choice of having an Administrative Hearing or a Conduct Board Hearing. (Note: When the Conduct Board is not operating, the student is automatically assigned to an Administrative Hearing.)
 - **c**. If the student does not attend the Preliminary Meeting, the designated HRL staff member will arrange a hearing.

6.2.2 Housing and Residence Life Disciplinary Hearings

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

6.2.4 Appeal Process

- **a.** A student may appeal the result of a Hall Director Hearing decision to the appropriate Assistant Director of Housing and Residence Life.
- **b.** Decisions by a Conduct Board Hearing or Administrative Hearing may be appealed to the Associate Director of Housing and Residence Life.
- **c.** A student has two business days from the delivery of the original decision to the student's mailbox in which to submit an appeal in writing.
- **d.** A student may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student or the hearing body.
 - 2) An unduly harsh sanction against the accused student.
 - 3) New information of a substantive nature not available at the original hearing.

- 4) Information of substantial bias on the part of the disciplinary body hearing the case.
- **e.** An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded back for a new hearing.
 - 4) All allegations may be dismissed.
- **f.** The appellate decision shall be final and will not be subject to any further appeal.

6.2.5 Referrals to the Office of Student Rights and Community Standards

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

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

6.3 RECREATION SERVICES DISCIPLINARY PROCEDURES

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

6.3.1 Preliminary Meeting

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

6.3.2 Recreation Services Administrative Hearing

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

6.3.3 Appeal Process

- **a**. Students have an opportunity to appeal any decision of discipline from any member of Recreation Services staff.
- **b.** All appeals of disciplinary must be directed to the Associate Director of Recreation

Services. All appeals of disciplinary decisions must be made in writing within three business days of the receipt of the original decision.

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

6.3.4 Referrals to the Office of Student Rights and Community Standards

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

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

6.4 STUDENT ORGANIZATIONS AND ACTIVITIES DISCIPLINARY PROCEDURES

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

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

6.4.1 Adjudication Procedures

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

- **a.** Selection of Hearing Board. The Hearing Board will consist of five (5) members, three (3) to be selected from the Judicial Court of the Student Government Association, one (1) member being a current faculty/staff advisor of a recognized student organization and one (1) Student Affairs professional staff member selected in consultation with the Vice President for Student Affairs & Dean of Students. A chairperson will be selected from within the committee. The Assistant Vice President for Student Affairs/Director of Student Life (or his/her designee) will serve as an advisor and ex-officio member to the Board, will take minutes and will answer procedural questions but will not vote.
- **b.** *Quorum*. Four (4) of the five (5) voting members of the Hearing Board must be present to **constitute** a quorum.
- **c.** *Notice of Hearing.* The President or highest-ranking officer of the student organization shall be notified in writing by the Assistant Vice President for Student Affairs/Director of Student Life of the date, time, and place of the hearing at least three (3) business days before the hearing. The notice shall also include a statement of the allegations of policy violations and information regarding the student organization's rights in the hearing.
- **d.** Absence of the Accused Organization. The accused student organization may choose not to attend the hearing and may instead submit a written presentation of its case. The hearing may proceed in the absence of the accused. By such absence, the accused organization forfeits its right to question witnesses.
- e. *Witnesses*. The representative officer of the accused student organization, the complainant and the Assistant Vice President for Student Affairs/Director of Student Life or his/her designee may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Board may limit the number of witnesses to avoid repetition and cumulative testimony. The Board may also limit the testimony of character witnesses to the sanctioning phase of the hearing. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Assistant Vice President for Student Affairs/Director of Student Life a minimum of twenty-four (24) hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing and shall be prohibited from submitting a written statement in lieu of personal testimony, unless otherwise permitted by the Hearing Board to do so as a result of extenuating circumstances. Witnesses invited by either party shall be present only while they are testifying.
- **f.** Student Organization Assistance. The officer of the student organization may be accompanied and assisted at the hearing by an advisor of the student organization's choice, provided the advisor is an employee or student of the University. For Greek organizations, a chapter advisor and/or chapter representative may also accompany the officer. In the event a student organization faces pending criminal or civil charges based on the incident that has given rise to the University disciplinary proceedings, the organization's attorney may accompany the officer of the student organization. The student organization must provide the name of the advisor to the Assistant Vice President for Student Affairs/Director of Student Life at least twenty-four (24) hours before the hearing. At no time may the advisor or attorney participate directly in the hearing proceedings. He/she may only consult with the student representing the organization.
- **g.** *Disqualification*; *Challenges*. Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student organization, with the complainant or when the Board member feels a personal

bias makes it impossible to render a fair decision. The accused student organization or the complainant may challenge a Hearing Board member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the chairperson may, at his/her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of the remaining members of the Hearing Board.

- h. *Conduct of the Hearing*. The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Board with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing and the deliberations of the Hearing Board shall be private. The Office of the Assistant Vice President for Student Affairs/Director of Student Life shall make a record of the hearing which may be reviewed in that office by a designated representative of the accused student organization upon request. Decisions of the Hearing Board shall be made by majority vote.
- **i. Continuances.** The Hearing Board, by majority vote, may continue the hearing to a later time.
- **j.** *Additional Rules*. Procedural rules not inconsistent with these procedures may be established by the Hearing Board from time to time to fulfill its functions in an orderly manner.

6.4.3 Decisions

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

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

6.4.4 Appeal Process

- **a.** Appellate Review. The appellate review will be based on the information and materials in the case file; a summary of the evidence submitted; findings and recommendations; the student organization's written request for an appellate review; and the record of the hearing.
- **b**. A student organization may appeal the result of an administrative hearing decision to the next level administrator.
- **c**. Decisions by the Hearing Board may be appealed to the Vice President for Student Affairs & Dean of Students or his/her designee.
- **d.** In both cases, the student organization has five (5) business days from receipt of the original decision in which to submit an appeal in writing.
- **e.** The organization may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student organization or the hearing body.
 - 2) An unduly harsh sanction against the accused student organization.
 - 3) New information of a substantive nature not available at the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case.
- **f.** An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded back for a new hearing.

- 4) All allegations may be dismissed.
- **g.** Appeal decisions shall be based solely upon the written documentation of the incident and a written statement of appeal from the organization.
- **h.** The appellate decision shall be final and will not be subject to any further appeal.

6.5 OFFICE OF STUDENT RIGHTS AND COMMUNITY STANDARDS DISCIPLINARY PROCEDURES

6.5.1 Preliminary Meeting

The preliminary meeting is an initial meeting with a designated Student Rights and Community Standards staff person (Director or a Graduate Assistant) at which time the accused student is made aware of University disciplinary procedures, the nature of the complaint and alleged violations, and the range of sanctions possible for that type of offense. The student is also given an opportunity to respond to the complaint. Based on the information available, the Director or designee may:

dismiss some or all of the alleged violations; continue an investigation into the complaint to determine if the allegations have merit; refer the complaint to an alternative resolution process with the mutual consent of the parties involved and if such referral is acceptable to the Director; or charge the student with one or more violations of the *Code of Student Rights and Responsibilities*.

If charged by the designated staff person with a violation(s) of the *Code*, the student is also informed of his/her options in adjudicating the violation(s), including one of the following:

- **a.** To plead "responsible" for the violation, request an informal resolution in lieu of a hearing, and have the sanctions determined at that time by the staff person. The designated staff person conducting the preliminary meeting may choose to refer the determination of sanctions to a hearing board if the level of offense warrants more serious sanctions than that staff person is authorized to impose. As part of an informal resolution, the Director of Student Rights and Community Standards may impose sanctions indicated in section 6.6.4 up to and including suspension from the University but not expulsion or revocation of admission or degree.
- **b.** To plead "not responsible" for the violation and request a hearing. In the case of minor offenses, the designated staff person may choose to hear the case administratively or to refer the case to another administrative hearing officer. In cases that are complicated in nature and scope, or where the violations may result in more serious sanctions, the case may be referred to the Screening Committee of the University Review Board.

6.5.2 Screening Committee

After the Preliminary Meeting, and if the case meets the criteria noted in 6.5.1.b above, the Director or his/her designee shall convene the Screening Committee made up of the Director or his designee, the Vice President of Student Government Association, and a faculty or professional staff member from the University Review Board. The Screening Committee shall review all information available concerning the incident and make a decision on how to proceed, exercising one of the following options:

- **a.** Refer the case on to the University Review Board.
- **b.** Refer the case back to the Office of Student Rights and Community Standards for an Administrative Hearing.
- **c.** Dismiss any or all charges. Any charges not dismissed will be referred as described in a. or b. above.

6.5.3 Administrative Hearing

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

6.5.4 Interim Suspension

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

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

The decision to suspend on an interim basis shall be made by the Vice President for Student Affairs & Dean of Students or his/her designee. The student will be notified in writing of this action and the reasons for the interim suspension. The notice should include the time, date, and place of a subsequent hearing within three business days at which the student may show cause why his or her continued presence on the campus does not constitute a threat [and at which they may contest whether a violation of the *Code of Student Rights and Responsibilities* took place]. The interim suspension may continue until the entire disciplinary process including appeal, is completed. Every effort will be made to complete the disciplinary process in a timely manner so as to limit the interim suspension to the shortest time possible.

6.5.5 University Review Board

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

- a. Student Membership. The student membership will include the Vice President of the Student Government Association, five (5) members of the Judicial Court of Student Government Association and four (4) additional students appointed by the Student Government Association President. The Judicial Court members shall be elected by students in the spring, assume their committee responsibilities on the first day of fall semester and shall hold office for one calendar year. Other appointed students also assume responsibility at the start of the fall semester and serve for one calendar year. A student member may serve an unlimited number of terms. If insufficient student members have been appointed by the Student Government Association when a hearing is required, the Director has the discretion to utilize non-appointed students in order to provide a timely process.
- **b.** *Faculty and Professional Staff Membership*. The faculty and professional staff members shall be selected by the University Senate's Governance Committee to assume their committee responsibility on the first day of fall semester and serve for one calendar year. A faculty or professional staff member may serve an unlimited number of terms. If

- insufficient faculty or professional staff members have been appointed by the appropriate governance committee when a hearing is required, the Director has the discretion to utilize non-appointed employees in order to provide a timely process.
- **c.** *Quorum*. To conduct a hearing for a student disciplinary case, a Hearing Board composed of a minimum of four (4) members of the University Review Board, of whom at least two (2) must be students and two (2) must be faculty and/or professional staff will be designated by the Director of Student Rights and Community Standards or his/her designee. A hearing may proceed with a minimum of 3 members present.
- **d.** *Hearing Board Chairperson*. The hearing shall be chaired by one member of the Hearing Board designated in advance by the Office of Student Rights and Community Standards. The chairperson shall be a voting member of the Board. The Director of Student Rights and Community Standards or his/her designee will be present at all hearings as a nonvoting consultant to the Hearing Board.
- e. *Hearings During Summer Session and Breaks*. To insure the functioning of the Hearing Board during Summer Session and at other times when regular classes are not in session, the Director of Student Rights and Community Standards or his/her designee may convene a University Review Board hearing with a minimum of three persons chosen from the pool of the University Review Board membership who are available. Should a minimum of three be unavailable from the University Review Board pool, the Director may select additional faculty, staff or student members to participate in the hearing process.

