BALL STATE UNIVERSITY

Muncie, Indiana

# FACULTY

# AND

# PROFESSIONAL

# PERSONNEL HANDBOOK

**ACADEMIC YEAR: 2026-2027**

**Compiled by the Office of the Provost**
**and Executive Vice President for Academic Affairs**

# BALL STATE UNIVERSITY

# FACULTY AND PROFESSIONAL HANDBOOK OUTLINE


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# FOREWORD[1]

This handbook for faculty and professional personnel is issued by the Office of the Provost and Executive Vice President for Academic Affairs. The handbook contains policies, procedures, and regulations that have been approved by the University Senate, the President, and/or the Board of Trustees, as appropriate. Every effort is made to ensure that all additions, modifications and deletions to these policies, procedures, and regulations are reflected in the handbook as soon as possible after their effective date. The most current version of the Handbook is the on-line version and that should always be consulted. The on-line version can be located on the Ball State University website at: https://www.bsu.edu/web/facultyprofessionalhandbook

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# 1. FREEDOM OF EXPRESSION

1.1 Freedom of expression is enshrined in the First Amendment to the United States Constitution and Ball State University's Bill of Rights and Responsibilities. Therefore, Ball State University is committed to free and open inquiry in all matters, and our University guarantees all members of the University community—including students, faculty, staff, and visitors—the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of our University, Ball State fully respects and supports freedom of expression of all members of the University community. Our University endeavors to maintain a culture and community that will inspire our members to pursue knowledge with rigor and curiosity, to speak with care, and to work so that the perspectives of all people are heard. In the Beneficence Pledge, members of the Ball State community pledge to value the intrinsic worth of every member of the community, which is to respect and learn from differences in people, ideas, and opinions.

1.2 The ideas of different members of the University community will often and quite naturally conflict. It is not the proper role of our University, however, to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Our University greatly values civility, and all members of the University community share in the responsibility for maintaining a climate of mutual respect. But concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, irrespective of how offensive or disagreeable those ideas may be to some members of our community.

1.3 The freedom to debate and discuss the merits of competing ideas does not, though, mean that individuals may say whatever they wish, wherever they wish. Our University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, our University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of our University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with our University's commitment to a completely free and open discussion of ideas.

1.4 Simply put, our University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for our University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of our University's educational mission.

1.5 As a corollary to our University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus. But they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, our University has an enduring responsibility to promote a lively and fearless freedom of debate and deliberation and to protect that freedom when others attempt to restrict it.

1.6 Ball State University is committed to the right of individuals to speak and to identify as a member of the University. However, that right exists with a concurrent obligation not to speak or act on behalf of the institution,

or any group of members therein, without express authorization. To clarify, a group includes a university division, college, department, unit, center, taskforce or committee. Of course, nothing in the above referenced statement is intended to restrict the freedom of employees to engage in scholarly activities or personal involvement in community activities. Nor is the statement intended to affect individual employees' rights to express personal opinions on University or non-University matters, as long as those employees make it clear that they do so as individuals and do not represent the official position of the University either directly or indirectly. For purposes of clarity, the President speaks for the University on matters related to the business, operations, events of the University, and as delegated to the President by the Board of Trustees or as expressly authorized by the Board of Trustees. Individuals, task forces, committees, units, centers, departments, colleges, and university divisions are not authorized to issue institutional statements on behalf of Ball State University or any constituent component of Ball State University. To avoid any potential confusion, individuals expressing personal opinions are not permitted to use Ball State logos or other identifying marks in a way that could mistakenly imply their personal statements, including communications via social media, are endorsed by the University.

1.7 While Ball State is committed to each individual's right to speak, the University itself does not typically take a public stance on political, moral, or ideological issues. Our University takes positions on such issues only when they affect our core mission or our commitment to free inquiry, free expression, and intellectual diversity, long serving as the bedrock foundation of higher education and the pursuit of knowledge.

1.8 Ball State's commitment to freedom of expression comports with our commitment to encouraging and rewarding diversity of thought, innovation, and creativity. As members of the Ball State University community, we will provide opportunities for all people to express their opinions. It is our hope that, as we engage in free expression, we will learn to be comfortable in the dissidence that opposing views can often evoke. Freedom of expression is a powerful tool for testing ideas, for learning, and for growth.

1.9 Ball State maintains a Freedom of Expression webpage for those interested in learning more about this topic. Among other information, this webpage contains FAQs and links to the University's expressive activity policies, including the *Non-Commercial Expressive Activity and Assembly on University Property Policy* and the *Commercial Activity on University Property Policy*. It also contains a link to the *Indiana Code 21-39.5-2-4 Complaint Procedure.*

Adapted from the Report from the Committee of Freedom of Expression at the University of Chicago, 2014. The Board of Trustees, January 31, 2020. Updated by approval of the Board on June 14, 2024. April 17, 2025

## 2. DESCRIPTION OF THE UNIVERSITY

2.1. Ball State University is a comprehensive, publicly assisted institution of higher learning whose mission is to provide excellent education. It is located in Muncie, Indiana, a city of 70,000, fifty-six miles northeast of Indianapolis. Although its primary concern is for the citizens of Indiana, it offers programs with appeal to regional, national, and international audiences.

2.2. Ball State University offers a strong undergraduate liberal and professional education and selected graduate programs of high quality. Ball State students can choose from a comprehensive range of academic programs at the associate, baccalaureate, and master's levels, as well as doctoral programs in areas where the University has special competence. In addition to core academic programs in the arts, sciences, and humanities, the University offers more than 140 major and minor areas of study through its seven colleges: Architecture and Planning;

Business; Communication, Information, and Media; Fine Arts; Sciences and Humanities; Health; and Teachers College.

2.3. The University has a selective admissions policy; in some areas, such as architecture, the University is very selective. Exceptionally well-qualified undergraduate students may enroll in the Honors College for more intellectually demanding programs of study. Students who have not decided on a major or who may need to strengthen their learning skills can take advantage of the special academic assistance and intensive educational counseling offered by University College.

2.4. As part of Ball State's commitment to excellence in education, the University offers students a friendly, collegial atmosphere; a full range of out-of-class activities; and excellent, well-planned academic, residential, and recreational facilities. An impressive array of student support services contributes to the personal, social, and intellectual development of all students.

2.5. Although Ball State University is primarily a residential academic community, it also supports programs that reach students well beyond the immediate campus. Through interactive telecommunications, Internet courses, and on-site courses, Ball State distance learning students are able to take courses and entire degree programs. The University has a strong commitment to cultural awareness and international programs. It offers exchange programs with universities throughout the world and a wide variety of opportunities for students to study abroad.

## 3. VISION

We seek to become recognized for providing bright and curious students a holistic learning experience that occurs both in and out of the classroom; for being relentlessly focused on learning outcomes; for embracing and solving today's greatest educational challenges; and for bringing fresh and pragmatic thinking to the problems facing communities, businesses, and governments in Indiana and beyond.

The Board of Trustees, December 14, 2012

## 4. MISSION [4]

We engage students in educational, research, and creative experiences that empower our graduates to have fulfilling careers and meaningful lives enriched by lifelong learning and service, while we enhance the economic, environmental, and social vitality of our community, our state, and our world.

## 5. OUR ENDURING VALUES [5]

To fulfill our mission, to achieve our goals, and to implement our strategic imperatives, we are guided by the enduring values represented by *Beneficence*:

**Excellence**

We commit to excel in all that we do.

**Innovation**

We commit to be creative, responsive, and progressive.

**Courage**

We commit to set ambitious goals and to take the risks necessary to achieve those goals.

**Integrity**

We commit to be honest, ethical, authentic, and accessible.

**Inclusiveness**

We commit to respect different cultural experiences and intellectual perspectives in all people.

**Social responsibility**

We commit to act for the benefit of society at large.

**Gratitude**

We commit to express appreciation to other people and to demonstrate our gratitude through our actions.

# 6. THE BENEFICENCE PLEDGE[2]

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 their 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 difference in people, ideas, and opinions.

# 7. BILL OF RIGHTS AND RESPONSIBILITIES

## 7.1. FOR FACULTY, PROFESSIONAL PERSONNEL, AND STAFF OF BALL STATE UNIVERSITY:

## Preamble

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

### 7.1.1. **Individual's Relation to Civil Law**

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

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

7.1.1.2. 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.

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

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

7.1.1.5. The University does not stand in loco parentis for its members.

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

### 7.1.2. **Academic Freedom**

All members 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:

7.1.2.1. 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).

7.1.2.1.1. Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom, it being understood that assigning priorities or rankings to investigative programs may be an administrative necessity.

7.1.2.1.2. Freedom to teach and learn implies that students, faculty, and administrators have the responsibility to respect and consider suggestions without detriment to grades or positions of the persons submitting them.

7.1.2.1.3. 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.

7.1.2.2. 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.

7.1.2.2.1. 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 member in question.

7.1.2.3. Obligation not to interfere with the freedom of members of the University community to pursue normal academic and administrative activities, including freedom of movement.

7.1.2.4. 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.

7.1.2.5. Right to identify oneself as a member of the University and a concurrent obligation not to speak or act on behalf of the institution, or any group of members therein, without authorization.

7.1.2.6. Right to hold public meetings in which members 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 the Commercial Activity on University Property Policy - - Office of the Vice President for Business Affairs and Treasurer; (2) Policy on Selection and Presentation of Lecturers or Speakers by Student Organizations - - Faculty and Professional Personnel Handbook; (3) Policy on Special Events on Campus - - Faculty and Professional Personnel Handbook.

7.1.2.7. 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.

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

### 7.1.3. **Individual's Relation to University**

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

7.1.3.1. Obligation to provide opportunities for members of the University to present and debate public issues.

7.1.3.2. Obligation not to take a position as an institution in electoral politics.

7.1.3.3. Right and obligation to protect the members of the University and visitors to it from physical harm, threat of harm, and abuse; its property from unauthorized use and damage; and its academic and administrative processes from interruption.

7.1.3.4. 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.

7.1.3.5. 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 members of the campus, visitors, and University property.

7.1.3.6. Right to prohibit individuals and groups who are not members 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.

7.1.3.7. Right to prohibit members 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.

7.1.3.8. Right and obligation to provide, for recognized groups of members of the University, the use of campus facilities under the rules of the campus, including use for political purposes such as meetings of political clubs; to prohibit use of its facilities by individual members or groups of members on a regular or prolonged basis as free headquarters for political campaigns; and to prohibit use of its name and its finances for any political purpose at any time. Use of other resources for political purposes must comply with existing local, state, and federal laws.

### 7.1.4. **Judicial Process**

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

7.1.4.1. The 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 and to be an effective instrument for the maintenance of order.

7.1.4.2. All members of the University have the right to know in advance the range of penalties for violations of campus regulations. In addition, all members have the right to obtain a codification of all specific policies of the University, (e.g., routine administrative policies, Faculty and Professional Personnel Handbook) their rights under accepted judicial due process, and the process of appeal to which they are entitled.

7.1.4.3. Charges of minor infractions of regulations, for which a member is penalized by small fines or reprimands which do not become part of permanent records, may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal.

7.1.4.4. In cases involving charges of infractions of regulations which may lead to notation in permanent records, or to more serious penalties such as suspension or permanent dismissal from the University, members have a right to formal procedures with adequate due process, including rights of appeal.

7.1.4.5. Any person penalized for either a minor or a serious infraction of established University policy has the right to appeal according to approved University procedures.

7.1.4.6. Members of the University charged with or convicted of violations under general law may be subject to University sanctions for the same conduct, in accord with established policies and procedures, where the conduct is in violation of University rules which protect other members of the University or safeguard the educational process.

### 7.1.5. **Statement of Principles on Academic Freedom and Tenure**

Nothing in this document shall in any way limit the procedural rights of a member of the Ball State University faculty as set forth in the 1940 "Statement of Principles on Academic Freedom and Tenure" prepared by the American Association of University Professors and Association of American Colleges and adopted by the State Teachers College Board, June 4, 1944.

The University Senate, November 2, 1972
The Board of Trustees, December 20, 1972
The University Senate, April 28, 1988
The Board of Trustees, May 20, 1988
The University Senate, March 19, 1992
The Board of Trustees, April 20, 1992

## NOTES

1 By action of the University Senate Agenda Committee, January 10, 2011.
2 By action of the University Senate, February 21, 2008;
Board of Trustees, March 8, 2008.
3 By action of the Board of Trustees, January 31, 2020.
4 By action of the Board of Trustees, June 13, 2025
5 By action of the Board of Trustees, June 13, 2025

# SECTION I: ORGANIZATION AND ADMINISTRATION OF THE UNIVERSITY

## 8. ADMINISTRATIVE ORGANIZATION

### 8.1. OVERVIEW

8.1.1. A chart of the administrative organization of the University is shown in EXHIBIT A.

8.1.2. The President of the University is responsible for the general administration of the University and is supported by the President's Cabinet: the Provost and Executive Vice President for Academic Affairs, the Vice President for Marketing and Communications, the Vice President for Business Affairs and Treasurer, the Vice President for Information Technology and Chief Information Officer, the Vice President for Student Affairs, the Vice President and General Counsel, the Director of Athletics, the Chief Strategy Officer, the Vice President for Governmental Relations and Industry Engagement, and the Vice President for Enrollment Planning and Management. The President of the Ball State University Foundation/Alumni Association and Vice President for University Advancement also serves as a member of the President's cabinet.

8.1.3. The Provost and Executive Vice President for Academic Affairs is the chief academic officer and second ranking executive officer of the University. The Provost and Executive Vice President for Academic Affairs provides overall leadership and direction for the academic program of the University. Reporting to the Provost and Executive Vice President for Academic Affairs are the Vice Provosts, Senior Associate Provost, Assistant Provosts, the Assistant to the Provost, Honors College, Graduate School, Dean of University Libraries, and the deans of the seven colleges (Architecture and Planning; Business; Communication, Information, and Media; Fine Arts; Health; Sciences and Humanities; and Teachers College).

8.1.4. The Vice President for Marketing and Communications provides leadership for the University's marketing and communications efforts. The Division of Marketing and Communications includes internal and external high-quality messaging consistent with Ball State University's mission, institutional identity (branding), position, and University strategic priorities. The division provides branding and marketing strategy (including advertising and digital marketing), communications planning, public relations, reputation management, media relations, media training, media market monitoring and analysis, crisis communications, internal communications, external communications, promotional materials, graphic design, photography, videography, copywriting, and editorial services. The Division of Marketing and Communications maintains the University's official website in partnership with the campus community and offers digital consultation, training, search engine optimization, and analytic services. The division also manages University-wide social media accounts and produces the online and print editions of *Ball State Alumni* magazine.

8.1.5. The Vice President for Business Affairs and Treasurer is responsible for all of the business and financial affairs of the University, including budgeting, accounting, capital debt and investments, capital planning, including facilities planning, construction, buildings and grounds, transportation, real estate acquisition and use, human resources, procurement, risk management, and auxiliary and other service enterprises.

8.1.6. The Vice President for Information Technology and Chief Information Officer has responsibility for the design, implementation, and maintenance of the infrastructure for information technology throughout the campus, and the promotion, training, and support of technology use for academic, administrative, and professional activities.

8.1.7. The Vice President for Student Affairs has responsibility for programs and services that address students' engagement and involvement in the life of the university, student health and well-being,

and student safety. Among the areas reporting to the Vice President for Student Affairs include: Career Center, Counseling and Health Services, Dean of Students, Disability Services, Guardian Scholars Program, Health Promotion and Advocacy and Victim Services, Housing and Residence Life, Multicultural Center, Public Safety and Parking Services, Student Center and Programs, Student Legal Services, Student Life including Fraternity and Sorority Life, Testing Center, and Title IX.

8.1.8. The Vice President and General Counsel serves as the chief legal officer providing and directing the representation of the University in all legal matters pertaining to employment, education, ethics and governance; in addition, serves as legal advisor to the President, Board of Trustees, and senior administrators.

8.1.9. The Director of Athletics provides direction for the Department and the 19 intercollegiate sports programs, including the hiring of head coaches, budget development, and participation within the Mid-American Conference. The Director also works with the Leadership Team in the areas of Compliance, Marketing, Ticket Sales, Academic Support, Alumni Relations, Fan Engagement, and Event Management. Particular attention is taken to assure the best environment for student-athlete welfare.

8.1.10. The Chief Strategy Officer provides leadership for the creation and implementation of the strategic plan for the University at large, as well as divisions and colleges individually, in a manner that collectively serves the mission and goals of the University. The Chief Strategy Officer provides leadership and direction to the office of Community Engagement, Strategic Plan Support, and the Institutional Research and Decision Support.

8.1.11. The Vice President for Governmental Relations and Industry Engagement represents the University to government officials, develops legislative and policy strategies that align with the institution's goals and interests, and industry engagement.

8.1.12. The Vice President for Enrollment Planning and Management provides leadership and support in advancing the overall enrollment goals of the university, overseeing undergraduate, graduate, and international admissions, undergraduate orientation, admissions operations and technology, financial aid, retention and graduation, and the registrar.

## 8.2. Organization For Policy Making

8.2.1. The principal agent for the formulation of educational policy at Ball State University is the University Senate (see the "Constitution of the University Senate," Faculty and Professional Personnel Handbook). Following the pages given to the Constitution is the Ball State Professional Personnel Council and Committee System as prepared by the Governance System Task Force, approved by University faculty, University Senate and adopted by the Board of Trustees, December 17, 2004.

8.2.2. In addition to the University Senate, Ball State University has two other representative bodies - - a Staff Council elected by non-academic staff members, and a Student Senate - - which select their memberships according to the procedures set forth in their constitutions. These two bodies may establish committees or boards and delegate certain responsibilities to them. The Staff Council and the student Senate also have the privilege of making recommendations on matters of concern to the appropriate council or committee or to the Office of the President.

# 9. Constitution Of The University Senate[1]

**Preamble**

The University Senate along with its subsidiary Councils and Committees puts forth this Constitution to establish an orderly process whereby all academic-related groups on campus may share in the determination of educational policy. This is done with full recognition of the University Senate's advisory capacity to the President and the Board of Trustees of Ball State University. With this instrument, the University Senate states its intention to the steadfast pursuit of the mission, academic standards, goals, and purposes of this institution while acknowledging that administration will have the sole responsibility to organize and execute administrative duties as required by law, accepted policy and best practices. With this idea of shared responsibilities, the University Senate commits itself to the continued advancement and betterment of this institution along with the students it serves.

## 9.1. DUTIES AND RESPONSIBILITIES

9.1.1. The University Senate shall serve as the body with primary responsibility for formation of educational policy at Ball State University.

9.1.1.1. It has primary responsibility for decisions on the following matters of educational policy subject to review and acceptance or rejection by the President and/or Board of Trustees:

9.1.1.1.1. Standards for admission, selection, and retention of students;
9.1.1.1.2. Curricular requirements;
9.1.1.1.3. Instructional standards;
9.1.1.1.4. Requirements for granting of degrees;
9.1.1.1.5. Standards of academic freedom and professional responsibility.

9.1.1.2. It may advise the President and the Board of Trustees on the following matters of institutional policy:

9.1.1.2.1. Appointment, promotion, tenure, and dismissal of faculty members and professional personnel;
9.1.1.2.2. Programs related to faculty and professional personnel welfare such as salaries, insurance, and special leaves;
9.1.1.2.3. Selection and removal of the President and principal academic officers having University-wide responsibilities as well as the creation or abolition of such offices;
9.1.1.2.4. Current or projected budget decisions, and expenditures of funds allocated to instruction and academic or instruction-related research;
9.1.1.2.5. Selection and retention of departmental and unit chairpersons and collegiate deans; and
9.1.1.2.6. Principles and guidelines for other educational matters related to the mission and goals of the institution.

9.1.1.3. The University Senate shall transmit its minutes, decisions, and policy recommendations to the President. The President will provide the Board of Trustees with the minutes of all University Senate meetings and will inform the Board of Trustees of University Senate actions. The President will take to the Board all University Senate actions which require approval by the Board.

9.1.2. The University Senate may delegate such tasks and activities as it sees fit to its councils and committees but shall itself remain charged with the following duties and responsibilities:

9.1.2.1. To promote through all possible means the open and continuing discussion within the University of both broad educational questions and specific matters of academic concern;
9.1.2.2. To serve as the final forum for determining an official opinion representing the academic community of the University on any issue affecting educational policies or the status and well-being of the faculty and professional personnel;
9.1.2.3. To review expeditiously all policies and actions taken by its councils and committees, or forwarded to it by departments, colleges, and other governance units, and to make a specific disposition of each item as follows:

9.1.2.3.1. Approval of it as received whenever the item is found to conform to established guidelines and principles;

9.1.2.3.2. Return of it to the originating body with a clear written explanation of why it cannot be accepted in its existing form; or

9.1.2.3.3. Referral of it to another governance unit, e.g., Council or Committee, to resolve any conflicts or uncertainties arising from possible effects on other programs or units.

9.1.3. University policies in all matters concerned with educational programs and with professional status and well-being take precedence over policies developed by individual academic or governance units.

9.1.3.1. In cases where flexibility is permissible or desirable, the University Senate shall develop and approve guidelines and principles of procedure, approving policies developed by departments, colleges, and other governance units that conform to the guidelines and principles, or approving policies as desirable variants to guidelines and principles.

9.1.3.2. Where no University policy exists, and no statement of guidelines or principles on a matter has been approved for use by departments, colleges, and governance units, those units may develop their own policies, the University Senate merely reviewing them to make certain they are fair and open in procedure and application, and making them a matter of record.

9.1.3.3. In cases where departments, colleges, and governance units have developed policies on a matter subsequently made the subject of a University policy, the University policy shall prevail, and the colleges and other governance units must bring their policies into conformity with the University policy within an established reasonable time.

9.1.3.4. To ensure through continuous monitoring that all operations and activities of the governance system of the University function effectively and to take all actions necessary to maintain or restore sound functioning.

## 9.2. MEMBERSHIP

9.2.1. Membership in the University Senate shall consist of the following forty-seven (47) elected, appointed, and ex officio representatives:

9.2.1.1. By virtue of their offices the President and the Provost and Executive Vice President for Academic Affairs of the University will be non-voting members of the Senate;

9.2.1.2. One (1) academic dean selected annually by all such deans to represent them;

9.2.1.3. Three tenure-line faculty representatives from each of seven (7) colleges for staggered three-year terms for a total of twenty-one (21) tenure-line faculty representatives;

9.2.1.4. One (1) faculty representative from Honors College selected by the Honors College faculty for a three-year term;

9.2.1.5. Three (3) non-tenure line faculty elected for staggered three-year terms by and from the full-time non-tenure line faculty;

9.2.1.6. Ten (10) professional personnel representatives, elected by and from professional personnel from within the units represented on the President's Cabinet for staggered three-year terms;

9.2.1.6.1. The number of representatives from each unit will be determined by the number of professional personnel in the unit.

9.2.1.6.2. Each five (5) years the number of professional personnel from each unit will be reviewed and appropriate adjustments made.

9.2.1.7. Seven (7) student representatives will serve one (1) year terms. Those seven representatives will be: the President of the Student Government Association (SGA); Vice President of the

SGA, President Pro Tempore of the SGA, Parliamentarian of the SGA, SGA Secretary of University Governance, one (1) undergraduate student appointed by SGA either from the student body at-large or from SGA representation, and one (1) graduate student appointed by SGA in conjunction with the office of the Dean of the Graduate School.

9.2.1.8. By virtue of their offices the Chairpersons of the Faculty Council and the Professional Personnel Council, non-voting.

9.2.2. Faculty representation including the non-tenure line faculty and the Honors College representative will always hold at least 55% but not more than 60% of the seats in the University Senate, representing a majority but not a super majority. The balance of this percentage will be maintained by ensuring that the Professional Personnel Council and the Student Government Association will remain consistent with the number of appointees from each of those two bodies.

9.2.3. No person may serve more than two consecutive three-year terms (6 years) as an elected member of the Senate from any given unit. Students serving one-year terms may serve up to six consecutive one-year terms (6 years). An individual can be re-elected when the next election for the unit is held after a minimum of one year has passed from the end of the last full term.

9.2.4. All elections of faculty and professional personnel representatives to the University Senate will be conducted by the units which they represent under the direction of the Governance and Elections Committee. Elections for faculty and professional personnel representatives shall be held by March 15 each year for Senators to be seated in the fall. Student Government Association elections will follow regular SGA timelines and procedures.

9.2.5. All members are voting members unless otherwise indicated above. Any member of the University Senate who is unable to attend one or more of its sessions may designate an alternate from the same unit for such meetings. The alternate must register with the Secretary of the Senate to be eligible to participate and vote.

9.2.6. Resignations from the Senate must be submitted in writing to the Secretary and Under Secretary of the Senate and contain a specific date of effectiveness.

9.2.7. If an elected senator is unable to discharge his or her obligations, the electorate of the unit concerned may by majority vote request the Governance and Elections Committee to declare the seat vacant.

9.2.8. When a faculty or professional personnel position is vacated in the Senate, a replacement will be elected to complete the original term through the same process used for electing the vacating representative. The person chosen as a replacement will be eligible for later election to another full term. When a student position is vacated in the Senate, a replacement will be appointed by the President of the Student Government Association.

9.2.9. The University Senate reserves the right to determine the eligibility of its members in accordance with this Constitution.

9.2.10. Student members must meet eligibility requirements in accordance with the bylaws of the Student Government Association.

9.2.11. No member may hold a seat on the Senate and on the Faculty or Professional Personnel Council concurrently.

## 9.3. STRUCTURE AND ORGANIZATION[5]

9.3.1. The University Senate shall have three elected officers, chosen by majority vote of the newly elected Senate to serve three-year terms, who must be elected members and not ex officio members of the Senate. After the completion of Senator elections in the spring, a special session of the Senate will be convened no later than April 30 for the purpose of electing Senate officers and members of Senate Agenda Committee. Those eligible to vote during this session will be newly elected Senators and sitting Senators who have at least one year remaining in their current term. The newly elected Senate officers will be seated on the Monday following the end of the spring semester. All other newly appointed and elected officers, Senate members, Council members, and Committee members will be seated the first day of fall semester.[6]

9.3.1.1. The Chairperson shall conduct all meetings of the Senate, serve as chairperson of its Agenda Committee, and represent the University governance system to the President of the University and the Board of Trustees. A parliamentarian shall be named each year by the Chairperson.

9.3.1.2. The Vice Chairperson shall serve in all capacities as assistant to the Chairperson, as presiding officer whenever the Chairperson is unable to perform the duties of the office, shall serve as Vice Chairperson of the Agenda Committee, and as Chairperson of the Governance and Elections Committee.

9.3.1.3. The Secretary shall maintain and preserve all records of the Senate and governance system, assisted by a permanent Undersecretary designated by the Provost and Executive Vice President for Academic Affairs, and shall serve as secretary of the Agenda Committee.

9.3.2. Two standing committees of the Senate shall be maintained on a twelve-month basis: the Senate Agenda Committee, and Governance and Elections Committee.

#### 9.3.2.1. AGENDA COMMITTEE[7]

The membership of the committee shall consist of: the Provost and Executive Vice President for Academic Affairs, ex officio, or a designee; the Chairperson, Vice Chairperson, and Secretary of the Senate; the Chairpersons of the Faculty Council, Professional Personnel Council and the President Pro Tempore of the Student Senate; and three elected members of the Senate chosen by the body, for staggered three-year terms.

#### 9.3.2.2. GOVERNANCE AND ELECTIONS COMMITTEE

The membership of the committee shall consist of the following individuals: one faculty member representing each college, elected by their colleges; one academic dean chosen by all such deans for a three year term; two professional personnel, elected or appointed by the Professional Personnel Council for staggered three year terms; one student, elected or appointed by and from the Student Government Association for a one year term; and the Vice Chairperson of the Senate, who shall serve as Chairperson of the committee. A secretary shall be elected by the committee each year.

9.3.3. In addition to its two operational committees and the standing committees delineated in section 9.4, the Senate may form such ad hoc committees or task forces as it deems necessary for carrying out its responsibilities. No ad hoc committee or task force may continue in existence longer than twelve months unless its life is specifically extended by the Senate.

9.3.4. Other Operating Procedures[8]

9.3.4.1. All Councils and Committees will submit their minutes and policy recommendations to the Office of the University Senate.

9.3.4.2. Policy recommendations shall require a simple majority vote of those present and voting to become the official recommendation of the University Senate. These recommendations shall become official when the minutes are approved.

9.3.4.3. All policies approved by previous Senates will remain in effect until they are changed by action of the University Senate.

9.3.4.4. At least four meetings shall be scheduled each semester during the academic year. The calendar shall be established by the Agenda Committee.

9.3.4.5. The Senate must approve the Standing Rules of the Senate at the first meeting of the academic year.

9.3.4.6. A quorum shall consist of a majority of the membership total, including the ex officio members.

9.3.4.7. Any proposed changes to the Faculty and Professional Personnel Handbook which fall within the purview of the Senate must be approved by the Senate.

## 9.4. University Senate Councils and Committees[9]

9.4.1. The Senate shall maintain three University Senate Councils – the Faculty Council, the Professional Personnel Council, and the Student Government Association – to assist the University Senate in forming educational policies. The Senate and three University Senate Councils shall maintain the following standing committees and ancillary subcommittees:

9.4.1.1. **University Senate**: Athletics; Financial and Budgetary; Judicial; Library; Public Safety with University Traffic Appeals Subcommittee;

9.4.1.2. **Faculty Council**: Academic Freedom and Ethics; Academic Technology Committee; Creative Arts, Creative Teaching, Graduate Education, Faculty Salary and Benefits; Non-tenure-line Faculty; Professional Education; Research; Special Leave; Teaching Evaluation; Undergraduate Education; University Grade Appeals, University Promotion and Tenure;

9.4.1.3. **Professional Personnel Council**: Admissions and Credits; Master Planning and Facilities; Professional Personnel Salary and Benefits; Professional Personnel Technology Committee, and Global Engagement.

9.4.1.4. **Student Government Association**: Events Programming and Scheduling; Student Activities; Student Center; Student Financial Assistance; Student Rights, Ethics, and Standards.

9.4.2. The establishment of new and modification of University Senate Councils and Council Standing Committees shall be recommended to the Senate by the Governance and Elections Committee and then approved by the Provost and Executive Vice President for Academic Affairs[58].

9.4.3. Members of councils or standing committees/subcommittees in the Senate system, with the exception of students, may serve two complete and consecutive three-year terms, except for such

alternative maximum term length as otherwise may be specified below under the University Senate Councils and Committees Structure.

9.4.4. When a faculty or professional personnel position is vacated on a council or committee/subcommittee in the Senate system, a replacement will be elected or appointed, whichever the case may be, to complete the original term through the same process used for electing or appointing the vacating representative. The person elected or appointed as a replacement will be eligible for later election or appointment to terms with the standard six-year term limit.

9.4.5. When a student position is vacated on a council or committee/subcommittee in the Senate system, a replacement will be appointed by the President of the Student Government Association.

9.4.6. Individuals who have been elected or appointed for the maximum allowed number of consecutive full terms (as per 9.4.3) are ineligible to serve in the same capacity for a full term.

9.4.7. The membership of each council will elect by majority vote a Chairperson, Vice Chairperson and a Secretary for a one-year term who will constitute the Executive Committee responsible for the following:
- 9.4.7.1. Proposing assignments to each of the standing committees on the Councils;
- 9.4.7.2. Preparing an agenda for each meeting of the Councils;
- 9.4.7.3. Receiving and forwarding recommendations or issues approved by each Council.

9.4.8. The Chairperson for the Student Government Association shall be a student; the chairperson for the Faculty Council shall be a faculty member; and the chairperson of the Professional Personnel Council shall be a professional personnel member.

9.4.9. The duties of University Senate Councils and Council Committee officers shall be as follows:
- 9.4.9.1. The chairperson shall conduct all meetings of the council or committee, provide leadership and coordination to the work of the body, and represent the body before other units of the governance system;
- 9.4.9.2. The vice-chairperson shall serve as assistant to the chairperson and as presiding officer in the chairperson's absence:
- 9.4.9.3. The secretary shall take the minutes of the council or committee and distribute them as directed, and shall serve as presiding officer in the absence of a vice chairperson whenever the chairperson is unable to perform the duties of the office.

9.4.10. Ex officio members shall not hold office on Councils or Council Committees. Voting rights of Ex Officio members shall be determined by each Council for its standing committees.

9.4.11. The Senate and each Council shall have the power to establish, on a temporary basis, ad hoc committees to inquire into a specific issue or topic related to its responsibilities and not under the jurisdiction of a Standing Committee. Such ad hoc Committees shall be established by resolution of the entire body, which shall specify the membership and duration of the ad hoc Committee. Each ad hoc Committee shall have a majority of its membership from Council members.

9.4.12. All actions of University Senate Councils and Council Standing Committees which establish or alter educational policy shall be referred to the University Senate for approval. Other actions not involving

a change in educational policy shall be forwarded to the appropriate administrative officer. Implementation of such action is the responsibility of the administrative officer in accordance with University procedures.

9.4.13. All actions of University Senate Councils and Council Standing Committees are subject to review by the University Senate. The work of each Council and Council Standing Committee can be considered approved by the Council in question and sent to Senate as an announcement. Should the Agenda Committee decide that piece of Council business should be reviewed by the Senate, the Council business will be added to the Senate Agenda. Should a senator on the floor of the Senate decide to make an agenda announcement an actionable item, they can do so with the appropriate motions and majority vote.

9.4.14. Any three members of a University Senate Council or Council standing committee may petition the chairperson of that Council or Committee to call a meeting of that body.

9.4.15. Meetings of councils, committees, and subcommittees are open meetings unless the chairperson announces in advance that a closed meeting is to be held for the purpose of discussing personnel issues. Visitors may attend open meetings but are not permitted to participate unless invited to do so[10].

9.4.16. A quorum is a majority of the voting members serving on a council or committee.

9.4.17. Each council or committee shall submit a written summary report of its activities at the end of each academic year to the Office of the University Senate.

9.4.18. Each council or committee shall transmit its minutes, the summary report, and also all bylaws and operating procedures adopted by the body to the office of the University Senate to be distributed to: the Office of the President, the Chairperson of the Council, and the Executive Secretary of the Council, the Chairperson, Vice Chairperson, Secretary of the University Senate, the President of the Student Government Association, and the Ball State University Archives maintained by the University Libraries. The minutes of the Academic Freedom and Ethics Committee and the University Promotion and Tenure Committee insofar as they concern confidential personnel recommendations shall be distributed instead to the President, the appropriate Vice President, and the Chairperson of the Faculty Council.

9.4.19. University Senate, Council or committee members who cannot attend a meeting may with the concurrence of the chairperson arrange to have an informed substitute attend, provided that such substitute was eligible at the time of the original appointment or election to be appointed or elected from or representing the same constituency, if any. A substitute may participate in the deliberations of the body and may vote, but only after proper registration with the secretary of the body before the start of the meeting. When a position is vacated in the University Senate Councils, or Committees within the governance system, a replacement will be selected to complete the original term through the same process used for selecting the vacating representative. The person chosen as a replacement will be eligible for later selection to another full term.

9.4.20. University Senate Councils or committee members who establish a pattern of absences from official meetings, thus depriving their unit or constituency of representation, may be replaced upon the

recommendation of the chairperson or the written request of at least one-third of the membership of the committee or council affected. Such recommendation or request shall be made to the Chairperson of the Governance and Elections Committee. After review by the Governance and Elections Committee, and being satisfied that appropriate notification to those involved has been made, the Governance and Elections Committee shall declare the position vacant and will initiate appropriate replacement procedures.

9.4.21. In the event that no person can be found willing or able to serve as representative of a college on a standing committee according to constitutional provision, then the Governance and Elections Committee may, following consultation from the dean of the college in question, designate a replacement member from another college, to serve for that academic year only. The designee would be a committee member at large and not responsible for representing the interests of the college whose seat he or she has been given.

9.4.22. The Senate and each Council will determine how many members of each of their standing committees they require to be members of the Senate or Council and how many members can be elected from the broader population of faculty, professional personnel, and students.

9.4.23. Each Council shall be allowed the autonomy to handle matters that pertain to that Council. Business that belongs to a specific Council shall be determined by the business of its standing and ad hoc committees and does not have to be voted on or confirmed by the Senate. The Senate shall review all business by each Council and shall have the authority to place any matter on its agenda as it sees fit. If the Senate does not view an item from a Council as needing further action, it will report the completed business to the Senate in the form of an announcement.

9.4.24. The word "colleges" in this document refers to the following colleges: College of Architecture and Planning; Miller College of Business; College of Communication, Information, and Media; College of Fine Arts; College of Health; College of Sciences and Humanities; and Teachers College.

## 9.5. AMENDMENTS[17]

This Constitution has been created to sustain the work of the Senate, its councils, and ancillary committees. With that in mind, it is recognized that it is occasionally necessary to amend governing documents. To that end, this Constitution can be amended in the following manner: (1) presenting a written statement of the proposed amendment at a regular meeting of the University Senate and then at the next regular meeting of the University Senate securing a majority vote of those present and voting. If the proposed amendment receives such a majority vote, it will then be distributed to all faculty and professional personnel units; (2) securing approval of the proposed amendment by a two-thirds vote of all those present and voting at meetings held within the faculty and professional personnel units within sixty calendar days of notification for a unit meeting to be held, with vote results from each unit to be reported promptly by the unit Chairperson/Head to the Provost and Executive Vice President for Academic Affairs; and (3) securing the approval of the University Board of Trustees for the proposed amendment.

### 9.5.1 University Senate Committees:

#### 9.5.1.1. ATHLETICS COMMITTEE[42]

9.5.1.1.1. Membership

9.5.1.1.1.1. Voting

9.5.1.1.1.1.1. Seven faculty, appointed by the Faculty Council, one representing each college, for staggered three-year terms;

9.5.1.1.1.1.2. Two professional personnel appointed by the Professional Personnel Council, one of whom is a member of the Professional Personnel Council, for staggered three-year terms;

9.5.1.1.1.1.3. One (1) graduate student with expertise as a student-athlete, appointed by the Director of Intercollegiate Athletics, for a one-year term;

9.5.1.1.1.1.4. Two (2) undergraduate students with special interest or expertise in intercollegiate athletics, appointed by the Student Government Association, for a one-year terms;

9.5.1.1.1.1.5. The Faculty Athletics Representative (FAR) to the NCAA and Mid-American Conference.

9.5.1.1.1.2. Non-Voting

9.5.1.1.1.2.1. The President, ex officio, or a designee;

9.5.1.1.1.2.2. The Director of Intercollegiate Athletics,

9.5.1.1.1.2.3. The Deputy Athletic Director;

9.5.1.1.1.2.4. The Senior Woman Administrator;

9.5.1.1.1.2.5. The Director of Sports Facilities and Recreation Services, ex officio, or a designee;

9.5.1.1.1.2.6. The Associate Vice President of Ball State University Foundation/President, Ball State University Alumni Association;

9.5.1.1.1.2.7. The Executive Director of Student Athletic Support Services, ex officio, or a designee.

9.5.1.1.2. Responsibilities. The Athletics Committee is responsible for carrying out the following initiatives and activities:

9.5.1.1.2.1. Provide oversight for areas of the intercollegiate athletics program including, but not limited to: academic integrity; NCAA compliance; the overall student-athlete experience; gender equity issues; the intercollegiate athletics budget; and the general reputation of the athletics program.

9.5.1.1.2.2. To elect a Faculty Chairperson and a Secretary from its appointed faculty or professional personnel membership by majority vote, for one-year terms;

9.5.1.1.2.3. To forward minutes of each committee meeting to the Chairperson of the Professional Personnel Council in a timely manner;

9.5.1.1.2.4. To review issues relative to academic integrity and progress toward degree among student athletes;

9.5.1.1.2.5. To review policies related to compliance with NCAA guidelines and legislation;

9.5.1.1.2.6. To review policies related to the overall student athlete experience;

9.5.1.1.2.7. To annually review the gender equity plan and make sure it is consistent with the philosophy and objectives of the University;

9.5.1.1.2.8. To maintain a standing subcommittee for issues related to gender equity and to elect a Chairperson for said subcommittee from its appointed faculty or professional personnel membership and a Secretary from the voting membership by majority vote, for one-year terms;

9.5.1.1.2.9. To review the proposed annual athletic budget, submitted by the Director of Intercollegiate Athletics, as it related to the overall charge of the committee.

9.5.1.1.2.10. To establish and regularly review a statement of principles which serves as a guide in planning and promoting athletic programs consistent with the philosophy and objectives of the University;

9.5.1.1.2.11. To review policies and procedures for administration, supervision, and use of facilities of intercollegiate athletic programs, as those policies relate to the overall charge of the committee;

9.5.1.1.2.12. To remain informed and provide input relative to proposed changes regarding those sports that constitute intercollegiate athletic programs;

9.5.1.1.2.13. To advise the President on procedures to be used in the selection and retention of the Director of Intercollegiate Athletics;

9.5.1.1.2.14. To evaluate intercollegiate athletics, as it relates to the overall charge of the committee, and to make recommendations, when appropriate.

### 9.5.1.2. FINANCIAL AND BUDGETARY AFFAIRS COMMITTEE[43]

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

9.5.1.2.1.1. Voting

9.5.1.2.1.1.1. Seven (7) faculty, with (1) member from each College, at least one (1) of whom shall be a member of University Senate, elected by and from their colleges, for staggered three-year terms;

9.5.1.2.1.2. One (1) professional personnel member appointed by the Professional Personnel Council, for a three-year term;

9.5.1.2.1.3. One (1) staff member appointed by Staff Council for a three-year term;

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

9.5.1.2.1.5. Non-Voting: Four (4) *ex officio* nonvoting members serving to provide information, data, and expertise to the Committee:

9.5.1.2.1.5.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee;

9.5.1.2.1.5.2. The Vice President for Business Affairs and Treasurer, ex officio, or a designee;

9.5.1.2.1.5.3. The Associate Vice President and Chief Budget Officer, ex officio;

9.5.1.2.1.5.4. One (1) Dean of an Academic College for a one-year term, chosen by all such deans, who should not serve consecutive terms.

9.5.1.2.2. Responsibilities – The Financial and Budgetary Affairs Committee continuously reviews and makes recommendations on University budgets, revenues, expenditures, and resources through the following initiatives and activities:

9.5.1.2.2.1. To elect a Chairperson and a Secretary from its appointed membership by majority vote for one-year terms;

9.5.1.2.2.2. To forward minutes of each committee meeting to the Chairperson of the Professional Personnel Council in a timely manner;

9.5.1.2.2.3. To report to the University Senate on University fiscal and budgetary matters.

9.5.1.2.2.4. To solicit input from constituent groups concerning fiscal or budgetary matters and communicate this to the campus administration. This may include conducting periodic surveys, focus groups or open forums.

9.5.1.2.2.5. To initiate recommendations to the State or appropriate University officers concerning fiscal and budgetary policies which affect more than a single unit and involve a significant portion of the University;

9.5.1.2.2.6. To provide advice to any University officer seeking it concerning fiscal or budgetary policies affecting the University's next budget planning cycle;

9.5.1.2.2.7. To carry out duties concerning fiscal and budgetary matters as the Senate or President may from time to time direct to the committee.

### 9.5.1.3. JUDICIAL COMMITTEE[46]

9.5.1.3.1. Membership – The membership of the Judicial Committee shall consist of the following:

9.5.1.3.1.1. Voting

9.5.1.3.1.1.1. Seven professional personnel, one elected from each of the six professional personnel areas: Academic Affairs, Business Affairs, Information Technology, Student Affairs and Enrollment Services and Dean of Students, Marketing and Communications, Advancement Enterprise,

and Government Relations and Community Engagement, for staggered three-year terms:

9.5.1.3.1.1.2. Seven faculty, one elected by each college for staggered three-year terms.

9.5.1.3.2. Responsibilities – The Judicial Committee is responsible for the following initiatives and activities:

9.5.1.3.2.1. To elect a Chairperson and Secretary from its voting membership by majority vote for one-year terms;

9.5.1.3.2.2. To forward minutes of each committee meeting to the Chairperson of the Professional Personnel Council within a timely manner;

9.5.1.3.2.3. To develop and review guidelines and policies for handling misconduct of faculty and professional personnel;

9.5.1.3.2.4. To serve as a panel from which five members may be designated by the Chairperson of the University Senate to constitute a hearing subcommittee for each specific case referred to the committee. No member of the committee shall serve on a hearing subcommittee if he or she has had previous involvement with the case, is a member of the department in which the individual involved is employed, or is related by blood or marriage to any of the principals;

9.5.1.3.2.5. To receive any allegations of misconduct. These allegations must be submitted in writing to the Chairperson of the Professional Personnel Council and must contain specific documentation supporting each of the allegations;

9.5.1.3.2.6. To review cases or situations involving a faculty member or a professional personnel member;

9.5.1.3.2.7. To recommend, after review of each case brought to the Committee, one of the following:

9.5.1.3.2.7.1. An action consistent with the Faculty and Professional Personnel Handbook concerning disciplinary action or termination;

9.5.1.3.2.7.2. Referral to the Academic Freedom and Ethics Committee of the Faculty Council.

9.5.1.3.2.7.3. To submit confidential Committee findings, in writing, to the involved parties and the Provost and Executive Vice President for Academic Affairs.

## 9.5.1.4. LIBRARY COMMITTEE[33]

9.5.1.4.1. Membership – The membership of the Library Committee shall consist of the following:

9.5.1.4.1.1. Voting

9.5.1.4.1.1.1. Seven faculty appointed by the Faculty Council, one representing each college, at least one of

whom must be a member of the Faculty Council, for staggered three-year terms;

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

9.5.1.4.1.1.3. Two professional personnel with primary appointment in different professional areas appointed by Professional Personnel Council, for staggered three-year terms;

9.5.1.4.1.1.4. One member appointed from the Graduate Education Committee, for a one-year term;

9.5.1.4.1.1.5. One member appointed by the Undergraduate Education Committee, for a one-year term.

9.5.1.4.1.2. Non-Voting

9.5.1.4.1.2.1. The Dean of University Libraries, ex officio, or a designee.

9.5.1.4.2. Responsibilities – The Library Committee is responsible for the following initiatives and activities:

9.5.1.4.2.1. To elect a Chairperson from its appointed faculty membership and a Secretary from its membership by majority vote for one-year terms;

9.5.1.4.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

9.5.1.4.2.3. To initiate and recommend policies and procedures for the operation of the University Libraries;

9.5.1.4.2.4. To receive and consider recommendations for improving library procedures and practices:

9.5.1.4.2.5. To evaluate University Libraries services, particularly through departmental library representatives, and to make recommendations, when appropriate.

## 9.5.1.5. PUBLIC SAFETY COMMITTEE

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

9.5.1.5.2. Voting

9.5.1.5.2.1. Two faculty appointed by the Faculty Council, for staggered three-year terms;

9.5.1.5.2.2. Two professional personnel, appointed by the Professional Personnel Council, for staggered three-year terms; [21]

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

9.5.1.5.3. Non-Voting

9.5.1.5.3.1. The Director of Public Safety, ex officio, or a designee;

9.5.1.5.3.2. President of the Staff Council, ex officio, or a designee;

9.5.1.5.3.3. Victim Advocate, ex officio, or a designee;

9.5.1.5.3.4. Associate Vice President for Facilities Planning and Management, ex officio, or a designee.

9.5.1.5.4. Responsibilities – The Public Safety Committee is responsible for the following initiatives and activities:

9.5.1.5.4.1. To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;

9.5.1.5.4.2. To forward minutes of each committee meeting to the Chairperson of the Student Government Association within a timely manner;

9.5.1.5.4.3. To recommend policies and procedures related to the administration of the University public safety program;

9.5.1.5.4.4. To recommend policies and procedures relating to the administration of the University parking policies;

9.5.1.5.4.5. To act in an advisory capacity to the Director of Public Safety;

9.5.1.5.4.6. To serve as a liaison agency in interpreting public safety programs to students, faculty and staff;

9.5.1.5.4.7. To evaluate the Public Safety program and make recommendations, when appropriate.

9.5.1.5.5. There shall be one standing subcommittees of the Public Safety Committee: the University Traffic Appeals Subcommittee.

## 9.5.1.6. The University Traffic Appeals Subcommittee

9.5.1.6.1. Membership – The membership of the University Traffic Appeals Subcommittee shall consist of the following:

9.5.1.6.1.1. Voting

9.5.1.6.1.1.1. Two members of the Student Government Association, appointed for staggered three-year terms;

9.5.1.6.1.1.2. Two faculty members of the Faculty Council, appointed for staggered three-year terms;

9.5.1.6.1.1.3. Two members of the Professional Personnel Council, appointed for staggered three-year terms;

9.5.1.6.1.1.4. Two members appointed by the President of the University to represent staff and service personnel, for staggered three-year terms.

9.5.1.6.1.2. Non-voting

9.5.1.6.1.2.1. The Director of Public Safety, ex officio, or a designee.

9.5.1.6.1.3. Responsibilities – The University Traffic Appeals Subcommittee shall be responsible for the following initiatives and activities:

9.5.1.6.1.3.1. To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;

9.5.1.6.1.3.2. To forward minutes of each committee meeting to the Chairperson of the Public Safety Committee within a timely manner;

9.5.1.6.1.3.3. To hear appeals related to vehicular traffic and parking violations.

# 10. Student Government, Faculty Council and Professional Personnel Council and associated committees

## General Structure: Student Government Association and Committees

## 10.1. Student Government Association[18]

For more information regarding the constitution and bylaws:
https://www.bsu.edu/campuslife/student-life/student-government-association

## Student Government Association Standing Committees:

## 10.2. Events Programming and Scheduling Committee

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

10.2.1.1. Voting

10.2.1.1.1. Two faculty, appointed by the Faculty Council, for staggered three-year terms;
10.2.1.1.2. Two professional personnel, appointed by the Professional Personnel Council, for staggered three-year terms[20];
10.2.1.1.3. Two students with special interest or expertise in the performing arts to be appointed by the Student Government Association, for one-year terms;
10.2.1.1.4. Four members from the community or region to be appointed by the President of the University, for staggered three-year terms.

10.2.1.2. Non-Voting

10.2.1.2.1. The Dean of the College of Fine Arts, ex officio, or a designee;
10.2.1.2.2. The Associate Vice President of Ball State University Foundation and President of the Ball State Alumni Association, ex officio, or a designee;
10.2.1.2.3. The Director of Emens Auditorium, ex officio, or a designee;
10.2.1.2.4. The Associate Director of Emens Auditorium, ex officio, or a designee;
10.2.1.2.5. The Director of Sports Facilities Management, ex officio, or a designee;
10.2.1.2.6. One representative from the Student Center Committee.

10.2.2. Responsibilities - The Events Programming and Scheduling Committee is responsible for the following initiatives and activities:

10.2.2.1. To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;
10.2.2.2. To forward minutes of each committee meeting to the Chairperson of the Student Government Association within a timely manner;
10.2.2.3. To initiate, recommend and implement policies and administrative procedures for scheduling University sponsored cultural and entertainment programs and convocations;
10.2.2.4. To evaluate auditorium and convocation programs and make recommendations, when appropriate;

10.2.2.5. To consult with the Director of Emens Auditorium concerning events to be scheduled in Emens Auditorium;
10.2.2.6. To consult with the Director of Sports Facilities Management concerning events to be scheduled in Worthen Arena;
10.2.2.7. To consult with appropriate University officials concerning programming scheduled in other University facilities;
10.2.2.8. To consult with appropriate University officials concerning planning for future event facilities;
10.2.2.9. To evaluate University event facilities concerning programming in University facilities on a continuing basis.

## 10.3. STUDENT ACTIVITIES COMMITTEE[22]

10.3.1. Membership – The membership of the Student Activities Committee shall consist of the following:
10.3.1.1. Voting
10.3.1.1.1. Two faculty appointed by the Faculty Council for staggered three-year terms;
10.3.1.1.2. Two members appointed by the Professional Personnel Council for staggered three-year terms;
10.3.1.1.3. Three students appointed by the Student Government Association for one-year terms.
10.3.1.2. Non-Voting
10.3.1.2.1. The Assistant Vice President for Student Affairs and Director of Student Life, ex officio, or a designee;
10.3.1.2.2. The Director of Recreation Services, ex officio, or a designee.

10.3.2. Responsibilities – The Student Activities Committee is responsible for the following initiatives and activities:
10.3.2.1. To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;
10.3.2.2. To forward minutes of each committee meeting to the Chairperson of the Student Government Association within a timely manner;
10.3.2.3. To receive and consider proposals dealing with student activities policies from the Student Government Association and the Office of Student Life;
10.3.2.4. To initiate and recommend policies in matters related to student activities and organizations;
10.3.2.5. To advise those who administer student activities programs and residence hall programming;
10.3.2.6. To grant recognition to student organizations, subject to review by the President of the University or a representative;
10.3.2.7. To evaluate publications, policies, and procedures related to student organizations and to make recommendations, when appropriate.

## 10.4. STUDENT CENTER COMMITTEE[23]

10.4.1. Membership – The membership of the Student Center Committee shall consist of the following:
10.4.1.1. Voting
10.4.1.1.1. Two faculty appointed by the Faculty Council, for staggered three-year terms;
10.4.1.1.2. Two professional personnel, appointed by the Professional Personnel Council, for staggered three-year terms;

10.4.1.1.3. Four students appointed by the Student Government Association, for one-year terms;
10.4.1.1.4. One student representative appointed by the University Program Board, for a one-year term.

10.4.1.2. Non-Voting

10.4.1.2.1. The Director of the Student Center, ex officio, or a designee;
10.4.1.2.2. Associate Vice President for Student Affairs, ex officio, or a designee;
10.4.1.2.3. The Director of Emens Auditorium, ex officio, or a designee.

10.4.2. Responsibilities – The Student Center Committee is responsible for the following initiatives and activities:

10.4.2.1. To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;
10.4.2.2. To forward minutes of each committee meeting to the Chairperson of the Student Government Association within a timely manner;
10.4.2.3. To evaluate Student Center policies and procedures, and to make recommendations, when appropriate.
10.4.2.4. To evaluate the Student Center programs and operations and to make recommendations, when appropriate;
10.4.2.5. To assist in assessment of programs and services to various constituents, and to make recommendations, when appropriate.

## 10.5. Student Financial Assistance Committee

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

10.5.1.1. Voting

10.5.1.1.1. Two faculty appointed by the Faculty Council, for staggered three-year terms;
10.5.1.1.2. Two professional personnel, appointed by the Professional Personnel Council, for staggered three-year terms;[24]
10.5.1.1.3. Two students appointed by the Student Government Association, for one-year terms.

10.5.1.2. Non-Voting

10.5.1.2.1. The Assistant Vice President for Enrollment Services, ex officio, or a designee.

10.5.2. Responsibilities – The Student Financial Assistance Committee is responsible for the following initiatives and activities:

10.5.2.1. To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;
10.5.2.2. To forward minutes of each committee meeting to the Chairperson of the Student Government Association within a timely manner;
10.5.2.3. To evaluate policies and procedures on matters relating to awarding student financial assistance, including scholarships, grants, grants-in-aid, loans, and student employment; and to make recommendations, when appropriate;
10.5.2.4. To serve as the appeals body to hear student grievances relating to the awarding and continued receipt of financial assistance;
10.5.2.5. To evaluate student financial assistance programs and procedures and to make recommendations when appropriate.

## 10.6. STUDENT RIGHTS, ETHICS AND STANDARDS COMMITTEE

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

10.6.1.1. Voting

10.6.1.1.1. Two faculty appointed by the Faculty Council, for staggered three-year terms;

10.6.1.1.2. Two professional personnel, appointed by the Professional Personnel Council, for staggered three-year terms;[25]

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

10.6.1.2. Non-Voting

10.6.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee;

10.6.1.2.2. The Vice President for Marketing and Communications, ex officio, or a designee;

10.6.1.2.3. The Vice President of the Student Government Association, ex officio, or a designee.

10.6.1.2.4. The Vice President for Student Affairs, ex officio, or a designee.

10.6.2. Responsibilities – The Student Rights, Ethics and Standards Committee is responsible for the following initiatives and activities:

10.6.2.1. To elect a Chairperson and a Secretary from its appointed membership by majority vote for a one-year term;

10.6.2.2. To forward minutes of each committee meeting to the Chairperson of the Student Government Association within a timely manner;

10.6.2.3. To initiate, review and recommend policies and procedures on matters related to student rights and responsibilities, standards of conduct, and discipline;

10.6.2.4. To work with the Faculty Council to develop policies and procedures related to academic ethics, grade appeals and other student academic grievances;

10.6.2.5. To evaluate and review student rights and responsibilities, ethics and standards.

# FACULTY COUNCIL AND COMMITTEES

## 10.7. FACULTY COUNCIL[26]

10.7.1. Membership

The membership of the Faculty Council shall consist of the following:

10.7.1.1. Voting[59]

10.7.1.1.1. The elected faculty membership of the Faculty Council shall consist of one (1) elected faculty representative from each academic department and from each additional academic unit that maintains a recognized Ball State faculty electorate for governance elections, as determined by the Governance and Elections Committee.

10.7.1.1.1.1. For purposes of Faculty Council representation, a "recognized Ball State faculty electorate" shall consist of full-time Ball State faculty whose primary academic appointment is housed in a unit outside an academic department, who are governed by Ball State University faculty policies regarding appointment, promotion, evaluation, and academic freedom, and who conduct governance elections in accordance with procedures

approved by the Governance and Elections Committee, for staggered three year terms.

10.7.1.1.2. The two elected non-tenure-line faculty members to Faculty Council, for staggered three-year terms.

10.7.1.1.2.1. The two (2) non-tenure-line faculty members elected to the Faculty Council shall be elected at-large by and from the University's full-time non-tenure-line faculty. These at-large representatives do not substitute for unit-based or academic-unit representation on the Faculty Council.

10.7.1.2. Non-Voting

10.7.1.2.1. The Chairperson of the Student Government Association, ex officio, or a designee;

10.7.1.2.2. The Chairperson of the Professional Personnel Council, ex officio, or a designee;

10.7.1.2.3. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee.

10.7.2. Structure

The membership will elect by majority vote a Chairperson, who must be a faculty member, Vice Chairperson and a Secretary for a one-year term which will constitute an Executive Committee responsible for the following:

10.7.2.1. Proposing committee assignments to each of the standing committees on the Councils;

10.7.2.2. Preparing an agenda for each meeting of the Faculty Council;

10.7.2.3. Receiving, and forwarding recommendations or issues approved by the Faculty Council;

10.7.2.4. Fourteen other standing committees of the Faculty Council shall be maintained on a continuing basis. They are: Academic Freedom and Ethics, Non-tenure-line faculty, Creative Arts, Creative Teaching, Graduate Education, Academic Technology, Library, Professional Education, Faculty Salary and Benefits, Special Leave, Teaching Evaluation, Undergraduate Education, University Grade Appeals Committee, and University Promotion and Tenure.

In addition, the Faculty Council may form such ad hoc committees as it deems necessary for carrying out its responsibilities, subject to the following conditions:

10.7.2.4.1. Submission of a written report to the University Senate at the time of the ad hoc committee's formation to explain its purpose, membership and expected date for completion of tasks and dissolution;

10.7.2.4.2. Limitation of the existence of any ad hoc committee to a period not exceeding twelve months from the date of formation, unless the Council approves a specific extension or authorizes that the ad hoc committee be replaced by a new standing committee.

10.7.3. Responsibilities:

The Faculty Council is responsible for the following initiatives and activities:

10.7.3.1. To consider and develop policies and procedures on matters regarding all academic policies and programs; academic freedom and ethics; the appointment, promotion, tenure, and dismissal of faculty members and tenured professional personnel acting in a

faculty capacity; salaries; benefit programs; and other conditions of employment affecting faculty.

10.7.3.2. To consider and develop policies and procedures on matters regarding the health and personal well-being of faculty and the welfare of emeriti faculty;

10.7.3.3. To consider and develop policies, procedures and programs regarding scholarly activities; leaves of absence; and other opportunities for professional development;

10.7.3.4. To solicit and survey opinions of the faculty on matters concerning their interests and welfare and to recommend appropriate action;

10.7.3.5. To act in an advisory capacity to those who administer the various programs related to the status, remuneration, and well-being of faculty and emeriti faculty;

10.7.3.6. To approve all appointments to the standing committees on the Council.

## 10.7.4. STANDING COMMITTEES

### 10.7.4.1. ACADEMIC FREEDOM AND ETHICS COMMITTEE[27]

10.7.4.1.1. Membership – The membership of the Academic Freedom and Ethics Committee shall consist of the following appointed members:

10.7.4.1.1.1. Voting

10.7.4.1.1.1.1. Seven full-time faculty members, one representing each college, one of whom must be a member of Faculty Council, elected by their colleges, for staggered three-year terms;

10.7.4.1.1.1.2. Two professional personnel, appointed by the Professional Personnel Council, for staggered three-year terms.

10.7.4.1.1.2. Non-Voting

10.7.4.1.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee.

10.7.4.1.2. Responsibilities – The Academic Freedom and Ethics Committee is responsible for the following initiatives and activities:

10.7.4.1.2.1. To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one-year terms;

10.7.4.1.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

10.7.4.1.2.3. To develop and review guidelines and policies for academic freedom and academic ethics issues for the University.

10.7.4.1.2.4. To receive any allegations regarding alleged interference with academic freedom and alleged breaches of academic ethics involving a faculty member or a professional personnel member. These allegations must be submitted in writing to the Chairperson of the Faculty Council and must contain specific documentation supporting each of the allegations;

10.7.4.1.2.5. To review cases or situations involving a faculty member or a professional personnel member;

10.7.4.1.2.6. To recommend, after review of each case brought to the committee, one of the following:

10.7.4.1.2.6.1. An action consistent with the Faculty and Professional Personnel Handbook concerning disciplinary action or termination;

10.7.4.1.2.6.2. Referral to the Judicial Committee of the Professional Personnel Council.

10.7.4.1.2.7. To submit confidential committee findings, in writing, to the involved parties and the Provost and Executive Vice President for Academic Affairs.

No one may serve on a panel reviewing a case brought before the committee who has had previous involvement with the case, or who is assigned to the same department or administrative areas as any of the principals in the case, or who is related by blood or marriage to any of principals.

To ensure there is not a duplicate process with that of the Academic Freedom and Ethics Committee, allegations of research misconduct (fabrication, falsification, plagiarism) should be directed to the Office of Research Integrity's (ORI) Responsible Conduct of Research (RCR) Officer to be addressed through the applicable policy and procedure. Any allegations of research misconduct that are submitted to the Academic Freedom and Ethics Committee will be automatically sent to the ORI's RCR Officer without review.

## 10.7.4.2. ACADEMIC TECHNOLOGY COMMITTEE[28]

10.7.4.2.1. Membership – The membership of the Academic Technology Committee shall consist of the following:

10.7.4.2.1.1. Voting

10.7.4.2.1.1.1. Seven faculty members appointed by the Faculty Council, one representing each college, at least one of whom must be a member of the Faculty Council, for staggered three-year terms;

10.7.4.2.1.1.2. Three Professional personnel from appropriate representative areas appointed by the Professional Personnel Council; at least one of whom must be from University Libraries.

10.7.4.2.1.1.3. Two students appointed by Student Government Association, for a one-year term.

10.7.4.2.1.2. Non-voting

10.7.4.2.1.2.1. Provost and Executive Vice President of Academic Affairs, ex officio, or a designee;

10.7.4.2.1.2.2. Vice President of Information Technology, ex officio, or a designee.

10.7.4.2.1.2.3. Assistant Provost for Learning Initiatives, ex officio, or a designee.

10.7.4.2.1.2.4. Representative of the Accessible Technology Lab (ACT).

10.7.4.2.2. Responsibilities:

10.7.4.2.2.1. To elect a chairperson and a Secretary from its appointed faculty membership by majority vote for one-year terms;

10.7.4.2.2.2. To forward minutes to the Chairperson of the Faculty Council within a timely manner;

10.7.4.2.2.3. Help to inform and advise a strategic vision and plan for academic technology at Ball State that supports the overall strategic mission of the University;

10.7.4.2.2.4. Consider and recommend policies regarding support of faculty, staff and student activities that would be aided by Academic Technology Solutions;

10.7.4.2.2.5. Make recommendations for improving all technology services;

10.7.4.2.2.6. Provide feedback on all technology resources and alternatives and make recommendations to the Office of Information Technology.

## 10.7.4.3. NON-TENURE-LINE FACULTY COMMITTEE[29]

10.7.4.3.1. Membership – The membership of the Non-tenure-line faculty Committee shall consist of the following:

10.7.4.3.1.1. Voting

10.7.4.3.1.1.1. Four non-tenure-line faculty members appointed by the Faculty Council, for staggered three-year terms.

10.7.4.3.1.1.2. One full-time non-tenure-line faculty member elected by and from the Non-tenure-line faculty of each college, for staggered three-year terms; Colleges may elect tenure-line faculty members if no willing non-tenure-line faculty member is available; only full-time non-tenure-line faculty and those who hold half-time or more contracts for more than one year will elect their own representatives to Non-tenure-line faculty Committee;

10.7.4.3.1.2. Non-Voting

10.7.4.3.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee.

10.7.4.3.2. Responsibilities – The Non-tenure-line faculty Committee is responsible for the following initiatives and activities:

10.7.4.3.2.1. To elect a Chairperson and a Secretary from the voting membership by majority vote for a one-year term;

10.7.4.3.2.2. To forward minutes of each committee meeting to the chairperson of the Faculty Council within a timely manner;

10.7.4.3.2.3. To initiate and recommend procedures for implementing University policies affecting full-time non-tenure-line faculty;

10.7.4.3.2.4. To review existing policies and procedures affecting non-tenure-line faculty and to recommend changes in those policies and procedures when appropriate.

10.7.4.3.2.5. To hear appeals and make recommendations and/or decisions that are consistent with University Policies describing the right of a faculty member to appeal an adverse promotion recommendation[60].

## 10.7.4.4. CREATIVE ARTS COMMITTEE

10.7.4.4.1. Membership – The membership of the Creative Arts Committee shall consist of the following:

10.7.4.4.1.1. Voting

10.7.4.4.1.1.1. Creative Arts Seven faculty members appointed by the Faculty Council, one representing each college, at least one of whom must be a member of the Faculty Council, for staggered three-year terms;

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

10.7.4.4.1.2. Non-Voting

10.7.4.4.1.2.1. The Dean of the College of Fine Arts, ex officio, or a designee;

10.7.4.4.1.2.2. The Director of Pre-Award, Strategy and Outreach of the Sponsored Projects Administration, ex officio, or a designee.

10.7.4.4.2. Responsibilities – The Creative Arts Committee is responsible for the following initiatives and activities:

10.7.4.4.2.1. To elect a Chairperson and a Secretary from its voting faculty membership by majority vote of the committee, for one-year terms;

10.7.4.4.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner.

10.7.4.4.2.3. To encourage, strengthen, and foster the creative arts at the University at all levels.

10.7.4.4.2.4. To solicit and evaluate proposals for Creative Arts Grants and to recommend to the Provost and Executive Vice President for Academic Affairs, the Vice Provost for Research, and The Director of Pre-Award, Strategy, and Outreach of the Sponsored Projects Administrations those proposals which merit funding by the University.

10.7.4.4.2.5. To initiate and recommend policies and procedures for Creative Arts Grants at the University;

10.7.4.4.2.6. To conduct continuous evaluation of the Creative Arts Program.

## 10.7.4.5. CREATIVE TEACHING COMMITTEE[30]

10.7.4.5.1. Membership – The membership of the Creative Teaching Committee shall consist of the following:

10.7.4.5.1.1. Voting

10.7.4.5.1.1.1. Seven members, one representing each college, appointed by and from the membership of the Faculty Council, for staggered three-year terms;

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

10.7.4.5.1.2. Non-Voting

10.7.4.5.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee.

10.7.4.5.2. Responsibilities – The Creative Teaching Committee is responsible for the following initiatives and activities:

10.7.4.5.2.1. To elect a Chairperson and a Secretary from its voting faculty membership by majority vote for one-year terms;

10.7.4.5.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

10.7.4.5.2.3. To encourage, strengthen, and foster creative teaching at the University at all levels.

10.7.4.5.2.4. To solicit and evaluate all proposals for Creative Teaching Grants, and to recommend to the Provost and Executive Vice President for Academic Affairs those proposals which merit funding by the University.

10.7.4.5.2.5. To initiate and recommend policies and procedures for Creative Teaching Grants at the University;

10.7.4.5.2.6. To conduct evaluation of the Creative Teaching Grants program.

## 10.7.4.6. FACULTY SALARY AND BENEFITS COMMITTEE[31]

10.7.4.6.1. Membership – The membership of the Faculty Salary and Benefits Committee shall consist of the following:

10.7.4.6.1.1. Voting

10.7.4.6.1.1.1. Seven faculty members from among the membership of the Faculty Council, one representing each college, elected by their colleges, for staggered three-year terms; and the chairperson of the Professional Personnel Salary and Benefits Committee;

10.7.4.6.1.2. Non-Voting

10.7.4.6.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee.

10.7.4.6.1.2.2. The Vice President for Business Affairs and Treasurer, ex officio, or a designee.

10.7.4.6.1.2.3. One member appointed by and from the Professional Personnel Council's Financial and Budgetary Affairs Committee, for a one-year term.

10.7.4.6.2. Responsibilities – The Faculty Salary and Benefits Committee is responsible for the following initiatives and activities:

10.7.4.6.2.1. To elect a Chairperson and a Secretary from its elected faculty membership by majority vote of the committee, for one-year terms;

10.7.4.6.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

10.7.4.6.2.3. To monitor and evaluate faculty salary and benefit programs, including those concerning emeriti, and recommend appropriate changes and improvements.

10.7.4.6.2.4. To initiate reviews and assessments of market conditions periodically and make appropriate recommendations for adjustments regarding incremental money distributed to faculty for market purposes;

10.7.4.6.2.5. To review the administration of faculty salary programs annually, working with the President or the Provost and Executive Vice President for Academic Affairs, to assure compliance with established policies;

10.7.4.6.2.6. To review for approval all criteria and processes regarding faculty salaries for all units.

10.7.4.6.2.7. To act in an advisory capacity to those who administer faculty salary and benefit programs for the University and to represent the interests of the faculty in discussions with such persons.

10.7.4.6.2.8. To meet jointly with the Professional Personnel Salary and Benefits Committee on all matters dealing with university benefits that apply to both faculty and professional personnel.

10.7.4.6.2.8.1. The chairs of both the Faculty Salary and Benefits Committee and the Professional Personnel Salary and Benefits Committee shall share chair duties whenever joint meetings are called and the secretaries from each respective committee shall alternate in taking minutes during joint sessions. Acting secretaries shall see to it that minutes are forwarded to both the Faculty and Professional Personnel Salary and Benefits Committees for their review.

10.7.4.6.2.8.2. All voting members of the respective salary and benefits committees from each council shall be eligible to vote at joint meetings.

10.7.4.6.2.9. At its discretion, the University Salary and Benefits Committee (FSBC) may establish a subcommittee of delegates to provide support in the review, analysis, and evaluation of materials related to Faculty Salary and Benefits. The purpose of such a subcommittee is to ensure a thorough and well-informed examination of issues that may impact faculty across the institution. Any subcommittee convened under this provision must include, at minimum, one representative from each college in order to provide balanced representation and to ensure that the perspectives and interests of all academic units are appropriately considered. The subcommittee shall report its findings and recommendations to the FSBC members, which will retain final authority for decisions and actions[61].

## 10.7.4.7. GRADUATE EDUCATION COMMITTEE[32]

10.7.4.7.1. Membership – The membership of the Graduate Education Committee shall consist of the following:

10.7.4.7.1.1. Voting

10.7.4.7.1.1.1. Two members appointed by and from the Faculty Council who are members of the Graduate Faculty, for staggered three-year terms;

10.7.4.7.1.1.2. Twelve members of the Graduate Faculty elected by and from the tenure-line Graduate Faculty, with the number of representatives from each college based on the ratio of that college's membership in the total Graduate Faculty, for staggered three-year terms:

10.7.4.7.1.1.3. Three members of the Graduate Faculty appointed by the Faculty Council upon recommendation by the Dean of the Graduate School for staggered three-year terms:

10.7.4.7.1.1.4. Seven graduate students appointed by the Student Government Association, from each college offering graduate programs for one-year terms.

10.7.4.7.1.2. Non-Voting

10.7.4.7.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee;

10.7.4.7.1.2.2. The Dean of the Graduate School, ex officio, or a designee;

10.7.4.7.1.2.3. The Associate Dean of the Graduate School, ex officio, or a designee.

10.7.4.7.2. Responsibilities – The Graduate Education Committee is responsible for the following initiatives and activities:

10.7.4.7.2.1. To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one-year terms:

10.7.4.7.2.2. To forward minutes of each committee meeting to the Chair of the Faculty Council within a timely manner;

10.7.4.7.2.3. The officers and the Dean of the Graduate School, ex officio, or a designee, shall constitute an Executive Committee to prepare an agenda for each meeting and to expedite committee business.

10.7.4.7.2.4. To initiate and recommend policies and procedures for the administration of the graduate programs on matters relating to admissions, retention, curricular requirements, residence, research papers and theses, advanced standing, examinations, class sizes, and other duties necessary for the successful operation of the graduate programs;

10.7.4.7.2.5. To recommend the addition, deletion, or modification of graduate curricula and programs;

10.7.4.7.2.6. To evaluate and approve all interdisciplinary graduate courses and programs;

10.7.4.7.2.7. To evaluate graduate programs and to make recommendations, when appropriate;

10.7.4.7.2.8. To confer with other councils and committees when problems of mutual concern arise;

10.7.4.7.2.9. To initiate and recommend policies and procedures on matters concerning the establishment of qualifications for doctoral fellows, graduate assistants, and the proposed recipients of honorary degrees;

10.7.4.7.2.10. To evaluate and approve Graduate Faculty Policies.

## 10.7.4.8. PROFESSIONAL EDUCATION COMMITTEE[34]

10.7.4.8.1. Membership — The membership of the Professional Education Committee shall consist of the following:
Faculty representatives must be approved as Professional Education Faculty Category I. University term limits apply except in cases where program size restricts the number of eligible faculty.

10.7.4.8.1.1 Voting

10.7.4.8.1.1.1. One faculty member elected by and from the Miller College of Business, for a two-year term;

10.7.4.8.1.1.2. One faculty member elected by and from the College of Communication, Information, and Media, for a two-year term;

10.7.4.8.1.1.3. Two faculty members elected by and from the College of Fine Arts, for staggered two-year terms;

10.7.4.8.1.1.4. One faculty member elected by and from the College of Health, for a two-year term;

10.7.4.8.1.1.5. Four faculty members elected by and from the College of Sciences and Humanities, for staggered two-year terms;

10.7.4.8.1.1.6. Six faculty members elected by and from Teachers College; for staggered two-year terms;

10.7.4.8.1.1.7. One graduate student appointed by the Professional Education Committee, for a one-year term;

10.7.4.8.1.1.8. One undergraduate student appointed by the Professional Education Committee, for a one-year term;

10.7.4.8.1.1.9. Two representatives from K-12 public education (either two teachers or one teacher and one administrator) appointed by the Professional Education Committee, for two-year terms.

10.7.4.8.1.2. Non-Voting

10.7.4.8.1.2.1. One faculty member appointed by and from the Faculty Council, for a two-year term;

10.7.4.8.1.2.2. Dean of Teachers College, ex officio, or a designee;

10.7.4.8.1.2.3. Associate Dean of Teachers College, ex officio, or a designee;

10.7.4.8.1.2.4. Accreditation and Assessment Coordinator from Teachers College, ex officio, or a designee;

10.7.4.8.1.2.5. Director of Teacher Education Services and Clinical Practice, ex officio, or a designee.

10.7.4.8.1.2.6. Director of edTPA, or a designee.

10.7.4.8.1.3 Responsibilities – The Professional Education Committee is responsible for the following initiatives and activities and forwards recommendations to the Dean of Teachers College:

10.7.4.8.1.3.1. To elect a Chairperson, Vice Chairperson, and Secretary from its membership by majority vote for one-year terms;

10.7.4.8.1.3.2. To form an Executive Committee from the Professional Education Committee membership, consisting of the Chairperson, the Vice Chairperson, the Secretary, the Associate Dean for Educator Preparation, and a representative from P-12 public schools. The Executive Committee will prepare an agenda for each meeting and expedite committee business;

10.7.4.8.1.3.3. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

10.7.4.8.1.3.4. To review and recommend approval of new and revised professional education courses;

10.7.4.8.1.3.5 To review and recommend approval of new and revised programs that lead to initial licensure of P-12 teachers or advance licensure of specialized school professionals for employment in P-12 schools and districts;

10.7.4.8.1.3.6. To regularly review and recommend approval of new and existing educator preparation policies;

10.7.4.8.1.3.7. To approve Professional Education Faculty applications;

10.7.4.8.1.3.8. Establish and regulate sub-committees responsible for completing the work of the Educator Preparation Provider. Members of sub-committees may include other professional education faculty, P-12 representatives, and students;

10.7.4.8.1.3.9. To review its own organization, procedures, and functions and to make recommendations to the Governance and Elections Committee on these matters.

## 10.7.4.9. SPECIAL LEAVE COMMITTEE[35]

10.7.4.9.1. Membership – The membership of the Special Leave Committee shall consist of the following:

10.7.4.9.1.1. Voting

10.7.4.9.1.1.1. Seven tenured or tenure track faculty members, elected from each college, for staggered three-year terms;

10.7.4.9.1.2. Non-Voting

10.7.4.9.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee.

10.7.4.9.2. Responsibilities – The Special Leave Committee is responsible for the following initiatives and activities:

10.7.4.9.2.1. To elect a Chairperson and a Secretary from its voting faculty membership by majority vote for one-year terms;

10.7.4.9.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

10.7.4.9.2.3. To initiate, monitor, evaluate, and recommend policies and procedures concerning leaves of absence.

10.7.4.9.2.4. To solicit applications for special assigned leaves with pay, to evaluate and rank the applications according to established criteria, and to report its findings according to established policies.

10.7.4.9.2.5. To act in an advisory capacity to those who administer other leaves of absence programs.

## 10.7.4.10. TEACHING EVALUATION COMMITTEE[36]

10.7.4.10.1. Membership – The membership of the Teaching Evaluation Committee shall consist of the following:

10.7.4.10.1.1. Voting

10.7.4.10.1.1.1. Seven faculty members appointed by the Faculty Council, one elected by and representing each college, one of whom must be a member of Faculty Council, for staggered three-year terms;

10.7.4.10.1.1.2. Two members appointed by the Professional Personnel Council for staggered three-year terms;

10.7.4.10.1.1.3. One undergraduate student and one graduate student appointed by the Student Government Association for one-year terms;

10.7.4.10.1.2. Non-Voting

10.7.4.10.1.2.1. A representative from the Division of Online and Strategic Learning;

10.7.4.10.1.2.2. The Director of Research and Academic Effectiveness, ex officio, or a designee.

10.7.4.10.2. Responsibilities – The Teaching Evaluation Committee is responsible for the following initiatives and activities:

10.7.4.10.2.1. To elect a Chairperson and a Secretary from its appointed faculty membership by majority vote for one-year terms;

10.7.4.10.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

10.7.4.10.2.3. To evaluate the University Policy for Evaluation of Teaching and Guidelines to be Followed in Evaluation of Teaching and to make recommendations, when appropriate;

10.7.4.10.2.4. To review and report department policies and procedures for the evaluation of teaching on a rotating three-year cycle or whenever a department makes a substantial change;

10.7.4.10.2.5. To initiate and oversee the implementation of policies to ensure the security of data collected during student-completed course evaluations.

## 10.7.4.11. UNDERGRADUATE EDUCATION COMMITTEE[37]

10.7.4.11.1. Membership – The membership of the Undergraduate Education Committee shall consist of the following:

10.7.4.11.1.1. Voting

10.7.4.11.1.1.1. One member appointed by and from the Faculty Council, for a three-year term;

10.7.4.11.1.1.2. Sixteen faculty, two from each college, shall be elected by the faculty of that college, for staggered three-year terms;

10.7.4.11.1.1.3. Three undergraduate students appointed by the Student Government Association, for one-year terms.

10.7.4.11.1.2. Non-Voting

10.7.4.11.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio or a designee;

10.7.4.11.1.2.2. The University Registrar, ex officio, or a designee;

10.7.4.11.1.2.3. The Associate Dean of University College, ex officio, or a designee.

10.7.4.11.2. Responsibilities – The Undergraduate Education Committee is responsible for the following initiatives and activities:

10.7.4.11.2.1. To elect a Chairperson and a Secretary from its voting faculty membership by majority vote for one-year terms;

10.7.4.11.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

10.7.4.11.2.3. The officers and the Provost and Executive Vice President for Academic Affairs, ex officio, or a designee, shall constitute an Executive Committee to prepare an agenda for each meeting and to expedite committee business;

10.7.4.11.2.4. To discuss, plan, and explore the future educational direction of the University, in cooperation with other councils and committees;

10.7.4.11.2.5. To review and approve new curricula and undergraduate educational programs, to recommend revision of existing curricula and programs when desirable, and to approve program delivery methods;

10.7.4.11.2.6. To serve as a sounding board to the subcommittees when advice and counsel are sought by the subcommittees;

10.7.4.11.2.7. To evaluate undergraduate educational programs;

10.7.4.11.2.8. To initiate and receive proposals from the colleges or other sources, and recommend policies and procedures relevant to degree requirements, academic schedules and calendars, grading and credit practices, and academic standards and related matters;

10.7.4.11.2.9. To initiate, receive proposals from the colleges or other sources, and recommend policies and procedures on matters concerning the establishment of qualifications for tenure-line faculty and professional personnel and the establishment of standards for determining faculty loads;

10.7.4.11.2.10. To review its own organization, procedures, and functions and to make recommendations to the Governance and Elections Committee on these matters.

## 10.7.4.12. UNIVERSITY CORE CURRICULUM SUBCOMMITTEE[57]

10.7.4.12.1.1. Membership – The membership of the University Core Curriculum Subcommittee shall consist of the following:

10.7.4.12.1.1.1. Voting

10.7.4.12.1.1.1.1. Nine faculty, one elected by and from each college (including the Honors College), for staggered three-year terms; two of which should be from the college of Sciences and Humanities, one from Sciences and one from Humanities.