6.5.6 Procedures for Disciplinary Hearings.

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

- **a.** Written Notice of Hearing. The accused student(s) shall be notified by the Office of Student Rights and Community Standards in writing of the date, time, and place of the hearing at least three (3) school days before the hearing. This notice shall also include a statement of the allegations of policy violations, information about the hearing process and the range of sanctions available. In cases where there are multiple accused students, the Director of the Office of Student Rights and Community Standards may choose at his discretion to convene one hearing or separate hearings for the accused students.
- **b.** *Absence of the Accused Student*. The accused student may choose not to attend the hearing and may instead submit a written presentation of his/her case. The hearing may proceed in the absence of the accused. By such absence; the accused forfeits his/her right to question witnesses.
- c. Witnesses. The accused student, the complainant and the Director of Student Rights and Community Standards or his/her designee may invite persons who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Hearing Board may limit the number of witnesses to avoid repetition and cumulative testimony. The Board may also limit the number of character witnesses, whose testimony may be considered only for determining sanctions. The names of witnesses and written disclosure of the main points of their testimony must be provided to the Office of Student Rights and Community Standards a minimum of twenty-four (24) hours before the hearing. Each party shall be responsible for insuring the presence of his/her witnesses at the hearing or delivery of a written or recorded statement in lieu of personal testimony. Witnesses invited by either party shall be present only while they are testifying.
- **d.** *Student Assistance.* The accused student and the complainant may be accompanied and assisted at the hearing by an advisor of their choice. The student must provide the name of his/her advisor to the Office of Student Rights and Community Standards at least one business day before the hearing. At no time may the advisor participate directly in the

- hearing proceedings. He/she may only consult with the student.
- e. *Disqualification, Challenges*. Any Hearing Board member may disqualify himself/herself if he or she has a conflict of interest with the case, with the accused student, with the complainant or when the Board member believes a personal bias makes it impossible to render a fair decision. The accused student or complainant may challenge a Hearing Board member on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the chairperson may, at his/her discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of the remaining members of the Hearing Board.
- **f.** *Conduct of the Hearing.* The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Hearing Board with a complete understanding of the facts involved. The chairperson may limit questioning deemed to be irrelevant, immaterial, and unduly repetitious. The hearing and the deliberations of the Hearing Board shall be private. Decisions of the Hearing Board shall be made by majority vote.
- g. Record of the Hearing. There shall be a single verbatim record, such as an audio recording, of all University Review Board hearings (not including deliberations). Deliberations shall not be recorded. No other recording shall be made. The accused student may review the recording in the Office of Student Rights and Community Standards upon request. The recording shall be the property of Ball State University and shall be maintained by the Office of Student Rights and Community Standards until the conclusion of all appeal proceedings, until the appellate term has surpassed, or as required by law. There are no audio recordings of preliminary meetings or administrative hearings, unless otherwise deemed necessary by the hearing officer.
- **h.** *Continuances:* The Hearing Board, by majority vote, may continue the hearing to a later time.
- **i.** *Additional Rules*: Procedural rules not inconsistent with this process may be established by the Hearing Board from time to time to fulfill its functions in an orderly manner.

6.5.7 The Decision

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

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

6.5.8 Appeal Process

- **a.** Students may appeal the result (finding and sanctions) of an Administrative Hearing decision to the next level administrator.
- **b.** Decisions by the Hearing Board (including accepted sanctioning recommendations) may be appealed to the Vice President for Student Affairs & Dean of Students or his/her designee.
- **c.** In both levels of cases, the student has three (3) business days from receipt of the original decision in which to submit an appeal in writing.
- **d.** Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the University Review Board hearing and supporting documents.

- **e**. A student may appeal based on the following reasons:
 - 1) A substantial procedural error that unreasonably impaired the student or the hearing body.
 - 2) An unduly harsh sanction against the accused student.
 - 3) New information of a substantive nature sufficient to alter a decision, because such information and/or facts were not known to the person appealing at the time of the original hearing.
 - 4) Information of substantial bias on the part of the disciplinary body hearing the case
- **f.** An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld.
 - 2) Modified sanctions, either greater or lesser, may be imposed.
 - 3) The case may be remanded to the Hearing Board reconstituted with new members to allow reconsideration of the original determination and/or sanctions.
- **g.** The appellate decision shall be final and not subject to any further appeal.

6.6 Sanctions

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

Community Standards. Students, who are under the age of 21, have not lived two semesters in the residence halls and are freshmen will be subject to a review of their enrollment status.

- 6.6.2 **Recreational Services** administrators may impose one or more of the following sanctions when a student is found responsible for violations of the Ball State *Code of Student Rights and Responsibilities* or Ball State *Recreation Guidelines* found at http://www.bsu.edu/recreation:
 - **a. Official Reprimand** Statement of warning provided verbally or in writing stating that the continuation of or repetition of unacceptable behavior may lead to further disciplinary action.
 - **b. Suspension** Suspension from Recreation Services facilities or programs for a predetermined period of time.
 - **c.** Forfeit Forfeiture of any outcomes of previous activities.
 - **d. Restitution:** A student, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries.
 - e. **Disciplinary Probation:** For a specified period of time during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Disciplinary Probation may result in referral to the University Review Board with the possibility of suspension or expulsion from the University.
- 6.6.3 **Office of Student Life** Hearing Boards may recommend one or more of the following sanctions when a recognized student organization is found responsible for violations of the Ball State *Code of Student Rights and Responsibilities* or the *Handbook for Student Organizations*:
 - **a. Official Reprimand** A letter of notification placed in the organization's file and sent to its national organization (if applicable) warning of more severe sanctions in the event of a repeat of the offending behavior
 - **b. Probation** A specific period of probation with or without selected restrictions; the Hearing Board shall determine the length and terms of the probationary period
 - **c. Restitution** An organization, whose actions cause damage to public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property or for medical bills related to injuries. Each member of the organization may be held financially responsible through group billing
 - **d.** Service Requirement Participation in University or community service activities
 - **e. Educational Requirement** Educational programming hosted and/or attended by a percentage of organization membership
 - **f.** Suspension of Recognition suspension of recognition as a student organization and the privileges inherent in that recognition indefinitely or for a specific period of time
 - **g. Withdrawal of Recognition** Withdrawal of University recognition as a student organization
- 6.6.4 **Student Rights and Community Standards** administrators may impose any of the sanctions listed above in cases referred by offices listed above and one or more of the following sanctions when a student is found responsible for violations of the Ball State *Code of Student Rights and Responsibilities* or the *Handbook for Student Organizations*:

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

6.7 Grade Appeals

6.7.1 Introduction

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

- c. This appeal procedure is not to be used for a review of the judgment of an instructor in assessing the quality of a student's work or to complain of an instructor's performance.
- d. Time deadlines in the following procedures are intended to provide a framework for the grade appeal process and may be extended, as circumstances warrant, by the Director of Student Rights and Community Standards or by the Associate Provost.
- e. This policy will be reviewed by the Ball State Grade Appeals Committee at its meeting each academic year.
- f. The Office of Student Rights and Community Standards will provide an annual notice by email of the grade appeal policy to students and faculty and will provide a paper copy of the policy to those persons who request one.
- **g.** Faculty members are encouraged to note the grade appeal policy and provide the link www.bsu.edu/studentrights/gradeappeal in their syllabi.

6.7.2 Department Grade Appeal Process

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

6.7.3 University Grade Appeal Process

- **a.** *Formal appeal*. If the matter cannot be resolved satisfactorily at the unit level, the student may request consideration of a University grade appeal hearing. The University grade appeal process consists of the following steps:
 - 1) The student must submit a formal appeal of the grade in writing (email preferred) to the Director of the Office of Student Rights and Community Standards (stdtrights@bsu.edu) or designee (Director) within five (5) school days after notification from the unit head.

 Note: a sample structure for the appeal is available at www.bsu.edu/studentrights/gradeappeal.

- 2) The appeal shall clearly include the criterion or criteria on which the appeal is based and a supporting argument for each criterion cited in the appeal with evidence that supports that argument. See 6.7.3.b below for the criteria for appeals.
- 3) The appeal also shall include all written exchanges with the instructor and unit head regarding the grade appeal. The written exchanges must include the original date stamps. Direct forwards of emails to the Director are acceptable and preferred.
- 4) The appeal also should include the following components:
 - a. The student's full name, email address, telephone number and local mailing address;
 - b. The class name, number, and section number of the class in which the grade was received (e.g., SRCS 100, section 002, Introduction to Grade Appeals);
 - c. The instructor's name;
 - d. The semester in which the class was taken;
 - e. The grade received;
 - f. The grade expected to have been received;
- 5) Once the appeal has been received, the Director shall review the appeal to determine if the student has complied with grade appeal procedures, met the required deadlines and provided the information noted in 2) and 3) above. If the student's appeal does not comply with grade appeal procedures, meet required deadlines, or provide information noted in 2) and 3) above, the Director may inform the student that the appeal does not meet requirements and terminate the appeal request.
- 6) If the Director determines that the appeal meets the requirements in 2) through 4), the Director shall forward the student's appeal to the instructor by email (with copy to unit head) and solicit the following:
 - a. a written response from the instructor;
 - b. a copy of the syllabus for the appropriate class; and
 - c. any other materials relevant to the grade appeal (e.g., rubric, class grades, etc.).
- 7) The instructor is expected to respond to the Director's request within five (5) school days. Upon receipt of the materials from the instructor, a screening committee comprised of the Director, the Associate Provost or designee, and the Vice President of the Student Government Association or designee will review the appeal request and make a decision on whether to refer the appeal to the University Grade Appeal Committee for a hearing. The decision to refer, or not to refer, the appeal for a hearing shall be based upon the student's compliance with grade appeal procedures, the written request for appeal and the criteria cited within the written appeal.
- 8) If the decision is not to forward the appeal to a hearing, the appeal will be rejected and the matter is concluded. The Director shall inform the student in writing of the decision and the matter is concluded.
- 9) If the appeal is approved for further review, the Director shall inform the student in writing of the decision and convene a University grade appeal hearing as described below.
- 10) The notification to the student as described in 8) and 9) above should take place within ten (10) school days after receipt of the formal appeal.

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

- 1) An obvious error in the calculation of the grade.
- 2) The assignment of a grade to a particular student by application of more exacting or demanding standards than were applied to other students in the course.

- 3) The assignment of a grade to a particular student on some basis other than performance in the course.
- 4) The assignment of a grade by a substantial departure from the instructor's previously announced standards.