10.7.4.12.1.1.1.2. One additional faculty, appointed by and from the Undergraduate Education Committee, for a one-year term;

10.7.4.12.1.1.1.3. One additional faculty, appointed by and from the Faculty Council, for a one-year term;

10.7.4.12.1.1.1.4. One undergraduate student, appointed by the Student Government Association, for a one-year term.

10.7.4.12.1.1.2. Non-voting

10.7.4.12.1.1.2.1. Associate Vice Provost for Academic Planning and Operations, ex officio, or a designee;

10.7.4.12.1.1.2.2. The Director of Freshman Academic Advising, ex officio or a designee.

10.7.4.12.1.1.2.3. The Director of Assessment and Accreditation.

10.7.4.12.1.1.2.4. Director of the University Core Curriculum

10.7.4.12.1.1.2.5. Curriculum Coordinator (or designee from the Office of the Registrar)

10.7.4.12.1.1.2.6. Director of Academic Initiatives and Student Strategies (or designee from the Division of Online and Strategic Learning)

10.7.4.12.1.2. Responsibilities – The University Core Curriculum Subcommittee is responsible for the following:

10.7.4.12.1.2.1. To elect a Chairperson and a Secretary from its voting faculty membership by majority vote for one-year terms;

10.7.4.12.1.2.2. To forward minutes of each committee meeting to the Chairperson of the Undergraduate Education Committee and the Chair of the Faculty Council within a timely manner;

10.7.4.12.1.2.3. To develop and evaluate the University core curriculum program;

10.7.4.12.1.2.4. To recommend changes in the University core curriculum program to the Undergraduate Education Committee, when appropriate.

## 10.7.4.13. University Grade Appeals Committee[38]

10.7.4.13.1. Membership – The membership of the University Grade Appeals Committee shall consist of the following:

10.7.4.13.1.1. Voting

10.7.4.13.1.1.1. 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 one calendar year. A student member may serve an unlimited number of terms;

10.7.4.13.1.1.2. Faculty members, one from each of the seven colleges, shall be elected by the faculty of each individual college and serving for one calendar year. A faculty member may serve an unlimited number of terms.

10.7.4.13.1.1.3. Should a faculty or student vacancy occur, the appropriate dean shall appoint a member to the committee for the remainder of the twelve-month term.

10.7.4.13.2. Responsibilities – The University Grade Appeals Committee is responsible for carrying out on a continuing basis the following initiatives and activities:

10.7.4.13.2.1. To hear grade appeals;

10.7.4.13.2.2. To initiate policies and procedures for grade appeals;

10.7.4.13.2.3. To conduct a continuous evaluation of the grade appeals process.

## 10.7.4.14. UNIVERSITY PROMOTION AND TENURE COMMITTEE[39]

10.7.4.14.1. Membership – The membership of the University Promotion and Tenure Committee shall consist of the following:

10.7.4.14.1.1. Voting

10.7.4.14.1.1.1. Seven tenured faculty, one representing each college, elected by the tenured and tenure-track faculty of each college, for staggered three-year terms, and may serve two complete and consecutive three-year terms;

10.7.4.14.1.1.2. Should a college representative be unable to complete the term of election, the college will vote to elect a new representative, or the college alternate to the committee will serve the remainder of the term.

10.7.4.14.1.2. Non-Voting

10.7.4.14.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee.

10.7.4.14.2. Responsibilities – The University Promotion and Tenure Committee is responsible for the following initiatives and activities:

10.7.4.14.2.1. To elect a Chairperson and a Secretary from its voting faculty membership by majority vote for one-year terms;

10.7.4.14.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner;

10.7.4.14.2.3. To review existing University promotion and tenure policies and procedures and to recommend changes to the Faculty Council, when appropriate;

10.7.4.14.2.4. To review and approve departmental, collegiate, and area promotion and tenure policies to ensure both adherence to University Policies and efficient and equitable operation;

10.7.4.14.2.5. To review compliance with promotion and tenure policy implementation and make appropriate recommendations and/or judgments in the case of infraction;

10.7.4.14.2.6. To hear appeals and make recommendations and/or decisions that are consistent with University policies describing the right of a faculty member or a department to appeal an adverse promotion or tenure recommendation;

10.7.4.14.2.7. To maintain minutes of all committee actions and file in the office of the advisory, non-voting member; to summarize those actions in regular reports to the Faculty Council;

10.7.4.14.2.8. The elected members of the committee shall serve as non-voting liaison members of the promotion and tenure committees of their respective colleges or areas.

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

## 10.7.4.15. RESEARCH COMMITTEE[51]

10.7.4.15.1. Membership – The membership of the Research Committee shall consist of the following appointed members:

10.7.4.15.1.1. Voting

10.7.4.15.1.1.1. Seven faculty appointed by the Faculty Council, one representing each college, one of whom must be a member of the Faculty Council, for staggered three-year terms;

10.7.4.15.1.1.2. Three additional members from the departments of life and physical sciences in the College of Sciences and Humanities (Geology, Chemistry, Biology, Natural Resources and Environmental Management, or Physics);

10.7.4.15.1.1.3. Three members appointed by the Professional Personnel Council, one of whom must be a member of the Professional Personnel Council, for staggered three-year terms;

10.7.4.15.1.1.4. One undergraduate and one graduate student selected by the Student Government Association, for one-year terms.

10.7.4.15.1.2. Non-voting

10.7.4.15.1.2.1. The Vice Provost for Research, ex officio, or a designee;

10.7.4.15.1.2.2. Assistant Vice Provost of Research Development and Sponsored Project Initiatives, ex officio, or a designee;

10.7.4.15.1.2.3. In addition, the Research Committee, in its evaluation of internal grant proposals, at its discretion, may include in its deliberations additional, ad hoc, non-voting faculty reviewers who have been recruited to provide disciplinary balance.

10.7.4.15.2. Responsibilities - The Research Committee is responsible for the following initiatives and activities:

10.7.4.15.2.1. To elect a Chairperson and a Secretary from its voting membership by majority vote of the committee, for one-year terms;
10.7.4.15.2.2. To forward minutes of each committee meeting to the Chairperson of the Faculty Council within a timely manner.
10.7.4.15.2.3. To encourage, strengthen, and foster research at the University at all levels;
10.7.4.15.2.4. To solicit and evaluate proposals for research grants and awards, and to recommend to the Provost and Executive Vice President for Academic Affairs, the Vice Provost for Research, and the Director of Pre-Award, Strategy and Outreach of the Sponsored Projects Administration those proposals which merit funding by the University;
10.7.4.15.2.5. To initiate, recommend, and evaluate policies and procedures for research and research funding at the University;
10.7.4.15.2.6. To act in an advisory capacity to those who administer the various institutional research programs.

# PROFESSIONAL PERSONNEL COUNCIL AND COMMITTEES

## 10.8. PROFESSIONAL PERSONNEL COUNCIL[40]

10.8.1. Membership

The membership of the Professional Personnel Council shall consist of the following:

10.8.1.1. Voting

10.8.1.1.1. The nine elected professional personnel members of the University senate, for staggered three-year terms;
10.8.1.1.2. Additional professional personnel, three representatives from each area (additional representative for every 5% increase) elected by and from the professional personnel in Academic Affairs, Business Affairs, Information Technology, Foundation, Student Affairs, Enrollment Planning and Management, Marketing and Communications, Athletics, and General Counsel-Chief Strategy-Government Relations, for staggered three-year terms;
10.8.1.1.3. Five students appointed by Student Government Association, for one-year terms.

10.8.1.2. Non-Voting

10.8.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee;
10.8.1.2.2. The Vice President for Business Affairs and Treasurer, ex officio, or a designee;
10.8.1.2.3. The Vice President and CIO for Information Technology, ex officio, or a designee;
10.8.1.2.4. The Vice President for Marketing and Communications, ex officio, or a designee;
10.8.1.2.5. The Vice President for Advancement Enterprise, ex officio, or a designee;
10.8.1.2.6. The Vice President for Student Affairs, Enrollment Management, and Dean of Students, ex officio, or a designee;

10.8.1.2.7. The Vice President for Government Relations and Community Engagement, ex officio, or a designee;
10.8.1.2.8. The Chairperson of the Faculty Council, ex officio, or a designee;
10.8.1.2.9. The Chairperson of the Student Government Association, ex officio, or a designee.
10.8.1.2.10. Seven faculty appointed by the Faculty Council, one representing each college, to serve ex-officio for staggered three-year terms;

10.8.2. Structure

The membership of the Professional Personnel Council will elect by majority vote a Chairperson, who must be a professional personnel member, a Vice Chairperson and a Secretary for a one-year term who will constitute an Executive Committee responsible for the following:

10.8.2.1. Proposing committee assignments to each of the standing committees on the Councils;
10.8.2.2. Preparing an agenda for each meeting of the Professional Personnel Council;
10.8.2.3. Receiving, and forwarding recommendations or issues approved by the Professional Personnel Council;
10.8.2.4. Five other standing committees of the Professional Personnel Council shall be maintained on a continuing basis: Admissions and Credits Committee, Master Planning and Facilities Committee, Professional Personnel Salary and Benefits Committee, Professional Personnel Technology Committee and Global Engagement Committee.

In addition, the Professional Personnel Council may form such ad hoc committees as it deems necessary for carrying out its responsibilities, subject to the following conditions:

10.8.2.4.1. Submission of a written report to the University Senate at the time of the ad hoc committee's formation to explain its purpose, membership and expected date for completion of tasks and dissolution;
10.8.2.4.2. Limitation of the existence of any ad hoc committee to a period not exceeding twelve months from the date of formation, unless the Council approves a specific extension or authorizes that the ad hoc committee be replaced by a new standing committee.

10.8.3. Responsibilities:

The Professional Personnel Council is responsible for the following initiatives and activities:

10.8.3.1. To consider and develop policies and procedures on judicial matters regarding faculty and professional personnel;
10.8.3.2. To consider and develop policies, procedures and programs regarding academic and institutional research; the publication and dissemination of manuscripts and other intellectual property; grants and awards; and other opportunities for professional development;
10.8.3.3. To consider and develop policies and programs regarding academic assessment, admissions, athletics, online distance education, international programs, master planning and facilities, and Research;
10.8.3.4. To solicit and survey opinions of the faculty, professional personnel, staff and students on matters concerning their interests and welfare and to recommend appropriate action;
10.8.3.5. To approve all appointments to the standing committees on the Council.

## 10.8.4. STANDING COMMITTEES

## 10.8.4.1. ADMISSIONS AND CREDITS COMMITTEE[41]

10.8.4.1.1. Membership – The membership of the Admission and Credits Committee shall consist of the following:

10.8.4.1.1.1. Voting

10.8.4.1.1.1.1. Five professional personnel appointed by the Professional Personnel Council, one of whom must be a member of Professional Personnel Council, for staggered three-year terms;

10.8.4.1.1.1.2. Seven faculty appointed by the Faculty Council, one representing each college, for staggered three-year terms;

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

10.8.4.1.1.2. Non-Voting

10.8.4.1.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee;

10.8.4.1.1.2.2. The Vice President for Marketing and Communications, ex officio, or a designee;

10.8.4.1.1.2.3. The Director of Admissions and Orientation, ex officio, or a designee;

10.8.4.1.1.2.4. The Director of Academic Advising, ex officio, or a designee;

10.8.4.1.1.2.5. The Registrar, ex officio, or a designee.

10.8.4.1.2. Responsibilities – The Admissions and Credits Committee is responsible for the following initiatives and activities:

10.8.4.1.2.1. To elect a Chairperson and Secretary from its appointed membership by majority vote for one-year terms;

10.8.4.1.2.2. To forward minutes of each committee meeting to the Chairperson of the Professional Personnel Council within a timely manner;

10.8.4.1.2.3. To develop and consider procedures for implementing University policies on admission, readmission, and retention of students, student applications, student records, and interpretation of credits;

10.8.4.1.2.4. To recommend a procedure for review of cases where existing policies do not apply or where there are reasonable requests for deviations from existing policies;

10.8.4.1.2.5. To evaluate the admissions program and to make recommendations, modifications when appropriate.

## 10.8.4.2. GLOBAL ENGAGEMENT COMMITTEE[45]

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

10.8.4.2.1.1. Voting

10.8.4.2.1.1.1. Two members appointed by the Professional Personnel Council, at least one of whom is a member of Professional Personnel Council, for staggered three-year terms;

10.8.4.2.1.1.2. Seven faculty appointed by the Faculty Council, one representing each college, for staggered three-year terms;

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

10.8.4.2.1.2. Non-Voting

10.8.4.2.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee;

10.8.4.2.1.2.2. The Executive Director for Global Initiatives, ex officio, or a designee;

10.8.4.2.1.2.3. Each Director of each unit in the Rinker Center for International Programs;

10.8.4.2.1.2.4. The Director of the Intensive English Institute.

10.8.4.2.2. Responsibilities - The Global Engagement Committee is responsible for the following initiatives and activities:

10.8.4.2.2.1. To elect a Chairperson and Secretary from the appointed membership by majority vote for a one-year term;

10.8.4.2.2.2. To forward minutes of each committee meeting to the chairperson and the Professional Personnel Council within a timely manner;

10.8.4.2.2.3. To initiate, review, assess, and recommend policies and procedures for international educational exchange programs, global study and travel, and other international programs as they relate to international students, study abroad, international research, and international awareness;

10.8.4.2.2.4. To serve as a communication representative between the committee and each representative's college and provide a means for dissemination of information about University-related international issues and programs;

10.8.4.2.2.5. To initiate, receive, review, and consider recommendations for revision and improvements to all aspects of global initiative developments;

10.8.4.2.2.6. To evaluate study abroad curriculum and international programs; and to make recommendations, when necessary.

## 10.8.4.3. Master Planning and Facilities Committee[47]

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

10.8.4.3.1.1. Voting

10.8.4.3.1.1.1. Three faculty appointed by the Faculty Council, one of whom must be a member of the Faculty Council, for staggered three-year terms;

10.8.4.3.1.1.2. Three professional personnel appointed by the Professional Personnel Council, for staggered three-year terms;

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

10.8.4.3.1.2. Non-Voting

10.8.4.3.1.2.1. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee;

10.8.4.3.1.2.2. The Vice President for Business Affairs and Treasurer, ex officio, or a designee;

10.8.4.3.1.2.3. The Dean of the College of Architecture, ex officio, or a designee;

10.8.4.3.1.2.4. The Director of Disability Services, ex officio, or a designee;

10.8.4.3.1.2.5. One member appointed by and from the Council on the Environment.

10.8.4.3.2. Responsibilities – The Master Planning and Facilities Committee is responsible for the following initiatives and activities:

10.8.4.3.2.1. To elect a Chairperson and Secretary from its appointed membership by majority vote for a one-year term;

10.8.4.3.2.2. To forward minutes of each committee meeting to the Chairperson of the Professional Personnel Council within a timely manner;

10.8.4.3.2.3. To solicit input from the University community on matters related to master planning and facilities;

10.8.4.3.2.4. To report on matters within its purview;

10.8.4.3.2.5. To assist in developing recommendations leading to the establishment of the master plan;

10.8.4.3.2.6. To provide advice to any University officer seeking it concerning space and building planning or the working and teaching environment of any significant portion of the University;

10.8.4.3.2.7. To carry out such duties concerning the matters listed as the Senate or President may from time to time direct to the committee.

## 10.8.4.4. PROFESSIONAL PERSONNEL SALARY AND BENEFITS COMMITTEE[49]

10.8.4.4.1. Membership – The membership of the Professional Personnel Salary and Benefits Committee shall consist of the following:

10.8.4.4.1.1. Voting

10.8.4.4.1.1.1. Seven professional personnel members appointed by and from the membership of the Professional Personnel Council for staggered three-year terms; and the chairperson of the Faculty Salary and Benefits Committee;

10.8.4.4.1.2. Non-Voting

10.8.4.4.1.2.1. The Vice President for Business Affairs and Treasurer, ex officio, or a designee.

10.8.4.4.1.2.2. One member appointed by and from the Professional Personnel Council's Financial and Budgetary Affairs Committee, for a one-year term.

10.8.4.4.2. Responsibilities – The Professional Personnel Salary and Benefits Committee is responsible for the following initiatives and activities:

10.8.4.4.2.1. To elect a Chairperson and a Secretary from its voting membership by majority vote of the committee, for one-year terms;

10.8.4.4.2.2. To forward minutes of each committee meeting to the Chairperson of the Professional Personnel Council within a timely manner;

10.8.4.4.2.3. To monitor and evaluate salary and benefit programs of professional personnel, including those concerning emeriti, and recommend appropriate changes and improvements.

10.8.4.4.2.4. To initiate reviews and assessments of market conditions periodically and make appropriate recommendations for adjustments regarding incremental money distributed to professional personnel for market purposes;

10.8.4.4.2.5. To review the administration of salary programs of professional personnel annually, working with the President or the Provost and Vice President for Academic Affairs, to assure compliance with established policies;

10.8.4.4.2.6. To review for approval all criteria and processes regarding professional personnel salaries for all units.

10.8.4.4.2.7. To act in an advisory capacity to those who administer professional personnel salary and benefit programs for the University and to represent the interests of professional personnel in discussions with such persons.

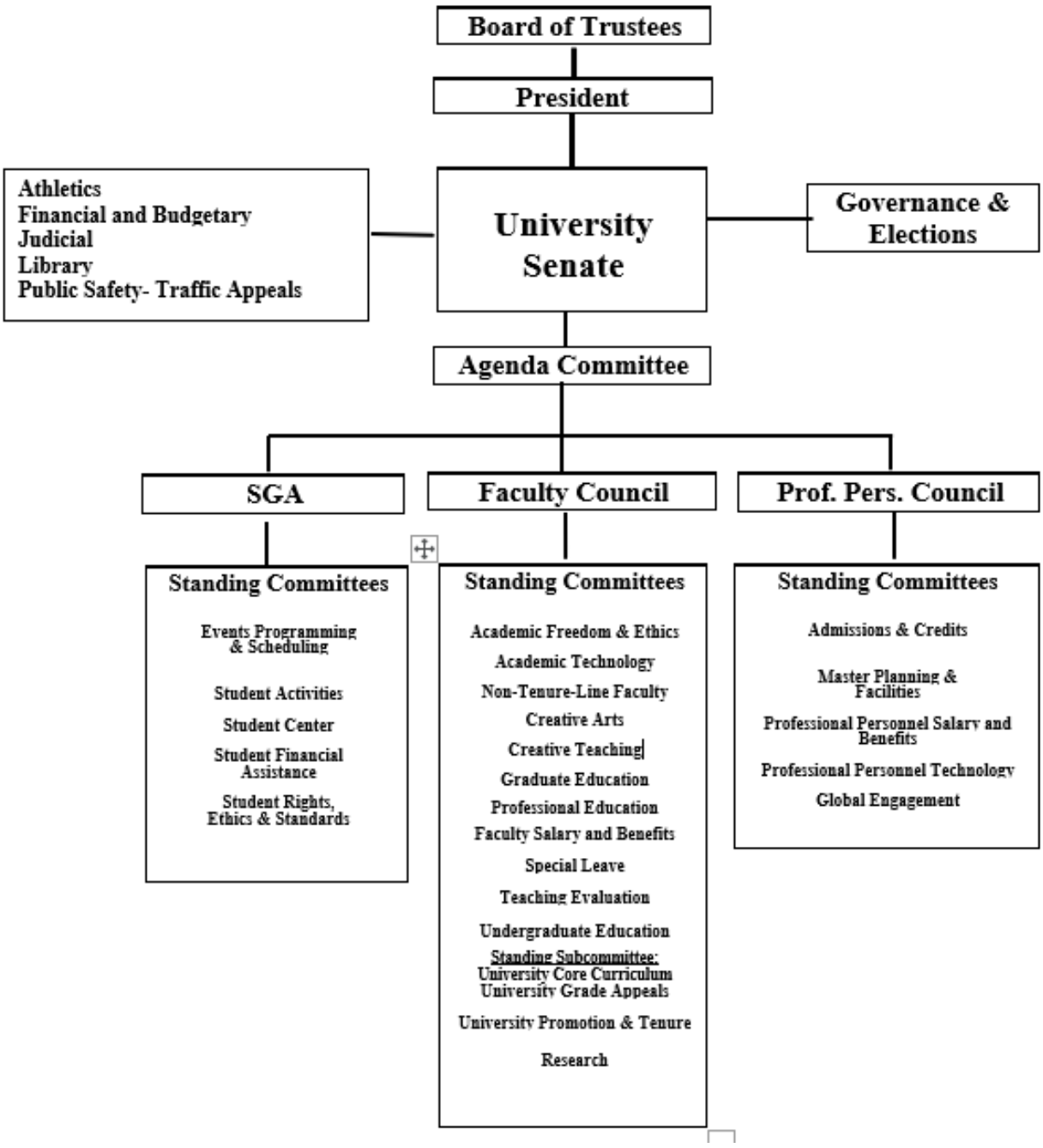
10.8.4.4.2.8. To meet jointly with the Faculty Salary and Benefits Committee on all matters dealing with university benefits that apply to both faculty and professional personnel.

10.8.4.4.2.8.1. The chairpersons of the Faculty Salary and Benefits Committee and the Professional Personnel Salary and Benefits Committee shall share chair duties whenever joint meetings are called and the secretaries from each respective committee shall alternate in taking minutes during joint sessions. Acting secretaries shall see to it that minutes are forwarded to both the Faculty and Professional Personnel Salary and Benefits Committees for their review.

10.8.4.4.2.8.2. All voting members of the respective salary and benefits committees from each council shall be eligible to vote at joint meetings.

# 11. Ball State University Governance System Policy Formulation Flow Chart

**Ball State University Governance System**
**Policy Formation Flow Chart**



# 12. DEFINITION OF: SCHOOL, DEPARTMENT, CENTER, AND INSTITUTE[52]

**12.1. School**

A school (excluding Graduate School and Division of Online and Distance Education) is a grouping of related academic areas served by an administrator plus the coordinators of the several related academic areas within the school. Three schools were historically created in this manner: namely the School of Music, School of Nursing, and School of Kinesiology. The administrator of the school coordinates the work and activities of the areas represented. The school grouping provides a common academic purpose and common curricula core, as well as a proximity of academic interests that can facilitate instruction, research, and service.

**12.2. Department**

A department is the fundamental administrative unit for academic activities of the University. A department is composed of tenure-line faculty assisted by persons holding non-tenure-line appointments. A department is a basic unit in the University Senate structure. Faculty holding regular appointments have the right to vote for senators and be elected as senators according to the rules of the Senate. Courses for students originate in departments, are offered by departments, and are staffed by departments.

**12.3. Center and Institute[52]**

Centers or Institutes may be self-contained academic units of the University that render service to other sectors of the University and extra-University agencies; they may be eclectic units which coordinate existing courses and services from departments or other University units into inter-departmental programs. Only self-contained academic centers/institutes may be engaged in research activities.

**12.4. Any new self-contained academic center/institute will be set up as specified in "Policy for the Reorganization of Academic Units," below.** Any new eclectic center/institute, however, will be set up simply by the approval of the departmental chairpersons and dean(s) involved and of the Provost and Executive Vice President for Academic Affairs.

# 13. POLICY FOR THE REORGANIZATION OF ACADEMIC UNITS[53]

**13.1. The reorganization of colleges, schools, or departments in established colleges is the province of the collegiate faculty and collegiate and University administration. Proposals for reorganization may originate from interested faculty and/or administrators.**

13.1.1. All proposals for reorganization must be distributed in writing and discussed by the faculty of the college(s) in which they originate.

13.1.2. All affected faculty will vote on the proposal. The dean(s) of the college(s) shall forward the result of the vote, the proposal for the reorganized unit, and his, her, or their recommendation(s) to the Provost and Executive Vice President for Academic Affairs.

13.1.3. If the proposed reorganization or departmental/academic unit name change only involves units within a college, the final decision regarding reorganization will rest with the Provost and Executive Vice President for Academic Affairs. The reorganization or name change will be announced at the next regularly scheduled University Senate meeting that achieves a quorum.

13.1.4. If the proposal involves reorganization across colleges, then the proposal, accompanied by supporting evidence, shall be presented to the Provost and Executive Vice President for Academic Affairs, and to the University Senate Agenda Committee to be made an item of business at the next University

Senate meeting. The University Senate's recommendation will be advisory to the President, the Provost and Executive Vice President for Academic Affairs, and the Board of Trustees.

**13.2. In the development of colleges, schools, centers, institutes, bureaus, and offices by administration and/or faculty which will not be included in an already established college/colleges, proposals may emanate from interested faculty and/or administrative officials.**

13.2.1. If the new unit will offer courses and/or faculty rank, the Provost and Executive Vice President for Academic Affairs will submit the proposal to the University Senate Agenda Committee which shall, through the council and committee system, in conjunction with the University administration, place the proposal for the academic unit on the Senate agenda for consideration.

13.2.2. If the new unit will not offer courses and/or faculty rank, the President of the University will inform the Agenda Committee of the creation of the new unit.

**13.3. The change of centers to departments, etc.**

13.3.1. The change of status if it involves faculty and/or courses within a college should follow the procedures outlined in (13.1) above.

13.3.2. The change of status if it involves faculty and/or courses outside a single college should follow the procedures outlined in (13.2.1) above.

**13.4. The change of an academic unit from one college to another college, or from a college to an administrative area outside of a college.**

13.4.1. If a unit wishes to change its college affiliation, the original request must be based on an election within the unit supervised by the Governance and Elections Committee. The electorate will consist of tenure-line faculty members of the affected unit and, by invitation of a majority of the tenure-line faculty, full-time special faculty members of that unit.

13.4.2. The college faculty and the college administration, from which the transfer will occur, will develop conditions and procedures for implementation. In the event of dispute over these procedures, the Provost and Executive Vice President for Academic Affairs will resolve the dispute.

13.4.3. After receiving such recommendations, the college faculty and dean of the college to which the department wishes to transfer must approve the transfer before it becomes effective.

13.4.4. The Provost and Executive Vice President for Academic Affairs must approve the transfer before it becomes effective.

13.4.5. The Chairperson of the University Senate will announce to the University Senate that such transfer has taken place.

**13.5. Procedure to notify administrative units of reorganization.**

13.5.1. After final approval of any reorganization made by the Provost and Executive Vice President for Academic Affairs, the President, and the Board of Trustees, administrative units – including but not limited to the Office of the Vice Provost for Academic Affairs – must be directly notified in accordance with the procedures outlined on the Office of the Vice Provost for Academic Affairs' website.

13.5.2. It is the responsibility of the academic unit(s) to follow this procedure once approval for the reorganization is received from the Provost and Executive Vice President for Academic Affairs, the President, and the Board of Trustees.

13.5.3. Upon notification and after approval from the Board of Trustees, the Office of the Vice Provost for Academic Affairs will notify People and Culture and the Division of Business Affairs to implement the necessary business system changes.

# 14. PROCEDURES FOR CREATING AND POPULATING A COLLEGE[54]

14.1. CREATING A NEW COLLEGE

14.1.1. Proposal will come from an Academic Planning Task Force.

14.1.2. Open Forums will be arranged, allowing discussion from interested constituencies concerning recommendations, including college mission and vision, and recommended academic units.

14.1.3. Provost will submit proposal to University Senate Agenda Committee for inclusion on Senate Agenda.

14.1.4. The University Senate considers and acts to approve a new college. The recommendation is forwarded to Provost and President.

14.1.5. The President presents recommendation for new college to Board of Trustees for approval.

14.1.6. The Indiana Commission for Higher Education is informed of intent to create a new college.

14.2. POPULATING A NEW COLLEGE

14.2.1. Academic Units and/or programs wishing to change college affiliation (from current college to newly created college) conduct an election within the unit. The Governance and Elections Committee will supervise elections.

14.2.2. All affected faculty within existing colleges having units and/or programs voting to move to new college, will vote on proposed move.

14.2.3. The college faculty and college administration, from which the transfer will occur, will develop conditions and procedures for implementation. Disputes over conditions/procedures will be resolved by the Provost.

14.2.4. The proposed move to new college shall be presented to the Provost, as well as University Senate Agenda Committee for consideration by University Senate.

14.2.5. The University Senate's recommendation will be advisory to the President, Provost, and Board of Trustees.

14.3. **Procedure to notify administrative units of new college[63].**

14.3.1. After final approval of any reorganization made by the Provost and Executive Vice President for Academic Affairs, the President, and the Board of Trustees, administrative units – including but not limited to the Office of the Vice Provost for Academic Affairs – must be directly notified in accordance with the procedures outlined on the Office of the Vice Provost for Academic Affairs' website.

14.3.2. It is the responsibility of the academic unit(s) to follow this procedure once approval for the creation and/or population of a new college is received from the Provost and Executive Vice President for Academic Affairs, the President, and the Board of Trustees.

14.3.3. Upon notification and after approval from the Board of Trustees, the Office of the Vice Provost for Academic Affairs will notify People and Culture and the Division of Business Affairs to implement the necessary business system changes.

# 15. TERMINATION OR PHASING OUT OF ACADEMIC UNITS

15.1. Should it become necessary to consider termination or phasing out of any academic unit (department, center, college, program, office, etc.), the President will first notify the administrative officers directly involved with that unit (e.g., Vice President, Dean, Head, Director, etc.) to inform them of this consideration.

15.2. Faculty members whose academic programs or positions may be adversely affected are to be informed early in the decision-making process. These persons are to have the opportunity to be heard by those who will make the final decision or recommendation.

15.3. A proposal to consider termination or phasing out of any academic unit, accompanied by supporting evidence, shall be presented to the University Senate Agenda Committee and made an item of University Senate business. This shall be accomplished prior to an administrative decision to terminate or phase out. The University Senate's conclusion will be advisory to the President and the Board of Trustees.

**15.4. Procedure to notify administrative units of termination or phased out academic units[64].**

15.4.1. After final approval of any reorganization made by the Provost and Executive Vice President for Academic Affairs, the President, and the Board of Trustees, administrative units – including but not limited to the Office of the Vice Provost for Academic Affairs – must be directly notified in accordance with the procedures outlined on the Office of the Vice Provost for Academic Affairs' website.

15.4.2. It is the responsibility of the academic unit(s) to follow this procedure once approval for the termination and/or phasing out of an academic unit is received from the Provost and Executive Vice President for Academic Affairs, the President, and the Board of Trustees.

15.4.3. Upon notification and after approval from the Board of Trustees, the Office of the Vice Provost for Academic Affairs will notify People and Culture and the Division of Business Affairs to implement the necessary business system changes.

# NOTES

1 Constitution of the Ball State University Senate--Approved by
University Senate, October 24, 1985;
Combined Faculty, December 2, 1985;
Board of Trustees, December 6, 1985;
Editorial Changes--University Senate, March 19, 1987;
Combined Faculty, September 8, 1987;
Editorial Change--University Senate, September 22, 1988;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

2 By action of the University Senate, March 28, 2002;
Faculty and Professional Personnel, November 25, 2002;
Board of Trustees, December 13, 2002;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revision – approved by the University Senate, 9/29/11;
Faculty and Professional Personnel, December 6, 2011.

3 By action of the University Senate, May 12, 1988;
Combined Faculty, August 29, 1988;
By action of the University Senate, October 17, 1991;
Combined Faculty, August 25, 1992;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008;
University Senate, January 16, 2014;
Faculty and Professional Personnel, May 2, 2014.

4 Revised--By action of the University Senate, April 27, 1995;
Combined Faculty, August 18, 1995;
Board of Trustees, September 22, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

5 By action of the University Senate, April 27, 2000;
Combined Faculty, August 18, 2000;
Board of Trustees, December 1, 2000;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

6 By Action of the University Senate, November 29, 2012;
Combined Faculty, April 30, 2013.

7 By action of the University Senate, April 20, 1989;
Combined Faculty, August 28, 1989;
Board of Trustees, October 27, 1989;
By action of the University Senate, October 21, 1993;
Combined Faculty, August 19, 1994;
Board of Trustees, September 23, 1994;
By action of the University Senate, January 29, 1998;
Combined Faculty, August 21, 1998;
Board of Trustees, December 18, 1998;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

8 Updated--By action of the University Senate, April 25, 1996;
Combined Faculty, August 23, 1996;
Board of Trustees, February 7, 1997;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

9 By Action of the University Senate, November 29, 2012;
Combined Faculty, April 30, 2013;
University Senate, January 16, 2014;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

10 By action of the University Senate, November 14, 2002;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

11 Updated – By action of the University Senate, February 21, 1991;
Board of Trustees, May 3, 1991;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

12 By action of the University Senate, May 14, 1987;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

13 By action of the University Senate, April 20, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;

Board of Trustees, December 17, 2004;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

14 By action of the University Senate, April 20, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

15 Revised – By action of the University Senate, January 21, 2010;
Combined Faculty, April 2, 2010;
Board of Trustees, July 23, 2010;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

16 Editorial Changes – University Senate, March 28, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

17 Revised – By action of the University Senate, April 26, 2001;
Combined Faculty, August 17, 2001;
Board of Trustees, September 21, 2001;
Editorial Change – Governance Committee, January 16, 2003;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 23, 2020;
Voted on and ratified by Ball State University, May 20, 2020.

18 By action of the University Senate, March 21, 1991;
Board of Trustees, May 3, 1991;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006.

19 Revised – By action of the University Senate, November 16, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

20 Revised – By action of the University Senate, April 25, 1996;
Revised – By action of the University Senate, January 25, 2001;
Revised – By action of the University Senate, February 28, 2002:
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

21 Revised – By action of the University Senate January 21, 2010;

Faculty/Professional Personnel, April 2, 2010;
Board of Trustees, July 23, 2010.
Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

22 Revised – By action of the University Senate, November 16, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

23 By action of the University Senate, January 25, 2001:
Revised – By action of the University Senate, September 18, 2003;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

24 Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

25 Revised – By action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

26 By action of the University Senate, October 13, 1994;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.
Updated- By action of Faculty Council, March 14, 2024

27 University Senate, march 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

28 University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
By action of the University Senate, March 22, 2012;
Combined Faculty, December 12, 2012;
By action of the Faculty Council, April 15, 2021;
University Senate, April 22, 2021.

29 By action of the University Senate, March 24, 1993;
By action of the University Senate, October 13, 1994;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, January 24, 2008;
Faculty Council, February 21, 2019;
Governance and Elections Committee, March 21, 2019;
University Senate, April 25, 2019.
By action of the Board of Trustees, June 13, 2025

30 Revised – By action of the University Senate, April 24, 1997:
University Senate, March 11, 2004;

Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

31 By action of the University Senate, February 18, 1993;
Board of Trustees, March 26, 1993;
Revised – by action of the University Senate, October 13, 1994;
Editorial Changes – University Senate, March 28, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008;
By Action of the University Senate, March 22, 2012;
Combined Faculty, December 10, 2012.
By Action of Faculty Council, April 15, 2021;
University Senate, April 22, 2021.

32 By action of the University Senate, October 20, 1988;
By action of the University Senate, February 21, 1991;
Board of Trustees, May 3, 1991;
By action of the University Senate, October 21, 1993;
Editorial Change – University Senate, March 28, 1996;
Editorial Change – University Senate, February 20, 2003;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
University Senate, January 24, 2008.

33 University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.
Revised by University Senate, April 20, 2023

34 By action of the University Senate, January 19, 1995;
Editorial Change – University Senate, January 18, 1996:
Revised – By action of the University Senate, march 28, 1996;
Revised – By action of the University Senate, November 8, 2001;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
University Senate, November 20, 2014;
By action of University Senate, April 23, 2020.

35 By action of the University Senate, October 13, 1994;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
University Senate, August 31, 2006.

36 By action of the University Senate, December 8, 1994;
Editorial Change – University Senate, October 19, 1995;
Revised – By action of the University Senate, January 28, 1999;
Revised – By action of the University Senate, April 24, 2003;
University Senate, March 11, 2004;

Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, January 21, 2010;
Faculty/Professional Personnel, April 2, 2010
Board of Trustees, July 23, 2010;
By Action of Faculty Council, April 15, 2021;
University Senate, April 22, 2021.

37 By action of the University Senate, February 21, 1991;
Board of Trustees, May 3, 1991;
Revised – By action of the University Senate, April 24, 1997;
Editorial Change – University Senate, April 23, 1998;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 23, 2009;
Revised – By action of the University Senate, February 16, 2012;
Combined Faculty, December 10, 2012.
Revised- By action of Faculty Council, April 13, 2023

38 University Senate, August 31, 2006;
University Senate, April 24, 2008.

39 By action of the University Senate, February 21, 1991;
Revised – By action of the University Senate, March 21, 1991;
Board of Trustees, April 5, 1991;
Revised – By action of the University Senate, April 18, 1996;
Revised – By action of the University Senate, October 10, 1996;
Board of Trustees, November 15, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revised – By action of the University Senate, January 21, 2010;
Faculty and Professional Personnel, April 2, 2010;
Board of Trustees, July 23, 2010;
Revised, by action of the University Senate, January 16, 2014;
Faculty and Professional Personnel, May 2, 2014;
Revised, by action of the University Senate and President, 12/3/14.

40 Editorial Changes – University Senate, February 21, 1991;
Board of Trustees, May 3, 1991;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006.

41 By action of the University Senate, March 23, 1995;
Editorial Change – University Senate, March 28, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

42 Editorial Change – University Senate, march 28, 1996;
Revised – By action of the University Senate, April 15, 1996;
Editorial Change – University Senate, March 27, 2003;
University Senate, March 11, 2004;

Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revised - by action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011;
Revised – by action of the University Senate Agenda Committee, June 15, 2015;
Board of Trustees, July 17, 2015.

44 Revised – By action of the University Senate, October 13, 1994;
Combined Faculty, August 18, 1995;
Board of Trustees, September 22, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revised – by action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

45 By action of the University Senate, Agenda Committee, May 8, 1992;
Board of Trustees, July 17, 1992;
Editorial Change – University Senate, March 28, 1996;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
Revised – by action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011;
Faculty Council, February 21, 2019;
University Senate, April 25, 2019.

46 Updated – By action of the University Senate, April 25, 1996;
Combined Faculty, August 23, 1996;
Board of Trustees, February 7, 1997;
Revised – By action of the University Senate, September 19, 2002;
Faculty and Professional Personnel, November 25, 2002;
Board of Trustees, December 13, 2002;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 24, 2008.

47 Revised – By action of the University Senate, September 7, 2001;
Combined Faculty, August 17, 2001;
Board of Trustees, September 21, 2001;
Revised – By action of the University Senate, March 28, 2002;
Faculty and Professional Personnel, November 25, 2002;
Board of Trustees, December 13, 2002;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Revised – by action of the University Senate, January 20, 2011;
Combined Faculty, April 4, 2011.

43 Revised – By action of the University Senate, April 20, 1995;
Combined Faculty, August 18, 1995;
Board of Trustees, September 22, 1995;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;

Board of Trustees, December 17, 2004;
University Senate, March 30, 2006.

48 By action of the University Senate, October 17, 1991;
Board of Trustees, January 24, 1992;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, March 30, 2006;
University Senate, January 24, 2008.

50 By action of the University Senate, March 22, 2012;
Combined Faculty, December 10, 2012.

49 By action of the University Senate, April 19, 1990;
Revised – By action of the University Senate, April 24, 1997;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, January 24, 2008;
By Action of Faculty Council, April 15, 2021;
University Senate, April 22, 2021.

51 By action of the University Senate, October 1, 1970;
Board of Trustees, October 21, 1970;
Editorial Changes – University Senate, March 26, 1987;
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
University Senate, April 23, 2015.

52 By action of the University Senate, February 12, 1981;
Board of Trustees, March 27, 1981;
Editorial Changes--University Senate, March 26, 1987.
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004.

53 By action of the University Senate, May 6, 1971;
Board of Trustees, May 26, 1971.
University Senate, March 11, 2004;
Combined Faculty, May 10, 2004;
Board of Trustees, December 17, 2004;
Board of Trustees, Provost and President, August 18, 2021.

54 By action of the University Senate, February 26, 2015.

55. By action of the University Senate, October 5, 2017.

56. By action of Faculty Council, April 15, 2021;
University Senate, April 22, 2021.

57. Revised by Action of the University Senate, September 29, 2022,
Revised by action of Faculty Council, August 21st, 2025

58. Revised by Action of University Senate, approved by Board of Trustees, May 1st, 2026.

59. Revised by Action of Faculty Council, approved by Board of Trustees, May 1st, 2026.

60. By Action of Faculty Council, approved by Board of Trustees, May 1st, 2026.

61. By Action of Faculty Council, approved by Board of Trustees, May 1st, 2026.

62. By Action of Faculty Council, approved by Board of Trustees, May 1st, 2026.

63. By Action of Faculty Council, approved by Board of Trustees, May 1st, 2026.

64. By Action of Faculty Council, approved by Board of Trustees, May 1st, 2026.

# SECTION II: FACULTY AND PROFESSIONAL PERSONNEL POLICIES[1]

## 16. APPOINTMENT CLASSIFICATION STATUS

Ball State University classifies those employees who are non-staff or non-service personnel as follows:

### 16.1. FACULTY

#### 16.1.1. TENURE-LINE FULL-TIME FACULTY

Tenure-line full-time faculty appointed to serve in tenure-line full-time assignments are:

16.1.1.1. Tenured or eligible for tenure upon the completion of all general requirements as stated in approved departmental, collegiate, and University policies and all specific requirements as stated in letter of appointment;

16.1.1.2. Eligible for all privileges extended by the University to tenure-line full-time faculty, including employee benefit programs as described in the Benefits Handbook;

16.1.1.3. Eligible for full participation in the affairs of the total University, of its component institutions (e.g., University Senate and its councils and committees), and of its departments and administrative units in accordance with University policy;

16.1.1.4. Eligible for academic promotion in accordance with departmental, collegiate, and University policies;

16.1.1.5. Given assignments which are recommended by department chairpersons or supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook.

#### 16.1.2. NON-TENURE-LINE FACULTY

Non-tenure-line faculty are[2]:

16.1.2.1. Selected to serve in specified temporary assignments on at least a semester, academic, or fiscal one-year, two-year, or three-year contractual basis;

16.1.2.2. Eligible to receive, but not entitled to expect, renewal of appointments following the expiration of their current appointments;

16.1.2.3. Given assignments which are recommended by department chairpersons or supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook.