6.7.4 University Grade Appeal Committee

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

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

6.7.5 Hearing Procedures

- **a.** *Quorum*. To conduct a hearing for a grade appeal, a hearing panel (Panel) composed of five (5) members of the University Grade Appeal Committee, of whom at least two (2) must be students and two must be faculty. The Office of Student Rights and Community Standards shall assume responsibility for assembling the Panel. A hearing may proceed with a minimum of four (4) members present.
- **b.** *Hearing Moderator and Advisor*. The hearing shall be moderated by the Associate Provost or his/her designee (Associate Provost). The Director of Student Rights and Community Standards or his/her designee (Director) will be present at all hearings as a non-voting procedural consultant to the Panel and will make a record of the proceedings.
- **c.** *Notice of Hearing.* If a hearing is to be held, the student and the faculty member who assigned the grade being appealed will be notified in writing of the date, time, and place of the hearing at least five (5) school days in advance. In case of an absent instructor, the unit head, with consent of the absent instructor, shall appoint a faculty member from the department or himself or herself to represent the instructor at the hearing. The Panel may delay judgment if neither the faculty member nor a representative is available for the hearing, if such a presence, in the opinion of the Panel, is necessary to the decision.
- **d.** *Presentation of Case.* The presentation of the case is the responsibility of the student and the burden of proof is on the student. The instructor shall be provided an opportunity to respond to the student's claim and to present evidence in support of his or her original grade decision. Each presentation is not to exceed 15 minutes in length. Both sides will also have an opportunity to call witnesses with information pertaining to the appeal criteria cited by the student.
- **e.** *Access to Information.* The Panel will have access to pertinent information in the case and may request additional information from either party or call additional witnesses as needed to render a decision.
- **f.** *Multiple Appeals.* If two (2) or more members of a class appeal their grades, the Panel may elect to hear the appeals individually or collectively.
- g. Disqualifications; Challenges. Any Panel member shall disqualify himself or herself if

he or she has a conflict of interest with the case or with the student or believes he/she may have a personal bias. The student or instructor may challenge a Panel member on the grounds of conflict of interest or personal bias. The burden of proof is on the challenger. The decision regarding disqualifying a challenged member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the Associate Provost has the discretion to either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of three-fourths (3/4) of all remaining members of the Panel.

- **h.** *Conduct of Hearing.* The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Panel with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing shall be closed to the public; the deliberations of the Panel shall be limited to Panel members only.
- **i.** *Advisors.* The student and the faculty member shall each have the right to have one person of his or her choice present as an advisor in the hearing. That person must be a student, faculty or staff person of the University or (in the case of the student) his/her parent. The advisor may not participate directly in the hearing and is only present to consult with or support the student or faculty member involved.
- **j.** *Continuances.* The Panel, by majority vote, may continue the hearing to a later time or times.
- **k.** *Additional Rules.* Procedural rules not inconsistent with these procedures may be established by the Panel from time to time to ensure that the hearing is conducted in a fair and orderly manner.
- **I.** Confidentiality of Appeal Hearing. With the exception of the Director for the purposes of maintaining the case record, Panel members shall not retain in their possession any personal files, materials received during the appeal procedure, or notes taken during the meetings of the University Grade Appeal Committee. No party, Panel member, or other participant or observer in the appeal procedure shall reveal any facts, documents, or testimony gained through participating in or observing the hearing to any other person, unless required by a court of law to do so or upon the advice of the University's legal counsel.
- m. Hearings during Summer Session and Breaks. To ensure the functioning of the University Grade Appeal Committee during Summer Session and at other times when regular classes are not in session, the Director may convene a hearing with a minimum of three persons chosen from the pool of the committee membership who are available. Should a minimum of three be unavailable from the pool, the Director may select additional faculty members or student to participate in the hearing process. The Associate Provost will moderate the hearing.
- **6.7.6** *Findings*. Decisions of the Hearing Panel shall be made by majority vote which shall not be revealed to either the student or the instructor. Upon completion of the hearing, the Associate Provost will communicate the Panel's decision via letter to the student, the instructor, the Provost and Vice President for Academic Affairs, and the instructor's department chairperson within two (2) school days of completion of the hearing.
 - **a.** *Findings of the Panel*. The Panel may render one of two decisions:
 - 1) That a grade which has been appealed be changed with specific designation of the new grade;
 - 2) That a grade which has been appealed remains the same. If the panel decides to change the grade, the instructor shall have five (5) school days in

- which to file a grade change with the Office of the Registrar or request a review by the Provost (see 6.7.6b below). In the event the instructor takes no action, the Provost shall process a change of grade form.
- **b.** *Provost's Determination.* If either party believes that there have been procedural errors or that they did not receive a fair hearing, they may request a review by the Provost that shall be limited to an examination of the process and procedures followed. The Provost shall communicate the final decision to all parties in writing.

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

- 1) The Provost will determine that there were no procedural errors, in which case the original decision is upheld. If that original decision was to change the grade, the Provost shall notify the faculty member that a change of grade form is to be submitted to the Office of the Registrar. The instructor shall have five (5) school days in which to file a grade change with the Office of the Registrar or inform the Provost of intent not to do so. In the event the instructor takes no action or chooses not to change a grade, the Provost shall process a change of grade form.
- 2) The Provost will determine that there were procedural errors, in which case the grade appeal may be remanded back to the original Panel for further consideration.
- **c.** *Transcript notation*. If a grade has been changed by the Provost, the appeal case record shall reflect the following: *Original grade of* ____ was overruled by the Provost upon recommendation of the University Grade Appeal Panel.
- **d**. *Record*. A record of the case including all materials submitted during the appeal process, written exchanges to and from the student regarding the appeal, the record of the proceedings of the University Grade Appeal Committee hearing (if applicable) and communication to and from the Provost (if applicable) shall be retained on file in the Office of Student Rights and Community Standards for a period of one year after the decision. After that year, unless precluded by a pending legal matter, all materials will be destroyed with the exception of final decisions made by the screening committee, the University Grade Appeal Committee, and the Provost as applicable. These documents may be maintained in digital form.

VII. STUDENT ACADEMIC ETHICS POLICY

7.1 Introduction.

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

7.2 Academic Dishonesty.

Academic dishonesty involves violations of procedures which protect the integrity of the coursework completed by a student. Academic dishonesty includes, but is not limited to the following:

- **7.2.1** Violations of procedures which protect the integrity of a quiz, examination, or similar evaluation, such as:
 - a. Possessing, referring to, or employing open textbooks or notes or other devices not authorized by the faculty member;
 - b. Copying from another person's paper;

- c. Communication with, providing assistance to, or receiving assistance from another person in a manner not authorized by the faculty member;
- d. Possessing, buying, selling, obtaining, giving, or using a copy of any unauthorized materials intended to be used as or in the preparation of a quiz or examination or similar evaluation:
- e. Taking a quiz or examination or similar evaluation in the place of another person;
- f. Utilizing another person to take a quiz, examination, or similar evaluation in place of oneself;
- g. Changing material on a graded examination and then requesting a re-grading of the examination:
- h. The use of any form of technology capable of originating, storing, receiving or sending alphanumeric data and photographic or other images to accomplish or abet any of the violations listed in parts a through g.
- **7.2.2** Plagiarism or violations of procedures prescribed to protect the integrity of an assignment, such as:
 - a. Submitting an assignment purporting to be the student's original work which has been wholly or partly created by another person;
 - b. Presenting as one's own work the ideas, representations or words of another person without customary and proper acknowledgment of sources;
 - c. Submitting as newly executed work, without faculty member's prior knowledge and consent, one's own work which has been previously presented for another class at Ball State University or elsewhere;
 - d. Knowingly permitting one's work to be submitted by another person as if it were the submitter's original work.
- **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. This written documentation must be signed by both the faculty member and the student.
 - d. *Disagreement as to Violation*. If, as a result of the initial conference, the faculty member thinks a violation has occurred and the student disagrees, 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. *Informal Process Resolution*. 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. *Referral to Academic Ethics Committee*. 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 Student Academic Ethics Committee – Composition

- **7.5.1** *Membership.* The Student Academic Ethics Committee shall be composed of seven (7) faculty members, four (4) students, the Provost's designee, and the Director of Student Rights and Community Standards or his/her designee.
 - a. Each college dean shall appoint one (1) regular faculty member from his or her college with the academic rank of assistant professor or higher to serve on the committee;
 - b. The Student Government Association shall appoint four (4) students to serve on the committee. The students must be of not less than sophomore standing and shall not be on academic probation or have a record of having committed academic dishonesty. Each student must consent in writing to the University verifying to the Student Government Association that he or she meets the requirements of the preceding sentence;
 - c. The Provost's designee and the Director of Student Rights and Community Standards may each designate a representative from time to time to serve in their place on the committee.
- **7.5.2** *Term.* Faculty and student members of the Student Academic Ethics Committee shall be appointed during spring semester of each year to serve a one (1) year term beginning the following fall semester. A faculty or student member may serve an unlimited number of terms.

7.6 Student Academic Ethics Committee: Procedures

- **7.6.1.** Selection of Hearing Committee; Chairperson. Upon receipt of an academic dishonesty referral or an appeal, the Provost's designee shall select a Hearing Committee from among the members of the University Academic Ethics Committee. The specific members selected shall be determined at the discretion of the Associate Provost but the Hearing Committee shall be composed of five (5) voting members: three (3) faculty, two (2) students; and two (2) non-voting members: the Provost Designee, and the Director of Student Rights and Community Standards or his/her designee. The Provost's designee shall serve as chairperson of the Hearing committee.
- **7.6.2 Advisors.** The student and faculty member may each be accompanied and assisted at the hearing by one advisor. However, an advisor may not address the Hearing Committee or

witnesses directly. The student and faculty member shall each indicate to the Provost's designee who will serve as his or her advisor at least twenty-four (24) hours before the hearing.

- 7.6.3 Notice of Hearing. The Provost's designee shall establish the time, date, and place that the academic dishonesty referral or appeal will be heard by the Hearing Committee and shall give at least ten (10) school days prior written notice thereof to the student and to the faculty member. The notice shall include the names of the persons who will serve on the Hearing Committee and shall briefly state the nature of the accusation and the circumstances giving rise to the accusation. The date of the hearing shall be not more than twenty (20) school days after the faculty member's written notice or the student's appeal was received by the office of the Provost's designee. In the case of an absent faculty member, the department chairperson, with consent of the absent faculty member, shall appoint a faculty member from the department or himself or herself to represent the faculty member at the hearing.
- **7.6.4.** *Quorum.* All of the voting members of the Hearing Committee must be present to constitute a quorum, unless a vacancy occurs, as provided in 7.6.5, but a majority of the voting members present, whether or not a quorum exists, may adjourn any meeting to another time or date.
- **7.6.5** *Disqualification; Challenges*. Any Hearing Committee 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 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 expelled from the University or a previously awarded degree is revoked. In these cases the transcript has a notation but which does not specify expulsion or revocation of degree.