16.1.2.4. Non-tenure-line faculty may be appointed to:

16.1.2.4.1. Hold teaching or other assignments which are deemed necessary but which cannot be staffed by tenure-line faculty. Such assignments could result from unexpected or fluctuating enrollments, experimental projects or classes, or similar assignments occasioned by the exigencies of normal operation;

16.1.2.4.2. Replace tenure-line faculty on leave or for reasons of resignation, dismissal, illness, or death;

16.1.2.4.3. Teach workshops, practica, and similar special courses and serve staffing needs in new programs which are experimental in nature;

16.1.2.4.4. Teach, engage, or assist in research, or perform other duties in special short-term programs supported by special funding (programs extending beyond one academic year would require appointments to be extended);

16.1.2.4.5. Serve in special assignments approved by the Provost and Executive Vice President for Academic Affairs;

16.1.2.5. Non-tenure-line faculty may

16.1.2.5.1. Be recommended for higher salary and/or rank when new contracts are arranged;

16.1.2.5.2. Be recommended for tenure-line full-time appointments if qualified and if such vacancies exist;

16.1.2.5.3. If full-time, participate in the departmental or area governance system with voting rights. However, voting rights for promotion and tenure, promotion and titles, and salary and merit committees and documents are specific to the faculty they directly impact. Units may opt to have a joint Salary and Merit committee if approved by a majority vote of Tenure Line faculty and a majority vote of Non-Tenure Line faculty annually.[3]

16.1.2.5.4. Participate in University travel assistance for professional meetings (eligibility as defined in 16.1.2.6.1.1).

16.1.2.6. Non-tenure-line full-time faculty appointed to serve in full-time assignments are:

16.1.2.6.1. Eligible to participate in the employee benefit programs of the University as stated in the Benefits Handbook.[4]

16.1.2.6.1.1. For purposes of participating in the programs as stated in the Benefits Handbook, non-tenure-line full-time faculty must be employed for a full academic year or a full fiscal year;

16.1.2.6.1.2. Non-tenure-line full-time faculty who do not meet the criteria in Paragraph 16.1.2.6.1.1 are not eligible for employee benefit programs as stated in the Benefits Handbook, except sick leave as described in the Faculty and Professional Personnel Handbook.

16.1.2.6.2. Eligible for full participation in the affairs of the total University, of its component institutions (e.g., University Senate and its councils and committees), and of its departments and administrative units in accordance with University Policy;

16.1.2.7. Non-tenure-line part-time faculty assigned for at least half-time for a full academic year or assigned for at least half-time for a full fiscal year are:[6]

16.1.2.7.1. Eligible to participate in the employee benefit programs as described in the Benefits Handbook.[7]

16.1.2.7.2. Non-tenure-line part-time faculty who do not meet the criteria in Paragraph 16.1.2.6.1.1 are not eligible for employee benefit programs.

16.1.2.8. Each department employing non-tenure-line faculty members shall evaluate them annually, using a policy approved by the department which has been submitted to and approved by the dean and by the Provost and Executive Vice President for Academic Affairs and kept on file in the Office of the Provost and Executive Vice

President for Academic Affairs. A copy of the evaluation policy and procedures shall be given to each non-tenure-line faculty member at the time he or she is appointed.[8]

16.1.2.8.1. The policy shall outline the purpose(s) of the evaluation (renewal, merit, status, etc.).

16.1.2.8.2. The policy shall outline a process by which the non-tenure-line faculty member may appeal the evaluation.

16.1.2.8.3. The policy shall include a provision that the non-tenure line faculty member will be evaluated as to whether the faculty member;

16.1.2.8.3.1. Helped Ball State University foster a culture of free inquiry, free expression, and intellectual diversity within the University.

16.1.2.8.3.2. Where relevant and appropriate to the faculty member's discipline, introduced students to scholarly works from a variety of political or ideological frameworks that may exist within the curricula established by the Board of Trustees of Ball State University under IC 21-41-2-1(b) or the faculty of Ball State University acting under authority delegated by the Board of Trustees of Ball State University.

16.1.2.8.3.3. While performing teaching duties, refrained from subjecting students to views and opinions concerning matters not related to the faculty member's academic discipline or assigned course of instruction

16.1.2.8.3.4. Continues to show a pattern of achievement in performing academic duties and obligations

16.1.2.8.3.5. In determining whether a faculty member has adequately met the criteria above, the Board of Trustees may not consider the following actions by a faculty member:

16.1.2.8.3.5.1. Expressing dissent or engaging in research or public commentary on subjects

16.1.2.8.3.5.2. Criticizing the leadership of Ball State University

16.1.2.8.3.5.3. Engaging in any political activity conducted outside the faculty member's teaching duties at Ball State University.

## 16.1.3. NON-TENURE-LINE FACULTY TITLES AND PROMOTIONS[95]

16.1.3.1. Non-tenure-line faculty members currently employed by Ball State may have their titles reassigned based on the criteria listed in the titles and promotions chart and may

be eligible to apply for the appropriate promotion level based on demonstration of excellence in their area of specialization.

16.1.3.1.1. Non-tenure-line faculty are eligible to apply for a first promotion at the beginning of their fifth (5th) year of full-time service[96].

16.1.3.1.2. Non-tenure-line faculty are eligible to apply for a second promotion at any time after the first promotion, provided they have demonstrated significant evidence of excellent performance as defined in the unit documents[97].

16.1.3.1.3. Years of full-time service do not need to be continuous.

16.1.3.1.4. Salary increments may be awarded at each promotion along with a three-year contract and a five-year contract, respectively. Contract extensions due to promotion will run concurrently with any prior multi-year contract.

16.1.3.1.4.1. Promoted non-tenure line faculty who received a multi-year contract and are seeking to extend their multi-year contract should submit a request to their respective department in writing with documentation of continued achievement in compliance with the established departmental expectations of excellence.

16.1.3.2. Committees and Documentation[98]

16.1.3.2.1. Units will create their own policies, procedures, and expectations for excellence for promotion of non-tenure-line faculty to be detailed in the unit's non-tenure-line Promotion and Titles document. Documentation of excellence may vary depending on the area of specialization. The document will be included in the department's non-tenure-line faculty merit document.

16.1.3.2.2. The document will be included in the department's non-tenure-line faculty merit document. Each college will stablish a college Non-Tenure-Line Committee. The committee shall include a minimum of three non-tenure-line faculty who are at the Associate level or above; with equal representation of units or disciplines. The committee will be chosen by a majority vote of the college non-tenure-line faculty who participate in the voting process.

16.1.3.2.2.1. The responsibilities of this committee:

16.1.3.2.2.1.1. To serve as representatives of non-tenure-line faculty interests within the college.

16.1.3.2.2.1.2. To review and approve unit promotion and titles documents for compliance with the Faculty and Professional Personnel Handbook: to recommend policy changes to the University Non-Tenure-Line Faculty Committee.

16.1.3.2.2.1.3. To hear promotion appeals from unit Non-Tenure-Line Promotion Committees.

16.1.3.2.3. Each unit will establish a unit Non-Tenure-Line Promotion Committee. The committee shall include a minimum of three Non-Tenure Line faculty who are at the Associate level or above. In the event that there are an insufficient number of promoted Non-Tenure Line faculty or Non-Tenure Line faculty who are willing to serve, Non-Tenure Line faculty of two or more years; promoted Non-Tenure Line faculty from a related discipline within the college; or tenured faculty from the unit may be utilized with a majority vote of the unit

Non-Tenure Line faculty who participate in the voting process. If a unit has only one Non-Tenure Line faculty member, that individual will work with their unit head to determine the makeup of the committee. All committee members should be qualified to evaluate the candidate's credentials. A faculty candidate cannot serve on the committee during the academic year they are being considered for promotion. Candidates shall declare their intentions no later than April 30th of the spring semester before they will be reviewed[101].

16.1.3.2.3.1. The unit document should:

16.1.3.2.3.1.1. Detail the roles and responsibilities of the Non-Tenure-Line promotion committee including:

16.1.3.2.3.1.1.1. To implement unit and university promotion and title policies and procedures; unit policies must not conflict with those of the University.

16.1.3.2.3.1.1.2. To review and revise the Non-Tenure-Line promotion document.

16.1.3.2.3.1.1.3. To review and evaluate the credentials of all unit candidates for promotion. All candidates for promotion will be informed of the unit committee's recommendation in a letter written by the committee chair that will include an evaluation of their strengths and weaknesses. The committee shall forward the credentials of those candidates being recommended favorably, with written recommendations, to the unit head.

16.1.3.2.3.1.1.4. To review and respond to reconsideration requests submitted by a candidate

16.1.3.2.3.1.2. Detail the committee makeup, membership and process by which those are chosen.

16.1.3.2.3.1.3. Establish a process in which faculty are reviewed in their third (3rd) year regarding their progress and their pathway toward promotion. This review is designed to identify patterns of success and areas for improvement

16.1.3.2.3.1.4. Establish deadlines for submitting written requests for multi-year contract extensions.

16.1.3.3. All promotion decisions will be handled at the unit level and approved by the academic dean, the Provost and Executive Vice President for Academic Affairs (referred to as the "Provost" in the remainder of Section 16.1.3), Office of the President, and the Board of Trustees. All multi-year contract extension decisions will be handled at the unit level and approved by the academic dean, the Provost, Office of the President, and will be handled through regular personnel processes. These are subject to approval and budget availability. In addition, for decisions regarding promotion, the non-tenure-line faculty member shall be evaluated as to whether the faculty member[99]:

16.1.3.3.1. Helped Ball State University foster a culture of free inquiry, free expression, and intellectual diversity within the University.

16.1.3.3.2. Where relevant and appropriate to the faculty member's discipline, introduced students to scholarly works from a variety of political or ideological frameworks that may exist within the curricula established by the Board of Trustees of Ball State University under IC 21-41-2-1(b) or the faculty of Ball State University acting under authority delegated by the Board of Trustees of Ball State University.

16.1.3.3.3. While performing teaching duties, refrained from subjecting students to views and opinions concerning matters not related to the faculty member's academic discipline or assigned course of instruction.

16.1.3.3.4. Continues to show a pattern of achievement in performing academic duties and obligations

16.1.3.3.5. In determining whether a faculty member has adequately met the criteria above, the Board of Trustees may not consider the following actions by a faculty member:

16.1.3.3.5.1. Expressing dissent or engaging in research or public commentary on subjects

16.1.3.3.5.2. Criticizing the leadership of Ball State University

16.1.3.3.5.3. Engaging in any political activity conducted outside the faculty member's teaching duties at Ball State University.

16.1.3.3.6. Decisions on promotions are a separate process from and will have no bearing on the annual review of non-tenure-line faculty performance and decisions about contract renewals

16.1.3.4. Right of Reconsideration and Right of Appeals Re: Non-tenure-line Promotion[100]

16.1.3.4.1. Definitions

16.1.3.4.1.1. Reconsideration is the act whereby a candidate may request an initial adverse decision by the unit committee or Dean be reexamined. Reconsideration provides an opportunity for the candidate to clarify content of material. The candidate may ask for a reconsideration only at the level at which the initial adverse recommendation was made a decision in favor of the candidate's clarification of the documentation does not guarantee promotion.

16.1.3.4.1.2. Appeal is the act whereby a candidate alleges that a violation of existing policy and/or procedure, or unfair treatment, or discriminatory treatment by the unit or college dean that has resulted in an adverse decision. Appeals examine the process followed and not the content of materials. A decision in favor of the appellant does not guarantee promotion

16.1.3.4.1.3. Reconsideration and Appeal are separate and unrelated processes. See 16.1.3.4.2.1.2 and 16.1.3.4.3.1.

16.1.3.4.2. Reconsideration

16.1.3.4.2.1. Reconsideration at the Unit Level

16.1.3.4.2.1.1. If the adverse recommendation has been made by the unit Non-Tenure-Line Promotion Committee, then the candidate may request reconsideration of that recommendation by the unit Committee

16.1.3.4.2.1.2. The candidate must ask, in writing, for the reconsideration within ten (10) working days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, if a unit Non-Tenure-Line Promotion Committee advises a faculty member in writing that it is recommending against awarding promotion, the period to request reconsideration would run from the date of receipt of that communication, rather than from the date on which the Board of Trustees subsequently announces the names of nontenure-line faculty members who have been awarded promotion. Any request for reconsideration not filed within this time limit will be denied automatically, unless the academic dean determines that good cause has existed for the delay.

16.1.3.4.2.1.3. There are two permissible reasons to request reconsideration: 1) an incomplete review of the candidate's file on the part of the unit Non-Tenure-Line Promotion Committee or 2.) misinterpretation of the promotion file. The candidate's written request must address the specific examples of the submitted materials potentially not reviewed or misinterpreted. The written request for reconsideration shall be recorded in the files of the unit chairperson and forwarded to the unit Non-Tenure-Line Committee

16.1.3.4.2.1.4. After receiving a request for reconsideration, the Unit Committee must meet to reconsider its initial adverse recommendation. The Unit Committee must meet with the candidate if they so request. The candidate may provide an oral presentation of the request for promotion. Only clarifying materials may be utilized and no additional materials may be introduced or added to the documents or the process.

16.1.3.4.2.1.5. After meeting to reconsider the candidate's materials, the committee shall vote to overturn or affirm the previous decision. This vote supersedes the previous vote. If

the decision is to affirm the initial adverse recommendation, the committee shall address, in writing, either in a detailed summary or by specific points, the reasons to affirm the initial adverse recommendation. The letter will be a part of the candidate's personnel file.

16.1.3.4.2.1.6. The credentials of any candidate who is requesting reconsideration and/or appealing an adverse decision from a unit committee shall not be forwarded to the academic dean until the reconsideration and/or appeal process has been completed.

16.1.3.4.2.2. Reconsideration of the Academic Dean

16.1.3.4.2.2.1. If the adverse recommendation has been made by the Academic Dean, then the candidate may request reconsideration directly from the academic dean.

16.1.3.4.2.2.2. The candidate must ask, in writing, for the reconsideration within ten (10) working days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, if an Academic Dean advises a faculty member in writing that they are recommending against awarding promotion to such member, the period to request reconsideration would run from the date of receipt of that communication, rather than from the date on which the Board of Trustees subsequently announces the names of non-tenure-line faculty members who have been awarded promotion. Any request for reconsideration not filed within this time limit will be denied automatically, unless the Provost determines that good cause has existed for the delay.

16.1.3.4.2.2.3. There are two permissible reasons to request reconsideration: 1.) the Academic Dean's incomplete review of; or 2.) misinterpretation of the promotion file. The candidate's written request must address the specific examples of the submitted materials potentially not reviewed or misinterpreted. The written request or reconsideration shall be filed in the office of the academic dean.

16.1.3.4.2.2.4. After receiving a request for reconsideration, the Academic Dean must reconsider the initial adverse recommendation. The academic dean must then meet with the candidate if they so request. The candidate may provide an oral presentation of the

request for promotion. Only clarifying materials may be utilized, and no additional materials may be introduced or added to the documents or the process.

16.1.3.4.2.2.5. The academic dean will inform the candidate of their decision following reconsideration. If the decision is to affirm the initial adverse recommendation, the academic dean shall address, in writing, either in a detailed summary or by specific points, the reasons to affirm the initial adverse recommendation regarding the candidate's written request. The letter will be a part of the candidate's personnel file. Candidates are encouraged to apply for promotion again when they believe they have addressed the specific points listed in the detailed summary above and/or have met or exceeded the requirements outlined in their unit's promotion document.

16.1.3.4.2.2.6. The candidate's materials for promotion shall be held in the dean's office and shall not be forwarded to the office of the Provost until the request for reconsideration has been completed.

16.1.3.4.2.3. Reconsideration of the Provost

16.1.3.4.2.3.1. If the adverse recommendation has been made by the Provost, then the candidate may ask for reconsideration directly from the Provost

16.1.3.4.2.3.2. The candidate must ask, in writing, for the reconsideration within ten (10) working days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, if the Provost advises a faculty member in writing that they are recommending against awarding promotion to such member, the period to request reconsideration would run from the date of receipt of that communication, rather than from the date on which the Board of Trustees subsequently announces the names of non-tenure- line faculty members who have been awarded promotion. Any request for reconsideration not filed within this time limit will be denied automatically, unless the President determines that good cause has existed for the delay.

16.1.3.4.2.3.3. There are two permissible reasons to request reconsideration: 1.) the Provost's incomplete review of; or 2.) misinterpretation of the promotion file. The candidate's written

request must address the specific examples of the submitted materials potentially not reviewed or misinterpreted. The written request for reconsideration shall be recorded in the files of the Provost.

16.1.3.4.2.3.4. After receiving a request for reconsideration, the Provost must reconsider their initial adverse recommendation. The Provost must the meet with the candidate if they so request. The candidate may provide an oral presentation of the request for promotion. Only clarifying materials may be utilized, and no additional materials may be introduced or added to the documents or the process.

16.1.3.4.2.3.5. The Provost will inform the candidate of their decision following reconsideration. If the decision is to affirm the initial adverse recommendation, the Provost shall address, in writing, either in a detailed summary or by specific points, the reasons to affirm the initial adverse recommendation regarding the candidate's written request. The letter will be a part of the candidate's personnel file. Candidates are encouraged to apply for promotion again when they believe they have addressed the specific points listed in the detailed summary above and/or have met or exceeded the requirements outlined in their unit's promotion document.

16.1.3.4.2.3.6. The candidate's materials for promotion shall be held in the Office of the Provost and shall not be forwarded to the office of the President until the request for reconsideration has been completed.

16.1.3.4.3. Right of Appeals

16.1.3.4.3.1. Bases for Request for appeal

16.1.3.4.3.1.1. There are three permissible reasons to request an appeal:

16.1.3.4.3.1.1.1. Allegation of violation of approved unit, college, and/or university policies, including those set forth in the Faculty and Professional Personnel Handbook;

16.1.3.4.3.1.1.2. Allegation of unfair treatment on the part of the decision makers;

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

16.1.3.4.3.1.2. When an appellant alleges violation of approved unit, college, and/or university policies, including those set forth in the Faculty and Professional Personnel Handbook, then they must cite the specific policies which a committee or administrator failed to follow. When filing a request for appeal, the appellant must also provide a summary of the way(s) in which the policies were violated and how such violation(s) adversely affected the appellant.

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

16.1.3.4.3.1.4. When an appellant alleges discriminatory treatment on the part of the decision makers, then they must cite the specific treatment engaged in by a committee or administrator. When filing a request for appeal, the appellant must also provide a summary of the constitutionally or statutorily prohibited reasons upon which they believe the decision was based and a detailed summary of the evidence which supports the appellant's allegation. Discriminatory treatment is defined as decisions based upon constitutionally or statutorily prohibited reasons, including unlawful discrimination.

16.1.3.4.3.1.5. When a request for appeal is filed which alleges discriminatory treatment on the part of the decision makers, the University's Director of Employee Relations, or their designee, shall serve in an advisory capacity to the committee or hearing panel at each level of appeal. All appeals alleging discriminatory treatment in promotion decisions shall be pursued under the procedures set forth in this document rather than under the Ball State University "Equal Opportunity Complaint Investigation Procedure and Appeal Process."

16.1.3.4.3.1.6. In all cases, the appellant has the burden of proving their allegations.

16.1.3.4.3.2. Appeals at the Unit Level

16.1.3.4.3.2.1. If the appellant has reason to request an appeal of the decision of the unit Non-Tenure-Line Promotion Committee, then the appellant may appeal to the college Non-Tenure-Line Committee. The request must be made within ten (10) calendar days following the appellant's receipt of the unit's Non-Tenure-Line Promotion Committee's decision and must be recorded in the files of the academic dean. Any request that is not filed within this time limit will be denied automatically unless the academic dean determines that good cause has existed for the delay.

16.1.3.4.3.2.2. The academic dean is responsible for preparing an appeal file that will consist of (a) the formal request for hearing and any other materials submitted by the appellant; (b) the response and any other materials submitted by the unit committee or unit chair. The appeal file will be forwarded to the chairperson of the hearing panel who will make certain that it is made available to all parties to the hearing.

16.1.3.4.3.2.2.1. The academic dean will assist the chairperson of the college Non-Tenure-Line Committee in arranging the hearing at the collegiate level.

16.1.3.4.3.2.3. A formal hearing will take place.

16.1.3.4.3.2.3.1. Timing. The college Non-Tenure-Line Committee must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing. Days outside the regular academic year will not be counted in the thirty-day computation. The chairperson of the college Non-Tenure-Line Committee may, with good cause, extend the thirty-day deadline.

16.1.3.4.3.2.3.2. Membership of the hearing panel. The college Non-Tenure-Line Committee may serve as the hearing

panel, or it may establish a separate hearing panel. The hearing panel shall consist of not fewer than five (5) nontenure-line faculty members at the rank of Associate or above, at least two (2) of whom must also be members of the college Non-Tenure-Line Committee establishing the panel. The chairperson of the college Non-Tenure-Line Committee, or their designee, will serve as chairperson of the hearing panel. Subject to 16.1.3.4.3.2.3.2.2, in the event that there are not sufficient promoted non-tenure-line faculty, non-tenure-line faculty of two or more years; promoted non-tenure-line faculty from a related discipline within the college; or tenured faculty from the candidate's unit may be utilized.

16.1.3.4.3.2.3.2.1. When an appeal is filed which alleges that a decision was the result of unlawful discrimination, two (2) of the members of the hearing panel shall be appointed from among the full-time faculty serving on the Complaint Appeals Board of the Ball State University "Equal Opportunity Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose

the other such panelist. If either the appellant or the responding party fails to make a selection, the University's Director of Employee Relations shall make that party's selection. The University's Director of Employee Relations, or their designee, shall serve in an advisory capacity to the hearing panel.

16.1.3.4.3.2.3.2.2. No one may serve to hear an appeal who has a demonstrated conflict of interest such as previous involvement with the case, assignment to the same academic unit as any of the principals in the case, business involvement, or relationship to any of the principals. Decisions regarding such conflicts shall be made by the Non-Tenure-Line committee chairperson.

16.1.3.4.3.2.3.3. **Parties.** Parties participating in the hearing are (a) the appellant; and (b) the unit chairperson and the unit Non-Tenure-Line Committee chairperson, who together shall serve as the responding party (unless the chairperson of the college Non-Tenure-Line

Committee appoints a different individual or individuals to serve as the responding party).

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

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

16.1.3.4.3.2.3.5.1. Copies of all documents upon which they intend to rely but which are not already a part of the appeal file;

16.1.3.4.3.2.3.5.2. A list of any witnesses whom they plan to call. These materials must be made available to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.

16.1.3.4.3.2.3.6. **Attendants at hearing.** In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing. Failure, without good cause, of the appellant or the responding party to appear and proceed at the hearing may force the hearing panel to hear and respond to the appeal in the absence of the appellant or the responding party.

16.1.3.4.3.2.3.6.1. A full-time nontenure-line Ball State faculty member to serve as faculty colleague for the appellant.

16.1.3.4.3.2.3.6.2. Representative of the academic dean's office.

16.1.3.4.3.2.3.6.3. Other University affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.

16.1.3.4.3.2.3.6.4. Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.

16.1.3.4.3.2.3.6.5. Witnesses called by either party. Such witnesses shall be present only while they are testifying

16.1.3.4.3.2.3.6.6. A recording secretary designated by the appellant, if they desire. This person must be a full-time Ball State faculty, professional

personnel, or staff member.

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

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

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

16.1.3.4.3.2.3.10. **Hearing records.** The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include a statement of who was present including witnesses, a general summary of the major points made by the parties and participants at the hearing, and any motions made, or votes taken by the hearing panel. Approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. Any recordings of a hearing shall not be permitted.

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

16.1.3.4.3.2.3.11.1. The decision of the hearing panel shall be deemed to be the decision of the college Non-Tenure-Line Committee, without further action on the part of the committee.

16.1.3.4.3.2.3.11.2. When a hearing panel votes to uphold an appeal, then it must specify a remedy for the situation or specify a recommended course of action to the appropriate parties (for example, a rehearing of a case by a previous committee or administrator or of an appellant). If the responding party does not agree with this recommendation, that party may appeal to the University Non-Tenure-Line Committee.

16.1.3.4.3.2.3.11.3. When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the University Non-Tenure-Line Committee.

16.1.3.4.3.2.3.12. If an appellant or respondent decides to appeal the decision of the college Non-Tenure-Line Committee, either may request a hearing before the University Non-Tenure-Line Committee. The request

must be made within ten (10) calendar days following receipt by the appealing party of the college Non-Tenure-Line Committee's decision and must be filed in the Office of the Provost. See Bases for Request for Appeal section for information on the bases of appeal and what should be included in the request for a hearing. Any request not filed within this time limit shall be denied automatically unless the Provost determines that good cause has existed for the delay.

16.1.3.4.3.2.3.12.1. Procedures for an appeal of the decision of the college Non-Tenure-Line Committee will follow the procedures outlined in 16.1.3.4.3.3.3 through 16.1.3.4.3.3.4.11.3 except the Parties participating in the hearing are (a) the party appealing the decision; and (b) the chair of the college Non-Tenure-Line Committee.

16.1.3.4.3.3. Appeals of the Academic Dean

16.1.3.4.3.3.1. If the initial adverse recommendation has been made by the academic dean, then the appellant may request a hearing before the University Non-Tenure-Line committee.

16.1.3.4.3.3.2. If an appellant decides to appeal the decision of an academic dean, the appellant may request a hearing before the University Non-Tenure-Line Committee. The request must be made within ten (10) calendar days following receipt by the appealing party of the academic dean's decision and must be filed in the Office of the Provost. See Bases

for Request for Appeal section for information on the bases of appeal and what should be included in the request for a hearing. Any request not filed within this time limit shall be denied automatically unless the Provost determines that good cause has existed for the delay.

16.1.3.4.3.3.3. The Provost is responsible for preparing an appeal file that shall consist of (a) the formal request for hearing and any other materials submitted by the appellant; (b) the responses and any other materials submitted by the unit committee or academic dean. The appeal file will be forwarded to the chairperson of the hearing panel who will make certain that it is made available to all parties to the hearing.

16.1.3.4.3.3.3.1. The Provost designee shall assist the chairperson of the University Non-Tenure-Line Committee in arranging the hearing at the University level.

16.1.3.4.3.3.4. A formal hearing will take place.

16.1.3.4.3.3.4.1. **Timing.** The University Non-Tenure-Line Committee must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing. Days outside the regular academic year shall not be counted in the thirty-day computation. The chairperson of the University Non-Tenure-Line Committee may, with good cause, extend the thirty-day deadline.

16.1.3.4.3.3.4.2. Membership of the hearing panel. The University Non-Tenure-Line Committee may serve as the hearing panel, or it may establish a separate hearing panel. The hearing panel shall consist of not fewer than five (5) nontenure-line faculty members at the rank of Associate or above, at least two (2) of whom must also

be members of the University Non-Tenure-Line Committee establishing the panel. The chairperson of the University Non-Tenure-Line Committee, or their designee, shall serve as chairperson of the hearing panel. Subject to 16.1.3.4.3.3.4.2.2, in the event that there are not sufficient promoted non-tenure-line faculty, non-tenure-line faculty of two or more years; promoted non-tenure-line faculty from a related discipline within the college; or tenured faculty from the candidate's unit may be utilized

16.1.3.4.3.3.4.2.1. When an appeal is filed that alleges a decision was the result of unlawful discrimination, two (2) of the members of the hearing panel shall be appointed from among the full-time faculty and professional personnel then serving on the Complaint Appeals Board of the Ball State University "Equal Opportunity Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose the other such panelist. If either the appellant or the responding party

fails to make a selection, the University's Director of Employee Relations, shall make that party's selection. The University's Director of Employee Relations, or their designee, shall serve in an advisory capacity to the hearing panel.

16.1.3.4.3.3.4.2.2. No one may serve to hear an appeal who has a demonstrated conflict of interest such as previous involvement with the case, assignment to the same academic unit or administrative area as any of the principals in the case, business involvement, or relationship to any of the principals. Decisions regarding such conflicts shall be made by the University Non-Tenure-Line committee chairperson.

16.1.3.4.3.3.4.3. **Parties.** The parties participating in the hearing are (a) the appellant; and (b) the academic dean.

16.1.3.4.3.3.4.4. Notice of hearing. The parties shall be given at least ten (10) calendar days' notice of the date, time, and place of the hearing, unless they waive that notice in writing. The hearing may be postponed or continued by

the chairperson of the hearing panel whenever they may deem appropriate, or upon the request of either party for good cause shown.

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

16.1.3.4.3.3.4.5.1. All documents, including records of the college hearing, upon which they intend to rely, but which are not already a part of the appeal file;

16.1.3.4.3.3.4.5.2. A list of any witnesses whom they plan to call. These materials must be distributed to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.

16.1.3.4.3.3.4.6. Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.

16.1.3.4.3.3.4.6.1. A full-time non-tenure-line Ball State faculty to serve as faculty colleague for the appellant.

16.1.3.4.3.3.4.6.2. Representative of the Provost's office

16.1.3.4.3.3.4.6.3. Other University affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.

16.1.3.4.3.3.4.6.4. Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.

16.1.3.4.3.3.4.6.5. Witnesses called by either party. Such witnesses shall be present only while they are testifying.

16.1.3.4.3.3.4.6.6. A colleague designated by the appellant to take notes, if they desire. This person must be a full-time Ball State faculty, professional personnel, or staff member.

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

16.1.3.4.3.3.4.7. Quorum and challenges. All members of a hearing panel shall constitute a quorum. Either party may challenge a panel member on the grounds of personal bias.

The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members, conducted by confidential ballot. If this vote results in a tie, the decision shall be made by the chairperson of the hearing panel.

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

16.1.3.4.3.3.4.9. **Witnesses.** Each party is responsible for ensuring the presence of their witnesses at a hearing. Written statements in lieu of the personal testimony of a witness shall not be permitted unless a majority of the panel members determines that a witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the hearing by any member of the hearing panel.

16.1.3.4.3.3.4.10. **Hearing records.** The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include record of who was present at the meeting including witnesses, a general summary of the major points made by the parties and

participants at the hearing, and any motions made or votes taken by the hearing panel. Copies of approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. No recordings of a hearing shall be permitted.

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

16.1.3.4.3.3.4.11.1. The decision of the hearing panel shall be deemed to be the decision of the University Non-Tenure-Line Committee, without further action on the part of the committee

16.1.3.4.3.3.4.11.2. When a hearing panel votes to uphold an appeal, then it must specify

a remedy for the situation or specify a recommended course of action to the appropriate parties (for example, a rehearing of a case by a previous committee or administrator or a recommendation that the Provost review the materials of the appellant in consideration of promotion). If the responding party does not agree with this recommendation, that party may appeal to the Provost.

16.1.3.4.3.3.4.11.3. When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the Provost.

16.1.3.4.3.4. Appeals at the University Level

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

16.1.3.4.3.4.2. The decision of the Provost is final.

16.1.3.4.3.5. Appeals which begin at the Provost Level

16.1.3.4.3.5.1. When the initial adverse recommendation has been made by the Provost, then the appeal must be made to the President.

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

16.1.3.4.3.5.3. The decision of the President is final.

## 16.1.4. OTHER RANKS

### 16.1.4.1.1. LECTURER

The title Lecturer may be used for persons employed as non-tenure-line full-time or part-time faculty who are uniquely qualified to serve the University. Persons hired before May 2017 may remain Lecturer. Faculty personnel other than those defined in Section II, #1 are titled according to the Titles and Promotion Chart.[92]

### 16.1.4.1.2. VISITING PROFESSOR

The title Visiting Professor may be used for persons holding rank in another institution who are temporarily employed at this University. The person recommended to be a visiting professor must be approved by the academic department and recommended through the usual channels. Visiting professors are not eligible for tenure or for membership in the Senate. Departments should use the appropriate specialization and degree status to specify the title.[92]

### 16.1.4.1.3. ADJUNCT

The title Adjunct is used for persons who by their professional cooperation significantly assist the University in its academic programs, regardless of the fraction of load assigned and, in most cases, without remuneration. The person recommended to be an Adjunct must be approved by the academic department and recommended through the usual channels. Adjunct faculty are not eligible for tenure or for membership in the University Senate. Departments should use the appropriate specialization and degree status to specify the title.[92]

### 16.1.4.1.4. ENDOWED CHAIR

16.1.4.1.4.1. The appointee to an endowed chair will be selected by observing the regular procedures of "unusual appointment" of faculty personnel. In addition, the appointee will be approved by a majority of the faculty of the department which will be served. The usual rules on tenure will apply to the individual. Unless the fund agreement states otherwise, the Endowed Chair will be tenured or on tenure-track and must follow the established procedures of the unit.

16.1.4.1.4.2. Endowed Chairs are annually evaluated by their unit and college and undergo external evaluation at the end of the established term if they wish to seek renewal.

### 16.1.4.1.5. Distinguished Professorship

16.1.4.1.5.1. To merit appointment as a distinguished professor, a person shall be one whose accomplishments are extraordinary in that area of competence; one who is generally recognized by members of the same discipline to be outstanding for teaching, scholarship or creative endeavor, or meritorious achievement in appropriate fields. In any event, the individual shall have attained the distinguished reputation prior to appointment rather than simply to have shown promise of unusual success. The Distinguished Professorship title is separate from rank and tenure.

16.1.4.1.5.2. Current members of the University faculty may be eligible for appointment to the position of distinguished professor.

16.1.4.1.5.3. The candidate for a distinguished professorship must be approved by a majority of the faculty of the department which will be served. Following such approval, the regular procedures for appointment of faculty personnel shall be observed, i.e., recommendations are channeled through the department chairperson, college dean, the Provost and Executive Vice President for Academic Affairs, and the President of the University before being submitted to the Board of Trustees for action.

16.1.4.1.5.4. Salary

16.1.4.1.5.4.1. The salary and benefits of a distinguished professor are in addition to the salary and benefits earned as a faculty member, which are determined through standard university policy and procedures. Any additional funds awarded to the Distinguished Professorship will be determined by the Department Chair, College Dean, and Provost in accordance with the fund agreement.

16.1.4.1.5.4.2. Renewal

Distinguished Professors are annually evaluated by their unit and college and undergo external evaluation at the end of the established term if they wish to seek renewal.

### 16.1.4.1.6. Joint Appointment

Joint Appointments are created via a Memorandum of Understanding (MOU) between two or more units and the faculty member at the time of appointment. The MOU, which will be approved by the leadership of the units (including chairs/directors, deans, and the provost), will define the home unit, describe the role and responsibilities of the joint appointment, agree upon the employment resources and expectations, and specify the evaluation procedures. Promotion and Tenure and Salary and Merit review must be clearly described and respective committee membership must be defined. The MOU will be reviewed at least annually.

## 16.2. PROFESSIONAL

### 16.2.1. REGULAR PROFESSIONAL PERSONNEL

Regular full-time professional personnel appointed to serve in full-time assignments are

16.2.1.1. Tenured or eligible for tenure upon the completion of all general requirements as stated in approved departmental, collegiate, and University policies and all specific requirements as stated in letter of appointment;

16.2.1.2. Eligible for all privileges extended by the University to regular full-time professional personnel, including employee benefit programs as described in the Benefits Handbook;

16.2.1.3. Eligible for full participation in the affairs of the total University, of its component institutions (e.g., University Senate and its councils and committees), and of its departments and administrative units in accordance with University policy;

16.2.1.4. Eligible for academic promotion in accordance with departmental, collegiate and University policies;

16.2.1.5. Given assignments which are recommended by unit supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook.

### 16.2.2. CONTINUING CONTRACT PROFESSIONAL PERSONNEL[10]

Continuing contract professional personnel holding positions for a non-specified length of time are:

16.2.2.1. Not eligible for tenure;

16.2.2.2. Employed on either an academic year or fiscal year basis to perform important non-faculty tasks which support the teaching, scholarly, creative, and service missions of the University;

16.2.2.3. Eligible (if assigned half-time or more for the full academic year or at least for ten months of the fiscal year) for all privileges extended by the University to regular full-time professional personnel, including employee benefits programs as described in the Benefits Handbook;

16.2.2.4. Eligible for full participation in the affairs of the total University, of its component institutions (e.g., University Senate and its councils and committees), and of its departments and administrative units in accordance with University policy;

16.2.2.5. Given assignments which are recommended by their area supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook;

16.2.2.6. Continuing contract professional personnel may be recommended for regular full-time appointments if qualified and if such vacancies exist;

16.2.2.7. The appointment of a continuing contract professional is automatically renewed at the end of each academic or fiscal year unless that individual is notified to the contrary.

16.2.2.8. Written notice of the termination of a continuing contract professional's employment must be mailed or delivered to the affected individual by the President or the President's designee;

16.2.2.8.1.1. At least three months before the date of termination if the individual is in his or her first year on a continuing contract professional appointment;

16.2.2.8.1.2. At least six months before the date of termination if the individual is in his or her second, third, or fourth year on a continuing contract professional appointment;

16.2.2.8.1.3. At least twelve months before the date of termination if the individual has been employed as a continuing contract professional for more than four years.

16.2.2.9. A continuing contract professional who has received notice of termination of his or her employment, as provided in 16.2.2.8, shall remain in employment status (and be entitled to compensation and employee benefits) until the date of termination set forth in the notice. If the University proposes to terminate the employment of a continuing contract professional with less advance notice than that required under 16.2.2.8, even though the individual is not tenured, the procedures described in Sections 40.1 and 40.2 of the "Procedures in Cases Where Termination of a Tenured Faculty or Tenured Professional Personnel Member's Appointment is Proposed" must be followed.

## 16.2.3. CONTRACT PROFESSIONAL PERSONNEL

Contract professional personnel are:

16.2.3.1. Selected to serve in specified temporary assignments on at least a semester, academic or fiscal year one-year, two-year, or three-year contractual basis to perform important non-faculty tasks which support the teaching, scholarly, creative, and service mission of the University;

16.2.3.2. Eligible to receive, but not entitled to expect, renewal of their appointments following the expiration of their current appointments;

16.2.3.3. Given assignments which are recommended by their area supervisors and which are in accordance with policies found in the Faculty and Professional Personnel Handbook.

16.2.3.4. Contract professional personnel may

16.2.3.4.1.1. Replace regular or continuing contract professional personnel on leave;

16.2.3.4.1.2. Replace regular or continuing contract professional personnel for reasons of resignation, dismissal, illness, or death;

16.2.3.4.1.3. Serve in special assignments approved by the appropriate Vice President and the Provost and Executive Vice President for Academic Affairs;

16.2.3.4.1.4. Be recommended for higher salary and/or rank when new contracts are arranged;

16.2.3.4.1.5. Be recommended for regular full-time appointments if qualified and if such vacancies exist;

16.2.3.4.1.6. Participate in University travel assistance for professional meetings (eligibility as defined in 16.2.3.5.1.1);

16.2.3.4.1.7. Participate in the departmental or area governance system with voting rights, by invitation of a majority of the regular members of the unit.

#### 16.2.3.5. Privileges of Contract Professional Personnel

Contract full-time professional personnel shall be accorded the following privileges:

16.2.3.5.1.1. Participation in the employee benefit programs of the University as stated in the Benefits Handbook.

16.2.3.5.1.1.1. For purposes of participating in the employee benefit programs, contract full-time professional personnel must be employed for a full academic year or a full fiscal year;

16.2.3.5.1.1.2. Contract full-time professional personnel who do not meet the criteria in Paragraph 16.2.3.5.1.1 are not eligible for employee benefit programs as stated in the Benefits Handbook, except sick leave as stated in Other Leaves Policy (Faculty and Professional Personnel Handbook) and vacation for fiscal year professional personnel which is earned at the rate of two days for each month employed.

16.2.3.6. Contract part-time professional personnel assigned for at least half time for a full academic year or assigned for at least half-time for a full fiscal year shall be accorded the following privileges:

16.2.3.6.1.1. Participation in the employee benefit programs as described in the Benefits Handbook;

16.2.3.6.1.2. Contract part-time professional personnel who do not meet the criteria in Paragraph 16.2.3.5.1.1 are not eligible for employee benefit programs.

## 17. Terms of Appointment[11]

17.1. Ball State University is an equal opportunity employer. The appointment of faculty members and administrative officers is governed by professional consideration, not by political or other nonprofessional factors.

17.2. Academic employees are for the most part employed on a nine-month basis, for teaching in the fall and spring semesters -- the academic year -- and for teaching on-campus classes (some of which are evening classes and some Saturday classes) and extension (off-campus) classes.

17.3. Some assignments for the academic-year faculty will be made for teaching in the summer session, but summer employment is not guaranteed, nor is any faculty member required to teach in any summer session. Each department shall develop a statement of recommendation on summer employment, agreed on by a majority of the full-time tenure-line faculty of the department. Such policy should be reviewed when a majority of the tenure-line faculty members in a department request a review. Statements shall be filed in the office of the appropriate dean.[12] Summer session courses should, in general, be taught by those holding the appropriate terminal degree.

17.4. The terms of employment of faculty and professional personnel employed on other than academic year contracts are established annually within the contractual agreement between the employee and the University.

17.5. A faculty member must complete at least one semester of full-time service during any academic year in order to receive a full year's credit for purposes of tenure consideration.

17.6. Associate professorships and professorships are available to qualified persons who are being employed when circumstances and qualifications warrant such rank.[13] The form "Recommendations for Unusual Appointment" must be submitted with the request to employ.

## 18. REASSIGNMENTS

18.1. The University retains the right, through the appropriate dean, to reassign faculty members to other courses, to research, or to other professional activities, should it become necessary to cancel offerings because of insufficient enrollment or other good and just causes.

## 19. TEACHING FACULTY QUALIFICATIONS POLICY AND PROCEDURES[94]

19.1 Ball State University Ball State University ensures that all instructional faculty and faculty responsible for developing curriculum possess the academic preparation, training, and experience to teach in an academic setting, meet or exceed the minimum requirements of accrediting bodies, and accomplish the mission of the institution.