7.10 Miscellaneous

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

APPENDIX A - Alcohol Policy

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

A. General Guidelines

- 1. *University Sponsored Events* Illegal purchase, service, consumption, or possession of alcoholic beverages at any University-sponsored event on or off campus is prohibited. Upholding applicable local, state, and federal laws in connection with this policy is the joint responsibility of the persons in attendance at the activity, the sponsoring organization, and the management of the establishment in which the activity is held.
- 2. Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited wherever it may occur.
- 3. Providing alcoholic beverages at any time to an individual who is under 21 years of age is strictly prohibited.
- 4. Adverse behavior as a result of alcohol consumption, including disruption, disorderly conduct, and public intoxication shall be a violation of the *Code of Student Rights and Responsibilities (Code)*.
- 5. The sale of alcoholic beverages by any person without a license is strictly prohibited.
- 6. Students found responsible for providing alcohol to minors and selling or distributing alcohol in violation of state law shall be in violation of the *Code*.
- 7. Students hosting parties where (a) minors are allowed to consume alcohol, (b) alcohol is provided to minors, (c) provided in excess to others, or (d) otherwise distributed in violation of the law are subject to sanctions outlined in the *Code of Student Rights and Responsibilities* up to and including suspension or expulsion from the University.
- **B. On Campus**: With respect to the service, possession or consumption of alcoholic beverages on the Ball State University campus, state statutes and city ordinances will be enforced in addition to the following regulations:
 - 1. Residents who are of legal age to possess or consume alcoholic beverages and who reside in University-operated employee apartments or University Apartment units may possess and consume such alcoholic beverages in the privacy of their residences.
 - 2. Consumption and possession of alcohol may be permitted on some residence hall floors where all residents are of legal age to possess or consume alcoholic beverages. Such use of alcoholic beverages will not be permitted in the public lounges, study lounges, recreation areas, dining rooms, or any area other than the student rooms.
- C. **Parental Notice**: The University will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a *second* violation of the alcohol policy, and (3) on the *first* violation of the alcohol policy when one or more of the following occurs:
 - the student demonstrates a reckless disregard for his or her personal safety or the safety of others;
 - medical attention to any person, including the student, is required as a result of the student's alcohol-related behavior;
 - there is property damage;
 - the student operates a motor vehicle under the influence of alcohol;
 - the incident involves another serious violation;

• the student's alcohol-related behavior negatively impacts the learning environment.

APPENDIX B - Drug Policy

The use, abuse, possession, sale, distribution, manufacture or transfer of narcotics, illegal drugs as defined by state or federal law, or any controlled substance is prohibited at all times, except as expressly permitted by law. Controlled substances include, but are not limited to, marijuana, hash oil, hashish, inhalants, and abuse of over-the-counter drugs and prescription drugs, and/or the use of over-the-counter drugs or prescription drugs, or any other immediate precursor to be used to manufacture any other illegal drug, including without limitation, methamphetamine, except as expressly permitted by law.

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

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

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

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

The University will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a *second* violation of the alcohol policy, and (3) on the *first* violation of the alcohol policy when one or more of the following occurs:

- the student demonstrates a reckless disregard for his or her personal safety or the safety of others;
- medical attention to any person, including the student, is required as a result of the student's alcohol related behavior;
- there is property damage;
- the student operates a motor vehicle under the influence of alcohol;
- the incident involves another serious violation;
- the student's alcohol-related behavior negatively impacts the learning environment.

APPENDIX C - Harassment Policy - University Anti-Harassment Policy

A. Harassment of students or employees at Ball State University on the basis of race, color, national origin, ancestry, religion, creed, gender*, sexual orientation, gender identity/gender

expression, age, or physical or mental disability is unacceptable and will not be tolerated. Such conduct is inconsistent with the University's commitments to excellence and to respect for all individuals. This policy is intended to complement the University's Equal Opportunity and Affirmative Action Policy.

NOTE: Students accused of violating the University's Anti-harassment policy may, depending on the seriousness of the allegation, be referred to the University Review Board for adjudication and consideration of possible suspension or expulsion.

- **B.** The University is also committed to protecting the academic freedom and freedom of expression of all members of the University community. This policy will be construed and applied in a manner that protects the Academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, philosophies, or religious beliefs, however controversial, in classroom or other academic settings.
- C. The term "harassment," as used in Paragraph 1 of the policy refers to verbal, physical, graphic, or written conduct that has the purpose or effect of creating a hostile or intimidating environment; i.e., conduct which is sufficiently severe, pervasive, or persistent that it interferes significantly with an individual's employment, education, or living conditions. The conduct alleged to constitute harassment under this policy will be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all of the facts and circumstances. Harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.
- D. Members of the University community and others who believe they have been harassed in violations of the policy by University employees or students, or by contractors or vendors serving the University, may contact the Office of University Compliance. Formal complaints must be filed in the Office of University Compliance within 45 calendar days following the occurrence of the act, incident, conduct, or pattern of conduct constituting the alleged violation. Such complaints will be processed under the "Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." A copy of this document may be obtained by contacting the Office of University Compliance. Complaints involving students may instead be filed in the Office of Student Rights and Community Standards for handling under the procedures set forth in the Student Code.
- **E.** Any University employee who becomes aware of conduct by another University employee, student, vendor, or contractor which the employee reasonably believes constitutes harassment under this Policy shall report the conduct immediately to the Office of University Compliance; or, if the harassment involves students, the conduct may instead be reported to the Office of Student Rights and Community Standards. To knowingly file a false or malicious complaint or report of harassment is a violation of the policy.

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

APPENDIX D - Hazing Policy

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

APPENDIX E - Information Technology Users' Privileges and Responsibilities

The Information Technology Users' Privileges and Responsibilities are maintained by the Office of Information Security Services. While this Appendix is maintained for student convenience, students should check www.bsu.edu/security/itpolicy for a copy of the most current policy.

1. INTRODUCTION

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

2. SCOPE

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

3. AVAILABILITY OF SERVICES

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

Ball State University will make reasonable efforts to maintain the confidentiality of the

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

4. CENSORSHIP

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

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

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

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

Users whose information is removed will be notified of the removal as soon as is feasible. Users who wish to appeal such removal may do so through an appeal board made up of the governing body appropriate to the system and status of the user. If no appeal board exists the appeal may be made to the Director of University Computing Services.

5. CONFIDENTIALITY

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

A .Administrative Monitoring and Inspection

Although the university retains ownership and rights as described above, monitoring and administrative inspection of electronic systems will be strictly controlled. Any such monitoring will be governed by applicable U.S. and Indiana laws and by university policies. Monitoring of information systems communications may only be conducted when there is evidence or reasonable belief that there is risk of activity inconsonant with

institutional purposes as defined above. Each such incident of monitoring and inspections of information systems or communications will be approved in advance by the Director of University Computing Services, the Information Security Officer, or their designee having the written pre-approval of the Vice President of Information Technology to engage in such monitoring and inspections. The Information Security Officer will establish detailed written technical procedures for such monitoring and will ensure ongoing adherence to such procedures. Records of all monitoring activity will be maintained by the Information Security Officer and shared with the Director of University Computing Services and the Vice President of Information Technology. When monitoring reveals evidence of a violation of the law or university policy, the results of such monitoring will be reported to appropriate university administrators and may be shared with external entities including law enforcement agencies.

b. Non-Intrusive Monitoring

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

c. University Employees

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

d. Public Records

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

e. Other Administrative Access

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

If any user has evidence of the fact that his or her privacy or other rights have been infringed upon by another user, the affected party may ask for monitoring or inspection through the appropriate university office or legal authority as detailed above. Individuals involved in conducting such monitoring must retain records of these directives for a

6. PERSONAL & COMMERCIAL USAGE OF INFORMATION TECHNOLOGY RESOURCES

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

a. Permitted Personal Usage

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

b. Permitted Commercial Usage

The use of Ball State University information technology systems for academically related but commercial purposes is permitted only with approval of the Office of Academic Research and Sponsored Programs. Researchers who require substantial computer resources as part of grants and consulting contracts may be required to reimburse BSU for a portion of the resource costs.

c. Personal and Commercial Uses Not Permitted

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

7. INDIVIDUAL RESPONSIBILITIES

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

a. General Requirements

i. Liability for Personal and Harassing Communications

Individual users are responsible for their own words and actions. Other than official publications, the university is not expected to be aware of, and is not responsible for, material that individuals may post, send, or publish. Harassing communications are prohibited and include repeated contacts with a person who has requested to be left alone absent some legitimate institutional purpose for such communication. Harassment may also involve malicious public disclosure of private facts, threats, defamation, and vulgar or repulsive content posted about an individual or group.

ii. Responsibility to Read E-Mail from the University

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

iii.Reporting Suspected Security Breach Or Policy Violation

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

b. Responsibility to Protect Confidential Information And Access

i. Ability To Access Does Not Grant An Unlimited Right

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

ii. Sharing Of Passwords Is Prohibited

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

iii.Disclosure Of Confidential Information to Third Parties

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

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

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

c. Responsibility to Refrain From Doing Harm

i. Minimum Standards for Connected Systems

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

ii. Subversion Of Security

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

iii.Misrepresentation Of Identity

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

8. POLICY REGARDING DEPLOYMENT OF INFORMATION SYSTEMS

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

9. SUSPENSION OF SERVICES AND OTHER SANCTIONS

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

APPENDIX F - Involuntary Withdrawal Policy

A. Introduction

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

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

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

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

B. Interim Withdrawal

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

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

C. Procedures

- 1. Meeting with the Associate Vice President. A student may be requested in writing and/or orally (depending on the urgency of the situation) to attend an informal meeting with the Associate Vice President for the purpose of determining whether the student, as a result of a physical or psychological condition, falls within one of the four categories described in Section A., "Introduction," above, and, if so, the necessity for withdrawal. Such a request will include a statement of the reasons for the University's concern. The Director of Counseling and Health Services and the Medical Director of the University Health Center will attend the meeting. Other appropriate personnel may be present and/or consulted. Parents, spouse, or any person who would be of support to the student may, with the consent of the Associate Vice President, and of the student, participate in the informal meeting. At the meeting the reasons for the University's concern regarding the student will be stated and the student will be given an opportunity to respond to these concerns. If, after the meeting, the student is found not to fall within one of the four categories described in the "Introduction" above, he or she will be so informed in writing by the Associate Vice President and allowed to continue as a student.
- 2. Associate Vice President's Withdrawal Decision. If, after the informal meeting, the Associate Vice President, the Medical Director of the University Health Center, and the Director of Counseling and Health Services, decide that the student should withdraw from the University and be permitted to re-enter the University only with their approval, the student shall be informed in writing of such decision and the basis for the decision within five (5) school days of the informal meeting. Notification may be made to the person listed as the student's Emergency Contact.
- 3. *Voluntary Withdrawal*. If the student agrees to withdraw voluntarily from the University, regular withdrawal procedures will be followed. The student may be permitted to withdraw voluntarily without grades if, in the judgment of the Associate Vice President (after consultation with the approval by the student's instructors), the circumstances warrant such action.
- 4. Notice of Refusal to Withdraw Voluntarily. If the student fails to accept the decision of the withdrawal and refuses to withdraw from the University voluntarily, the student shall notify the Associate Vice President of such refusal within five (5) school days of receipt of the written decision. If the student fails to notify the Associate Vice President of such refusal within five (5) school days of receipt of the written decision, the student will be deemed to have waived his or her right to appeal the withdrawal decision.
- 5. Appeal. The student may appeal the withdrawal decision to the Vice President for Student Affairs and Dean of Students within five (5) school days of receipt of the written decision. The Vice President shall hear the matter after notice to the student, the Associate Vice President, the Director of Counseling and Health Services, and the Medical Director of the University Health Center. The student may be accompanied and assisted at the hearing by an advisor of the student's choice, provided the advisor is an employee or student of the University or a member of the student's immediate family and the advisor agrees to act as the student's advisor. The student, the student's advisor, the Associate Vice President, the Director of Counseling and Health Services, and the Medical Director of the University Health Center may attend the hearing and present evidence. In addition, the Vice President for Student Affairs and Dean of Students may require the student, at his or her expense, to obtain a psychiatric/medical evaluation from sources external to the University to be entered as evidence. The hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The issues or concerns to be resolved by the Vice President shall be as follows:

- a) Whether the student, as a result of a physical or psychological condition, falls within one of the four categories described in Section A., Introduction, above; and
- b) If so, whether the student should be involuntarily withdrawn from the University.
- **6.** *Findings; Decisions*. The Vice President for Student Affairs and Dean of Students shall prepare a written decision containing findings and conclusions. Copies of the decision shall be furnished to the student, the Associate Vice President, the student's advisor, the Director of Counseling and Health Services, and the Medical Director of the University Health Center. The decision of the Vice President for Student Affairs and Dean of Students shall be final and conclusive and not subject to appeal.
- 7. Action by Designee. Whenever an action may be or is required to be taken under this policy by the Vice President for Student Affair & Dean of Students, the Associate Vice President for Student Affairs & Director of Housing & Residence Life, the Director of Counseling and Health Services, or the Medical Director of the University Health Center, the action may be taken by the person's designee.
- **8.** *Deviations from Established Procedures*. Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.