When determining qualifications of its teaching faculty, Ball State University considers, where appropriate, undergraduate and graduate degrees, related work experiences, professional licenses and certifications, or other demonstrated competencies and achievements that contribute to effective teaching. Guidance regarding these criteria is contained in the Higher Learning Commission document entitled "Determining Qualified Faculty through HLC's Criteria for Accreditation and Assumed Practices."

A. Academic Qualifications

When determining acceptable qualifications of its teaching faculty, Ball State University gives primary consideration to the highest degree earned in the discipline. Degrees earned are only acceptable if awarded by an institution that holds accreditation from one of the regional or national accrediting agencies recognized by the U.S. Department of Education. Foreign credentials must meet standards established by the American Association of Collegiate Registrars and Admissions Officers.

Faculty should have completed a program of study in the discipline in which they teach, and/or for which they develop curricula, with coursework at least one level above that of the courses being taught or developed as

described below. The key consideration is whether a degree in the field or a focus in the specialization held by a faculty member appropriately matches the courses the faculty member would teach in accordance with the conventions of the academic field.

Graduate student involvement in instruction is outlined in the Faculty and Professional Personnel Handbook, "Graduate Assistants in Teaching Roles" and in the Graduate School's "Guidelines and Information for Ball State University Graduate Assistants."

1. Undergraduate Courses Enrolling Only Baccalaureate Students

Faculty teaching undergraduate courses enrolling only baccalaureate students may be deemed qualified if they have earned a:

1. Master's degree or higher in the teaching discipline; or
2. Master's degree or higher in any discipline with at least 18 graduate semester credit hours in the discipline in which they are teaching.

2. Master's-level Graduate Courses and Mixed Undergraduate/Graduate Courses

Faculty teaching master's-level graduate courses or taught/with undergraduate/graduate courses may be deemed qualified if they possess a:

1. Record of research, scholarship, or achievement appropriate for the graduate program; and

    a. A terminal degree (e.g., Ph.D., Ed.D., J.D., MFA, etc. as determined by academic department) in the teaching discipline or subfield; or
    b. Terminal degree in any discipline with at least 18 completed graduate semester credit hours in the teaching discipline.

3. Doctoral-level Courses

Faculty teaching doctoral courses may be deemed qualified if they possess a:

1. Terminal degree in the teaching discipline; and
2. Demonstrated record of research and scholarship appropriate to the program and degree offered.

B. Experience-based Qualifications

In the absence of the academic qualifications articulated above (Section II.A), qualification to teach in a particular discipline may be based on other credentials.

A department may justify a faculty member's assignment to teach a given course based on a combination of academic, experiential, and other credentials including, as appropriate: undergraduate or graduate degrees, related work experiences, professional licenses and certifications, or other demonstrated competencies and achievements that contribute to effective teaching. These experiences should be equivalent to the degree that would otherwise be required for the faculty teaching position. This experience should be tested experience in that it includes a breadth and depth of experience outside of the classroom in real-world situations relevant to and current in the discipline in which the faculty member would be teaching.

Although appropriate experiences will vary from discipline to discipline, departments relying on experienced-based qualifications should: 1) consider experiences and engagement activities that qualify faculty to teach pursuant to a system of evaluation established by the agency accrediting the discipline, or 2) develop faculty

hiring qualifications that outline a minimum threshold of experience and a system of evaluating the professional qualifications of the faculty member.

Tested experience qualifications should be:

1. Established for specific disciplines and programs; and
2. Consistent across all hires in that area; and
3. Expressed clearly in the position description at the time of hiring.

C. Documentation of Qualifications

It is the responsibility of the instructional unit offering the courses that the faculty member will teach to verify their teaching qualifications. The responsibility for ensuring appropriate credentials for all teaching faculty teaching lies with the applicable dean.

Copies of all credentials and original transcripts shall be maintained within the Office of People and Culture.

# 20. CONTRACT AND SALARY INFORMATION

20.1. Information about the academic salary plan and benefits may be obtained from the Office of the Associate Provost.

20.2. Contracts with University faculty members include an agreement that the faculty member is bound by the rules and regulations as printed in the Faculty and Professional Personnel Handbook and approved by the University Senate and/or the Board of Trustees.[14]

20.3. Supplemental compensation paid to Ball State University faculty and professional personnel through the University Payroll and Employee Benefits Office is covered in the University Supplemental Compensation Policy.[15]

# 21. GUIDELINES FOR FACULTY LOAD ASSIGNMENTS AND REPORTING[16]

**21.1. Faculty Load Planning[17]**

21.1.1. Academic assignments are determined by the chairperson of the department, the college dean, Provost and Executive Vice President for Academic Affairs. Academic assignments may include on-campus as well as off-campus classes, assigned time for research or writing, consultative services, or administrative duties. Academic assignments will vary from one faculty member to another. The academic workload for a University faculty member is 24 credit hours for the academic year, 6 credit hours for the summer term, and 12 credit hours for the summer semester.

## 21.2. Faculty Load Reporting

21.2.1. Based on the HR calendar, the appropriate person in each department should use the electronic system to turn in faculty load reports to the college dean's office. The appropriate college representative should use the correct report format used to present the proposed academic load.

## 21.3. Faculty Load --Assigned Time

21.3.1. Scholarly and/or Creative Productivity

21.3.1.1. Faculty who demonstrate scholarly and/or creative productivity may be assigned 3-4 credit hours each semester. Each college will determine its definition of scholarly and/or creative productivity within accepted collegiate guidelines of academic performance and achievement. This productivity must be current and ongoing to merit assigned time.

21.3.1.2. Department chairpersons will submit a report to the dean at the end of each semester summarizing the scholarly, research, and/or creative productivity of each faculty member given assigned time for research.

21.3.1.3. Faculty who receive assigned time for research will not receive paid overloads during the same semester in which the research time is granted.

21.3.2. Departmental Administration

21.3.2.1. Department chairpersons may be assigned 6-8 hours each semester. Typically, chairpersons engaged in research and/or service activities will be teaching one class per semester. Administrative assistants/associate chairpersons/assistant chairpersons and directors of graduate programs may be assigned 3-4 hours each semester.

21.3.3. Other Administrative Responsibilities

21.3.3.1. Assigned time for other administrative responsibilities must be approved in advance by the department chairperson and the dean.

21.3.4. Grants

21.3.4.1. Faculty engaged in externally funded projects and/or internally funded research may be assigned time as outlined in the proposal and with the approval of the department chairperson and the dean.

21.3.5. Service Activities

21.3.5.1. Faculty working on service projects and activities contributing to their professional development and significantly benefiting their subject matter discipline may be assigned 3-4 hours each semester.

21.3.5.2. All departmental requests for assigned time should be submitted to the dean's office when the semester schedule is completed. Additions to or modifications of this list should be submitted when they occur but always prior to the beginning of the semester. In all cases, the principles of flexibility and accountability should inform the decisions regarding assigned time.

21.3.6 Accessibility/Office Hours[93]

21.3.6.1 All academic departments, schools, and centers that employ faculty for any instructional load should develop its own policy regarding the manner in which faculty members are to be accessible beyond the actual class time. Policies are to be approved by the respective dean and kept on file in the dean's office. Additionally, policies are to be communicated to faculty at the time of hire or contract renewal.

**21.4. Faculty Load –Other Guidelines[18]**

21.4.1. When computing academic workloads, the following guidelines should be considered.

21.4.1.1. Chairpersons may adjust teaching and research loads between semesters during the academic year (for example, assigning 6-8 hours of research time during one semester and no research time the other semester) if this is consistent with departmental requirements.

21.4.1.2. With the approval of the department chairperson and dean, a faculty member may be allowed additional load hours when a class size is exceptionally large.

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

21.4.1.4. As a rule, non-tenure-line faculty will be assigned to a load that is primarily teaching. Scholarship, Service, and administrative responsibilities can be included and may be negotiated with the department chair and approved by the dean annually or at time of offer or contract renewal. Non-tenure-line faculty members whose assignments include significant responsibilities other than teaching will receive assigned time, additional salary, or other compensation to be negotiated with their department chairperson and approved by the Dean.

21.4.1.5. Summer terms are an integral component of Ball State's total instructional program. Consistent with University policy, faculty will be paid 15% of the academic year salary per full load per summer term. As defined by the Faculty and Professional Personnel Handbook, a full load is six (6) hours per summer term.

# 22. UNDER ENROLLED CLASSES

22.1. The minimum class size shall be ten (10) for undergraduate and six (6) for graduate classes. For purpose of determining class size an undergraduate shall count 1/10th, a graduate 1/6th, and an auditor shall count 1/50th in an undergraduate class and 1/30th in a graduate class in such determinations.

22.2. Each department may offer one under enrolled class section per semester and for each five-week summer term at its own absolute discretion and make its own determination of the justifiable minimum for an under enrolled class. Departments may offer other under enrolled classes with permission of the college dean. All under enrolled classes must carry full teaching load credit for the faculty members involved. Faculty members teaching under enrolled classes will not be eligible for overload pay.

# 23. FILES[19]

**23.1. Personnel Files**

23.1.1. A personnel file is a file which contains documents or records that show that a personnel action has been taken (e.g., contract letters, P-3 forms) or which contains information upon which a personnel action has been based (e.g., letter of application, evidence in a disciplinary action). Some examples of

personnel actions are recruiting, hiring, firing, transferring, promoting, granting tenure, and approving compensation.

23.1.2. Materials in a personnel file may include, but are not limited to, application for appointment; letters of recommendation; official contract letters; forms concerning changes in appointment, salary, title, etc.; vita; salary information; formal evaluations by supervisors; teaching evaluations; information concerning scholarly productivity or creative endeavors; information concerning service in a professional capacity; information concerning any disciplinary actions taken; or information concerning the status of any formal charges against the employee.

23.1.3. Materials that are not to be placed in a personnel file include information about the employee's race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, protected veteran status, or any other legally protected status. Any file that will be used by people other than the employee, such as a promotion and tenure committee, may not include this information.

23.1.4. All this information shall be made available to the affected faculty or professional personnel member. When detrimental material is placed in his or her personnel file, the faculty or professional personnel member shall be notified in writing and given the right to place in the file materials that might rebut or explain the detrimental information. Anonymous letters will never be made part of any personnel file. Improper materials placed in a personnel file will be removed and destroyed by the chairperson, supervisor, or vice president and the affected faculty or professional personnel member.

23.1.5. As a general rule, personnel files are located in the departmental or unit office, the dean's or vice president's office, and the Associate Provost's area.

**23.2. Confidential Files**

23.2.1. Certain files are maintained in confidence due to the sensitive nature of the materials contained in these files. The primary example of this type of file is the investigative files maintained in the Office of General Counsel. The faculty or professional personnel member involved may not see the file because the identity of the complainant is kept confidential unless and until formal disciplinary action has been initiated. However, if a formal complaint is filed against a faculty or professional personnel member, that individual is informed of the complaint. Although the file itself and the complainant's identity are not available to the accused, he or she is given notice of the existence, substance, and details of the complaint. If formal disciplinary action is initiated, the accused is informed of the identity of the complainant.

23.2.2. The files concerning allegations of discrimination in the Office of General Counsel are not available to anyone other than the Vice President and General Counsel without his or her explicit permission.

23.2.3. Personal notes and investigative records are considered to be confidential unless they are used to make a decision concerning someone's employment status or unless they provide a basis for disciplinary action.

# 24. APPOINTMENT, ACADEMIC FREEDOM AND TENURE[20]

**24.1. Appointment**

The appointment of administrative officers and of faculty members and the determination of educational policies should be governed by professional consideration. Political factors should not be permitted to interfere with the efficiency of this University. The spirit of these principles should also be demonstrated in the internal

administration of the University for the development and maintenance of the best type of faculty service and of student growth. It is presumed that administrative officers and faculty members will be appointed on merit rather than for political or other nonprofessional considerations.

**24.2. Statement of Principles[21]**

24.2.1. The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedure to assure them in this University. Institutions of higher learning are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

24.2.2. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

24.2.3. Tenure is a means to certain ends; specifically: (1) freedom of teaching and research, and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

**24.3. Academic Freedom**

24.3.1. The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the University.

24.3.2. The teacher is entitled to freedom in the classroom in discussing the appointed subject, but should be careful not to introduce a controversial matter which has no relation to the subject. Limitations of academic freedom because of the aims of the institution should be clearly stated in writing at the time of the appointment.

24.3.3. The University teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, there should be freedom from institutional censorship or discipline, but a special position in the community imposes special obligations. As a person of learning and an educational officer, a teacher should remember that the public may judge his or her profession and this University by his or her utterances. Hence, he or she should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that he or she is not an institutional spokesman.

(Adopted by State Teachers College Board, June 4, 1944)

# 25. UNIVERSITY STATEMENT ON THE IMPORTANCE OF INCLUSIVENESS

Ball State University aspires to be a university that attracts and retains outstanding faculty, staff, and students. Ball State is committed to ensuring that all members of the campus community are welcome through our practice of valuing the varied

experiences and worldviews of the people whom we serve. We promote a culture of respect and civil discourse as evident in our *Beneficence Pledge.*

At Ball State, inclusiveness is an integral part of our identity. Our success depends on our efforts to cultivate inclusiveness within our pedagogical, scholarly, and creative pursuits. Community is an inherent and crucial aspect of such efforts at local, national and international levels. As we recruit and retain our administration, faculty/staff and students, we strive to ensure that our students are prepared to engage and succeed in the world in which they will work and live.

We are committed to the pursuit of institutional excellence by welcoming all people. Ball State will be a place recognized for its positive climate—one where all stakeholders know that their contributions to the mission of the university are essential to our success.

## 26. EQUAL OPPORTUNITY POLICY[23]

Ball State University is committed to the principles of nondiscrimination and equal opportunity in education and employment. Further, the University is committed to the pursuit of excellence by prohibiting unlawful discrimination and providing equal opportunity to individuals without regard to race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, protected veteran status, or any other legally protected status. This commitment enables the University to provide qualified individuals access to all academic and employment programs on the basis of demonstrated ability without regard to personal factors that are irrelevant to the program or job requirements involved.

The University assigns a high priority to the implementation of this equal opportunity policy to expand its efforts to guarantee equality of opportunity in employment.

The University President affirms the commitment to equal opportunity. All persons involved in the decision-making process, including members of faculty and other employee committees, shall act in a nondiscriminatory manner. The Director of Employee Relations has been specifically designated to be responsible for overall compliance with all federal and state laws and regulations regarding nondiscrimination, and with approval of the President, is authorized to make any necessary modifications to this policy for purposes of regulatory compliance.

To ensure equal opportunity and nondiscrimination, each member of the Ball State University community must understand the importance of this policy and his/her responsibilities to contribute to its success. This policy seeks to encourage the reporting of incidents so they may be addressed. Students, employees, and applicants shall not be subjected to harassment, intimidation, threats, coercion, discrimination, or retaliation because they have engaged or may engage in any of the following: 1) filing a complaint; 2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; 3) opposing an act or practice deemed unlawful by a federal, state, or local law requiring equal employment opportunity; or 4) exercising any right according to this policy and/or any other lawfully protected right.

Complaints regarding unlawful discrimination or retaliation should be filed within 300 calendar days following the alleged act or incident giving rise to the complaint with the Assistant Director of Equal Opportunity and ADA Coordinator in accordance with the Ball State University Equal Opportunity Complaint Investigation Procedure and Appeal Process. The University encourages the prompt filing of all complaints. A copy of this document may be obtained by contacting the Assistant Director of Equal Opportunity and ADA Coordinator. Any individual or group found to have violated this policy will be subject to disciplinary or remedial action, up to and including termination of

employment or expulsion from the University. Faculty and staff who are determined to have violated this policy also may be held personally liable for any damages, settlement costs or expenses, including attorney fees incurred by the University.

The University maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates.

Revised by the Board of Trustees July 24, 1998, July 19, 2013, July 17, 2015, November 14, 2022. Revised pursuant to delegation April 17, 2025.

## 27. AFFIRMATIVE ACTION PLAN FOR DISABLED INDIVIDUALS[24]

27.1. Ball State University is subject to Sections 503 and 504 of the Rehabilitation Act of 1973 and, as such, takes affirmative action to employ and advance in employment qualified disabled individuals. Anyone having such a disability and wishing to be covered under the affirmative action program should contact the Office of Employee Relations. Submission of this information is voluntary and refusal to provide it will not subject any individual to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that 1) supervisors may be informed regarding restrictions on the work or duties of disabled individuals, and regarding necessary accommodations; 2) health personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment; and 3) government officials investigating compliance with the Act shall be informed.

27.2. If a disabled Ball State University employee needs a workplace accommodation, that employee should contact the Office of Employee Relations immediately upon learning of the need for the accommodation. All disability accommodation requests will be reviewed in a timely manner through an interactive process typically involving the employee, the supervisor of the employee, and the Assistant Director of Equal Opportunity and ADA Coordinator.[25]

## 28. WHISTLEBLOWER PROTECTION POLICY[26]

All employees of Ball State University and other members of the University community are expected to comply with all federal and state laws and regulations as well as University policies, and they are also expected to report to the University any violations of such laws, regulations or policies and other University-related misconduct they witness or have good reason to believe occurred.

The University has existing policies and procedures for disclosing certain types of violations and misconduct. They include, but are not limited to, the Equal Opportunity Policy, the Sexual Harassment and Anti-harassment Policies, the Policy on Conflict of Interest and Conflict of Commitment, and the Policy on Protection of Human Subjects in Research. These policies should be used to report any suspected violations and misconduct covered by the policies. Other suspected violations and misconduct should be reported to the University office responsible for the policy area or, alternatively, to the Office of General Counsel. Reports can also be made either by phone using the EthicsPoint dedicated toll-free hotline for Ball State University at 1-844-338-7290, or through the EthicsPoint Internet-based reporting system at: http://www.bsu.edu/ethicspoint. Access to the EthicsPoint Hotline Reporting is available 24/7/365 days of the year.

Any individual making such a report must have a good faith belief that a violation or misconduct may have occurred. An employee who the University determines has knowingly filed a false report or furnished false information may be subject to disciplinary action, up to and including termination.

Retaliation will not be tolerated against anyone who (i) in good faith reports a suspected violation of a federal or state law or regulation, University policy or other University-related misconduct, or (ii) provides testimony or other evidence or otherwise assists in the University's investigation of such a report. Any individual who has been threatened with or subjected to an adverse employment or academic action based on his or her good faith report of such an alleged violation or misconduct, or on his or her participation in the investigation of such a report, may file a complaint of retaliation with the Office of General Counsel. An employee who the University determines has engaged in retaliation against an individual based on the individual's good faith report of such an alleged violation or misconduct may be subject to disciplinary action, up to and including termination.

This policy supplements the existing Indiana statute, Indiana Code §21-39-3, which protects University employees against retaliation for making a good faith report of a violation of a federal or state law or regulation or the misuse of public resources.

## 29. UNIVERSITY'S STATEMENT ON SEXUAL HARASSMENT[27]

29.1. Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of the 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.

29.2. 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.

29.3. 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:

- 29.3.1. 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;
- 29.3.2. 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 affecting an individual; or
- 29.3.3. 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.

29.4. 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.

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

29.5.1. request for sexual favors;

29.5.2. unwelcome physical contact such as hugging, rubbing, touching, patting, pinching or brushing another's body;

29.5.3. veiled suggestions of sexual activities;

29.5.4. requests for private meetings outside of class or business hours for other than legitimate academic or business-related purposes;

29.5.5. use in the classroom of sexual jokes, stories or images in no way germane to the subject of the class;

29.5.6. use in the workplace of sexual jokes, stories or images in no way germane to the subject of the work environment;

29.5.7. 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;

29.5.8. use of inappropriate body images to advertise events.

29.6. 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's perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complainant and whether a reasonable person similarly situated would find the conduct offensive that determine whether the behavior constitutes sexual harassment.

29.7. 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 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.

29.8. 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 Assistant Director of Equal Opportunity and ADA Coordinator and make

a complaint. The complaint will be investigated in accordance with the *"Equal Opportunity Complaint Investigation Procedure and Appeal Process."* A copy of this document may be obtained by contacting the Assistant Director of Equal Opportunity and ADA Coordinator.

29.9. 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 300 calendar days) with inquiries, reports or complaints and to seek assistance from the Assistant Director of Equal Opportunity and ADA Coordinator. 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 Assistant Director of Equal Opportunity and ADA Coordinator. It shall be the responsibility of Assistant Director of Equal Opportunity and ADA Coordinator to respond to allegations and reports of sexual harassment or refer them to other University officials for an appropriate response.

29.10. 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 Assistant Director of Equal Opportunity and ADA Coordinator. 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 Assistant Director of Equal Opportunity and ADA Coordinator prior to responding to any situation involving alleged harassment.

29.11. Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:

- 29.11.1. oral or written reprimand, placed in the personnel file;
- 29.11.2. required attendance at a sexual harassment sensitivity program;
- 29.11.3. an apology to the victim;
- 29.11.4. loss of salary or benefit, such as sabbatical or research or travel funding;
- 29.11.5. 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);
- 29.11.6. demotion;
- 29.11.7. 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 Student Rights and Responsibilities" may also be invoked.

29.12. 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.

# 30. ANTI-HARASSMENT POLICY[28]

Unlawful harassment of students or employees at Ball State University on the basis race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, protected veteran status, or any other legally protected status.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 Policy.

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.

The term "unlawful harassment," as used in Paragraph 1 of this 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 unlawful 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. Unlawful 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.

Members of the University community and others who believe they have been unlawfully harassed in violation of this Policy by University employees or students, or by contractors or vendors serving the University, may contact Employee Relations. Formal complaints must be filed in Employee Relations within 300 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 Complaint Investigation Procedure and Appeal Process."* A copy of this document may be obtained by contacting Employee Relations. Complaints involving students may instead be filed in the Division of Student Affairs, for handling under the procedures set forth in the Student Code.

Any University employee who becomes aware of conduct by another University employee, student, vendor or contractor which the employee reasonably believes constitutes unlawful harassment under this Policy shall report the conduct immediately to Employee Relations; or, if the harassment involves students, the conduct may instead be reported to the Division of Student Affairs. To knowingly file a false or malicious complaint or report of harassment is a violation of this policy.

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

**Approved by the Board of Trustees December 18, 1998, July 19, 2013, and July 2015.**
**Revised January 2023. Revised April 17, 2025.**

## 31. POLICY ON CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS[29]

31.1. Legal and ethical risks are inherent in any sexual or romantic relationship between a person with instructional responsibilities (full-time or part-time faculty, lecturer, visiting professor, graduate assistant, or tutor) and a student whose academic work is being supervised by the person with instructional responsibilities, even when the relationship seems to be consensual. The same is true of a sexual or romantic relationship between a person with non-instructional supervisory responsibilities (faculty, administrator, staff, or student) and someone over whom the person has supervisory responsibility. Individuals involved in a romantic relationship cannot be expected to be able to render an objective assessment of the performance of his or her partner in the relationship; the ability to render an objective assessment is crucial to the role of instructor or supervisor.

31.2. Because of these legal and ethical risks, it is the University's policy that persons shall not have instructional or supervisory responsibilities over anyone with whom they have a sexual or romantic relationship. If such a relationship exists or develops, the person with instructional or supervisory responsibilities shall immediately make arrangements to terminate his or her instructional or supervisory responsibilities over the partner in the relationship. A member of the campus community who fails to withdraw from participation in decisions that may reward or penalized the party with whom he or she has or has had a sexual or romantic relationship will be deemed to have violated his or her ethical obligation to the University.

31.3. Violations of this policy may be reported to the Assistant Director of Equal Opportunity and ADA Coordinator or in the case of a student, he or she may report the conduct to the administrative head of Student Affairs. All such complaints and reports will be investigated in accordance with the "Equal Opportunity Complaint Investigation Procedure and Appeal Process." To knowingly file a false or malicious complaint or report is a violation of this policy.

## 32. PAY TRANSPARENCY NONDISCRIMINATION NOTICE[30]

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

## 33. AAUP STATEMENT ON PROFESSIONAL ETHICS

* (Adapted from the AAUP Statement)

33.1. The professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

33.2. As teachers, the professors encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of their discipline. They demonstrate respect for the student as an individual and adhere to their proper role as intellectual guide and counselor. They make every reasonable effort to foster honest academic conduct and to assure that their evaluation of the students reflects their true merits. They

respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from them. They protect their academic freedom.

33.3. As colleagues, the professors have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of their institution.

33.4. As members of their institution, the professors seek above all to be effective teachers and scholars. Although they observe the state regulations of the institution, provided they do not contravene academic freedom, they maintain their right to criticize and seek revision. They determine the amount and character of the work they do outside their institution with due regard to their paramount responsibilities within it. When considering the interruption or termination of their service, they recognize the effect of their decision upon the program of the institution and give notice of their intentions.

33.5. As members of their community, the professors have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression that they speak or act for their college or University. As citizens engaged in a profession that depends upon freedom for its health and integrity, the professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

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The Academic Freedom and Ethics Committee of the Faculty Council is responsible for discussing privately and confidentially with a faculty member the ethics of his or her behavior when the Committee concludes that the above ethical standards are being transgressed. Faculty and administrators may confidentially invite the attention of the Committee to the practices of a particular faculty member.

* The only change is gender-neutral language.

## 34. SOCIAL SECURITY NUMBER POLICY[31]

Ball State University recognizes that it collects and maintains confidential information relating to its students, employees, and individuals associated with the University and is dedicated to ensuring the privacy and proper handling of this information. This should be understood as the spirit of this policy statement.

The primary purpose of this Social Security number policy is to establish the necessary procedures and awareness to ensure that University employees and students comply with both the letter and the spirit of the federal and state laws governing and restricting requests for and uses of Social Security numbers. The University is guided by the following objectives:

- Broad awareness of the confidential nature of the Social Security number;
- Reduced reliance upon the Social Security number for identification purposes;
- A consistent policy towards and treatment of Social Security numbers throughout the University; and

- Increased confidence by students and employees that Social Security numbers are handled in a confidential manner.

## 34.1. POLICY/REGULATIONS

34.1.1. A Ball State University ID Number (BSU ID) will be assigned to all students and employees. It will be uniquely associated with the individual to whom it is assigned. The BSU ID will be used in all future electronic and paper data systems to identify, track, and service individuals associated with the University, except in cases where use of the Social Security number is mandated by federal or state law.

34.1.1.1. The BSU ID will be considered the property of Ball State University, and its use and governance shall be at the discretion of the University, within the parameters of the law;
34.1.1.2. The BSU ID will be created and maintained by Information Technology Services;
34.1.1.3. The BSU ID will be a component of a system that provides a mechanism for both the identification of individuals and a method of authentication.

34.1.2. Grades and other pieces of personal information will not be publicly posted or displayed in a manner where use of all or part of the BSU ID or Social Security number (including use of the last few digits of the Social Security number) identifies the individual associated with the information.

34.1.3. Social Security numbers will be electronically transmitted only through encrypted mechanisms.

34.1.4. All University forms and documents that collect Social Security numbers will contain the appropriate language stating the reason for the request and whether the request is voluntary or mandatory. Refer to the guidelines document for more detailed information.

34.1.5. Paper documents and electronic data containing Social Security numbers, when no longer needed by the University, will be destroyed or disposed of using a method designed to prevent or significantly inhibit their recovery or use thereafter by anyone.

34.1.6. Except where the University is legally required to collect a Social Security number, individuals will not be required to provide their Social Security number, verbally or in writing, at any point of service, nor will they be denied access to those services should they refuse to provide a Social Security number. However, individuals may volunteer their Social Security number as an alternate means of locating a record.

34.1.7. Social Security numbers will be released by the University to entities outside the University only
34.1.7.1. As allowed by law; OR
34.1.7.2. When permission is granted by the individual; OR
34.1.7.3. When the external entity is acting as the University's contractor or agent and adequate security measures are in place to prevent unauthorized dissemination to third parties; OR
34.1.7.4. When University Legal Counsel has approved the release.

34.1.8. The Social Security number may continue to be stored as a confidential attribute associated with an individual. The Social Security number will be used as

34.1.8.1. Allowed by law;

34.1.8.2. A key to identify individuals, such as University contractors and agents, for whom a BSU ID is not known or has not been assigned.

34.1.8.3. A key to identify historical records such as those in payroll/benefits and student records.

34.1.9. This policy does not preclude Ball State University employees from using the Social Security number as needed during the execution of their duties, if a primary means of identification is unavailable. The other aspects of this policy statement restrict such usage.

### 34.2. ENFORCEMENT

34.2.1. The Ball State University ID Committee will work with the Vice President and General Counsel to ensure compliance with this policy and to recommend changes if appropriate.

34.2.2. Employees and students may be subject to disciplinary action, up to and including termination of employment or dismissal from the University for violating this policy, such as by breaching the confidentiality of Social Security numbers. Any such disciplinary action shall be governed by the regular University policies and procedures applicable to the situation.

## 35. UNIVERSITY PROMOTION AND TENURE DOCUMENT[32]

**Preamble**

Among the most important decisions of a university are those regarding tenure and promotion of its faculty. At a university such as Ball State, the different nature of colleges and departments must be respected in any document pertaining to the university as a whole. However, a degree of continuity across disciplines is necessary to ensure equitable decisions for individuals. Consequently, the purpose of this document is to provide a set of common policies and procedures governing all promotion and tenure decisions at Ball State University. Although the Promotion and Tenure Documents of all colleges and departments must be consistent with this document in both spirit and detail, it is expected that these documents may also need to contain a variety of additional elements not included here.

The promotion and tenure expectations for each faculty member are dependent on the individuals' particular assignment and are defined by university, college, and departmental documents. It is the responsibility of each faculty member to become familiar with all three applicable documents.

### 35.1. PRINCIPLES FOR PROMOTION AND TENURE

35.1.1. The evaluation of a faculty member's eligibility for promotion or tenure shall be conducted in light of the University Mission Statement and shall be based on evidence of a continuing pattern of achievement throughout the faculty member's professional career in the following areas:

35.1.1.1. Teaching;

35.1.1.2. Scholarship;

35.1.1.3. Service in a professional capacity.

35.1.2. Policies and criteria related to recommending promotion and tenure shall be clear, specific, and accessible to all personnel.

35.1.3. Each affected department, school, and college must have formal criteria, procedures, and policies for recommendations for promotion and tenure.

35.1.4. Policies and criteria for promotion and tenure shall be subject to annual evaluation and review and to periodic revision.

35.1.5. Departmental policies and criteria for promotion and tenure must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee and shall be on file with the academic dean and the ex officio member of the University Promotion and Tenure Committee.

35.1.6. The collegiate policies and criteria for promotion and tenure must be approved by the University Promotion and Tenure Committee and must be on file with the University Promotion and Tenure Committee and the Office of the Provost and Executive Vice President for Academic Affairs.

35.1.7. Experiential learning in all its forms (internships, field trips, practica, student teaching, study abroad, immersive learning projects, etc.) is and has been a hallmark of a Ball State University education. Faculty who lead these types of activities should receive consideration for their involvement as they contribute to the established standards for Teaching, Scholarship and Service.

35.1.8 At Ball State University, we recognize the importance of academic freedom and freedom of expression.

35.1.8.1. Therefore, and in accordance with the principles of the Ball State Policy on Freedom of Expression (FPHB 1.1), the AAUP Statement on Professional Ethics (FPHB 33), Ball State's definition of Academic Freedom as stated in the Bill of Rights (FPHB 7, especially 7.1.2), and pursuant to our obligations under Indiana Code 21-39.5, a faculty member may not be granted tenure or a promotion by the institution if, based on past performance or other determination by the board of trustees, the faculty member is:

35.1.8.1.1 Unlikely to foster a culture of free inquiry, free expression, and intellectual diversity within the institution;

35.1.8.1.2 Unlikely to expose students to scholarly works from a variety of political or ideological frameworks that may exist within and are relevant and applicable to the faculty member's academic discipline; or

35.1.8.1.3 Likely, while performing teaching duties within the scope of the faculty member's employment, to subject students to political or ideological views and opinions that are unrelated to the faculty member's academic discipline or assigned course of instruction.

35.1.8.1.4 The bodies involved with the tenure and promotion process, including the Provost and Executive Vice President for Academic Affairs, the President of the University, and the Board of Trustees, may not consider the following actions by a faculty

member when determining whether a faculty member may not be granted tenure or a promotion by Ball State University:

35.1.8.1.4.1 Expressing dissent or engaging in research or public commentary on subjects.

35.1.8.1.4.2 Criticizing the leadership of Ball State University.

35.1.8.1.4.3 Engaging in any political activity conducted outside the faculty member's teaching or mentoring duties at Ball State University.

35.1.8.2 In addition, once every five years after a faculty member is granted tenure, each faculty member will be evaluated as to whether the faculty member:

35.1.8.2.1 Helped Ball State University foster a culture of free inquiry, free expression, and intellectual diversity within the University.

35.1.8.2.2 Where relevant and appropriate to the faculty member's discipline, introduced students to scholarly works from a variety of political or ideological frameworks that may exist within the curricula established by the Board of Trustees of Ball State University under IC 21-41-2-1(b) or the faculty of Ball State University acting under authority delegated by the Board of Trustees of Ball State University.

35.1.8.2.3 While performing teaching duties, refrained from subjecting students to views and opinions concerning matters not related to the faculty member's academic discipline or assigned course of instruction.

35.1.8.2.4 Continues to show a pattern of achievement in performing academic duties and obligations.

35.1.8.2.5 Meets productivity requirements based on: (i) the faculty member's teaching workload; (ii) the total number of students who the faculty member teaches at the graduate and undergraduate level; (iii) the time spent on instructional assignments and the time spent on overseeing graduate students; and (iv) the research and creative scholarship productivity of the faculty member.

35.1.8.2.6 In determining whether a faculty member has adequately met the criteria above, the Board of Trustees may not consider the following actions by a faculty member:

35.1.8.2.6.1 Expressing dissent or engaging in research or public commentary on subjects.

35.1.8.2.6.2 Criticizing the leadership of Ball State University.

35.1.8.2.6.3 Engaging in any political activity conducted outside the faculty member's teaching duties at Ball State University.

35.1.8.2.7 If the Board of Trustees determines that a faculty member has failed to meet the criteria outlined in 35.1.8.2.1 through 35.1.8.2.5 the faculty member will be subject to disciplinary actions, up to and including salary reduction; demotion; termination; other disciplinary action as determined by the Board of Trustees; or any combination of these actions. Furthermore, a faculty member that fails to meet productivity requirements as described in section 35.1.8.2.5, will be placed on probation, which may result in termination of the faculty member, if productivity requirements are not met.

35.1.8.2.8 The evaluation of a faculty member for post-tenure review shall follow the same procedures used for faculty members within the regular promotion and tenure process, which includes evaluation at the level of the department, college, Dean, Provost, President, and Board of Trustees.

35.1.8.2.9 Faculty members who wish to ask for reconsideration or appeal of an adverse decision will follow the procedures outlined in sections 35.8 and 35.9.

35.1.8.3 Faculty members who engage in activities that promote academic excellence and enhance their commitment to our mission and our enduring values (training, development, intergroup dialogue, pedagogies and curriculum, community and campus partnerships, mentoring, peer-reviewed research, etc.) will receive credit for their involvement as they contribute to the established standards for Teaching, Scholarship and Service.

## 35.2. DEFINITIONS[33]

35.2.1. Department and departmental refer to schools and academic departments located within the seven colleges.

35.2.2. College and collegiate refer to the seven academic colleges

35.2.3. Reconsideration is the act whereby a candidate may request that an initial adverse decision by the department, college, or Provost be re-examined. Reconsideration provides an opportunity for the candidate to clarify content of materials. A decision in favor of the candidate does not guarantee tenure and/or promotion.

35.2.4. Appeal is the act whereby a candidate alleges that a violation of existing policy and/or procedure, or unfair treatment, or discriminatory treatment by the department, college, or Provost has resulted in an adverse decision. An appeal may be filed without following the

reconsideration process. Appeals examine the process followed and not the content of materials. A decision in favor of the appellant does not guarantee tenure and/or promotion.

35.2.5. Working days are those days when Ball State University administrative offices are open.

35.2.6. Calendar days are the days which appear on a calendar, including Saturday, Sunday, and holidays. They do not relate to the Ball State academic schedule or calendar.

35.2.7. Tenure is a means to certain ends; specifically: (1) freedom of teaching and research, and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to individuals of ability. (Faculty Handbook: Appointment, Academic Freedom, and Tenure, Section 24). Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

35.2.8. Tenure-track faculty are those who are currently in the seven-year probationary tenure period.

35.2.9. Tenured faculty are those faculty who have been granted tenure.

35.2.10 Joint appointments are when a faculty member holds instructional, research, or clinical instructional appointments in two or more units such as schools, colleges, departments/programs, or between an academic unit and another unit on campus.

35.2.11. Scholarship is the process of attaining new knowledge, creating a new work, or recreating/interpreting existing works, and disseminating the results. Generally, this takes the form of appropriate peer reviewed publications, presentations or exhibits, performances, other creative endeavors and grant proposals. Scholarship can occur in four areas: discovery, integration, application, and teaching.

35.2.11.1. The scholarship of discovery is traditional research and creative endeavors, that pursue and contribute to new knowledge for its own sake.

35.2.11.2. The scholarship of integration makes connections across disciplines, bringing together isolated knowledge from two or more disciplines or fields to create new insights and understanding.

35.2.11.3. The scholarship of application applies knowledge to address significant societal issues.

35.2.11.4. The scholarship of teaching studies the development of knowledge, skill, mind, character, and/or ability of others.

35.2.12. At promotion and tenure committee meetings where candidate decisions are made, all committee members (or their alternates) must be present. A quorum for these meetings therefore, means a committee of the whole. Abstentions are not allowed on candidate decisions.

## 35.3. ACADEMIC RANK

35.3.1. There are three basic academic ranks:

35.3.1.1. ASSISTANT PROFESSOR

35.3.1.2. ASSOCIATE PROFESSOR

35.3.1.3. PROFESSOR

Qualifications for rank are set by the individual colleges and must be approved by the University Promotion and Tenure Committee.

35.3.2. ADVANCEMENT IN RANK

This is based on a continuing pattern of achievement throughout the faculty member's professional career in:

35.3.2.1. Teaching;

35.3.2.2. Scholarship;

35.3.2.3. Service in a professional capacity.

35.3.3. A terminal degree in the faculty member's specialty area is usually required for either hiring at, or advancement to, associate or full professor. However, certain kinds of expertise, experience, and/or recognition may be accepted by individual colleges as appropriate qualifications for either rank, upon approval of the Provost and Executive Vice President for Academic Affairs.

## 35.4. PROMOTION AND TENURE COMMITTEE STRUCTURE

35.4.1. DEPARTMENT PROMOTION AND TENURE COMMITTEES

35.4.1.1. Membership

35.4.1.1.1. The Department Promotion and Tenure Committee shall be elected annually by confidential ballot. The electorate shall consist of tenured and tenure-track faculty members of the affected unit.

35.4.1.1.2. The departmental committee shall consist of tenured faculty.

35.4.1.1.3 The department chairperson shall be an ex-officio non-voting member.

35.4.1.1.4. No person may serve as a member of a Department Promotion and Tenure Committee who is a candidate for promotion or post-tenure review.

35.4.1.1.4.1. Once an individual submits a written statement to the department chair indicating the intent to apply for promotion, that person is considered to be a candidate and can no longer serve on the committee. Candidates shall declare their intentions no later than April 30th of the spring semester before they will be reviewed.

35.4.1.1.4.2. The one exception to these provisions involves the chairperson of the department when they are a candidate for promotion. In that circumstance, they shall not participate in their ex officio capacity during the deliberations of promotion to the same rank.

35.4.1.1.5. No candidate shall be evaluated by a Promotion and Tenure Committee of fewer than three (3) eligible voting members. Departments which under these or any other conditions cannot form a Promotion and Tenure Committee of at least three voting members shall develop specific provisions subject to the approval of the College and the University Promotion and Tenure Committees.

35.4.1.1.6. If a sufficient number of tenured faculty is not available, the department promotion and tenure committee and department chair will propose a solution to the academic dean, including but not limited to, using tenured faculty from other departments. All committee members should be qualified to evaluate the candidate's credentials.

35.4.1.1.7. In the event of the resignation of an elected committee member, the Department shall have procedures in place for the replacement of the resigning member.

35.4.1.1.8. The names of the committee members shall be forwarded to the academic dean by the second week in October of each academic year.

35.4.1.2. Responsibilities

35.4.1.2.1. The committee shall implement departmental, collegiate, and University promotion and tenure policies and procedures; departmental policies and procedures must not conflict with those of the college and University.

35.4.1.2.2. The committee shall make recommendations concerning policy changes to both the collegiate and University committees.

35.4.1.2.3. The committee shall review and evaluate the credentials of all departmental candidates for tenure and/or promotion. It shall forward the credentials of those candidates being recommended favorably, with written recommendations, to the academic dean.

35.4.1.2.4. The committee shall review and respond to reconsideration requests submitted by the candidate.

35.4.1.2.5. The committee shall review and evaluate the credentials of all department tenure-track candidates and forward these credentials, with recommendations, to the academic dean.

35.4.1.2.6. Minutes of all committee actions must be maintained by the department chairperson in a secure and confidential manner.