APPENDIX G - Pet Policy

- 1. **General -** The pet is any domesticated or tamed animal that would normally be expected to belong to someone whether or not there is any acknowledged ownership.
- 2. **University Buildings** (Except Residence Halls and University Apartments) Written authorization is to be obtained from the appropriate Department Chairperson, Dean or Administrative Head involved before a pet may be brought into University buildings. Such authorization is to state the purpose and duration of the activity involving the pet. The authorization is to be in the possession of the owner or person in control of the pet during the time the pet is in a University building.
- **3. Residence Halls** Pets are not permitted in the residence halls except for marine life in fresh water aquariums.
- **4. University Grounds** Pets are not permitted on University grounds unless they are appropriately leashed or caged and under the control of and accompanied by their owners or others designated by their owners as having responsibility for the control and care of the pet.
- **5.** University Apartments Pets are not permitted in University Apartments with the exception of marine life in fresh water aquariums and small caged birds.
- **6. Enforcement** Violations of the University Pet Policy will be dealt with in accordance with University rules governing the conduct of faculty, staff, and students. In addition, violations in the Residence Halls and University Apartments, will have action taken in accordance with "Conditions of Occupancy" for University Apartments, and "Policies of University Residence Halls" for the Residence Halls.
- 7. **Limitations** Provisions of this policy do not apply to service_dogs or to police or K9 dogs while such animals are performing their duties under supervision.
- **8.** Additional Laws This Pet Policy is in addition to applicable ordinances of the City of Muncie and statutes of the state of Indiana.

APPENDIX H - Records Policy

- A. The University policies related to educational information are based upon the Family Educational Rights and Privacy Act of 1974. This act provides the student the opportunity to review his or her records and also limits disclosure of his or her student information to others. If the student wants to review his or her educational records and he or she is or has been enrolled as a student at Ball State, the student may simply contact the area within the University that stores the records in which he or she is interested.
- **B.** Educational records are defined to be all the records maintained by the University about the student with the following exceptions:
 - 1. Personal notes of faculty and staff that are not shared with anyone else;
 - 2. Financial records of parents filed in connection with financial aid applications for the student;
 - 3. Confidential letters and statements of recommendation that were placed in the student's file before January 1, 1975;
 - 4. Confidential recommendations related to admission to the University, an application for employment, or the receipt of an honor, if the student has signed a waiver of his or her right to future access to this information (under no conditions will the student be required to waive his or her rights to future access to information before receiving University services or benefits);
 - 5. Investigatory information within the Department of Public Safety; and
 - 6. Information maintained by the Health Center or the Counseling Center.
- C. In the event that the student believes his or her records to be inaccurate, misleading, or otherwise in violation of his or her rights of privacy, he or she may challenge the information that is contained in his or her educational records by contacting the University official responsible for the particular educational record in question. The student may then provide for informal meetings and discussions to resolve his or her concerns. The University official may decide that the student has sufficiently demonstrated that the challenged material should be deleted or modified, and the change will subsequently be made. Otherwise, the student may insert a statement into his or her record to explain any such material from his or her point of view, or a formal hearing may be requested in writing through the Vice President for Student Affairs & Dean of Students or his/her designee. This right to challenge information contained in the student's educational records does not extend to grades unless a grade assigned by a professor was inaccurately recorded. Individuals, agencies, or organizations shall not have access to the student's personally identifiable educational record without his or her written consent except for the following:
 - 1. University personnel who require access on an internal need-to-know basis;
 - 2 Officials of other schools in which the student may seek or intend to enroll provided that the student has the opportunity to receive a copy of such records if he or she desires;
 - 3. Authorized representatives of the government when release of such data is necessary in connection with the audit and evaluation of federal- or state-supported educational programs, or in connection with the enforcement of legal requirements that relate to such programs;
 - 4. In connection with the student's application for, or receipt of, financial aid;
 - 5. State and local officials or authorities to which such information is specifically required to be reported or disclosed according to Indiana statute adopted before November 19, 1974;

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

APPENDIX I - Self-Harm Protocol

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

The Incident Response portion of the protocol is intended to provide faculty, staff and others guidelines to follow when faced with incidents of suicide, self-harm attempts or suicide ideation involving students living on and off campus. In each case, specific directions guide the individual's response for particular emergency situations, including appropriate follow-up with the student. Minimally, students who are judged to be at significant risk of self harm will be required to attend two risk assessment sessions in the Counseling Center.

A brief overview of the protocol includes the following:

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

Further, in the event of a serious suicide attempt or ideation, and in cases of completed suicide, it is likely to be appropriate to notify parents, spouse, or other family members. The decision to notify shall be made in accordance with the Emergency Response procedures provided within the Self Harm Protocol. These procedures also apply to notification in the event of any death of student, accidental injury or life-threatening illness. The protocol is designed to assist faculty and staff in making appropriate decisions for notification; however all incidents involving student hospitalization, serious suicide attempts, and the death should only be handled by the Vice President for Student Affairs & Dean of Students or his/her designee. Faculty/staff should not contact parents directly.

APPENDIX J - Sexual Harassment Policy

- **A.** Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of Civil Rights Act of 1964, as well as, state law. Student-on-student sexual harassment and sexual harassment directed toward a student by a University employee violates Title IX of the Education Amendments of 1972.
- **B.** Ball State University will not tolerate sexual harassment of students or employees by members of its faculty or staff, its students or by other agents of the University and will respond in a suitable manner to every complaint.
- **C.** The University has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for our academic community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:
 - 1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a University-sponsored education program or activity;
 - 2. Submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment decisions or academic decisions or assessments effecting an individual; or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct. Sexual harassment includes but is not limited to situations where one person has authority over another. In such situations, sexual harassment is particularly serious because it may unfairly exploit the power inherent in a faculty member's or supervisor's position.
- D. Sexual harassment can be verbal, visual, physical, or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment such as a threat that a grade or promotion will depend on submission to sexual advance. But whether particular conduct constitutes sexual harassment will often depend upon the specific context of the situation, including the participants' reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (e.g., supervisor-subordinate, colleague, etc.) and the specific setting. The inquiry can be particularly complex in an academic community, where the free and open exchange of ideas and viewpoints preserved by the concept of academic freedom may sometimes prove distasteful, disturbing or offensive to some. Sexual harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.
- **E**. Examples of conduct which may constitute sexual harassment include but are not limited to:
 - 1. requests for sexual favors;
 - 2. unwelcome physical contact such as hugging, rubbing, touching, patting, pinching, or brushing another's body;
 - 3. veiled suggestions of sexual activities;

- 4. requests for private meetings outside of class or business hours for other than legitimate academic or business-related purposes;
- 5. use in the classroom of sexual jokes, stories, or images in no way germane to the subject of the class;
- 6. use in the workplace of sexual jokes, stories, or images in no way germane to the subject of the work environment;
- 7. remarks about a person's body or sexual relationships, activities, or experience that are in no way germane to the subject of the work or academic environment;
- 8. use of inappropriate body images to advertise events.
- **F.** Members of the University community can expect to be free from sexual harassment and thus all members of the University community should guard against it. The fact that someone did not intend to sexually harass an individual is generally not considered a sufficient defense to a complaint of sexual harassment, although the reasonableness of the accused person's perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complaint and whether a reasonable person similarly situated would find the conduct offensive that determines whether the behavior constitutes sexual harassment.
- G. The University will not tolerate retaliation or discrimination against persons who report or charge sexual harassment or against those who testify, assist, or participate in any investigation, proceeding or hearing involving a complaint of sexual harassment. In this context, retaliation means speech or conduct that adversely affects another's terms or conditions of employment or education and is motivated by an intent to harm the targeted person because of his or her participation in the filing or investigation of an allegation of sexual harassment. Any such retaliation or any encouragement of another to retaliate is a serious violation of University policy and law, independent of whether the particular claim of sexual harassment is substantiated. Anyone who believes he or she has been subjected to retaliation in violation of this rule may use the procedures described in this policy to complain and seek redress.
- **H.** Any member of the University community who believes he or she is being sexually harassed or is being retaliated against is encouraged to contact the Office of University Compliance and make a complaint. The complaint will be investigated in accordance with the "Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process". A copy of this document may be obtained by contacting the Office of University Compliance.
- I. The University can respond to specific instances and allegations of harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced sexual harassment to come promptly forward (typically within 45 calendar days) with inquiries, reports or complaints and to seek assistance from the Office of University Compliance. In addition, any University employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report them to the Office of University Compliance. It shall be the responsibility of the Office of University Compliance to respond to allegations and reports of sexual harassment or refer them to other University officials for appropriate response.
- **J.** Any dean, chairperson, director, or department head or other similar administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Office of University Compliance. These administrators must

respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Administrators should consult the Office of University Compliance prior to responding to any situation involving alleged harassment.

- **K**. Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:
 - 1. oral or written reprimand, placed in the personnel file;
 - 2. required attendance at a sexual harassment sensitivity program;
 - 3. an apology to the victim;
 - 4. loss of salary or benefit, such as sabbatical or research or travel funding;
 - 5. transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);
 - 6. demotion;
 - 7. suspension, probation, termination, dismissal, or expulsion.

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. Where alcohol/drugs are involved in the sexual harassment, such counseling may include a substance abuse program. If students or student groups are guilty of sexual harassment, any of the sanctions set forth in the *Code of Students Rights and Responsibilities* may also be invoked.