35.4.2. COLLEGE PROMOTION AND TENURE COMMITTEES

35.4.2.1. Membership

35.4.2.1.1. Each department in a college shall be represented on the College Committee.

35.4.2.1.2. The College Committee shall consist of tenured faculty only.

35.4.2.1.3. No person may serve as a member of a College Promotion and Tenure Committee who is a candidate for promotion or post-tenure review. An individual so elected who later becomes a candidate for promotion must resign from the committee. The one exception is, in the event that an associate dean is serving in an ex officio capacity on the College Promotion and Tenure Committee, they shall not participate in their ex officio capacity during the deliberations of promotion to the same rank.

35.4.2.1.4. In the event that the department representative to the College Committee should resign, the College and the Department shall have procedures in place for replacement of the resigning member.

35.4.2.1.5. The academic dean, or designee, shall be an ex officio non-voting member.

35.4.2.1.6. The elected college representative to the University Promotion and Tenure Committee shall meet with the College Promotion and Tenure Committee as an ex officio (non-voting) member.

35.4.2.2. Responsibilities

35.4.2.2.1. The College Committee shall establish and implement collegiate promotion and tenure policies and procedures and implement those of the University; collegiate policies and procedures must not conflict with those of the University.

35.4.2.2.2. The committee shall make recommendations for policy changes to the University Committee.

35.4.2.2.3. The committee shall review departmental compliance with policy implementation.

35.4.2.2.4. The committee shall review and evaluate the credentials of all collegiate candidates for promotion/tenure. It shall forward the credentials of those candidates being recommended favorably for promotion/tenure, with recommendations, to the dean.

35.4.2.2.5. The committee shall review and respond to reconsideration requests submitted by the candidate.

35.4.2.2.6. The committee shall review and evaluate the credentials of all collegiate tenure-track candidates in year four and forward these credentials, with recommendations, to the dean.

35.4.2.2.7. The committee shall hear appeals from candidates who feel aggrieved by the action of the Department Committee

35.4.2.2.8. Minutes of all committee actions must be maintained by the dean's office in a secure and confidential manner.

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

35.4.3. UNIVERSITY PROMOTION AND TENURE COMMITTEE

35.4.3.1. Membership

35.4.3.1.1. The University Promotion and Tenure Committee shall consist of the following:

35.4.3.1.1.1. Seven tenured faculty, one representing each college, elected by the tenured and tenure-track faculty, for staggered three-year terms.

35.4.3.1.1.2. Should a college representative be unable to complete the term of election, the college will vote to elect a new representative, or the college alternate to the committee will serve the remainder of the term.

35.4.3.1.1.3. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee.

35.4.3.2. Responsibilities

35.4.3.2.1. The University Promotion and Tenure Committee is responsible for carrying out on a continuing basis the following initiatives and activities:

35.4.3.2.1.1. To review existing University promotion and tenure policies and procedures and to recommend appropriate changes to the University Council;

35.4.3.2.1.2. To review and approve departmental and, collegiate, promotion and tenure policies to ensure both adherence to University policies and efficient and equitable operation;

35.4.3.2.1.3. To review compliance with promotion and tenure policy implementation and make appropriate recommendations and/or judgments in the case of infraction;

35.4.3.2.1.4. To hear appeals and make recommendations and/or decisions that are consistent with University policies describing the right of a faculty

member or a department to appeal an adverse promotion or tenure recommendation;

35.4.3.2.1.5. Minutes of all committee actions must be maintained by the Provost's designee in a secure and confidential manner; regular reports will be provided to Faculty Council.

35.4.3.2.2. The elected members of the committee or their substitute shall serve as ex officio non-voting members of the promotion and tenure committees of their respective colleges.

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

## 35.5. POLICY STATEMENTS FOR PROMOTION AND TENURE

35.5.1. Any department faculty member has the right to present themselves to the Department Promotion and Tenure Committee for consideration for promotion to Associate Professor after the fourth tenure credible year. A request for consideration for promotion to Professor can be made any time after achieving the rank of Associate Professor.

35.5.2. Promotion to Associate Professor and the tenure decision will be aligned and occur in year seven.

35.5.2.1. A candidate may apply early for tenure and promotion to Associate Professor once in either year five or six.

35.5.2.2. Each college and department shall have policies and criteria for early tenure and promotion.

35.5.3. If a faculty member is hired at the rank of Associate Professor but without tenure, the tenure process is followed. Promotion to Professor is not tied to the tenure process.

35.5.4. Recommendations for promotion and tenure shall be initiated at the level where the candidate's qualifications can be best identified and evaluated. In most instances this would be the department.

35.5.4.1. Any academic unit, Department, and/or College, which initiates a joint appointment shall include in their Promotion and Tenure documents, clear and equitable policies and procedures, which identify the review and evaluation processes associated with that joint appointment. (See *Faculty and Professional Personnel Handbook,* Other Ranks section for more information.)

35.5.5. Work accomplished before hiring at Ball State, as well as work accomplished while a faculty member at Ball State, will be considered in promotion and tenure deliberations. It is understood that greater attention and significance will be given to the work accomplished during the appointment at Ball State. The evidence must demonstrate a record of continuous activity.

35.5.6. Materials Presented for Promotion and Tenure

35.5.6.1. Recommendations shall be supported by ample documentary evidence demonstrating that the candidate for promotion and tenure satisfies established criteria. Documentation shall include:

35.5.6.1.1. Evaluation forms approved by the administrative unit concerned.

35.5.6.1.2. Each department shall have a specific evaluation form for rating a faculty member in relation to promotion and tenure. This form shall be used when a faculty member is being considered for promotion and tenure. This rating form must be kept on file with the chairperson of the department and must be approved by the College Promotion and Tenure Committee and the University Promotion and Tenure Committee.

35.5.6.1.3. In the case of a candidate seeking promotion to Professor, a minimum of two letters from reviewers external to the University shall be included.

35.5.6.2. Promotion and Tenure Materials Presented by Faculty Members. Faculty members shall present promotion and tenure materials in a format specified by college and departmental policies for tenure or promotion deliberations. Those materials shall contain a curriculum vitae and supporting documentation in accordance with guidelines established by departments and colleges for those materials.

35.5.6.3. Internal Records and Materials: A portion of the personnel file shall be designated the Promotion and Tenure file, shall be separately maintained, and shall be kept in the department chairperson's office for every individual faculty member who is eligible to be considered for promotion and/or tenure. As is the case with the entire personnel file, this Promotion and Tenure file shall be open to the faculty member concerned. Materials shall be placed in the file in a timely manner by the department chairperson.

A candidate's Promotion and Tenure file shall contain all materials and only those materials relevant to promotion and/or tenure. Such materials include, but are not limited to, vita; forms concerning changes in appointment; formal evaluations by supervisors; teaching evaluations; information concerning scholarly productivity or creative endeavors; information concerning service in a professional capacity; information concerning any disciplinary actions taken; information concerning the status of any formal charges against an employee; or signed letters from students, alumni, peers, supervisors, etc., concerning teaching, scholarly productivity or creative endeavors, or service in a professional capacity. Information about the individual's gender, race, disability, national origin, religion, age, veteran status, citizenship, sexual orientation, or marital status may not be included

As with all contents of the personnel file, when detrimental information is placed in the candidate's Promotion and Tenure file, it shall be brought to their

attention in writing at once by their administrative head. The faculty member shall have the opportunity to place in the file materials which might rebut or explain the detrimental information. Detrimental material that has not been brought to the attention of the faculty member cannot be used in subsequent promotion and tenure deliberations. Anonymous letters shall not be made a part of this file.

35.5.6.4. Supplemental External Review Letters for Promotion to Professor. Candidates who intend to seek promotion to Professor shall declare their intentions no later than April 30th of the spring semester prior to promotion review in the fall. This deadline is set to ensure adequate time for the process of seeking and receiving letters. The external review process will be conducted according to department and college policies and will commence by May of the spring semester in order to guarantee timely receipt of the external reviewers' letters for fall review.

In the case of a candidate seeking promotion to Professor, a minimum of two letters from reviewers external to the University shall be included. Such letters shall provide a supplementary evaluative review of the candidate's scholarship, creative endeavors, and other scholarly productivity. These letters shall be acquired and presented in accordance with departmental and college policies and procedures. The candidate shall be fully involved in the selection of reviewers, with one-half of the contacted reviewers being from the candidate's list. Challenges to the list of reviewers will be handled according to department and college policies. All letters received from external reviewers will be available to evaluators in the promotion review process.

External review letters shall be inserted and retained in the candidate's Promotion and Tenure file for use by the departmental, collegiate, and in the case of an appeal, University Promotion and Tenure committees, and by the Provost in promotion deliberations for the current year. The candidate has the right to examine all external review letters received. For the examination of the letters by the candidate, anonymity of the external evaluators must be protected in accordance with procedures established by departments and colleges. The candidate has the right to respond to information contained in the letters. At the conclusion of these deliberations, the letters shall be retained in a secure and confidential manner by the Office of the Dean of the College. Once letters are placed in this confidential manner, they cannot be reopened for purposes of subsequent promotion deliberations at any level of consideration unless requested by the candidate.

## 35.6 PROCEDURES FOR PROMOTION AND TENURE

35.6.1. Recommendations for promotion and tenure shall be initiated at the departmental level. After evaluating the candidate's qualifications, including the factors outlined in 35.1, the Department Promotion and Tenure Committee must indicate whether or not the candidate is to be recommended for promotion and tenure. All candidates for promotion and/or tenure will be informed of the department committee's recommendation in a letter written by the committee chair that will include an evaluation of their strengths and weaknesses in the areas of teaching, scholarship, and service.

35.6.2. Tenure and promotion to Associate Professor will be aligned.

35.6.2.1. The tenure and promotion to Associate Professor decision will typically be made in the seventh year.

35.6.2.2. The recommendation will be to grant tenure and promotion to Associate Professor at the end of the year or to recommend termination of the faculty member at the end of the following academic year.

35.6.2.3. A faculty member may request consideration for early tenure and promotion to Associate Professor one time, either in year five or six, without penalty of dismissal if not granted. A department should recommend early promotion and tenure only for a candidate who is outstanding or extraordinary in all areas. If approved, tenure and promotion to Associate Professor will be granted at the end of the year. If not approved, the faculty member will continue in the tenure and promotion process.

35.6.3. Materials presented for promotion and tenure of those candidates to be recommended favorably for promotion and tenure by the Departmental Committee shall be forwarded to the academic dean in an order to be specified by the faculty of each college. Included with the materials presented for promotion and tenure will be the Department Promotion and Tenure Committee's evaluations and recommendations. Materials presented for promotion that are not favorably recommended by the Departmental Committee shall not be forwarded to the academic dean and shall stop at the departmental level.

35.6.4. The recommendations of the Department Promotion and Tenure Committee shall be forwarded to the academic dean. If the department chairperson has a dissenting opinion concerning a faculty member's qualifications, the department chairperson shall inform the Department Committee of the bases of this opinion at the conclusion of the deliberations in the meeting. If the differences between the chairperson and the Department Committee are not resolved, the department chairperson may forward to the academic dean their dissenting opinion and recommendations concerning the faculty member's qualifications. The decision of the department committee will, however, stand.

35.6.4.1. The credentials of any candidate who is requesting reconsideration and/or appealing an adverse decision from a departmental committee shall not be forwarded to the college committee until the reconsideration and/or appeal process has been completed. After an adverse promotion decision, if a candidate decides not to appeal the decision, the materials are not forwarded to the college committee.

35.6.5. The Dean shall forward credentials to the College Promotion and Tenure Committee and charge it with the responsibility for evaluating each candidate's credentials and determining whether or not candidates are to be recommended for promotion and/or tenure, including the factors outlined in 35.1.

35.6.5.1. If the Dean has a dissenting opinion from the opinion of the College Promotion and Tenure Committee, the Dean shall inform the College Promotion and Tenure Committee of the bases of this opinion immediately. If the differences between the Dean and the College committee are not resolved,

the decision shall be returned to the College Promotion and Tenure Committee for another vote. A two-thirds vote of the committee shall be required to override the recommendation, after which the Dean must forward the College committee's final recommendation to the Provost. If a two-thirds vote is not achieved, the College committee's vote is overturned, and the committee's final recommendation is aligned with the Dean's recommendation.

35.6.6. The College Committee shall review and evaluate the credentials of all collegiate tenure-track candidates in the fourth year and forward those credentials, with recommendations, to the Dean. The credentials of any candidate who is appealing an adverse decision from a departmental committee shall not be forwarded to the college committee until the appeal process has been completed.

35.6.6.1. If the Dean has a dissenting opinion from the opinion of the College Promotion and Tenure committee concerning the review of candidates in their fourth year, the Dean shall inform the committee of the bases of this opinion immediately. If the differences between the Dean and the committee are not resolved, the decision shall be returned to the College Promotion and Tenure Committee for another vote. A two-thirds vote of the committee shall be required to override the recommendation after which the Dean must forward the College committee's final recommendation to the Provost. If a two-thirds vote is not achieved, the College committee's vote is overturned, and the committee's final recommendation is aligned with the Dean's recommendation.

35.6.7. Vote counts shall accompany any final committee recommendations.

35.6.8. The Dean shall forward the recommendations, including all evaluations, to the Provost and Executive Vice President for Academic Affairs. If the recommendations are not acceptable, the Provost and Executive Vice President for Academic Affairs shall consult with the academic dean about the differences.

35.6.9. The Provost and Executive Vice President for Academic Affairs, upon reviewing and being satisfied with the recommendations from the academic deans, including the factors outlined in 35.1, shall forward these recommendations to the President.

35.6.10. At any step in the promotion and tenure process, the first committee or individual not recommending a faculty member favorably for promotion and/or tenure shall provide that faculty member with a written statement delineating their strengths and weaknesses in each of the areas of teaching, scholarship, and service in a professional capacity. The committee or individual may also suggest areas for improvement.

In the case of a department chair being the first negative recommendation, the department chair may send forward a dissenting opinion, but the candidate may not appeal the letter because the decision of the department committee stands. The candidate must see the letter and may include a written response to the letter in the materials to be sent forward.

In the case of a dean being the first negative recommendation, the Dean may send forward a dissenting opinion if the College Promotion and Tenure Committee returns a two-third vote and overturns this recommendation, but the candidate may not appeal the letter because the

decision of the committee stands. The candidate must see the letter and may include a written response to the letter in the materials to be sent forward. If the College Promotion and Tenure Committee does not return a two-thirds vote, the recommendation of the Dean stands. In this case, the faculty member may appeal because the recommendation of the College committee and the Dean going forward will be negative.

35.6.11. Final recommendations in all matters pertaining to promotion and tenure reside with the President, who forwards these recommendations to the Board of Trustees.

35.6.12. All promotions to Associate Professor and Professor will be granted on the basis of the spring recommendations.

## 35.7. TENURE – TRACK FACULTY

35.7.1. When a candidate is hired, academic rank and any years granted toward tenure at the time of hiring must be recommended by an academic department chairperson in conjunction with the Department Promotion and Tenure Committee (or, if it is unavailable, by another faculty committee approved by the academic dean), and subsequently approved by the appropriate schools, colleges, administrators, and the Board of Trustees.

35.7.2. When a faculty member is employed in a tenure-track position, a probationary period of seven years is ordinarily required before tenure is granted by the Board of Trustees. Generally, the probationary period will not exceed seven full-time years of tenure-creditable service as a faculty member at Ball State University. The exceptions are noted below.

35.7.2.1. When transferred from one academic area to another, a tenure-track candidate, in addition to the normal probationary period, may request or may be required to complete an additional probationary period not to exceed two years. The length of the extension of time must be established and stated in writing at the time of the new appointment.

35.7.2.2. Ball State University is committed to providing a work environment that enables faculty to be successful. The university also recognizes that faculty may encounter life circumstances which can impair or prevent progress toward professional and scholarly achievement. This is true for faculty working toward tenure within a limited and specific timeframe.

35.7.2.2.1 A faculty member may request that certain years (normally not to exceed two years total) not be counted as tenure-creditable years, and that the tenure clock be stopped for the requested year(s), if any of the following pertain:

35.7.2.2.1.1. Birth or adoption of a child

35.7.2.2.1.2. The faculty member is seriously ill;

35.7.2.2.1.3. The faculty member is the principal care-giver for a dependent who is seriously ill or incapacitated;

35.7.2.2.1.4. The faculty member is the principal care-giver for a family member who is seriously ill;

35.7.2.2.1.5. The faculty member will be on leave for at least one semester of the academic year.

35.7.2.2.1.6. Widespread health crisis or natural disaster that affects a faculty member's progress towards tenure.

35.7.2.2.2. A request that a year not be counted as a tenure-creditable year (stopped clock) shall be made to the department chair within one year of the occurrence of the qualifying event and no later than August 31, but before the affected annual Promotion and Tenure review. The request shall include documentation of the circumstances involved. The request requires approval of the department chairperson, the appropriate dean, and the Provost and Executive Vice President for Academic Affairs.

35.7.2.2.3. Faculty members who receive approval are not required to submit Promotion and Tenure materials during the period approved by the Provost and Executive Vice President for Academic Affairs. The faculty member is also not expected to submit an extra year's worth of research when tenure review resumes.

35.7.2.3. In cases where the exceptional achievements of a candidate in teaching, research, publication, creative endeavors, scholarly productivity, and other meritorious activities resulted in appointment at the associate or professor ranks, tenure may be recommended to the trustees as early as the completion of the third year, following a recommendation from the Department Promotion and Tenure Committee, and approval from the department chairperson, academic dean, Provost and Executive Vice President for Academic Affairs, and the President. The Board of Trustees may grant tenure in special cases to an individual who holds or will hold academic rank without any probationary period, or with a probationary period of fewer than three years, if all of the following conditions are fulfilled:

35.7.2.3.1. The Board obtains the prior positive recommendations of the Promotion and Tenure Committee of the academic department in which the candidate holds (or will hold) academic rank, the department chairperson, the academic dean, the Provost and Executive Vice President for Academic Affairs, and the President.

35.7.2.3.2. The Board concurs with the recommendation that the individual possesses superior academic and/or creative qualifications;

35.7.2.3.3. The Board concurs with the recommendation that waiver of the normal probationary period is necessary to induce the individual to accept an offer of employment or to continue their employment with the University.

35.7.3. Specific conditions of employment that must be fulfilled by a tenure-track faculty member (in addition to the general standards of performance) shall be stated in writing to the individual by

the University administration (the department, the school director or chairperson, the appropriate academic dean, the appropriate Vice President, and the President) at the time of employment. In order to be eligible for a favorable tenure recommendation, the faculty member must meet these employment conditions unless they are released therefrom, in whole or in part, by means of a written departmental recommendation that is approved by the academic dean, the Provost and Executive Vice President for Academic Affairs, and the President.

35.7.4. A faculty member must complete at least one semester of full-time service during any academic year in order to receive a full year's credit for purposes of tenure consideration.

35.7.5. Contract full-time appointment service may be considered as part of the probationary period for those who are later placed on tenure-track faculty status.

35.7.6. Prior service at Ball State University may be counted toward tenure after the candidate has completed a one-year probationary period following the return.

35.7.7. Years of service remain with the individual when tenure-track faculty transfer from one academic area to another.

35.7.8. The following are necessary prerequisites in order to be eligible for promotion and tenure:

35.7.8.1. The faculty member must have satisfied any specific conditions of employment set forth in their letter of appointment;

35.7.8.2. The faculty member must have received a positive tenure recommendation, including the factors outlined in 35.1;

35.7.8.3. The faculty member must make available significant evidence of excellent performance and there must be the expectation for a continuation of such in the future.

35.7.8.4. The faculty member meets qualifications to be promoted to Associate Professor.

35.7.9. The Department Promotion and Tenure Committee will make an annual recommendation to the dean of the college on progress toward tenure for tenure-track faculty members, pending any reconsideration or appeal. After the department promotion and tenure committee's determination, the following will happen:

35.7.9.1. The credentials of any candidate who is requesting reconsideration and/or appealing an adverse decision from a departmental committee shall not be forwarded to the dean or college committee until the reconsideration and/or appeal process has been completed. This would include candidates for fourth year review, candidates going up for early promotion, anyone being recommended for termination, and anyone who receives unsatisfactory progress towards tenure.

35.7.9.2. The Department Promotion and Tenure Chair will write a recommendation letter that reviews the candidate's strengths and weaknesses and areas for improvement.

35.7.9.3. The letter will be forwarded to the dean of the college after all departmental deliberations are complete.

35.7.9.4. The department chair may agree or disagree with the Department Promotion and Tenure Committee's recommendation. In the case of agreement, the department chair may choose to write a letter of concurrence but is not required to do so. In the case of disagreement with the Committee's recommendation, the department chair shall write a letter stating their recommendation regarding the candidate in question.

35.7.9.5. Upon request from the faculty member, the department promotion and tenure chair will meet with the faculty member to discuss and clarify the content of the letter.

35.7.9.6. In years one through six, the recommendation includes: satisfactory progress, unsatisfactory progress, or termination.

35.7.10. The College Committee shall review and evaluate the credentials of all collegiate tenure-track candidates in the fourth year and forward those credentials, with recommendations, to the dean; the credentials of any candidate who is appealing an adverse decision from a departmental committee shall not be forwarded to the dean or college committee until the appeal process has been completed.

35.7.10.1. Any recommendation from the College Committee not receiving approval by the dean shall be returned to the committee with reasons for the disapproval. A two-thirds anonymous vote of the committee shall be required to override the disapproval, after which the dean must forward the recommendation.

35.7.11. Tenure may be attained only through official action by the Board of Trustees of the University. The Board will make its decision after receiving and reviewing the recommendations of the department, academic dean, Provost and Executive Vice President for Academic Affairs, and the President, including the factors outlined in 35.1, but the Board will not be bound to follow any of said recommendations.

35.7.12. No later than February 15 of each academic year, each department Promotion and Tenure chairperson will send a letter to the Provost and Executive Vice President for Academic Affairs, via the academic dean, and to the faculty member, setting forth the status of each tenure-track faculty member with respect to their fulfillment of the conditions of appointment and any matters pertaining to the quality of their performance. The materials sent forward will contain the recommendations of the department chairperson and the academic dean.

35.7.12.1. Before the end of each academic year prior to year seven, the Provost and Executive Vice President for Academic Affairs will notify each tenure-track faculty member in writing as to the University's official assessment of their status with regard to progress toward tenure. The contents of the letter will reflect:

35.7.12.1.1. The University's official record of the individual's status with respect to fulfillment of specific conditions of employment which were stated in the letter of appointment; and

35.7.12.1.2. The University's assessment of the individual's performance and progress toward tenure, including the factors outlined in 35.1.

35.7.12.1.3. In years one through six, three decisions are possible: satisfactory progress, unsatisfactory progress, or termination.

If the members of a departmental promotion and tenure committee recommend termination of the appointment of a tenure-track faculty member at the end of any academic year during the probationary period, a letter to that effect shall be filed in the Office of the Provost and Executive Vice President for Academic Affairs at least two weeks in advance of the final date set forth in 35.7.13 below for giving written notice of non-reappointment or of intention not to recommend reappointment to the Board of Trustees. The letter must contain the recommendations of the academic dean.

35.7.13. Notice of non-reappointment, or of intention not to recommend reappointment to the Board of Trustees, shall be given to the faculty member in writing in accordance with the following standards:

35.7.13.1. Not later than March 1 of the first academic year of service, if the appointment is to expire on the day the spring semester closes; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination;

35.7.13.2. Not later than December 15 of the second academic year of service, if the appointment is to expire on the day the spring semester closes; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;

35.7.13.3. At least twelve months before the expiration of an appointment after two or more years at Ball State University.

## 35.8. RIGHT OF RECONSIDERATION RE: PROMOTION AND TENURE

35.8.1. Reconsideration

35.8.1.1. Reconsideration is the act whereby a candidate may request that the initial adverse decision be reexamined. Reconsideration can take place before an appeal.

Reconsideration provides an opportunity for a candidate to clarify content of material.

35.8.1.2. An adverse recommendation can be made at any of several levels: the department Promotion and Tenure Committee, the College Committee, the dean, or the Provost; nevertheless, the procedures for requesting a reconsideration are essentially the same no matter where an adverse recommendation is made. The candidate may ask for a reconsideration only at the level at which the initial adverse recommendation was made.

35.8.1.2.1. The candidate must ask, in writing, for the reconsideration within ten (10) working days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, if a Department Promotion and Tenure Committee (or the College Committee or dean, or the Provost) advises a faculty member in writing that it is recommending against awarding tenure, the period to request reconsideration would run from the date of receipt of that communication, rather than from the date on which the Board of Trustees subsequently announces the names of faculty members who have been awarded tenure. Any request for reconsideration not filed within this time limit will be denied automatically, unless the academic dean, or Provost, dependent on the level of request, determines that good cause has existed for the delay.

35.8.1.2.2. There are two permissible reasons to request reconsideration: 1) an incomplete review of the candidate's file on the part of the department Promotion and Tenure Committee (or the College Committee or dean, or the Provost); or 2) a misinterpretation of the promotion and tenure file. The candidate's written request must address the specific examples of the submitted materials potentially not reviewed or misinterpreted. The written request for reconsideration shall be recorded in the files of the department chairperson (or the College dean, or the Provost, depending on the level of the reconsideration request) and forwarded to the appropriate Promotion and Tenure Committee.

35.8.1.2.3. If the initial adverse decision is at the level of the Departmental Promotion and Tenure Committee or the College Promotion and Tenure Committee, then after receiving a request for reconsideration, the Committee must meet to reconsider their initial adverse recommendation. The Committee must meet with the candidate if they so request. The candidate may provide an oral presentation of the request for promotion or tenure. No additional materials may be introduced or added to the documents or the process.

35.8.1.2.4. After meeting to reconsider the candidate's materials, the committee shall vote to overturn or affirm the previous decision. This vote supersedes the previous vote. If the decision is to affirm the initial adverse recommendation, the committee shall address, in writing, either in a detailed summary or by specific points, the reasons to affirm the initial adverse recommendation. The letter will be a part of promotion and tenure file.

35.8.1.2.5 If the first adverse decision is at the level of the dean, the candidate may request reconsideration directly from the dean. The dean must meet with the candidate if they so request. The dean will inform the candidate of their decision following reconsideration, and this

decision supersedes the previous decision. The dean shall inform the candidate in writing of their decision, either in a detailed summary or by specific points.

35.8.1.2.6. In cases where the dean makes the initial adverse decision, the candidate's materials for promotion and/or tenure shall be held in the files of the dean where the initial adverse recommendation was made and shall not be forwarded to the Provost until the requests for reconsideration have been completed.

35.8.1.2.7 If the first adverse decision is at the level of the Provost, the candidate may request consideration directly from the Provost. The Provost shall overturn or affirm the previous decision. This decision supersedes the previous decision. The Provost will inform the candidate in writing of their decision following reconsideration.

## 35.9. RIGHT OF APPEAL RE: PROMOTION AND TENURE

35.9.1. Appeals from Adverse Decisions

35.9.1.1. Tenured or tenure-track faculty may appeal promotion and tenure decisions that adversely affect such individuals in accordance with provisions set forth in this section (35.9). An appeal is the act whereby a candidate alleges that a violation of existing policy and/or procedure or unfair treatment, or discriminatory treatment by the department, college, or Provost, has resulted in an adverse decision. An appeal may be filed without following the reconsideration process. Appeals examine the process followed and not the content of materials. A decision in favor of the appellant does not guarantee tenure and/or promotion.

35.9.2. Bases for Request for Appeal

35.9.2.1. If the appellant is not satisfied with the decision of the Department Committee, then they may appeal to the College Promotion and Tenure Committee. The request must be made within ten (10) calendar days following the appellant's receipt of the Department Committee's decision and must be recorded in the files of the academic dean. Any request that is not filed within this time limit will be denied automatically unless the Provost and Vice President for Academic Affairs determines that good cause has existed for the delay.

35.9.2.2. There are three permissible reasons to request appeal:

35.9.2.2.1. Allegation of violation of approved departmental, collegiate, and/or University promotion and tenure policies and/or procedure, including those set forth in the Faculty and Professional Personnel Handbook;

35.9.2.2.2. Allegation of unfair treatment on the part of the decision makers;

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

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

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

35.9.2.5. When an appellant alleges discriminatory treatment on the part of the decision makers, then they must cite the specific treatment engaged in by a committee or administrator. When filing a request for appeal, the appellant must also provide a summary of the constitutionally or statutorily prohibited reasons upon which they believe the decision was based and a detailed summary of the evidence which supports the appellant's allegation. Discriminatory treatment is defined as decisions based upon constitutionally or statutorily prohibited reasons, including unlawful discrimination.

35.9.2.6. When a request for appeal is filed which alleges discriminatory treatment on the part of the decision makers, the University's Director of Employee Relations, or their designee, shall serve in an advisory capacity to the committee or hearing panel at each level of appeal. All appeals alleging discriminatory treatment in promotion and tenure decisions shall be pursued under the procedures set forth in this document rather than under the Ball State University "Equal Opportunity Complaint Investigation Procedure and Appeal Process."

35.9.2.7. In all cases, the appellant has the burden of proving their allegations.

35.9.3 Appeals at the Department Level

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

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

35.9.3.2. A formal hearing will take place.

35.9.3.2.1. Timing. The College Committee must hold the hearing within thirty (30) calendar days of its receipt of the request for hearing.

Days outside the regular academic year will not be counted in the thirty-day computation. The chairperson of the College Committee may, with good cause, extend the thirty-day deadline.

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

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

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

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

35.9.3.4. Notice of hearing. The parties shall be given at least ten (10) days' notice of the date, time, and place of the hearing, unless they waive that notice in writing. The hearing may be postponed or continued by the chairperson of the hearing panel

whenever they may deem appropriate, or upon the request of either party for good cause shown.

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

35.9.3.5.1. Copies of all documents upon which they intend to rely but which are not already a part of the appeal file;

35.9.3.5.2. A list of any witnesses whom they plan to call. These materials must be made available to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.

35.9.3.6. Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing. Failure, without good cause, of the appellant or the responding party to appear and proceed at the hearing may force the hearing panel to hear and respond to the appeal in the absence of the appellant or the responding party.

35.9.3.6.1. A full-time tenured or tenure-track Ball State faculty member to serve as faculty colleague for the appellant.

35.9.3.6.2. Representative of the academic dean's office.

35.9.3.6.3. Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.

35.9.3.6.4. Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.

35.9.3.6.5. Witnesses called by either party. Such witnesses shall be present only while they are testifying.

35.9.3.6.6. A recording secretary designated by the appellant, if they desire. This person must be a full-time Ball State faculty, professional personnel, or staff member.

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

35.9.3.8. Conduct of hearings. Hearings shall be conducted with a view toward providing the hearing panel with a complete understanding of the circumstances surrounding the decision that is being appealed. The chairperson of the hearing

panel shall preside at the hearing and shall make all procedural rulings. These rulings may be reversed by a majority vote of the panel members present, including the chairperson.

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

35.9.3.10. Hearing records. The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include a statement of who was present including witnesses, a general summary of the major points made by the parties and participants at the hearing, and any motions made or votes taken by the hearing panel. Approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. Any recordings of a hearing shall not be permitted.

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

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

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

35.9.3.11.1.2. When a hearing panel votes to deny an appeal, then the appellant has the right to appeal this decision to the University Promotion and Tenure Committee.

35.9.4. Appeals at the College Level

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

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

35.9.4.3. The Provost and Executive Vice President for Academic Affairs is responsible for preparing an appeal file that shall consist of (a) the formal request for hearing and any other materials submitted by the appellant; (b) the responses and any other materials submitted by the Department Committee and/or Dean. The appeal file shall be forwarded to the chairperson of the hearing panel who shall make certain that it is made available to all parties to the hearing.

35.9.4.3.1. The Provost and Executive Vice President for Academic Affairs designee shall assist the chairperson of the hearing panel in arranging the hearing at the University level.

35.9.4.4. A formal hearing will take place.

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

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

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

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

35.9.4.5. Parties. The parties participating in the hearing are (a) the appellant; and (b) the administrator and the chairperson of the Promotion and Tenure Committee at the level of the initial adverse recommendation; and (c) the dean and the chairperson of the College Promotion and Tenure Committee.

35.9.4.6. Notice of hearing. The parties shall be given at least ten (10) calendar days' notice of the date, time, and place of the hearing, unless they waive that notice in writing.

The hearing may be postponed or continued by the chairperson of the hearing panel whenever they may deem appropriate, or upon the request of either party for good cause shown.

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

35.9.4.7.1. All documents, including records of the college hearing, upon which they intend to rely but which are not already a part of the appeal file;

35.9.4.7.2. A list of any witnesses whom they plan to call. These materials must be distributed to all participants by the chairperson of the hearing panel at least three (3) working days prior to the date of the hearing. Additional materials and/or witnesses may not be utilized by either party at a hearing without the consent of the hearing panel.

35.9.4.8. Attendants at hearing. In addition to the hearing panel and the previously specified parties, the following persons may attend a hearing.

35.9.4.8.1. A full-time tenured or tenure-track Ball State faculty or professional personnel member to serve as faculty colleague for the appellant.

35.9.4.8.2. Representative of the Provost and Vice President for Academic Affairs' Office.

35.9.4.8.3. Other University-affiliated persons whose attendance is requested or approved by the chairperson of the hearing panel.

35.9.4.8.4. Any person designated by the chairperson of the hearing panel to record and to prepare a summary of the evidence presented at the hearing.

35.9.4.8.5. Witnesses called by either party. Such witnesses shall be present only while they are testifying.

35.9.4.8.6. A colleague designated by the appellant to take notes, if they desire. This person must be a full-time Ball State faculty, professional personnel, or staff member.

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

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

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

35.9.4.11. Witnesses. Each party is responsible for ensuring the presence of their witnesses at a hearing. Written statements in lieu of the personal testimony of a witness

shall not be permitted unless a majority of the panel members determines that a witness is unavailable to testify. All witnesses who testify may be questioned concerning any matter relevant to the hearing by any member of the hearing panel.

35.9.4.12. Hearing records. The hearing panel must arrange for minutes of the hearing to be taken. These minutes shall include record of who was present at the meeting including witnesses, a general summary of the major points made by the parties and participants at the hearing, and any motions made or votes taken by the hearing panel. Copies of approved minutes shall be made available upon request to the appellant and/or respondent within twenty (20) calendar days of the conclusion of the hearing. Further use of these minutes by either party is restricted to appeals at higher levels of the procedures outlined here or in external legal proceedings. No recordings of a hearing shall be permitted.

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

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

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

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

35.9.4.14. If either the appellant or the respondent is not satisfied with the response of the University hearing panel, then either may request a conference with the Provost and Vice President for Academic Affairs. This request must be made within ten (10) calendar days following the requesting party's receipt of the University

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

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

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

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

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

35.9.5.3. The decision of the President is final.

# 36. POLICIES FOR ANNUAL SALARY ADJUSTMENTS FACULTY AND PROFESSIONAL PERSONNEL[38]

## 36.1. STATEMENT OF POLICY

36.1.1. The general purposes of the salary program at Ball State University are to attract, retain, and reward faculty and other professional personnel who enable the University to realize its mission. The salary program should contribute positively to the morale of the faculty and professional personnel and provide both incentive and reward for achievement. The salary program at Ball State University is designed to recognize the differences in performance and characteristics among faculty and professional personnel. The salary program rewards meritorious performance and exceptional achievement and also takes into account other factors, such as marketability, that affect the University's ability to pursue excellence.

36.1.2. The President of the University is responsible for developing salary programs consistent with the mission of the academic and administrative units of the University in accordance with this Statement of Policy.

36.1.3. Each faculty member must submit an evaluation every year for salary and merit review. The criteria and process for this evaluation will be approved at the department and college level initially.

## 36.2. DEFINITIONS

36.2.1. Definition of Faculty and Professional Personnel.

University salary administration guidelines for faculty and professional personnel apply to all continuing professional personnel employees and those faculty members who are currently tenured, on tenure track, or who are hired on a full-time non-tenure-line basis.[91]

36.2.1.1. Faculty employed on academic or fiscal year contract;

36.2.1.2. Professional personnel employed on academic or fiscal year contract (including professional personnel holding rank in academic departments);

36.2.1.3. Faculty and professional personnel returning from approved leave of absence during present or next fiscal year.

36.2.2. Definition of Salary Units.

The units covered by these guidelines are each of the colleges headed by a Dean and the non-collegiate units headed by the Vice Presidents or President.

36.2.3. Definition of Salary Subunits.[40]

Subunits are those academic and non-academic (e.g., centers, departments, institutes, museums, schools, special programs) entities which are under the administrative supervision of the respective salary unit.

36.2.4. Unsatisfactory Performance[41]

If the annual evaluation of performance for a tenured faculty member does not meet the minimum criteria for satisfactory performance as determined by the subunit Salary and Merit Committee or by the department chair, as determined by a departmental vote and specified in the subunit salary document, the tenured faculty member's performance is deemed unsatisfactory for the year and the individual will not receive a salary increase. If the tenured faculty member does not submit an annual report in the format established by the subunit, the individual's performance will be considered

unsatisfactory. All departments must use a calendar year format (January 1-December 31) for faculty annual reports and performance evaluations.

36.2.5. Chronic Unsatisfactory Performance[42]
Two consecutive unsatisfactory evaluation years or three unsatisfactory evaluations in five years for a tenured faculty member triggers a remediation process. Unsatisfactory completion of the remediation process is the definition of chronic unsatisfactory performance.

## 36.3. PROMOTIONS IN ACADEMIC RANK

36.3.1. The value of the promotions in academic rank shall be determined by the Provost and Executive Vice President for Academic Affairs with approval by the Board of Trustees.

## 36.4. GENERAL SALARY INCREASES

36.4.1. Each year funding for continuing professional employees' salary increases will be allocated to each salary unit.

36.4.2. Salary increment funds to each salary unit will be equal to the previous year's base salaries for all continuing employees multiplied by eighty-five percent (85%) of the maximum percentage attainable for salary increases. Money not allocated to the salary units will be distributed by the President or appropriate Vice President for reasons such as:

36.4.2.1. to allow the University, as necessary, to meet offers received by faculty and professional personnel from competing employers when such action is recommended by the salary subunit; the decision to distribute money shall be accompanied by appropriate documentation;

36.4.2.2. to recognize differential merit or market circumstances between and among salary units and salary subunits; differential market decisions shall be accompanied by appropriate documentation;

36.4.2.3. to deal with inequitable salary circumstances in which an individual by virtue of initial salary inequity is paid demonstrably less than comparable colleagues;

36.4.2.4. to fund appeals that have been approved by the head of the salary unit. (Salary units will be expected to repay funds needed for appeals from their next year's salary allotment.);

36.4.2.5. to fund legally required salary adjustments.

36.4.3. Although incremental money distributed for market purposes will become part of the faculty member's salary base, annual University reviews will be conducted by the University Salary and Benefits Committee to assess changing market conditions and to make appropriate recommendations for adjustments.

36.4.4. Any funds committed for purposes designated in 35.4.2 but eventually not so used, must be returned to the total University salary increment pool for distribution the next fiscal year.

36.4.5. Total remaining compensation adjustment dollars available for continuing personnel each year will be distributed in ways established by majority vote of the continuing professional employees within each salary unit, except for promotion money to be distributed in accordance with 35.3.1.

All subunits must, however, award no less than seventy percent (70%)[43] of their total increment funds for meritorious service in accordance with the subunit criteria. These "merit" funds cannot be distributed on an "across the board" basis. Meritorious service must be determined annually.

36.4.6. Criteria and processes shall be developed within each salary unit for salary administration and approved by written ballot by a majority of a quorum of the members of each such unit who are eligible to vote. Subunits must develop criteria consistent with their unit's criteria. These criteria and

processes shall be reviewed and approved annually by the appropriate subunit head (e.g., chairperson, director, coordinator)[44] and unit head (Dean, Vice President, Provost and Executive Vice President for Academic Affairs, President). The President or Provost and Executive Vice President for Academic Affairs and the University Salary and Benefits Committee must approve all criteria and processes for all units. The criteria and processes shall be made known in advance of salary administration implementation. Discretionary awards need not be given to every individual. To be eligible for a salary increment, an individual's performance must be deemed to be satisfactory by the salary subunit. However, a faculty member's failure to receive a "satisfactory progress" recommendation in the tenure review process is not necessarily a determination that his or her performance is unsatisfactory for salary purposes.[45] In addition, for decisions regarding annual salary adjustments for all faculty (tenured, tenure-line, and non-tenure-line), each faculty member shall be evaluated as to whether the faculty member:

36.4.6.1. Helped Ball State University foster a culture of free inquiry, free expression, and intellectual diversity within the University.

36.4.6.2. Where relevant and appropriate to the faculty member's discipline, introduced students to scholarly works from a variety of political or ideological frameworks that may exist within the curricula established by the Board of Trustees of Ball State University under IC 21-41-2-1(b) or the faculty of Ball State University acting under authority delegated by the Board of Trustees of Ball State University

36.4.6.3. While performing teaching duties, refrained from subjecting students to views and opinions concerning matters not related to the faculty member's academic discipline or assigned course of instruction.

36.4.6.4. Continues to show a pattern of achievement in performing academic duties and obligations.

36.4.6.5. In determining whether a faculty member has adequately met the criteria above, the Board of Trustees may not consider the following actions by a faculty member:

36.4.6.5.1. Expressing dissent or engaging in research or public commentary on subjects.

36.4.6.5.2. Criticizing the leadership of Ball State University.

36.4.6.5.3. Engaging in any political activity conducted outside the faculty member's teaching duties at Ball State University.

Salary units or subunits that do not develop approved criteria and processes may have all merit and discretionary dollars withheld from them.

36.4.7. Personnel on joint appointments between colleges or between a college and a non-collegiate unit shall be evaluated for purpose of discretionary awards in proportion to their full- time equivalent appointments in the unit. These personnel must be apprised of criteria and procedures used in all units to which they are appointed.

36.4.8. Each individual shall be informed in writing by the department chairperson or equivalent administrator at the first level of recommendation prior to forwarding the recommendation. Any changes at subsequent levels of review within the University shall be communicated to the initial administrator for purposes of informing the affected individual.

36.4.9. Salary grievance procedures shall be developed within the salary unit and it is expected that salary grievances will be resolved within the salary unit. All recommended salary adjustments based upon grievances or appeals must be approved by the head of the salary unit, appropriate University officer and the President. Any salary adjustment based on a grievance shall be made as soon as possible and no later than the beginning of the next academic year.

Faculty may ask for reconsideration by the committee or individual who made the initial adverse performance evaluation. Reconsideration, if requested, occurs before initiating appeal procedures. Appeals of subunit decisions are appealed to the unit following in accordance with the college salary appeal procedures.

## 36.5. Chronic Unsatisfactory Performance[46]

36.5.1. Any unsatisfactory assessment must be accompanied by a letter from the chair of the Salary and Merit Committee or by the department chair—whoever conducted the evaluation. The letter should include specific justifications for the unsatisfactory recommendation and specific suggestions for improvement and the letter must be placed in the tenured faculty member's personnel file.

36.5.2. Two consecutive unsatisfactory years or three unsatisfactory evaluations in five years will trigger a remediation process.

36.5.2.1. A remediation plan will be developed by a departmentally-created peer committee. The committee shall consist of at least three tenured faculty members. It may be an existing committee or a committee established specifically for the remediation process. If there are not three eligible tenured faculty members in the department, members may be selected from other departments in the college.

A faculty member may request that a college committee be formed to develop the remediation plan. If requested, the Dean will establish a committee of tenured faculty members with the following qualifications:

- Member of the college
- Appointed based on ability to be objective and demonstrated academic strength, and
- Participants hold the same or higher rank than the faculty member being reviewed.

If the tenured faculty member being reviewed has cause to believe a committee member is biased against him/her, the tenured faculty member may request to the committee chair, in writing, to have that committee member replaced. This request must be submitted within 10 business days prior to the first remediation committee meeting. The remediation plan committee will have access to the tenured faculty member's performance evaluations and/or pertinent letters for the previous five years.

36.5.2.2. The department chair/director and dean must approve the remediation plan. The remediation plan must be sent via registered mail to the tenured faculty member's home address by June 30th or 30 days after an appeals process is completed, whichever is later. The said plan will be placed in the tenured faculty member's personnel file. The same appeal process in place for salary decisions will be used to appeal any elements of the remediation plan.

36.5.2.3. As a part of the performance evaluation the following year, no sooner than 12 months after the remediation plan was initially mailed to the tenured faculty member, the outcomes of the remediation plan will be reviewed by the Remediation Committee which created the plan to determine if the expected performance levels as set by the remediation plan have been met.

36.5.2.3.1. If the terms of the remediation plan have been met, the tenured faculty member's evaluation is deemed satisfactory for the calendar year in which the faculty is under remediation. This evaluation replaces the annual

evaluation of performance specified in the subunit salary document for that year.

36.5.2.3.2. If the terms of the remediation plan have not been met, the tenured faculty member's performance will meet the definition of chronic unsatisfactory performance.

36.5.3. Any tenured faculty member who meets the definition of chronic unsatisfactory performance will be referred to the "Procedures in Cases where Termination of a Tenured Faculty or Tenured Professional Personnel Member's Appointment is Proposed" in the Faculty and Professional Personnel Handbook.

36.5.4. Any tenured faculty member currently evaluated as unsatisfactory in the Salary and Merit process cannot serve on a Salary and Merit or Remediation Committee.

### 36.6. Implementation and Amendment Procedures

36.6.1. The President or the Provost and Executive Vice President for Academic Affairs, working with the Faculty Salary and Benefits Committee and the Professional Personnel Salary and Benefits Committee, will review annually salary administration guidelines to assure compliance.

36.6.2. Recommendations for improvements in the salary process, with rationale, may be made to the Faculty Salary and Benefits Committee and the Professional Personnel Salary and Benefits Committee. Such recommendations should be submitted in writing as early as possible each year to allow any revisions to be implemented in the salary administration process.

36.6.3. The timetable for the salary administration process and any changes in University guidelines shall be announced prior to the start of the salary administration process each year.

36.6.4. Once approved by the Board of Trustees, changes in these guidelines will be recommended by the President after obtaining the assistance and consultation of the University community.

## 37. Summer Session Salary Policies[47]

**Introduction**

The summer session salary policies at Ball State University will complement the overriding goals of course and program scheduling. These goals are serving identified student needs with appropriately qualified faculty in a cost-efficient manner and attracting students not ordinarily attending the University.

The University will consider and implement experimental strategies such as out-of-state tuition waivers, acquisition and use of lists of prospective summer school students, and increased advertising. Departments and colleges are encouraged to develop new course offerings or programming in order to attract new student clienteles. For example, workshops, especially those that attract out-of-state students, are possibilities. Programs such as START are included in this category. Non-credit bearing activities must also be considered.

37.1. The rate of compensation for faculty who are assigned load hours during the summer session will be as follows:

37.1.1. The summer salary shall be calculated as fifteen percent of the faculty member's previous academic year salary for each six load hours (regardless of whether the load occurs during the intersession, a five-week session, or across the ten-week summer session);

37.1.2. For assignments other than six load hours, salary will be computed on a proportional basis (examples: an individual who is assigned five load hours during a five-week session will receive five-sixths of fifteen percent of his or her previous academic year salary as compensation; an individual who is assigned nine load hours during a five-week session will receive nine-sixths of fifteen percent of his or her previous academic year salary as compensation);

37.1.3. With consent of the faculty member and approval of the college dean, a department chairperson may assign classes with enrollment below minimum standard class size. In such instances, compensation will be determined as outlined in subsections 37.4.2 and 37.4.3 below.

37.2. Summer activities not assigned specific load hours for faculty or professional personnel will be compensated on a negotiated basis. Such negotiable compensation must be mutually agreed upon and approved via the usual process (department chairperson, college dean, Provost and Executive Vice President for Academic Affairs, President).

37.3. A salary plan may be developed by a non-teaching salary unit consistent with the following:

37.3.1. The rate of compensation will be one-seventh of the individual's previous academic year salary for a full load;

37.3.2. The plan will specify the measure to be used in computing a full load. Assignments other than a full load will be compensated on a proportionate basis.

37.4. Any salary plan that is developed by a teaching salary unit must be consistent with the preceding items 36.3.1 and 36.3.2 as well as the following:

37.4.1. Minimum class sizes for graduate and undergraduate courses University-wide will be: graduate - 6 and undergraduate - 10.

Class sections shall not be split to add additional sections unless enrollment exceeds the section limits set for the academic year. Multiple class sections may be scheduled with approval of the department head and dean.

37.4.2. Any class which does not meet the established minimum size may be taught without reduction in compensation if approved by the Dean on the basis of programmatic considerations.

37.4.3. Partial compensation may be paid a faculty member for teaching a class which does not meet the established minimum size. Exceptions are noted in 37.4.2 above.

37.4.4. The summer program budget will make available salary dollars to fund classes which meet the criteria as stated in 37.4.1, 37.4.2, and 37.4.3 above.

37.5. Each salary unit plan must be approved by a majority of the members of the salary unit, the head of the salary unit, the Provost and Executive Vice President for Academic Affairs and the Salary and Benefits Committee of the Faculty Council.

37.6. The Summer Session Salary Policies Statement supersedes conflicting departmental, collegiate and/or University summer salary policies.

# 38. POLICY ON CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT[48]

**38.1. Preamble**

38.1.1. Ball State University is committed to providing quality teaching, research, and service. Often, this mission is served by the active participation of its employees in activities outside the University. Interaction with business, government, not-for-profit groups, professional societies, academic institutions, and private individuals or organizations contributes to the professional growth of employees and to the enrichment of University programs. University employees are therefore encouraged to share their professional knowledge and expertise through outside activities that do not interfere with their University responsibilities.

38.1.2. While such interaction is encouraged, an employee's professional or other activities outside the University may result in a real or perceived conflict of interest or conflict of commitment. These conflicts may affect the way in which the employee carries out responsibilities to the University. Conflicts of interest or conflicts of commitment may also adversely impact the University's mission,

and they may undermine public confidence in the University. It is therefore necessary to assess and to eliminate or manage conflicts of interest and conflicts of commitment, so that the integrity and the interests of the University, as well as those of its employees, are protected.

38.1.3. The purpose of this policy is to provide guidance for recognizing and dealing with actual or perceived conflicts of interest and conflicts of commitment. It sets forth University-wide procedures for disclosing and resolving such conflicts. Colleges, departments and other administrative units may adopt additional policies and procedures covering conflicts of interest and conflicts of commitment provided they are consistent with the provisions of this policy. All such policies and procedures must be approved by the President, or their designee, following review by the Conflict-of-Interest Officer (CIO) for consistency with this policy. In no way should this policy be interpreted or implemented so as to infringe upon matters of academic freedom, freedom of speech or political expression (Bill of Rights and Responsibilities for Faculty, Professional Personnel, and Staff of Ball State University, Faculty and Professional Personnel Handbook).

38.1.4. This policy does not take the place of, or substitute for, compliance with Indiana Code 35-44.1-1-4 or 42 CFR 50, Subpart F.

**38.2. Definitions**

38.2.1. Definitions Related to Conflicts of Interest:

38.2.1.1. **Conflict of interest**: When a University employee is in a position to influence, either directly or indirectly, University business, research or other decisions in matters in which the employee or a dependent of the employee has a significant financial interest.

38.2.1.2. **Significant financial interest**: Anything of monetary value from a domestic or foreign entity, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); intellectual property rights (e.g., patents, copyrights and royalties from such rights); and sponsored / reimbursed travel, or other types of support (e.g., laboratory space, living expenses, gifts). The term does not include:

38.2.1.2.1. salary, royalties or other remuneration from the University;

38.2.1.2.2. income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities, unless the annual aggregated amount earned exceeds $5,000 per entity or is from a foreign entity.

38.2.1.2.3. income from service on advisory committees or review panels for public or nonprofit entities, including service on professional editorial boards, dissertation committees, and research related review committees, unless the annual aggregated amount earned exceeds $5,000 per entity or is from a foreign entity;

38.2.1.2.4. an equity interest that, when aggregated for the employee and the employee's dependents, meets all of the following tests: (a) it does not exceed $5,000 in value as determined through reference to public prices or other reasonable measures of fair market value; (b) it does not represent more than a five percent (5%) ownership interest in any single entity; and (c) it is not from a foreign entity;

38.2.1.2.5. salary, royalties or other payments that, when aggregated for the employee and the employee's dependents over the next twelve months, are not reasonably expected to exceed $5,000 or are from a foreign entity; or

38.2.1.2.6. any financial interest arising solely by means of investment in a mutual, pension, or other institutional investment fund over the management and investments of which the employee does not exercise control.

**Note that this definition of "significant financial interest" differs from the definition of "pecuniary interest" under the Indiana Conflicts of Interest Law, which is discussed in Section 38.7. This definition also differs from the federal Financial Conflict of Interest (FCOI) as defined in 42 CFR 50, Subpart F, §50.603.**

38.2.1.3. **Perceived Conflict of Interest**: When, from a reasonable person's perspective, a University employee could be viewed as having a conflict of interest, even if one may not exist under this policy.

38.2.2. Definitions Related to Conflicts of Commitment:

38.2.2.1. **Conflict of Commitment**: When a University employee's activities outside of the University, whether domestic or foreign, affect--or appear reasonably likely to affect--the manner or extent to which the employee carries out responsibilities to the University.

38.2.2.2. **University responsibilities**: The responsibilities of a University employee to perform University activities as defined by a University or administrative unit policy or contract.

38.2.2.3. **Activities outside of the University** and outside activities: Activities not directly related to the research, teaching and/or service mission of the University.

38.2.2.4. **University activities**: Activities directly related to the research, teaching and service mission of the University.

Note: the line separating "University activities" and "activities outside of the University" for faculty is imprecise at best and may differ among disciplines and professions. One useful guideline for faculty is the question: is this an activity a faculty member would list on an annual faculty report and expect to receive credit during the tenure, promotion, and/or salary-setting processes.

38.2.2.5. **Professional activities**: Activities related to the research, teaching and service mission of the University or to an employee's discipline, profession or craft, irrespective of whether those activities are compensated or constitute University activities.

38.2.2.6. **Perceived Conflict of Commitment**: When, from a reasonable person's perspective, a University employee could be viewed as having a conflict of commitment, even if one may not exist under this policy.

38.2.3. Other Definitions:

38.2.3.1. **Books, publications or other media:** For purposes of this policy, this term includes any book, publication, and/or other media item including, but not limited to, physical, electronic and/or internet based, for which there is a propriety interest, royalties associated with and/or the employee has ownership interests in. This term also includes any other situation that may be governed by the State of Indiana and/or Federal law.

38.2.3.2. **Conflict of Interest Officer (CIO):** The person responsible for managing the University's Conflict of Interest/Conflict of Commitment program. The Responsible Conduct of Research (RCR) Officer is part of the Office of Research Integrity (ORI) and will serve as the CIO. The CIO will coordinate the

implementation and administration of this policy, update current policies and develop new policies as needed, maintain appropriate records, and provide expertise for the identification, disclosure and resolution or management of conflicts of interest and conflicts of commitment. In the absence of a CIO, or if the CIO is conflicted out for any reason, the Director, ORI will assume the duties and responsibilities of the CIO role.

38.2.3.3. **Dependent** of an employee includes: (a) the employee's spouse; (b) a child, stepchild, or adoptee of the employee who is unemancipated and less than eighteen years of age; and (c) any person, whether or not related to the employee, who receives more than one-half annual support from the employee.

38.2.3.4. **Disclosure form**: The Statement of Disclosure of a Conflict of Interest and/or Conflict of Commitment form.

38.2.3.5. **Employee**: Any person employed by the University, whether full- or part-time; except that the term does not include student employees other than graduate assistants.

38.2.3.6. **University**: Ball State University.

38.2.3.7. **University action**: any activity directly or indirectly taken by Ball State University or any of its employees that helps promote the sale or purchase of self-authored materials, including materials created by an employee privately and without the use of resources provided through the University. University action includes but is not limited to University contracts or course-material assignments that result in pecuniary gains by an employee or an employee's family member.

**38.3. Conflicts of Commitment; Principles Applicable to Outside Activities**

38.3.1. Right to Engage in Activities Outside of the University. A University employee may engage in activities outside of the University, provided that those activities do not interfere with the employee's performance of University responsibilities or otherwise constitute a conflict of interest.

38.3.2. Use of University Resources. No employee shall use University resources in the performance of outside activities without the expressed written permission of the dean (or their designee) or administrative unit head (or their designee) and without reimbursing the University, when applicable.

38.3.2.1. If the use of resources is approved, all controlled technology is still subject to Export/Deem Export Control regulations if used in foreign/international activities and/or if foreign nationals will have access to said technology. If an employee is not sure what constitutes a controlled technology, contact the Office of Research Integrity for an assessment.

38.3.3. Outside Professional Activities of Full-time Faculty. Full-time faculty shall be permitted to spend an average of up to one day a week on professional activities other than University activities, provided that those activities do not otherwise constitute a conflict of interest. Service on non-profit community advisory committees, academic advising committees, or research review committees do not count against the one day a week limit.

38.3.4. Income from Outside Activities Not a Factor. An employee's compliance with this Section 38.3 or with any other University or administrative unit policy on conflicts of commitment shall not be determined on the basis of income earned from outside activities or the percentage of the employee's University compensation that such income constitutes, unless required by law.

38.3.5. This Section sets forth five basic principles applicable to all outside activities:

38.3.5.1. "Up to one day per week" can be a total of eight (8)-hours distributed across multiple days per week.

38.3.5.2. University employees are permitted and encouraged to engage in those activities to the extent that they do not interfere with the employees' University responsibilities.

38.3.5.3. Employees may not use University resources in the performance of outside activities without reimbursing the University and obtaining appropriate written permission by the dean or administrative unit head (or their designee).

38.3.5.4. Issues relating to these activities (ex. initial management plan options) should be resolved within the lowest administrative unit whenever possible.

38.3.5.5. Collegiate, departmental and other administrative units may establish their own internal policies and procedures related to outside activities. The limits on collegiate, departmental and other administrative unit policies are: (a) they may not interfere with the University's policy permitting full-time faculty to spend an average of up to one day each week on professional, but not necessarily University, activities; and (b) they may not substitute a 20% of compensation rule for the one-day-per-week policy or add such a rule to the policy.

38.3.6. The reference in Section 38.3.3 to "full-time" faculty reflects the conclusion that University policy need not provide that part-time faculty be permitted at least one day each week to engage in professional activities outside of the University, because University policy does not, and should not, place any limit on the time that part-time faculty spend on outside activities. Part-time faculty, however, are subject to Sections 38.3.1 and 38.3.2 and the other sections of this Policy.

**38.4. Obligation to Identify and Avoid or Manage Conflicts**

38.4.1. University employees share an obligation to conduct their professional activities in a manner consistent with the University's mission and to conduct their relationships with each other and with the University with candor and integrity. Pursuant to that obligation, employees have a responsibility to identify and, when possible, avoid conflicts of interest and conflicts of commitment. When they cannot be avoided, employees must disclose conflicts of interest and conflicts of commitment, and they must work with University officials to manage or resolve those conflicts.

38.4.2. When a perceived conflict of interest or conflict of commitment could exist, employees are encouraged to submit a disclosure.

**38.5. Procedures for Disclosing and Managing Conflicts**

38.5.1. Obligation to Disclose Conflicts of Interest and Conflicts of Commitment:

It is the responsibility of each employee to promptly and prospectively disclose a conflict of interest or a conflict of commitment involving the affairs or activities of that employee.

Examples of activities, domestic or foreign, that may, depending on the facts and circumstances, constitute such a conflict are: (i) activities of the employee which advance the employee's financial, professional, or other interests, or those of a dependent, to the detriment of the University; (ii) holding an academic or research appointment by a full-time faculty member at another educational institution, including teaching through the Internet or through the use of other modalities; (iii) utilizing University students, employees, facilities or materials in the pursuit of outside activities from which the University will derive no benefit; (iv) engaging in research or consulting activities that interfere or compromise the employee's execution of responsibilities to the University; and (v) deriving any direct or indirect financial benefit, including royalties, from any University action.

38.5.2. Procedure for disclosing conflicts: To disclose a conflict of interest or conflict of commitment, the employee must complete and file the Ball State University disclosure form with the department head or other supervisor. If the employee is uncertain about whether a disclosure obligation exists, the employee should review the circumstances with the department head or other supervisor prior to making a formal disclosure. In such cases, the department head or other supervisor should then discuss the situation with the CIO. If the department head or other supervisor and the CIO agree that no conflict of interest or conflict of commitment exists, then no formal disclosure is required; however, the CIO should maintain a written record of the substance of this discussion with the department head or other supervisor. In all other cases, the employee should complete the disclosure form and submit it to the department head or other supervisor.

38.5.2.1. Collegiate, departmental and other administrative units may establish their own internal policies and procedures related to disclosing conflicts as long as they do not violate this policy, provide rights or privileges not normally allowed under this or other University policies, and do not institute unnecessarily burdensome submission requirements.

Notwithstanding the above, any University employee who is unsure whether a disclosure obligation exists or who has other questions about the policy's application may request advice directly from the CIO without being required to disclose personal identification or identifying details concerning a potential conflict of interest or conflict of commitment. A college, department or other administrative unit also may request advice from the CIO about a potential conflict of interest or conflict of commitment, providing no more identifying information than is necessary for such purpose except as required by law or University policy.

38.5.3. Procedure for assessing, eliminating or managing conflicts: The department head or other supervisor, after consulting with the employee, should: (i) sign the disclosure form and, where possible, include written recommendations of conditions or restrictions which might be used to manage, reduce or eliminate the actual or perceived conflict, and (ii) forward the disclosure form to the dean or appropriate official for written endorsement and/or comment.

Examples of measures that, depending on the facts and circumstances, might be used to manage or resolve conflicts include: (i) monitoring of the outside activity by an independent reviewer; (ii) disqualifying the employee from participating in decisions that might affect the employee's financial interests; (iii) divestiture of the financial interest which creates the conflict; (iv) severance of any relationships that create the actual or potential conflict; and (v) further disclosure to the appropriate state or federal governmental entity, as required by law.

The Ball State University disclosure form, along with the recommendations of how the conflict can be managed, reduced or eliminated, should then be submitted to the CIO. If the CIO determines that the proposed resolution or management of the conflict is consistent with applicable University policies, including additional college, department, or other administrative unit policies, if any, the CIO will add a written endorsement and/or comments and make a final determination as to approval or disapproval. If additional review is needed, as determined by the CIO, or the CIO is conflicted out from reviewing the disclosure form, then the form will be forwarded to either the Provost and

Executive Vice President for Academic Affairs or to the President, as applicable, for final determination.

38.5.3.1. Collegiate, departmental and other administrative units may establish their own internal policies and procedures related to managing or mitigating conflicts as long as they do not violate this policy, provide rights or privileges not normally allowed under this or other University policies, and do not institute unnecessarily burdensome management requirements.

38.5.4. Procedure for resolving disagreements: If agreement for managing or resolving the conflict is not obtained among all of the parties participating in the procedures, the CIO will convene an ad hoc advisory committee to review the facts and circumstances and recommend a solution. This committee will consist of a representative appointed by the dean or comparable official, a representative appointed by the chairperson of the Academic Freedom and Ethics Committee, and a third member appointed by the Provost and Executive Vice President for Academic Affairs who will act as chairperson. The CIO will serve as a non-voting ex officio member. The employee has the right to appear before the committee, and/or to provide additional information. Also, the committee may request additional information from the employee and others to aid it in making its findings and recommendations. The written findings and recommendations of the committee will be forwarded to the President who will make the final decision on the matter.

38.5.5. Administration and record-keeping: The CIO will administer this policy and maintain records of all filed disclosure forms and associated documents, including, but not limited to, documentation of actions taken by University administrators and committees to eliminate, reduce and/or manage conflicts of interest or conflicts of commitment. All such records will be retained for a period of three years following completion or termination of the activity that prompted the filing of the disclosure form. All employees who file disclosure forms under this policy shall update the information promptly if the circumstances that caused the filing of the disclosure change and shall notify the CIO within thirty (30) calendar days following the cessation of the activity.

38.5.6. Enforcement: Employees who violate this policy by either: (i) failing to make a required disclosure of a conflict of interest or a conflict of commitment, or (ii) failing to comply with conditions or restrictions imposed by the University on their outside activities or affairs for the purpose of eliminating, reducing or managing a conflict of interest or a conflict of commitment, may be subject to disciplinary action and appropriate sanctions in accordance with the provisions of the Faculty and Professional Personnel Handbook. If the violation involves a government-funded sponsored program or project, the University may be obligated under federal, state, or local law to report any corrective action taken.

38.5.6.1. If the conflict of interest or conflict of commitment involves research related activities, research privileges can be restricted, temporarily suspended, or permanently suspended, in addition to any other sanction as levied by the University, or State or Federal agencies.

38.5.7. Use of Self-Authored Books, Publications or Media in Courses Taught at Ball State University

38.5.7.1. In instances where an employee could receive royalties or other forms of remunerations from the sale of self-authored products such as textbooks, publications

or media in classes taught at Ball State University, the employee is to disclose per this policy. If the total amount of such remunerations exceeds the Indiana statutory threshold of $250 during any twelve-month period, the employee must also disclose per Indiana Code 35-44.1-1-4, discussed below in Section 38.7.

38.5.7.2. Each college may create and manage an internal process for setting standards for the use of self-authored materials in an employee's class and/or those used in other classes. These standards must be fair and equitable for all employees. Employees serving on any committees applying these standards must recuse themselves when their self-authored materials are under review. Collegiate procedures cannot violate this policy, provide rights or privileges not normally allowed under this or other University policies, institute unnecessarily burdensome management requirements, or negate the requirement to file a disclosure under Indiana's Conflict of Interest disclosure statute (Indiana Code 35-44.1-1-4).

38.5.7.3. The disclosure process will be managed by the CIO.

38.5.7.4. If royalties are assigned to a department or to the University and not collected by the employee, the recipient department or the University will disclose those royalties to the state should they exceed the Indiana statutory threshold of $250 during any twelve-month period.

## 38.6. Policy on Outside Services Activities[49] and Ghost Employment

38.6.1. **Indiana Ghost Employment Law** – The Indiana Ghost Employment law, with a limited exception which is set forth below, makes it a criminal and civil law offense for Ball State University to employ and pay an employee when that employee is not assigned duties or is assigned duties not related to the operation of the University. Both the supervisor and employee may be subject to criminal and civil penalties for such violations.

38.6.2. **Exception to the Indiana Ghost Employment Law** – The Indiana Ghost Employment Law does permit an employee of a governmental entity, such as Ball State University, to voluntarily perform services during the normal hours of employment as long as those services do not:

38.6.2.1. Promote religion,

38.6.2.2. Attempt to influence legislation or governmental policy, or

38.6.2.3. Attempt to influence elections to public office;

And, the services may only occur:

38.6.2.4. For the benefit of another governmental entity or a not-for-profit organization exempt from taxation under IRC 501(c)(3),

38.6.2.5. With the approval of the employee's supervisor, and

38.6.2.6. In compliance with a written policy approved by the governmental entity.

38.6.3. **Outside Services Activities of Employees** – Employees may be permitted to perform one or more outside services activities provided that such activities conform to this policy and do not otherwise constitute a conflict of interest or commitment. Employees may be permitted to spend up to a total of Four Hundred and Sixteen (416) University compensable hours in a fiscal year in performing outside services activities for a governmental entity or one or more 501(c)(3) not-for-profit organizations as determined in the sole discretion of and with the prior approval of the employee's

supervisor. In the administration of this policy the University may take any measures in its sole discretion which are reasonable and necessary for the orderly and efficient operation of its business, including but not limited to altering or terminating the outside services activities that have been approved. An employee who performs the University approved outside services activities during normal hours of employment as provided herein shall be considered to be performing duties related to the operation of the University.

38.6.4. **Administration and Record-Keeping** – It is the responsibility of the employee to keep a record of the time spent on outside services activities and it is the supervisor's responsibility to oversee the employee's record-keeping and to ensure that such records are maintained for audit purposes.

38.6.5. **Exceptions**

38.6.5.1. The President shall determine the limitation on the total time during any fiscal year and any record keeping requirements that the President and members of the President cabinet may spend on performing outside services activities.

38.6.5.2. It is anticipated that employees in professional and faculty positions will be asked to serve on particular outside boards because of their University related areas of expertise or the offices or positions they hold. "Outside Board" means the board, council, or other governing or advisory body of a business, educational, civic, professional, or social organization, whether for-profit or not-for-profit. This term also includes service on external research review committees (for example, an external Institutional Review Board/IRB). Service on an Outside Board is of particular value to the University and is actively encouraged because of the recognition it provides to the University, and the additional information, exposure, understanding, and insight the person will receive. This service is deemed to be service to the University and need not require the use of a person's own time. This service is considered to be a duty or duties related to the operation of the University. The conflict of interest and commitment policies still apply to any service on an Outside Board.

38.6.5.3. The service of officials elected or appointed to public office is not included in the definition of service on an Outside Board and such officials are not eligible to perform the duties of their office during University compensable time under this policy.

## 38.7. Conflict of Interest Disclosure Requirements per Indiana Code 35-44.1-1-4

38.7.1. Refer to Section 38.2 for additional definitions applicable to this Section, including but not limited to the definition of University action.

38.7.2. Under Indiana code 35-44.1-1-4, a public servant commits a conflict of interest, a Level 6 felony, if the public servant knowingly or intentionally has a pecuniary (financial) interest in, or derives a profit from, a contract or purchase connected with an action by the governmental entity served by the public servant. This law extends beyond University contracts or purchases to any University action that financially benefits an employee under, for example, a royalty agreement the employee may have.

38.7.2.1. **Pecuniary interest:** an interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of:

- the public servant; or
- a dependent of the public servant who:
    - is under the direct or indirect administrative control of the public servant; or
    - receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant.
- Pecuniary interests need not be disclosed unless they exceed the Indiana statutory threshold of $250 as established in Indiana Code 35-44.1-1-4.

38.7.2.2. **Indiana statutory threshold:** a sum total of all pecuniary interests that exceeds $250 during any twelve-month period.

38.7.2.3. All Ball State University employees are considered public servants.

38.7.3. Any Ball State employee who meets the definition for having a pecuniary interest, must file an Indiana Conflict of Interest disclosure form. A proper disclosure protects the employee from criminal liability under Indiana Code 35-44.1-1-4.

38.7.4. For disclosures involving the receipt of royalties or other forms of remunerations from the sale of self-authored products:

38.7.4.1. In instances where an employee could receive royalties or other forms of remunerations from the sale of self-authored products such as textbooks, publications or other media, the employee is required to disclose per Indiana Code 35-44.1-1-4 when proceeds are anticipated to meet or to exceed the Indiana statutory threshold of $250. The necessity to disclose extends to self-authored products created privately without the use of University resources. All royalties meeting the Indiana statutory threshold should be reported if the employee knows, or if it is reasonably likely, that those royalties could result from University action.

38.7.4.2. Each college may create and manage an internal process for setting standards for the use of self-authored materials in an employee's class and/or those used in other classes. These standards must be fair and equitable for all employees. Employees serving on any committees applying these standards must recuse themselves when their self-authored materials are under review. Collegiate procedures cannot violate this policy, provide rights or privileges not normally allowed under this or other University policies, institute unnecessarily burdensome management requirements, or negate the requirement to file a disclosure under Indiana's Conflict of Interest disclosure statute (Indiana Code 35-44.1-1-4).

38.7.4.3. If royalties are assigned to a department or to the University and not collected by the employee, the recipient college dean or applicable vice president will disclose those royalties to the state should they exceed the Indiana statutory threshold of $250 during any twelve-month period.

38.7.4.4. The disclosure process will be managed by the CIO. Recommendations by the dean and CIO will be forwarded to the Provost and Executive Vice President for Academic Affairs. Final determination rests with the Board of Trustees. Approved disclosures will be documented and submitted to the state per Indiana Code 35-44.1-1-4.

## 38.8. INSTITUTIONAL CONFLICT OF INTEREST

38.8.1. An actual or perceived conflict of interest can occur at the level of the college, department and other administrative units. Such undisclosed institutional conflicts of interest may adversely impact the University's mission, and they may undermine public confidence in the University. It is therefore necessary to assess and to eliminate or manage conflicts of interest, so that the integrity and the interests of the University, as well as those of its employees, are protected.

38.8.1.1. Institutional conflict of interest: When a financial interest of the college, department, or other administrative unit, may affect or appear to affect the education, research, business transactions, or other activities of the University.

38.8.2. Obligation to Identify and Avoid or Manage Institutional Conflicts of Interest

**38.8.2.1.** Each college, department and administrative unit has a responsibility to identify and, when possible, avoid institutional conflicts of interest. When they cannot be avoided, the dean or applicable vice president must disclose and work with University officials to manage or resolve those conflicts.

38.8.2.2. When a perceived institutional conflict of interest could exist, deans and applicable vice presidents are encouraged to submit a disclosure.

38.8.3. Procedures for Disclosing and Managing Conflicts

38.8.3.1. Obligation to Disclose Institutional Conflicts of Interest: Each college, department and administrative unit has a duty to disclose actual or perceived institutional conflicts of interest.

38.8.3.1.1. Example of what may constitute such a conflict: requirement of students of the University to purchase a textbook or other course materials where royalties exceed $250 during any twelve-month period and are distributed to the college, department and/or school.

38.8.3.2. Procedures for Disclosing and Managing Conflicts: To disclose an institutional conflict of interest, the dean or applicable vice president must complete and file the Ball State University Conflict of Interest/Conflict of Commitment disclosure form with the CIO. If the CIO determines that no conflict of interest exists, then no formal disclosure is required; however, the CIO should maintain a written record. The dean or applicable vice president may also need to file an Indiana State Conflict of Interest disclosure form if the amount involved is at, or over, the statutory disclosure amount of $250 per the process in 38.7.4.4.

38.8.3.3. Collegiate, departmental and other administrative units may establish their own internal policies and procedures related to disclosing institutional conflicts as long as they do not violate this policy, provide rights or privileges not normally allowed under

this or other University policies, and do not institute unnecessarily burdensome submission requirements.

38.8.4. Procedure for assessing, eliminating or managing institutional conflicts of interest: The dean or applicable vice president should sign the disclosure form and, where possible, include written recommendations of conditions or restrictions which might be used to manage, reduce or eliminate the actual or perceived conflict. The disclosure form, along with the recommendations of how the conflict can be managed, reduced or eliminated, should then be submitted to the CIO.

38.8.4.1. If a potential institutional conflict of interest arises at the Provost or Vice President level, then the disclosure form is submitted directly to the CIO. The Ball State University President will then serve as the final signatory/approving authority.

38.8.5. Examples of measures that, depending on the facts and circumstances, might be used to manage or resolve conflicts include: (i) monitoring by an independent reviewer; (ii) disqualifying the dean from participating in decisions that might affect the associated financial interest; (iii) divestiture of the financial interest which creates the conflict; (iv) severance of any relationships that create the actual or potential conflict; and (v) further disclosure to the appropriate state or federal governmental entity, as required by law.

If the CIO determines that the proposed resolution or management of the conflict is consistent with applicable University policies, including additional college, department, or other administrative unit policies, if any, the CIO will add a written endorsement and/or comments and forward to the Provost and Executive Vice President for Academic Affairs for final determination.

## 39. Employee Benefits

Employee benefits other than salary are explained in the Benefits Handbook.

## 40. Procedures For Collecting Delinquent Accounts Owed The University By Its Faculty/Professional Personnel[50]

40.1. This policy applies to the collection of delinquent accounts owed the University by its faculty/professional personnel; accounts may include but are not limited to unpaid charges for:

40.1.1. Fines (such as traffic and library fines) and penalties;

40.1.2. Charges for lost or damaged books and other materials; personal telephone calls; use of University facilities; printing, duplicating, and other services rendered by the University;

40.1.3. Unpaid student fees and related charges;

40.1.4. Payments that are subsequently returned by the bank, and any associated charges.

40.1.5. Wage or benefit overpayments or insurance premiums.

40.2. Definitions

40.2.1. A "delinquent account" is an account recorded on University accounts receivable or loan system that contains any charges, not library related, that remain unpaid for a period of 60 calendar days, 97 calendar days if only library related charges, after appropriate hearings and other appeals procedures, if any, have been concluded.

40.2.2. A "paid account" is an account recorded on the University accounts receivable system that has been liquidated. For the purposes of a Voluntary Payroll Deduction Loan (VPDL), a “paid account” is a loan balance that has been liquidated in the University loan receivable system.

40.2.3. The "date paid" is the date that final payment, permanently liquidating the account on the University accounts receivable system, is received at the Bursar and Loan Administration's Office.

40.3. Procedures--Employees Who Have Delinquent Accounts and Who Fail to Pay Them

40.3.1. Withholding employee privileges:

40.3.1.1. The following privileges are to be suspended until the debt is liquidated unless such privileges are already under suspension as a result of previous action: parking privileges when unpaid parking charges are involved; waiving of fees for dependents and for the employee; special assigned leave with pay; assigned leave with pay; leave without pay for study or for government arranged leave.

40.3.2. Recording in personnel files:

A record of the failure to pay the debt is to be made in the personnel file, and this information shall be considered in future employment decisions regarding the employee.

40.3.3. Withholding salary increases:

40.3.3.1. No general pay increases (those generally given annually at the start of the fiscal or academic year) are to be granted and in all cases possible future stipends, or additional earnings will not be allowed. In addition, promotions, position changes, and/or position upgrades are to be withheld.

40.3.3.2. If an employee subsequently pays the delinquent account, the salary increase in question, if awarded, will be effective no later than 30 days after the date the account is liquidated. The proposed salary increase will be applicable only to the remainder of the contract year and will be prorated accordingly. Likewise, the effective date of the promotion or upgrading will be no later than 30 days after the date the account is liquidated.

40.3.4. Prior to registration for classes (employee or dependent) the employee must pay all charges (delinquent or otherwise) except those charges being appealed. To be eligible to receive tuition remission benefits, the employee may not have an outstanding VDPL loan balance or delinquent accounts receivable balance.

40.3.5. Ten calendar days prior to initiating the foregoing actions a final notice will be delivered personally or mailed (certified mail) to the employee advising of the actions to be taken unless the debt is paid.

40.3.6. To defray the cost of pursuing collection and impose a penalty charge for the account not being paid when due, a delinquency processing and late payment fee will be assessed based on the *total* outstanding delinquent accounts receivable balance and will be included in the balance owed the University when the account becomes delinquent per the following schedule:

| Total Balance Owed | Delinquency Processing and Late Payment Charges |
|---|---|
| $ 5.00 - $ 499.00 | $50.00 |
| $ 500.00 - $1999.00 | $75.00 |
| $2000.00 and above | $100.00 |

Additional delinquency processing and late payment charges will be assessed to the employee based on the total outstanding delinquent accounts receivable balance each time a new charge is incurred and becomes delinquent.

40.3.7. Voluntary Payroll Deduction Loan Program

40.3.7.1. Employees may elect to pay their delinquent account in full by executing a Voluntary Payroll Deduction Loan Program promissory note and payroll deduction authorization to the University within ten calendar days after the date of the final notice. The proceeds of the promissory note will be applied to the delinquent account as of the date executed. The employee will then be subject to the terms of the promissory note. However, should the employee subsequently default in repaying or revoke the promissory note, delinquent account collection procedures may be resumed, at the option of the University, as though the delinquent account had not been paid, including placement at a collection agency.

40.3.7.2. Interest is to accrue on the unpaid principal balance, until paid, at the Ball State Federal Credit Union one year note loan rate in effect on the date the loan is made plus one percent. A $25.00 document processing fee is to be paid to defray the costs of processing the Loan and may be included in the loan.

40.3.7.3. The calculated payment amount will be the maximum amount allowed by Indiana Code 22-2-6-4(c) for deduction from disposable earnings paid the employee each pay period by Ball State University. To remain in good standing, the regular payment schedule of the VPDL will be maintained by the employee regardless of the pay schedule of the University. Payments will be due and arrangements must be made by the employee regardless of missed work, unpaid time off, leaves of absence, etc.

40.3.7.4. Only one VPDL may exist for an employee at a time and subsequent delinquent balances incurred by the employee may not be added on to an existing VPDL.

40.3.8. At the option of the University, delinquent accounts may be referred to collection agencies or pursued in court.

40.4. Responsibility for Administration

It shall be the responsibility of the Vice President for Business Affairs and Treasurer or the Vice President's designee to pursue with due diligence the collection of delinquent employee accounts.

40.5. Procedures for Collecting Delinquent Accounts Owed the University by Its Employees as amended will be effective July 21, 2017.

# 41. PROCEDURES IN CASES WHERE TERMINATION OF A TENURED FACULTY OR TENURED PROFESSIONAL PERSONNEL MEMBER'S APPOINTMENT IS PROPOSED[51]

**41.1. Informal Proceedings**

When specific written allegations are made and signed by the complainant with respect to a tenured faculty or tenured professional personnel member which may provide cause for terminating his or her permanent appointment, the matter will be brought to the attention of the faculty or professional personnel member's department Chairperson and College Dean, * who will discuss the subject with the faculty or professional personnel member in a private conference. The faculty or professional personnel member may have a supporting faculty or professional personnel member present if he or she so desires.

If, as a result of this initial conference, an appropriate solution is found which satisfies the faculty or professional personnel member, the department Chairperson, and the Dean, the matter will be closed and the

solution will be implemented. If no solution is found, within thirty (30) working days, the Dean: will (1) if he or she determines that the allegations are clearly unsupported, drop the matter; (2) if he or she determines that the allegations are supported but that formal proceedings for termination of the appointment are not warranted, submit all information concerning the case to the Academic Freedom and Ethics Committee and subsequent proceedings will be governed by the "Procedures for Disciplinary Actions Other Than Termination"; or (3) if he or she determines that formal proceedings should be initiated, draw up the written statement specified under 41.2.1 below. The Dean will discuss the matter with the department Chairperson before deciding which action to take.

The Dean will provide a written record of the conclusions reached in the informal proceedings to the Provost and Executive Vice President for Academic Affairs, the President, the faculty or professional personnel member, and other University personnel determined by the Dean to have a direct interest.

* See section 41.4.1 Definitions.

**41.2. Formal Proceedings**

41.2.1. Initiation of Formal Proceedings.

If the College Dean determines that formal proceedings to terminate the appointment of a tenured faculty or professional personnel member should be initiated, a written statement setting forth the specific cause or causes for terminating the appointment must be submitted to the Provost and Executive Vice President for Academic Affairs and to the individual involved. The statement must be specific enough to provide the faculty or professional personnel member with adequate notice of the charges against him or her. The Provost and Executive Vice President for Academic Affairs will forward all information and a request for formal proceedings to the Chairperson of the University Senate.

41.2.2. Non-disciplinary Suspension of Faculty or Professional Personnel Member.

The Provost and Executive Vice President for Academic Affairs may recommend to the President that a faculty or professional personnel member be suspended from his or her duties if the Provost and Executive Vice President for Academic Affairs feels that immediate harm might result to the faculty or professional personnel member or to others by his or her continued presence on campus or in the classroom. Such suspensions must be approved by the President and will be with pay.