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

APPENDIX K - Sexual Misconduct Policy

Introduction

Sexual misconduct of any kind is inconsistent with the University's values and incompatible with the safe, healthy environment that the Ball State community expects. All members of this community share responsibility for creating and maintaining an environment which promotes the safety and dignity of each individual. Sexual assault will not be tolerated at Ball State. Federal law views sexual misconduct and sexual assault as forms of sexual harassment prohibited under Title IX. Sexual assault also violates state law as well as University policy. Students found responsible for sexual misconduct or sexual assault will ordinarily face disciplinary sanctions up to and including expulsion from the University.

The University believes that no person should bear the effects of sexual assault alone. When a sexual assault occurs, the University's paramount concern is for the safety, health and well-being of those impacted. To support and assist students, the University provides a wide range of services and resources. Please see the section below on **Resources** to learn more.

Application

This policy applies to Ball State students as defined in the *Code of Student Rights and Responsibilities* (or *Code* which may be found at www.bsu.edu/studentcode). The Code provides that any person may file a complaint against a student. Complaints of sexual misconduct by an employee should be filed with the Office of University Compliance (AD 335, 285-5162) or with the Ball State Police by calling (765) 285-1111. Complaints of sexual misconduct by a third party should be filed with the Ball State Police (765) 285-1111.

Sexual Misconduct Offenses

Sexual misconduct offenses that are prohibited are:

- **Non-consensual sexual intercourse** is any sexual intercourse by any person upon another without effective consent. It includes oral, anal and vaginal penetration, to any degree, with any object. It is referred to as "sexual assault" in this policy.
- Non-consensual sexual contact is any sexual touching, with any object, by any person upon another, without effective consent. Sexual touching is contact of a sexual nature, however slight. It includes, but is not limited to, disrobing or exposing another person.
- Other forms of sexual misconduct include, but are not limited to:
 - Sexual exhibitionism
 - Sex-based cyber-harassment
 - Prostitution or the solicitation of a prostitute
 - Peeping or other voyeurism
 - Going beyond the boundaries of consent, e.g., by allowing others to view consensual sex or the non-consensual video or audiotaping of sexual activity.

Effective Consent means informed, freely and actively given mutual agreement, communicated by clearly understandable words, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or

sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.

In addition, to have sex with someone who one knows to be, or reasonably should know to be incapable of making a rational, reasonable decision about a sexual situation policy is a violation of this policy. For example, a person who:

is incapacitated by alcohol or drug consumption; or

is unconscious, asleep, or otherwise physically impaired; or

has a mental or emotional impairment

is incapable of giving effective consent. Having sex with such a person is a violation of this policy; being intoxicated is not an excuse for failure to obtain consent.

Privacy and Confidentiality

Confidential Resources

Under Indiana law, if a student wishes the details of an incident to be kept strictly confidential, she or he can speak with counselors at the Ball State Counseling Center, Student Health Center, Office of Victims Services, or off-campus rape crisis resources, such as A Better Way, the IU Ball Memorial Hospital Emergency Room, other health providers, or pastoral counselors. These individuals will honor confidentiality unless there is an imminent danger to the student or to others.

Limits of Confidentiality and Mandated Title IX Investigations

In all instances and to the extent possible, the University will protect the privacy of all parties to a report of sexual misconduct or sexual assault. That said, under federal law, campus officials (with the exception of those listed under **Confidential Resources**, above) who receive a report of sexual misconduct, whether from the student involved or a third party, must share that information with the appropriate University authorities for investigation and follow-up.

An administrative investigation under Title IX must be initiated if the University has enough information to reasonably determine key facts, e.g., time, date, location, and names of parties involved in an alleged incident. Ordinarily, this administrative investigation will include a review of statements obtained from either party, interviews with both parties, interviews with witnesses as appropriate, and review of relevant documentary evidence, and will be conducted by the Assistant to the Vice President for Student Affairs/Deputy Title IX Coordinator or his/her designee when the accused person is a student.

The University will seek the complainant's consent prior to beginning the investigation. However, the University is obligated to conduct this investigation regardless of the complainant's requests. In the course of the administrative investigation, information will be shared as necessary with people who need to know, such as investigators, witnesses, and the accused

As required by Title IX and in accordance with the Ball State *Code of Student Rights and Responsibilities*, the University typically will not wait for criminal investigations or criminal proceedings to conclude or begin before beginning its own administrative investigation. When

the University must delay temporarily to delay its investigation in order not to interfere with criminal investigations, it will resume promptly its investigation once notified that police have completed gathering evidence.

Reporting Sexual Misconduct and Sexual Assault

To report an incident of sexual misconduct or sexual assault, call Ball State Police at 285-1111; Ball State police officers are available 24 hours a day, 7 days a week. During business hours, persons wishing to report sexual misconduct by a student may also call or email

• the Assistant to the Vice President for Student Affairs/Deputy Title IX Coordinator or her designee (Assistant) at (765) 285-5036 or stdtrights@bsu.edu or

The University encourages persons to report all incidents of sexual misconduct or sexual assault by students to the Ball State Police regardless of where the incident occurred.

Incidents of sexual misconduct involving students that are reported to Ball State Police will also be referred to the Assistant for follow-up and administrative investigation. Similarly, the Assistant or his/her designee will follow-up where appropriate in those instances where the University has a report of an incident of sexual assault or misconduct that has been reported to another law enforcement agency. The administrative investigation conducted by the Assistant to the Vice President for Student Affairs or her designee is separate from any criminal investigation.

Other University Responses to Sexual Misconduct Complaints

Whenever the University receives a report of sexual misconduct or sexual assault, complainants who are members of the University community may be referred to an advocate from the Office of Victim Services (OVS—located in Rm. 205 of the Student Health Services Building at 1500 W. Neely Ave. [www.bsu.edu/ovs]) who can serve as a resource person to the complainant to identify, explain and navigate the complainant's reporting options and the available support services. This can include but is not limited to referrals to counseling, educational support, medical treatment, and information about University processes, criminal processes, and legal assistance. The advocate can also provide assistance in rearranging class schedules, extracurricular activities, and on-campus housing/dining arrangements (for reasons including avoiding contact with the accused student).

The advocate can also assist the complainant with working with appropriate offices to make reasonable accommodations such as but not limited to:

- issuing written instructions to the accused student restricting him or her from making contact with the complainant;
- temporarily moving the complainant—if living in University housing—to other living arrangements; or
- making alternative instructional arrangements for the accused student.

Intimidation or Threats to Inhibit Reporting

Any actual or threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of sexual misconduct or sexual assault or the participation in proceedings relating to sexual misconduct or sexual assault by an accused student or third party is itself prohibited and may result in criminal proceedings or disciplinary proceedings or both. A complainant or witness who is threatened in any way should immediately report these concerns to the Ball State police by calling (765) 285-1111.

University Disciplinary Procedures

Administrative investigations of complaints of sexual misconduct against students will be conducted by the Assistant to the Vice President for Student or her/his designee (Assistant). Should the investigation result in a finding, using a preponderance of evidence standard, that a student has violated this policy, the matter will be referred to the Office of Student Rights and Community Standards for adjudication using procedures outlined in the Ball State *Code of Student Rights and Responsibilities* found at www.bsu.edu/studentcode. Those procedures are briefly described below and include but are not limited to:

- a determination by the Director of Student Rights and Community Standards of whether to charge the accused student with a violation of this sexual misconduct policy (and any other policy violations that may be appropriate) using a preponderance of evidence standard;
- providing the accused student the option to accept responsibility for the violation and seek an informal resolution or request a hearing;
 - if the accused student accepts responsibility in writing and seeks an informal resolution, the Director may impose sanctions up to and including suspension from the University;
 - if the accused student requests a hearing, a hearing of the University Review Board (a body comprised of University students, faculty, and professional staff members) will be convened to determine if a violation has been occurred. The determination will be made using a preponderance of evidence standard.
- Mediation will not be used to resolve sexual assault complaints.

Hearings

- The Director, having made the determination to charge the accused student with a policy violation, will serve as the official complainant at the hearing; the initial complainant will serve as the complaining witness;
- Both the initial complainant and accused student will be notified in writing of the date, time, and location of the hearing and their rights at the hearing including being present at the entire hearing, presenting evidence and testimony, presenting witnesses, equal and timely access to information to be presented at the hearing, and the presence of an advisor (who may be an attorney) whose role in the hearing is limited;
- Both the initial complainant and accused student may ask questions of each other and of witnesses through the hearing chairperson (so-called "cross-examination" is not permitted);
- The Director may make arrangements to convene hearings in such a manner that contact between the initial complainant and accused student is limited but allows effective participation by both parties (e.g., conducting the hearing in separate rooms connected by teleconferencing).

Notice of Outcome

Both the complainant and the accused student will be notified in writing of the outcome of the informal resolution or hearing and any appeal (that is, whether the sexual misconduct policy was found to have been violated). The accused student will also be notified of all sanctions that have been imposed and procedures for appeal. The complainant will be notified of sanctions imposed against the accused student that are related directly to the complainant (for example, if the accused student is restricted from making contact with the complainant) and procedures for appeal.

Timely Resolution

The University will strive to resolve complaints in a timely and reasonable timeframe. Typically, a full investigation will take no longer than 60 calendar days. Resolution through an informal resolution or hearing will typically take place within 14 school days after completion of the investigation. The notice of outcome will come within three school days after the resolution is completed. Appeal procedures typically will be completed within seven school days after notice of outcome is delivered. If circumstances (for example, a complaint involving multiple incidents, complainants, and/or accused students) require longer timeframes, these will be documented and the complainant(s) informed of the need for additional time.

Maintenance of Records

The University will maintain records of sexual misconduct complaints, including audio recordings of hearings, in a manner and for a period of time that complies with federal law including Title IX and the Clery Campus Security Act.

Resources

It is especially important for students who have been sexually assaulted to seek immediate and appropriate medical treatment. The **Student Health Center** (at 1500 Neely Avenue). The phone number is (765) 285-8431; the website is www.bsu.edu/healthcenter. The Student Health Center is equipped to provide confidential and professional medical care. The Student Health Center can provide medical care, treatment for injuries and infection, assistance and support. The Student Health Center staff does not perform procedures related to the collection of evidence for the purposes of pursuing criminal prosecution. Students are encouraged to seek evaluation for the collection of evidence, and assistance is offered for transportation to the Ball Memorial Hospital Emergency Room for this purpose, but the collection of evidence is not a requirement for students to receive comprehensive care at the Student Health Center. Follow-up treatment or testing for sexually transmitted infections can be provided by the Women's Center located within the Student Health Center on the second floor.

The **Counseling Center**, located in Lucina Hall 320, is staffed by trained professionals who can provide specialized support and assistance to students who have been assaulted. Current students may seek counseling at any time after the incident. The confidential services of the Counseling Center are available to the student or employee who was assaulted. The Counseling Center can be reached at 765-285-173 (during office hours) and 765-747-7330 for after-hours emergencies. The Counseling Center website is www.bsu.edu/counselingcenter.

The on-campus resources listed above are available to all Ball State students including accused

students and witnesses in sexual misconduct and sexual assault cases.

The **Office of Victim Services (OVS)** provides educational and supportive services for the Ball State University community related to sexual assault, relationship violence, and stalking. The program is designed to assist individuals in the recovery process by providing timely information and confidential support and guidance through the campus judiciary and criminal justice systems. During office hours, the OVS can be reached at (765) 285-7844. A victim advocate is available after hours for emergencies by calling the Ball State University Police dispatch 765-285-1111 and requesting the on-call victim advocate be paged.

Off-campus support services include but are not limited to:

- A Better Way (advocacy services for victims of sexual assault and a participating member of the Delaware County Sexual Assault Response Team (SART) (765) 288-4357 (HELP).
- The Indiana University Ball Memorial Hospital Emergency Room (ER--located at 2401 University Ave) has a specially trained sexual assault team available 24 hours a day, seven days a week. Forensic exams ("rape kits") for sexual assaults are provided at the ER. Under Indiana law, the tests and procedures at the hospital are free of charge if treatment is sought within 96 hours of the assault. IU Ball Memorial ER staff may ask if the student wishes to speak to the police; this decision is up to the student. The IU Ball Memorial Hospital Emergency Services can be reached by calling 911 or (765) 747-3241.

For more information about resources, please visit www.bsu.edu/ovs or call the Office of Victim Services at (765) 285-7844.

Revised March 2, 2012

APPENDIX L - Smoking Policy

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

- 1. As used herein, "smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment or the inhalation or exhalation of smoke from any lighted smoking instrument.
- 2. Smoking is prohibited in all university buildings and outdoor campus areas except for officially posted designated smoking areas.
- 3. Smoking is prohibited in all university vehicles, including maintenance vehicles, automobiles, and public carriers.

- 4. Smoking may be permitted:
 - A. In officially posted designated smoking areas.
 - B. In venues where artistic productions are held when it is called for by the director of a production. Smoking may be done only by the specified characters during rehearsals and performances. The appropriate department in charge of the production shall include notification that there will be smoking in the show. Smoking in the Green Room is prohibited.
 - C. In designated individual University Apartments as determined by the Office of Housing and Residence Life. The Office of Housing and Residence Life will make every effort to maintain separate smoking areas in the apartment complex, consistent with the need to provide housing for students.
- 5. While the responsibility for the enforcement and communication of this policy rests with all members of the university community, primary enforcement of this smoking policy will be the responsibility of those persons who head individual units, departments, buildings, student housing units, those who supervise personnel, public safety personnel, and others designated by the university.
 - A. Failure to comply with this policy shall result in a fine of \$50.00 per occurrence.
 - B. The Office of Bursar will be responsible for fine collection and account maintenance. Monies collected from fine assessments will be used to fund smoking cessation initiatives, health education, and other relevant health and wellness related programs.
 - C. Citations may be appealed through the University Traffic Appeals Subcommittee. All appeals will be handled in a manner consistent with traffic appeal procedures.
 - D. Failure of a student or employee to pay a fine shall be subject to existing policies and procedures for collecting delinquent accounts owed the university.
 - E. In addition, under Indiana Code IC 16-41, 37-1, a person who smokes in a university building where smoking is prohibited commits a Class B infraction, which is punishable by a fine of up to \$1,000.

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

APPENDIX M – Student Funeral and Bereavement Rights and Appeals

Right to Funeral and Bereavement Leave From Code of Student Rights and Responsibilities Section 1.6.9

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

Three work days - Within 150 miles radius of Muncie Four work days - Between 150-300 miles radius of Muncie Five work days - Beyond 300 miles radius of Muncie Seven work days - Outside of North America

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

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

Procedures for Student Funeral and Bereavement Leave Appeals

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

consulting all affected parties. If the Dean of the College cannot resolve the dispute to the student's satisfaction, the student may appeal to the Provost and Vice President for Academic Affairs, who will consult all affected parties. The decision of the Provost and Vice President for Academic Affairs is final.

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

APPENDIX N - Use of Property for Expressive Activities Policy Distribution, Demonstrations, Fund Raising, Marches, Sales, Solicitation, Structures

(Abbreviated Version. For complete document go to http://www.bsu.edu/studentlife/policies

IV. Out-of-Doors Activities.

A. Distribution.

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

B. Fund Raising.

- 1. Non-profit organizations. A non-profit organization may engage in fund raising in an out-of-doors area if the activity is either: (1) for the benefit of the non-profit organization conducting the fund raising and the funds raised will be used for the activities of the organization or (2) the non- profit organization is raising the funds for the benefit of another, clearly identifiable non-profit organization. If the fund raising will use a table, booth or similar apparatus, the organization is required to schedule the activity with the Office of Facilities Planning and Management, and such use is limited to the area designated for such purposes by the Office of Facilities Planning and Management. Such use may be limited to a particular place or manner, or to particular types of organizations, in a content-neutral manner.
- 2. Recognized student organizations as agents of commercial firms. A recognized student organization may function as an agent or representative of a commercial firm only if: (1) the commercial activity involved is merely incidental to a larger scheduled event of a recognized student organization and is provided under contract with the recognized student organization merely for the convenience of those attending the event, e.g., the Watermelon Bust food sales, AND (2) the sale by the recognized student organization of goods or services of the commercial firm is conducted in the name of the recognized student organization without promotion of the name of the commercial firm or the trade names of the commercial firm's goods or services. Such fundraising shall not be used to evade the restrictions of this Policy which would otherwise be applicable to a commercial firm.

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

Non-profit organizations, commercial firms, and other persons may engage in distribution, solicitation, fund raising, sales or commercial activity including the use of tables, booths or

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

D. Demonstrations.

- 1. Demonstrations are permitted out-of-doors on BSU property.
- 2. Demonstrations may not take place within sixty (60) feet of any window of any classroom or office, or any door of any classroom building, office building, or residence hall.
- 3. Demonstrators may not block access to or exit from BSU buildings or residence halls.
- 4. Demonstrators may not disrupt instruction, research, administration or other University activity.
- 5. Demonstrations which are not expected to involve fifty (50) or more people are not required to be scheduled; however, in the event more than one demonstration is planned for the same area, the demonstration sponsored by students, employees, or recognized student organizations shall have priority. Otherwise, the demonstration that is scheduled first will be held in the approved location. An attempt will be make to identify an alternate location for the second group.
- 6. If a demonstration is expected to involve fifty (50) or more people:
 - a) The demonstration must be scheduled with the Student Center Reservation Office (SCRO) at least three (3) business days prior to the demonstration, and approved by the Vice President for Student Affairs & Dean of Students or his/her designee. Approval or disapproval of a demonstration shall be based upon consultation with Public Safety and other events scheduled for the area, in a content-neutral manner. Events sponsored by students by students, employees or other events. Otherwise, the demonstration that is scheduled first will be held in the approved location.
 - **b**) The demonstration must be held in either the Quad area or LaFollette Field. The Quad is the outdoor area of campus bounded on the North by the Arts Terrace, on the South by the Beneficence monument, on the East by the Burkhardt Building, and on the West by the Ball Gymnasium. LaFollette Field is the field across McKinley Avenue from the LaFollette complex.

E. Marches

- 1. Students, employees, and recognized student organizations may be permitted to construct temporary structures out-of-doors in a designated area, where the structure is designed to express the students' views or to raise public consciousness and awareness of an issue. Structures must be scheduled with the SCRO and approved by the Vice President for Student Affairs & Dean of Students or his/her designee at least three (3) business days prior to the construction of the structure. Approval or disapproval of a structure shall be based upon consultation with Public Safety and other events already scheduled for the area, in a content-neutral manner.
- 2. The designated areas for structures are: the Quad and LaFollette field. The Vice President for Student Affairs & Dean of Students or his/her designee shall determine the specific location of the structure within the designated area.

- 3. Structures are permitted for a period of ten (10) days, which includes all time used to set up and tear down the structure.
- 4. In addition to other restrictions on BSU property use in this Policy, approval for a structure may be denied or revoked where the weather conditions are such as to pose a substantial threat to the health, safety or welfare of the students residing in or sheltered by the structure or where the conditions of the structure become unsanitary for any reason, and where such unsanitary conditions pose a threat to students residing or sheltered by the structure or to the BSU community.
- 5. Any structure not in compliance with this Policy shall be subject to immediate removal by BSU and the students or recognized student organizations which sponsored, constructed or participated in the use of the unauthorized structure may be subject to disciplinary action up to and including dismissal from BSU and will be responsible for the costs associated with the structure removal.

V. Activities Inside BSU Buildings.

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

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

B. Demonstrations.

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

VII. Obscenity.

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

APPENDIX 0- Weapons Policy

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

- **A.** Faculty, Professional Personnel, and Staff employees of Ball State University, students, visitors, guests, and all other individuals are prohibited from possessing or carrying weapons of any kind while on University property, regardless of whether they are licensed to carry the weapon or not. Such prohibition extends to such individuals having such weapons in briefcases, purses, tool boxes, personal vehicles or other personal property or effects.
- **B.** The only exceptions to this policy are: (a) firearms in the possession of University police officers and other individuals who have written authorization from the University's Director of Public Safety to carry such weapons; (b) firearms in the possession of sheriffs, police officers, law enforcement officers, and correctional officers, who are duly authorized by law to carry such firearms; (c) equipment, tools, devices, and materials which are prescribed for use by authorized University employees as a condition of employment or class enrollment; and (d) legal chemical-dispensing devices, such as pepper sprays, that are sold commercially for personal protection.
- **C.** University property includes all University owned, leased, or otherwise controlled building and lands. University vehicles are covered by this policy at all times whether or not they are on University property.
- **D.** University sanctions will be imposed on offenders as appropriate and, in addition, criminal charges may be filed.
- **E.** For the purposes of this policy, "weapons" include but are not limited to (a) firearms, such as handguns, shotguns, rifles, pellet guns, machine guns, stun guns, tazers, or electronic stun weapons; (b) explosives, such as bombs, grenades, blasting caps, or other containers containing explosive substances; and (c) other equipment, material, and devices that, in the manner they are used ordinarily could cause harm, or are readily capable of causing serious bodily injury. The items described in clause (c) include, but are not limited to, knives (except small personal pocket knives with folding blades that are less than three (3) inches long.), tear gas, chemical substances, brass knuckles, clubs or chains.

APPENDIX P - Policy Concerning the Ownership, Distribution and Commercial Development of Ball State University Intellectual Property and Technology

This policy appendix was added to the *Code of Student Rights and Responsibilities* in 2011 to supplement the statement in section 1.5.3 of the Code. The excerpt here applies to students. Students should familiarize themselves with the entire policy which may be found at http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx.

This policy excerpt includes the introduction, Ball State policy statements, and a section on student theses and dissertations.

Persons with questions about this policy should contact the Ball State Sponsored Programs Office at 765-285-1600.

PART 1. INTRODUCTION AND SELECTED DEFINITIONS

1.0 INTELLECTUAL PROPERTY AND RELATED RIGHTS

The material set forth in this document addresses the ownership, distribution, and commercial development of technology developed by Ball State University ("Ball State") faculty, staff, and students and others participating in Ball State programs. The term "technology" is broadly defined in this document to include technical innovations, inventions, and discoveries, as well as writings, audiovisual or digital or other creative works, and other information in various forms, including computer software.

The principal rights governing the ownership and disposition of technology are known as "intellectual property" rights, which are derived primarily from federal and state legislation granting patent, copyright, trademark, trade secret and integrated circuit mask work protection.

In some instances, distribution and commercialization of technology may be accomplished by the transfer/assignment or licensing of the intellectual property rights, such as the licensing of patents or copyrights. In other instances, distribution and commercialization of technology may be aided by or depend upon access to the physical or tangible embodiment of the technology, as in the case of biological organisms, plant varieties or computer software through a material transfer arrangement.

Therefore, this policy will define not only the ownership, distribution, and commercialization rights associated with the technology in the form of intellectual property, but will also define policies and procedures which govern use and distribution of the technology in its tangible form.

6 The following overview of intellectual property rights is limited in scope. The Ball State Technology Transfer Officer ("TTO") at the Ball State Technology Transfer Office should be contacted for further information regarding any of these rights.

...section removed for space reasons. See entire policy at http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx

PART 2. BALL STATE'S POLICY STATEMENTS

2.0 GENERAL POLICY STATEMENT

The prompt and open dissemination of the results of Ball State research and the free exchange of information among scholars are essential to the fulfillment of Ball State's obligations as an institution committed to excellence in education and research. Matters of ownership, distribution, and commercial development, nonetheless, arise in the context of technology transfer, which is an important aspect of Ball State's commitment to public service. Technology transfer is, however, subordinate to education and research; and the dissemination of information must, therefore, not be delayed beyond the minimal period necessary to define and protect the rights of the parties.

2.1 INTELLECTUAL PROPERTY OWNERSHIP POLICY STATEMENT

With the exception of the *written content* of student theses, dissertations and research reports as addressed more fully in Section 2.1.5, intellectual property rights in inventions, mask works, trade secrets, tangible research property and copyright ownership of materials made or created by Ball State faculty, students, staff, and others participating in Ball State programs, including visitors, are as follows:

BALL STATE OWNED

- (a) Patents, copyrights (including copyrights on software), maskworks, trade secrets, and tangible research property and trademarks developed by faculty, students, staff and others, including visitors participating in Ball State programs or using Ball State funds, resources or facilities, are owned by Ball State when either of the following applies:
- (1) The intellectual property was developed within the scope of employment and/ or by students as part of the student's participation and receipt of instruction in any Ball State class, funded project or independent study, internship or practicum under the supervision and direction of a faculty or staff member as outlined in the discussion below regarding Student Ownership and/or in the course of, or pursuant to, a sponsored research agreement with Ball State; or
- (2) The intellectual property was developed with significant use of funds, other resources or facilities administered by Ball State, as defined in Section 2.1.2.
- (b) Except as set forth herein, all copyrights, including copyrighted software, will be owned by Ball State when it is created as (1) a "work for hire" as defined by copyright law, (see Section 2.1.3), or (2) it is "specially commissioned" by Ball State pursuant to a written agreement whereby Ball State retains copyright ownership, (see Section 2.1.3), or (3) it is created pursuant to a written agreement with Ball State providing for transfer or assignment of copyright or ownership to Ball State.

INVENTOR/AUTHOR OWNED

Inventors/Authors, including students, will own patents/copyrights/other intellectual property when none of the situations defined above for Ball State ownership of intellectual property applies.

STUDENT OWNERSHIP

Except as set forth herein and in Section 2.1.5, under ordinary circumstances, students who independently develop intellectual property as part of, or arising outside, of their participation in

programs of study at Ball State retain ownership rights to that intellectual property <u>unless any</u> of the conditions set forth in this section on Student Ownership and outlined above in Section 2.1(a) or Section 2.1(b) regarding Ball State owned intellectual property are applicable.

In this regard, any student engaging in research or development of intellectual property subject to Ball State ownership under Sections 2.1(a) (2), 2.1(b), or 2.1(a) (1) under a sponsored research agreement or under the supervision and direction of a faculty or staff member in connection with a class, funded project or independent study, internship, practicum or other program or activity subject to this Policy **shall have no ownership interest in the resulting intellectual property.** By way of illustration, this may include without limitation, patentable processes or inventions, computer aided designs, digital designs, models or fabrications, or student produced films, videos or digital productions. This paragraph is not determinative of appropriate academic credit for authorship of any resulting work product in which students are supervised or directed by Ball State faculty or staff. In instances where the intellectual property may be subject to Ball State ownership, a Disclosure outlined in Part 3 of this Policy shall be made for purposes of determining ownership, cost recovery and royalty distribution.

Where copyright ownership arising out of the student's participation in programs of study at Ball State is retained by the student in intellectual property, however, the student shall grant to Ball State a royalty-free perpetual non-exclusive license and consent to reproduce, use and publicly distribute the intellectual property for the following limited purposes of Ball State: (1) institutional promotion and marketing; (2) educational and instructional; and (3) entries into appropriate competitions.

...section removed for space reasons. See entire policy at http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx

2.1.5 STUDENT THESES AND DISSERTATIONS

Students will own copyright in theses and dissertations, however, where significant use is made of Ball State equipment or facilities provided to Ball State without copyright or other related restrictions, students own copyright in theses or dissertations, but any software code, patentable subject matter and/or any other intellectual property contained in, or produced as part of, the theses or dissertations remain subject to Ball State ownership pursuant to Section 2.1.2 above.

Moreover, where copyright ownership is retained by the student in the theses, dissertations and/or research reports, the student shall grant to Ball State a perpetual royalty-free, non-exclusive limited license and consent to reproduce, use and publicly distribute the thesis, dissertation and/or research report for the following limited purposes of Ball State: (1) institutional promotion and marketing; (2) educational and instructional; and (3) entries into appropriate competitions.

...section removed for space reasons. See entire policy at http://cms.bsu.edu/About/AdministrativeOffices/Commercialization.aspx

APPENDIX Q—Responding to Disruption in the Academic Setting

- 1. **Purpose**: This document is designed to provide faculty and other University personnel guidance in responding to disruption in the academic setting. Disruption by a student in a Ball State classroom or other academic setting is a violation of the *Code of Student Rights and Responsibilities*, specifically
 - **5.2.9 Obstruction or Disruption** Obstructing or disrupting the teaching and/or learning process in any campus classroom, building, or meeting area, or any University-sponsored activity, pedestrian or vehicular traffic, classes, lectures or meetings, obstructing or restricting another person's freedom of movement, or inciting, aiding, or encouraging other persons to do so. *See also Regulations for Use of Property for Expressive Activity, Appendix N and Responding to Conduct in the Academic Setting, Appendix P.*

2. Definitions

- **2.1 Disruption** is defined as any "behavior a reasonable person would view as being likely to substantially or repeatedly interfere with the conduct of" an academic setting.
 - 2.1.2 Some behaviors or single incidents of some behaviors are not the focus of these guidelines. These include but are not limited to coming late to or leaving early from class, tapping fingers, chewing gum, reading a newspaper, and using electronic devices without authorization. While annoying and distracting, these usually can be addressed effectively through conventional classroom management techniques that include addressing behavior expectations in the syllabus and during the first class period, in-class intervention, and speaking to a student after class.
 - **2.1.2** However, students who exhibit behaviors listed above and who do not respond to reasonable intervention, who exhibit more severe behaviors, or who violate another University policy in an academic setting (e.g., intoxication, weapons policy violation) should be referred for adjudication through procedures outlined in the *Code of Student Rights and Community Standards*. Such behaviors include but are not limited to
 - a. repeated and unauthorized use of cell phones, pagers or other technical devices
 - b. persistent speaking without being called upon or disregarding instructor's requests
 - c. making loud or distracting noises
 - d. making physical or verbal threats
 - e. engaging in behaviors reasonable people consider intimidating
- **2.2 Academic Setting''** is defined to be a classroom, office, laboratory, library, field experience site, online forums or other venues where instruction, advising, or service occurs.

| 3. | Guidelines for | Intervening | When | Disruption | Occurs |
|----|-----------------------|--------------------|------|-------------------|--------|

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¹ This and other parts of this protocol are adapted from Pavela, G. (July 18, 2001). *Questions and answers on classroom disruption*. ASJA Law & Policy Report, No. 26). Association for Student Conduct Administrators (formerly Association for Student Judicial Affairs).

- 3.1 Faculty members and administrators have the authority to instruct the student to leave temporarily the academic setting where disruption is taking place. For instance, in the case of a classroom setting, the faculty member may instruct the student to leave for the remainder of a class period. The student should be told the reason for this request and instructed to meet with the instructor, administrator or a staff member from the Office of Student Rights and Community Standards prior to returning to the next class. The instructor should consult promptly with the department chair or designee and the Office of Student Rights and Community Standards. If the student refuses to leave, University Police should be called and requested to remove the student from the academic setting.
- 3.2 Suspensions for more than one class period or restrictions from entering a service office require disciplinary procedures outlined in the *Code of Student Rights and Responsibilities*.
 - 3.2.1 These procedures, conducted by the Office of Student Rights and Community Standards, include notifying the student of the complaint, providing the student with an opportunity in a hearing to defend against the complaint, and ensuring the decision is made based on substantial information.
 - 3.2.2 Outcomes of disciplinary procedures can include finding the student not responsible or finding the student responsible for a violation of the *Code of Student Rights and Responsibilities*. Sanctions imposed can range from official reprimand to suspension or expulsion in the most severe cases.
 - 3.2.3 A student may also be restricted from returning to a specific classroom or to using an alternative method of accessing services. In the case of restriction from a specific class, the student may be withdrawn administratively from the class with transcript notation (i.e., W, WP, WF, etc.) to be determined by nature and severity of disruption, timing of withdrawal, and other relevant circumstances.
- 3.3. This policy does not replace or modify facility usage policies already in place (e.g., University Libraries, Student Recreation and Wellness Center, residence halls).

APPENDIX R – Requirement to Disclose Felony Conviction after Admission

Ball State University is concerned with the safety and achievement of its students and employees. Out of that concern, the University requires students who have been charged with or convicted of a felony after being admitted to report immediately that felony charge or conviction to the Office of Student Rights and Community Standards (located in Student Center L-4; phone 765-285-5036; email stdtrights@bsu.edu).

As noted in section 3.5 of the *Code of Student Rights and Responsibilities*, persons "may be subject to the University sanctions for the same conduct, in accord with established policies and procedures, when the conduct is in violation of a University rule which is important to the continuing protection of other members of the University or to the safeguarding of the educational process. At the discretion of University officials, disciplinary action under this *Code of Student Rights and Responsibilities* may proceed in advance of or during the pendency of criminal proceedings. Determinations made or sanctions imposed under this *Code of Student Rights and Responsibilities* shall not be subject to change because criminal charges arising out of the same set of facts giving rise to University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant."

Disclosing a felony charge or conviction will not result in an automatic separation from the University. Any disciplinary action that is taken will take place according to procedures noted in section 6.5 of the *Code of Student Rights and Responsibilities*.

Discovery of a student's failure to immediately report a felony charge or conviction as required in this policy may result in an interim suspension (outlined in section 6.5.4 of the *Code of Student Rights and Responsibilities*) from the University pending a formal hearing.