41.2.3. Formation of Hearing Committee.[52]

Upon receipt of a request for formal proceedings, the Chairperson of the University Senate will select a five person Hearing Committee from the membership of the University Senate Judicial Committee. No one may be selected who has had previous involvement with the case or who is a member of the department in which the faculty or professional personnel member is employed. If the faculty or professional personnel member is tenured, the Hearing Committee must be composed entirely of tenured faculty and/or tenured professional personnel members.

Each party involved in the hearing--the faculty or professional personnel member and the representative of the University--will have the right to challenge no more than two members of the Hearing Committee. The Chairperson of the University Senate will replace any potential member of the Hearing Committee who is challenged with another member from the Judicial Committee. If five members cannot be selected from the University Senate Judicial Committee after challenges are made, the University Senate will be asked to elect additional members from among whom the Chairperson

of the University Senate will select suitable replacements for the challenged members of the Hearing Committee.

The Hearing Committee will elect its own Chairperson. Five members of the Hearing Committee will constitute a quorum.

When the Hearing Committee is formally constituted, the Chairperson of the University Senate will notify each party of the Committee membership.

41.2.4. Response to Written Statement.
Within ten (10) working days after receiving notice of the Hearing Committee membership, the faculty or professional personnel member will deliver to the Chairperson of the Hearing Committee a written response to the charges, setting forth the faculty or professional personnel member's position with respect to each charge. The Chairperson will provide copies of the written response to the President, Provost and Executive Vice President for Academic Affairs, the representative of the University, the Dean, the department Chairperson, and the Chairperson of the University Senate. Along with the written response, the faculty or professional personnel member will advise the Chairperson of the Hearing Committee in writing whether he or she desires a hearing. If the faculty or professional personnel member does not desire a hearing, the Hearing Committee will decide the case on the basis of the evidence already in the Committee's file (which will include all information relating to the case previously submitted during the informal proceedings) and other relevant evidence available to the Committee.

41.2.5. Hearing Committee's Prerogative to Discontinue Formal Proceedings. If at any time during the formal proceedings prior to a hearing the Hearing Committee determines that termination of the faculty or professional personnel member's appointment is clearly not warranted based upon the information already in the Committee's file, the Committee may discontinue the formal proceedings.

In such event, the Chairperson of the Hearing Committee will provide conclusions and the Committee's rationale in writing to the appropriate College Dean, the Provost and Executive Vice President for Academic Affairs, the President, the faculty or professional personnel member, and other University personnel determined by the Hearing Committee Chairperson to have a direct interest. If the Hearing Committee decides that the charges against the faculty or professional personnel member are clearly unsupported, and no disciplinary action is taken, the Committee may direct that all references to the charges be deleted from the individual's personnel record, if the individual agrees. If the Hearing Committee decides that the charges are supported but that termination of the faculty or professional personnel member's appointment is clearly not warranted, the Committee may refer the matter to the Academic Freedom and Ethics Committee for disposition in the manner provided under the informal proceeding described above.

41.2.6. Establishment of Hearing Date.
If there is to be a hearing, the Hearing Committee will establish a time, date, and place for the hearing, after consulting with the faculty or professional personnel member and the University representative. The hearing will be scheduled at such time as to allow the parties sufficient time to prepare their case. However, the hearing will be held within twenty (20) working days after receipt of the request for a hearing, unless the Hearing Committee determines that good cause exists for an extension. All parties will be advised of the procedures to be followed at the hearing, as set forth below.

41.2.7. Hearing Procedures.

41.2.7.1. The hearing will be private. Individuals permitted to be present throughout the hearing include: the members of the Hearing Committee, the Dean, the department Chairperson, the representative of the University, the faculty or professional personnel member, an advisor chosen by the faculty or professional personnel member (who may be an attorney), the Provost and Executive Vice President for Academic Affairs, the President and/or his or her designee(s), the Chairperson of the University Senate, and a recorder chosen by the Hearing Committee. Witnesses, other than the above, may be present only when they are testifying.

If requested by the Hearing Committee, University counsel will meet with the Hearing Committee and/or attend the hearing to advise the Committee on procedural matters. In addition, the representative of the University who presents the case for termination of the appointment of the faculty or professional personnel member may be assisted at the hearing by an advisor (who may be an attorney if the faculty or professional personnel member's advisor is an attorney).

41.2.7.2. The Chairperson of the Hearing Committee will rule on all procedural matters. Any such ruling will be final unless it is overturned by a majority vote of the Committee members present. In such event the decision of the majority of the Committee will be final.

41.2.7.3. The parties must present copies of all documents on which they intend to rely (if not already a part of the Committee's file), and a list of the witnesses they intend to call, to the Chairperson of the Hearing Committee no later than five working days prior to the scheduled hearing date. The Chairperson will distribute copies of all documents presented and the witness lists to the members of the Hearing Committee and to the other party. No other documents or other witnesses may be presented at the hearing by either party without the approval of the Hearing Committee, which approval will only be given for good cause (e.g., the document or witness was not previously known to the party through no fault of the party, or the document or witness is needed for direct rebuttal of evidence submitted by the other party).

All witnesses will be expected to testify personally, if reasonably available. If they are not available, the party offering the witness will furnish a copy of the witness' notarized statement to the Chairperson of the Hearing Committee and to the other party with his or her witness list if possible, and if not, at the hearing. Parties will be responsible for securing the attendance of their own witnesses at the hearing but upon the request of a party, the Hearing Committee will provide reasonable assistance in securing the attendance of a witness.

41.2.7.4. The representative of the University will present his or her witnesses, documents, and arguments first, followed by the faculty or professional personnel member. Then the parties may present their rebuttal evidence, if any, and the Hearing Committee may call any additional witnesses or obtain any additional documents which it feels are necessary or helpful for a complete understanding of the matter. After all documents have been presented and all witnesses have testified, each party will be allowed time for a brief final summation.

The Hearing Committee will ordinarily establish time limits for the presentation of evidence, with a view towards completing the hearing as efficiently as possible, taking into consideration its obligation to hear all relevant and non-repetitive evidence which either party desires to present. The Committee will establish the time limits, if any, after conferring with the parties, and will inform the parties of the time limits promptly after they are established.

41.2.7.5. All statements and remarks made by the parties or by witnesses will be directed to the Hearing Committee. Each party will be given the opportunity to ask questions of the other party or of the witnesses presented by the other party, but all such questions will be directed to the Chairperson, who will then direct the question to the intended party or witness. The Hearing Committee may vary these procedures for asking questions if it so desires.

The Chairperson will screen questions to avoid repetition and eliminate clearly irrelevant matters. None of the parties may interrupt the proceedings, but may gain the attention of the Chairperson by raising a hand. Any person accompanying a party as an advisor may participate fully in the proceedings.

41.2.7.6. A verbatim record of the hearing will be made by the recorder and a copy of the transcript of the hearing record will be sent to the faculty or professional personnel member, and to the Provost and Executive Vice President for Academic Affairs as soon as it is available.

The Hearing Committee will keep an official file, which will include the transcript of hearing record, all documents, statements and exhibits presented at the hearing (identified for convenient reference), and all information relating to the case previously submitted in either the informal or formal proceedings. The official file may be reviewed by any member of the Hearing Committee, by the parties and their advisors, and by any other person approved by the Provost and Executive Vice President for Academic Affairs and the Chairperson of the Hearing Committee.

41.2.8. Findings and Conclusions.

41.2.8.1. The Hearing Committee's confidential deliberations may commence immediately after the conclusion of the hearing, or may be postponed by the Hearing Committee to a later time or date. All decisions of the Hearing Committee must be by a majority vote. The Hearing Committee must make explicit findings with respect to each of the charges contained in the written statement referenced in 41.2.1 above, and it must also make recommendations with respect to the actions, if any, to be taken against the faculty or professional personnel member. If actions are recommended, they may include terminating the appointment of the faculty or professional personnel member or appropriate disciplinary action. The findings and recommendations will be communicated in writing to (1) the faculty or professional personnel member; (2) the immediate administrative superiors; (3) the Provost and Executive Vice President for Academic Affairs; (4) the President; and, (5) the representative of the University, no later

than ten (10) working days after the conclusion of the hearing, unless the Hearing Committee informs the President that it needs additional time.

41.2.8.2. The Provost and Executive Vice President for Academic Affairs, upon receiving the findings and recommendations of the Hearing Committee, will review those findings and recommendations, along with the procedures followed in all of the activities relating to the charges and the hearing. The Provost and Executive Vice President for Academic Affairs is charged with ensuring that appropriate procedures were followed. If the Provost and Executive Vice President for Academic Affairs determines that appropriate procedures were not followed, then he or she may remand the case back to the Hearing Committee along with instructions for rehearing and/or specific remedial action.

41.2.8.3. Upon being satisfied with the procedures followed by the Hearing Committee, the Provost and Executive Vice President for Academic Affairs will forward the findings and recommendations of the Hearing Committee to the President, along with any comments or recommendations that he or she might wish to append.

41.2.8.4. The President, upon receiving the report of the Provost and Executive Vice President for Academic Affairs, may ask for additional information and/or may interview any individual connected with the charges and the hearing. Upon being satisfied with the Provost and Executive Vice President for Academic Affairs' report, the President will append any comments or recommendations of his or her own and send the report, along with the official file, to the Board of Trustees. In most circumstances, the time period following the President's receipt of the Provost and Executive Vice President for Academic Affairs' report, until he or she sends it to the Board of Trustees, should not exceed thirty (30) working days.

41.2.8.5. If the recommendation is to terminate the appointment of the faculty or professional personnel member, the Board must review the case; if the recommendation is not to terminate the appointment, the Board has the prerogative of reviewing the case. If a review is held, it will be based solely on the information and materials in the official file and the reports of the Provost and Executive Vice President for Academic Affairs and the President. The Board may, if it desires, extend to the parties (and/or their designated advisors) the opportunity to present arguments in support of their respective positions, but no new evidence will be presented except in unusual circumstances where the Board determines that such evidence was not available to the party presenting it at the time of the hearing through no fault of the party.

41.2.8.6. If, after review, the Board decides to sustain the findings and recommendations of the Hearing Committee, it will officially adopt such findings and recommendations and arrange for their implementation. If the Board questions one or more of the findings and recommendations, it will confer with the Hearing Committee in executive session, after which it will decide whether to overrule all or part of the findings and recommendations. In either event, the final decision regarding terminating the appointment of the faculty or professional personnel member, or taking other appropriate disciplinary or administrative actions, rests with the Board of Trustees and must be delivered within sixty-five (65) days of receipt of the file from the President. If the Board of Trustees decides that the charges against the faculty or professional personnel member were unsupported by the evidence,

the Board may direct that all references to the charges be deleted from the individual's personnel record if the individual so desires.

**41.3. Cause for Termination**

Cause for Terminating the Appointment of a Faculty Member or Professional Personnel Member on Tenure[53]
The appointment of a faculty member or professional personnel member on tenure may be terminated, in the manner specified above, only for adequate cause related to the fitness of the member in his or her professional capacity. Adequate cause may include, but is not limited to, one or more of the following: (1) incompetence; (2) dishonesty; (3) substantial and manifest neglect of duty; (4) willful disobedience of University rules and regulations.

**41.4. Miscellaneous**

41.4.1. Definitions.

41.4.1.1. If a faculty or professional personnel member is not assigned to an academic unit when action is taken under these procedures, the faculty or professional personnel member's "department chairperson" refers to his or her immediate supervisor, and the faculty or professional personnel member's "College Dean" refers to the appropriate University officer (the Executive Assistant to the President or the University Vice President superior to the person whose conduct is in question). In such cases, the Provost and Executive Vice President for Academic Affairs' responsibilities under Subsections 41.2.1, 41.2.2, 41.2.8.2, and 41.2.8.3 of the Formal Proceedings (Section 41.2) will be carried out by the President instead of the Provost and Executive Vice President for Academic Affairs.

41.4.1.2. The term "working days" refers to days in which the University is in session (i.e., formally scheduled class days), excluding Saturdays, Sundays, and holidays officially recognized by the University.

41.4.1.3. The term "representative of the University" refers to the person appointed by the Provost and Executive Vice President for Academic Affairs to present the case against the faculty or professional personnel member.

41.4.2. Confidentiality.

All actions, hearings, evidence, files, and records from these proceedings will be private and confidential unless otherwise provided by law, or unless otherwise required by a final court order or in the written opinion of University counsel. Access will be limited to the parties and their advisors, the Hearing Committee, and other persons with a legitimate interest as approved by the Provost and Executive Vice President for Academic Affairs and the Chairperson of the Hearing Committee. Final action by the Board of Trustees or a Committee of the Board will be taken at a public meeting.

41.4.3. Other Cases to Which Procedures Apply.

The procedures described in 41.1 and 41.2 above will also apply in any case (1) where the University proposes to release a non-tenured tenure-line full-time faculty or professional personnel member during the probationary period with less advance notice than that specified in the Faculty and Professional Personnel Handbook, under "Policy Statements for Tenure," or (2) where the University proposes to dismiss a faculty or professional personnel member (whether in a regular or a special assignment) during the term of his or her contract.

41.4.4. Cases to Which Procedures Do Not Apply.

The procedures described in 41.1 and 41.2 above will not apply in any cases (1) involving termination of the appointment of a non-tenured faculty or professional personnel member, except as provided in 41.4.3 above, (2) involving a reduction in force when the University declares a state of exigency, (3) involving termination of the appointment of a tenured or non-tenured faculty or professional personnel member for medical reasons, or (4) involving the mandatory retirement of a faculty or professional personnel member on account of age. The University may adopt separate procedures applicable to such cases.

41.4.5. Time Limitations.
Time limitations for actions to be taken under 41.1 and 41.2 above will not apply where precluded by legal action.

# 42. PROCEDURES FOR DISCIPLINARY ACTIONS OTHER THAN TERMINATION[54]

**42.1. Functions**

The Academic Freedom and Ethics Committee (AF&E) of the Faculty Council (FC) will serve two basic functions.

42.1.1. It will develop and review guidelines and policies for academic freedom and ethics issues for the University.

42.1.2. It will review cases involving allegations of (a) violations of ethical standards; (b) interference with academic freedom; (c) other inappropriate behavior by faculty or professional personnel members. *

**42.2. Procedures for Handling Cases**

42.2.1. Processing Cases

42.2.1.1. Cases within the jurisdiction of the committee may be brought to the Committee's attention by any faculty member or professional personnel member.

42.2.1.2. Allegations must be submitted in writing to the Chairperson of the Faculty Council and must contain specific documentation supporting each of the allegations.

42.2.1.3. The Chairperson of the Faculty Council will forward a copy of the allegations and supporting documentation to the Chairperson of the Academic Freedom and Ethics Committee and to the person whose behavior is in question. These documents shall be delivered within 10 working days following their receipt by the Chairperson of the Faculty Council.

42.2.1.4. After completing its review of a case, and prior to submitting its written report to the Chairperson of the Faculty Council, the Academic Freedom and Ethics Committee may arbitrate the differences between the person(s) who initiated the matter and the person(s) whose behavior is in question (the involved parties). If agreement is reached, the written report to the Chairperson of the Faculty Council shall set forth the terms of the agreement.

42.2.1.5. The findings and recommendations of the Academic Freedom and Ethics Committee will be submitted in writing to the Chairperson of the Faculty Council, the involved parties, the appropriate University officer** and other University personnel determined by the Academic Freedom and Ethics Committee to have a direct interest. This report will be forwarded within 10 working days of its approval by the Academic Freedom and Ethics Committee.

* Examples of inappropriate behavior include, but are not limited to: moral turpitude, neglect of duty, insubordination, and violation of institutional rules.

** The phrase "appropriate University officer" used in these procedures refers to the Executive Assistant to the President or the University Vice President superior to the person whose conduct is in question, unless that Officer is an involved party.
If the Vice President or Executive Assistant to the President is an involved party, then the President is considered to be the "appropriate University officer."

42.2.2. Procedures

42.2.2.1. The Academic Freedom and Ethics Committee will examine the documentation and other information it deems pertinent to the case. The Academic Freedom and Ethics Committee will do this by receiving statements from the involved parties and anyone else the committee believes may be able to provide relevant information.

42.2.2.2. The involved parties shall have the right to be accompanied during any appearance before the committee by an observer who is a full-time (tenure-line or non-tenure-line)[55] faculty or professional personnel member. An involved party will be given at least 10 working days advance written notice by the Chairperson of the Academic Freedom and Ethics Committee of the date, time, and place of any meeting of the committee which the party is requested to attend. Within 5 working days after receiving this notice, the party will submit to the Chairperson of the Academic Freedom and Ethics Committee in writing the name of the observer, if any, who will accompany the party. The party may consult with the observer during the meeting, but the observer will not actively participate in the proceedings.

42.2.2.3. The Academic Freedom and Ethics Committee's review of the case will be conducted in an informal manner. All participants shall maintain the confidentiality of the proceedings. All actions, evidence, files, and records from the proceedings will be private and confidential, unless otherwise provided by law, as interpreted in writing by University counsel, or unless otherwise required by a final court order. Because the matters under consideration by the committee may be extremely sensitive to the persons involved, only persons invited by the Academic Freedom and Ethics Committee may attend its meetings. For the same reasons, recording devices will not be allowed.

42.2.2.4. Minutes of all meetings will be kept.[56] All minutes and documentary evidence submitted to the committee will be open to inspection by the involved parties, the Academic Freedom and Ethics Committee members, and the appropriate University officer. The minutes and documentary evidence will be kept by the appropriate University officer for at least one year from the close of the case by the Academic Freedom and Ethics Committee or until appeals and/or sanctions are completed (whichever is longer).

42.2.2.5. Upon completion of the deliberations, the Academic Freedom and Ethics Committee will formulate a report containing its findings and recommendations (see 42.2.1.5 above).

42.2.2.6. All personal notes taken by individual Academic Freedom and Ethics Committee members will be kept confidential by the Chairperson and destroyed after approval of the final report by the Academic Freedom and Ethics Committee.[57]

**42.3. Recommended Dispositions**

42.3.1. The Academic Freedom and Ethics Committee may recommend to the appropriate University officer the exoneration of the faculty or professional personnel member whose behavior is in question.

42.3.2. The Academic Freedom and Ethics Committee may find that the person did engage in inappropriate behavior and may recommend to the appropriate University officer:

42.3.2.1. No sanctions be imposed;

42.3.2.2. A written reprimand;

42.3.2.3. A fine (not exceeding 5 percent of the person's annual contract base salary);

42.3.2.4. Probation (not exceeding one year). Probation is defined as the conditional withholding of a more severe sanction. The Academic Freedom and Ethics Committee will recommend the length and terms of probation and the monitoring officer(s). If a person is believed by the designated monitoring officer(s) to have violated the terms of probation, the officer(s) may recommend to the appropriate University officer that the withheld sanction be imposed and, in appropriate cases, that formal proceedings for dismissal be instituted;

42.3.2.5. Suspension without pay, or with partial pay (not exceeding one year);

42.3.2.6. Institution of formal proceedings for dismissal.

42.3.3. Combinations of sanctions may be recommended where appropriate. When a sanction other than 43.3.2.6 is recommended, the terms may include a recommendation that the person take reasonable action to remedy or to make restitution for a situation created by his or her behavior.

42.3.4. The Academic Freedom and Ethics Committee may find the allegation(s) submitted by the person(s) who initiated the matter to be baseless and appear to have been made in bad faith. In these cases, the Academic Freedom and Ethics Committee may recommend to the appropriate University officer that he or she institute an investigation in relation to this matter.

**42.4. Findings and Conclusions**

The appropriate University officer will review the findings and recommendations of the Academic Freedom and Ethics Committee along with the procedures followed in all of the activities relating to the charges. He or she is charged with ensuring that appropriate procedures were followed. If he or she determines that appropriate procedures were not followed, then he or she may remand the case back to the committee along with instructions for specific remedial action. If the affected faculty or professional personnel member believes that prescribed procedures have not been followed or does not feel the findings and recommendations of the Academic Freedom and Ethics Committee are appropriate, he or she may, within 10 working days of receipt of the written findings and recommendations of the Academic Freedom and Ethics Committee, request a conference with the appropriate University officer. Upon receiving such a request, the officer will meet with the affected faculty or professional personnel member, and the officer will not take any disciplinary action against the faculty or professional personnel member prior to such meeting. The faculty or professional personnel member may have a supporting faculty or professional personnel member present if he or she so desires. The decision regarding the action, if any, to be taken rests with the appropriate University officer. The decision of the appropriate University officer will be communicated to the faculty member or professional personnel member in writing with copies of action taken being sent to the following persons: Department Chairperson or Unit Head, College Dean (if appropriate), and the Provost and Executive Vice President for Academic Affairs. The Office of the Provost and Executive Vice President for Academic Affairs would serve as the repository for the Academic Freedom and Ethics Committee on all completed proceedings pertaining to disciplinary action other than termination. No disciplinary action will be taken until all possible appeals have been completed.

**42.5. Appeals**

42.5.1. If the decision of the appropriate University officer is that formal proceedings for dismissal should be instituted (sanction 42.3.2.6), the case will thereafter be subject to the "Procedures in Cases Where Termination of a Tenured Faculty or Professional Personnel Member's Appointment is Proposed," Section 41.2 (Formal Proceedings).

42.5.2. If the decision of the appropriate University officer is that disciplinary action other than formal proceedings for dismissal should be taken, the faculty or professional personnel member may appeal that decision to the President (unless the appropriate University officer is the President, in which event no further appeal will lie). Such appeals must be filed in writing by the faculty or professional personnel member within 10 working days of receipt of the written decision of the appropriate University officer, setting forth the reasons(s) why the decision should be overturned. In all such cases the President will make the final decision and no further appeals will be permitted.

# 43. POLICY FOR THE EVALUATION OF TEACHING[58]

43.1. Ball State University recognizes the importance of its teaching mission. Evaluation of teaching plays a primary role in providing students with the best possible educational experience and in allowing faculty to develop to their full potential as teachers. Therefore, faculty must annually evaluate their teaching by a variety of means.

43.2. In addition to its primary role in improving teaching, evaluation of teaching plays a role in personnel decisions such as promotion, tenure, and merit pay. The evaluation of teaching for personnel decisions must be fair and systematic. The variety of course delivery formats (i.e., interdisciplinary, team-taught, Internet, and hybrid) requires evaluations which reflect the unique aspects of these delivery systems. Departments are required to review the items and evaluation procedures at least once every three years to determine if their evaluation methods remain valid and reliable.

43.2.1. Each department will devise procedures, to be approved by its college, for regularly conducted evaluation of teaching, including student ratings.

43.2.1.1. Ratings by students will be conducted each year on a regular schedule as specified by the University Senate, suitably administered, summarized, and available for review during personnel decisions.

43.2.1.2. When the faculty member's assignment includes teaching, these ratings will be done in every class if the minimum number of students (n=4) is enrolled.

43.2.1.3. At the discretion of the department and/or college, the results of student ratings may be used for promotion, tenure, salary, and merit decisions.

43.2.2. In addition, each faculty member's teaching will be evaluated by at least one of the following means each year[102]:

43.2.2.1. Peer review of teaching, such as classroom visitation, evaluation of syllabi, examinations and other classroom materials;

43.2.2.2. Chairperson review of teaching, such as classroom visitation, evaluation of syllabi, or evaluation of examinations;

43.2.2.3. Peer or chairperson review of a teaching portfolio.

All of the above means will be available to the individual faculty member.

43.2.3. Colleges and departments are encouraged to use as many other methods of evaluation as they see fit. Examples include a personal statement describing teaching goals; evidence of significant involvement in curriculum development; or a significant contribution to the pedagogy of the field.

43.2.4. Annually, each department chairperson must make each faculty member aware of the departmentally approved methods to be used for the evaluation of teaching.

## 44. GUIDELINES TO BE FOLLOWED IN EVALUATION OF TEACHING

To facilitate the fair and systematic evaluation of teaching, the University has developed the following requirements.

44.1. Student ratings are to be used as an aid to the improvement of teaching and for personnel matters when used as part of the evidence upon which decisions are based.

44.1.1. Improvement of Teaching

During the term, student feedback may be solicited to assist in making improvements in a current course or subsequent offerings. A variety of methods can be used, such as formal surveys, open-ended questionnaires, or informal essays, but any student statistical ratings are to be anonymous. Every department, with college approval, will make provisions to assure that no student is penalized for expressing his or her opinion. This student feedback is designed to improve one's teaching, and is not appropriate for making personnel decisions.

44.1.2. Personnel Decisions

44.1.2.1. Near the end of the course, a rating form adopted by departments to evaluate teaching will be administered online to students enrolled in classes currently taught within the department. The evaluation period shall end on the last day of regularly scheduled classes. This rating form can include formal surveys, open-ended questionnaires and/or informal essays. Every reasonable effort will be made to protect the anonymity of student responses. Departments, with the approval of colleges, will make provisions to assure that no student is penalized for expressing his or her opinion.

44.1.2.2. A designated University office will summarize statistical data gathered from student ratings. Departments, with the approval of colleges, will make provision to ensure the confidentiality and integrity of the data. Pooled data, without any traceable reference to the instructor, may be maintained for norming and research.

44.1.2.3. The University Teaching Evaluation Committee will develop a set of core questions to be administered to all students. The purpose of these core questions is to generate pooled data for purposes of norming and research.

44.1.2.4. Departments and/or colleges may use the data from core questions for promotion, tenure, salary, and merit decisions.

44.2. Implementation of Policy

The University Senate has established policies for the selection of courses, frequency of evaluation, timing of administration/completion, adjustment for exceptional circumstances, and reporting of results.

44.3. Methodological and Statistical Considerations

Sound methods and statistical procedures are to be followed. Among these are the following:

44.3.1. Statistical summary of information from classes with ten (10) or fewer responses should be avoided. Other methods of evaluation are recommended in this case.

44.3.2. Information derived from teaching rating forms will not be disseminated to or received by a faculty member's peers, department chairperson, any Promotion and Tenure committees, or anyone else

unless it is accompanied by a copy of the evaluation questions used and copies of any instructions provided to those completing the forms.

44.3.3. Information relating to any individual faculty member and derived from different evaluation forms which include different items and configurations of items will never be averaged nor co-mingled.

44.3.4. Electronic access to student evaluations is limited to the instructor and his/her department chair.

44.3.5. Arbitrary thresholds for rating of instruction values should be avoided, but class means that are substantially below the department average (e.g., two standard deviations) should be examined for context and may be deemed unsatisfactory.

44.4. Administration of Student Ratings in a Classroom Setting Using a Lab or Personal Computers.

44.4.1. The rating form is to be administered in a professional manner by someone other than the instructor. The instructor is to be absent throughout the evaluation process.

44.4.2. Instructors and/or students will not in any way attempt to influence the outcome of this rating.

44.4.3. Students will be instructed that if there are any violations of 44.4.1 or 44.4.2 above, the nature of the violation(s) should be reported to the chairperson of the department or the college dean if the department chairperson is teaching the course.

44.4.4. The instructor will not have access to the ratings or the data before the course grades are posted.

44.5. In accordance with the Policy for the Evaluation of Teaching, the following guidelines are provided:

44.5.1. Each department will devise a form for assisting the chairperson's review of faculty members' teaching. Samples of suggested forms will be available in each dean's office. The adopted form will be appended to the department's Promotion and Tenure Document and Merit Pay Document and be submitted to the appropriate college and University committees for approval.

44.5.2. Each department will devise a form for assisting peer review of faculty members' teaching. Samples of suggested forms are available in each dean's office. The adopted form will be appended to the department's Promotion and Tenure Document and Merit Pay Document and be submitted to the appropriate college and University committees for approval.

44.5.3. For chairperson and peer review of teaching portfolios the department and colleges will develop guidelines to standardize and limit materials in consultation with the Office of Educational Excellence.

44.6. The Teaching Evaluation Committee will review these procedures at least every three years and will review and report on student rating forms and departmental policies.

## 45. POLICY FOR EVALUATION OF SCHOLARSHIP[59]

45.1. Ball State University recognizes the importance of providing a climate in which professors pursue independent or collaborative scholarly activities or creative endeavors.

45.1.1. Departments will recognize and reward the four areas of scholarship: discovery, integration, application, and teaching.

45.1.2. Each department or school shall define its own emphases and the appropriateness of each faculty member's scholarly productivity and creative endeavors.

45.1.2.1. Faculty shall NOT be required to participate in each of the four areas of scholarship.

45.1.3. Each faculty member shall communicate clearly to the chairperson or director his or her goals and accomplishments which contribute to the departmental goals and emphases.

45.1.4. Each faculty member shall communicate clearly to the chairperson or director the appropriateness of his or her creative endeavors and means of disseminating results of scholarly productivity. The

traditional methods of dissemination through refereed publications, presentations, exhibitions, productions, concerts, and other recognized professional formats currently evolving will be considered.

## 46. Policy For Evaluation Of Service[60]

46.1. Ball State University recognizes the importance of providing a climate in which professors can remain active in their professional activities and organizations and can provide service to the University, community and state. Such activities can include consulting; officer of/membership in professional organizations; officer of/membership in departmental, school, college, or University committees; and advising, etc.

46.1.1. Each department or school shall define its own emphases and the appropriateness of each faculty member's professional citizenship and outreach activities.

46.1.2. Each faculty member shall communicate clearly to the chairperson or director his or her goals and accomplishments which support the departmental goals and emphases.

46.1.3. Each faculty member shall communicate clearly to the chairperson or director the appropriateness of the service and how it enhances his or her teacher/scholar role.

## 47. Meeting Classes And Following Examination Schedule[61]

When a faculty member persists in violating the policy on meeting classes and/or following the examination schedule, the following steps will be followed.

47.1. A personal conference will be held between the faculty member and the department chairperson concerned (at the call of the department chairperson) to outline the policy and alert the faculty member to the need for change in his or her method of meeting his or her responsibilities.

47.2. If the violations do not cease, a formal letter of censure will be written, signed by the department chairperson and the college dean, with copies going to the faculty member and into his or her official University personnel file.

47.3. If the violations still do not cease, a reduction in the faculty member's pay will be made; such reduction to be approved by the department chairperson, the college dean, and the Provost and Executive Vice President for Academic Affairs. The faculty member will be notified in writing that this action is being taken as soon as the decision is confirmed by all three administrators involved.

47.4. If violations still do not cease, these violations will be sufficient cause for dismissal from the faculty through dismissal and appeal procedures for tenured and non-tenured faculty as outlined in the Faculty and Professional Personnel Handbook.

47.5. At any time in the steps outlined in 47.2, 47.3 and 47.4 above, the faculty member may petition for and must be granted an appeals hearing according to established University policy.

## 48. Leaves And Absence From Duty[63]

## 48.1. SPECIAL ASSIGNED LEAVE WITH PAY PROGRAM[62]

48.1.1. Purpose

48.1.1.1. The purpose of the special assigned leave with pay program is to enable the faculty and professional personnel to carry out with increased effectiveness teaching, scholarly productivity, and public service.

48.1.2. Eligibility

48.1.2.1. All tenured faculty and those professional personnel (including contract coaches) who are in their fifth or subsequent year of full-time employment at the University are eligible to apply for a special assigned leave with pay. An individual may not receive a special assigned leave with pay more often than once within any five-year period, but may apply for his or her special assigned leave with pay during the fifth year of full-time employment or fifth year since a previous special assigned leave with pay. Tenure-track faculty with a start date before August, 2016, may apply for special assigned leave with pay during or after the fifth year of full-time employment.

48.1.3. Committee Composition

48.1.3.1. The membership of the Special Leave Committee shall consist of the following: Seven tenure and tenure track faculty members, one elected from each college, for staggered three-year terms. The Provost and Executive Vice President for Academic Affairs, ex officio, or a designee, will be a non-voting member of the Special Leave Committee. Any applicant for Special Leave will not be eligible for membership on the committee during that year.[64]

48.1.4. Committee Responsibilities

48.1.4.1. The responsibilities of the Special Leave Committee are: to initiate, monitor, evaluate, and recommend policies and procedures concerning leaves of absence; to solicit applications for special assigned leaves with pay, to evaluate and rank the applications according to established criteria, to report its findings according to established policies; and to act in an advisory capacity to those who administer other leaves of absence programs.

48.1.5. Application Procedures[65]

48.1.5.1. Copies of application blanks and contract forms should be obtained from the appropriate dean's office. In order for an application to be considered, the application forms must be completed and in the hands of the applicant's department chairperson and the chairperson of the University Special Leave Committee on or before 5:00 p.m. on the fourth Monday in October in order to assure consideration for the subsequent academic year. Special assigned leaves with pay are recommended by the Special Leave Committee to the Provost and Executive Vice President for Academic Affairs, who in turn makes his or her recommendations to the President. The President presents his or her recommendations for special assigned leaves with pay to the Board of Trustees. Applications will be processed as follows:

48.1.5.1.1. Applicants must file the original copy of the application, departmental comments, and comments and recommendations of the College dean (with the original on top) with the department chairperson, or, if the applicant is a professional personnel member, with the University officer. Application must include:

48.1.5.1.1.1. SPECIAL LEAVE APPLICATION COVER SHEET (Please type)

48.1.5.1.1.2. CURRICULUM VITAE (not to exceed 6 typewritten pages)

48.1.5.1.1.3. APPLICATION FOR SPECIAL LEAVE (not to exceed 6 double-spaced typewritten pages)

The original must have COMMENT FORMS attached.

In the event that an individual has major responsibilities in two departments or administrative units, he or she should file a copy with each department chairperson or immediate supervisor involved.

48.1.5.1.2. Within five (5) school days after the fourth Monday in October, the department through the chairperson will review the applications and, with suitable comments, will forward recommendations, applications, and comments to the College Dean. Comments must include a statement of how applicant's load will be covered if the leave is granted. Recommendations must include a ranking if more than one applicant.

48.1.5.1.3. Within ten (10) school days after the fourth Monday in October, the College Dean will forward the original of his or her recommendations, applications, and any comments to the Office of the Provost. Applications will then be available to the chairperson and members of the Special Leave Committee via Canvas.

48.1.5.1.4. The department chairperson, college dean or University officer, and Special Leave Committee will consider the following three factors (listed in order of importance) in forming their recommendations:

48.1.5.1.4.1. The nature of the proposed leave and its probable value to the applicant, his or her department, college, and the University in light of the leave purpose stated in Section 47.1.1 above;

48.1.5.1.4.2. The applicant's service to the University (defined to mean teaching and curriculum development, departmental leadership, grants, research, publications, advising, committees and offices, community activities, participation in state, regional, and national organizations and other activities which benefit or bring recognition to the University).

48.1.5.1.4.3. The years the applicant has accrued since his or her most recent leave at the University.

48.1.5.1.5. After careful study, the Special Leave Committee will rank applications recommended according to the above criteria and will submit a general report to the Faculty Council. The report will contain the following elements:

48.1.5.1.5.1. A statement of the total number of applications filed;

48.1.5.1.5.2. Procedures employed by the Committee in accomplishing its work;

48.1.5.1.5.3. Certification that the policies outlined herein were followed in arriving at ranking of applications.

48.1.5.1.5.4. The committee will not consider applications that do not follow all guidelines explicitly.

48.1.5.1.6. The Special Assigned Leave Committee will present its report to Faculty Council no later than February 21, with rankings to the Provost and Executive Vice President for Academic Affairs, who will consult with the President as to the total number of leaves to be granted. The Provost and Executive Vice President for Academic Affairs and the President will honor the rankings submitted by the Special Leave Committee and report their recommendations to the committee. The President is responsible for the ultimate recommendation concerning leaves that is made to the Board of Trustees and will announce those leaves that have been approved by the Board[66]

48.1.6. Guarantees

48.1.6.1. The person on such leave must agree in writing to return to the institution for at least one academic year or equivalent time if total leaves are of more than one year duration, or to return proportional leave payments to the University. This provision may be waived at the discretion of the President and Board of Trustees. The University guarantees the returning person the former position. This is interpreted to include teaching of the same courses taught prior to taking leave insofar as is possible. Persons on special assigned leave with pay for the academic year must indicate on or before March 15 their intention to return. Please remember that reports are due to the Provost within ninety (90) days of leave completion.

48.1.7. Time and Pay Combinations[67]

48.1.7.1. 7.1 Leaves with pay are taken as follows:

48.1.7.1.1. One semester at full pay or two semesters at half pay after five years' service at the institution;

48.1.7.1.2. After such leave, computation of accrued time toward eligibility status begins anew with the fall semester of the next academic year.

48.1.8. Leave Payments

48.1.8.1. Leave salary is paid in equal monthly payments, as is the salary of regularly scheduled personnel, or according to some other plan mutually agreeable to the University and the person going on leave. Specifications of manner of payment of leave salaries are included in the specified Leave Contract.

48.1.9. Implementation

48.1.9.1. Suggestions for orderly implementation of the program are as follows:

48.1.9.1.1. Whenever possible, leaves should be arranged when the class load is light in a department;

48.1.9.1.2. Other instructors should not be asked to carry an extra class load;

48.1.9.1.3. Well qualified persons should be hired as substitutes. Graduate assistants should not be widely used for this purpose;

48.1.9.1.4. Hiring of substitutes for college courses should be at the lower salary levels whenever possible.

48.1.10. Contract Status

48.1.10.1. While on such leave the individual is considered to be in the employ of the University and is entitled to all benefits accruing to personnel performing regular duties.

48.1.11. Specified Leave of Absence With Pay Documents

48.1.11.1. Approved leave application and leave contract forms are provided by the University and must be used for any leave obtained under these arrangements. These forms are available in the office of the college dean.

48.1.12. Report

48.1.12.1. Upon conclusion of the special assigned leave, an electronic report is to be filed within ninety (90) days with the department chairperson to be forwarded via the appropriate dean to the Provost and Executive Vice President for Academic Affairs. Failure to file this report may jeopardize consideration of the person for further leaves.

48.1.13. Non-Use of Leave[68]

48.1.13.1. Special Leaves shall be granted only in the year for which they are approved. Changes within the academic year shall be granted by the Provost and Executive Vice President for Academic Affairs with the approval of the Department Chairperson and Dean.

## 48.2. Assigned Leave With Pay Program[69]

48.2.1. In addition to leaves approved by the University Special Leave Committee following the normal procedure set forth herein, the Dean of a College, or the appropriate University officer in the case of professional personnel, has the authority to grant assigned leaves with pay, in such cases where University salary funds are not needed to replace the individual who receives such a leave. All such leaves must be approved by the Provost and Executive Vice President for Academic Affairs, the President, and the Board of Trustees, and may be granted only for purposes that benefit the University and assist it in fulfilling its educational mission.

48.2.2. The person on such leave must agree in writing to return to the institution for at least one academic year or equivalent time if total leaves are of more than one year duration, or to return proportional leave payments to the University. This provision may be waived at the discretion of the President and Board of Trustees. The University guarantees the returning person the former position. This is interpreted to include teaching of the same courses taught prior to taking leave insofar as is possible.

## 48.3. Paid Sick Leave[70]

48.3.1. Faculty and professional personnel unable to work as a result of illness or injury are eligible to participate in the paid sick leave program.

48.3.2. An allowance of twelve days of paid sick leave are provided each fiscal year for full time faculty and professional personnel assigned on an academic or fiscal year basis. Paid sick leave allowance may accumulate to a maximum of 90 days.

48.3.3. This policy also applies to full time non-tenure-line faculty assigned at least one academic semester. The number of paid sick days allowed is prorated on a semester basis.

48.3.4. Paid sick leave regulations apply only if the person is actively employed at the time of illness. Paid sick leave is to be used only for illness of the faculty member or for the care of a family member during an illness of that family member. Employees may use an additional sixty (60) days/four hundred and eighty (480) hours of earned sick leave balances in a fiscal year for the care of a family member with a serious health condition, as defined in the Family and Medical Leave Act.

48.3.5. The employee shall be required to submit a formal application, with supporting documentation, to use additional leave beyond the ten (10) days/eighty (80) hours currently allowed for routine care.

## 48.4. MILITARY LEAVE[71]

48.4.1. A leave of absence will be granted to an employee who is called to tours of training duty.
An eligible employee is entitled to a short-term Military leave with pay not to exceed fifteen (15) calendar days or ten (10) working days in any one calendar year. Evidence, such as military orders, must be submitted to University Human Resource Services before approval for pay will be given.

48.4.2. Active-duty military leave of more than fifteen (15) calendar days or ten (10) working days will be without pay. Extended Military leave without pay of up to and including five (5) years may be granted after the date of induction, enlistment, or call to active duty.

48.4.3. Benefit plans may be continued during military leave. The employee must make arrangements with the Payroll and Employee Benefits Office for the payment of insurance premiums during the duration of the leave.
(Please refer to: https://www.bsu.edu/about/administrativeoffices/payrolleb/time-off for most current leave policies)

48.4.4 A leave of absence without pay of up to ten (10) working days during a calendar year will be granted to the spouse, child (biological child, adopted child, foster child, or stepchild), parent (defined as biological father or mother, adoptive father or mother, a court appointed guardian or custodian, a foster parent, or a stepparent), grandparent (defined as a biological grandparents, an adoptive grandparent, a foster grandparent or a step grandparent), sibling (defined as a biological brother, or sister, a foster brother or sister, or a stepbrother or stepsister) of a person ordered to active duty in the United Stated armed forces or the National Guard. The employee must have been employed by Ball State University for at least 12 months and have worked at least 1,500 hours during the 12-month period immediately preceding the day the leave begins. The employee is expected to provide written notice and a copy of the active-duty orders if available before taking the leave. The employee may take the leave of absence during one or more of the following periods: 1) during the 30 days before active-duty orders are in effect; 2) during a period in which the person ordered to active duty is on leave while active-duty orders are in effect; 3) during the 30 days after the active-duty orders are terminated. An employee taking such leave is to be restored to the position the employee held before the leave or to an equivalent position. Also, the employee may continue the employee's health care benefits with the university continuing to pay its share of the premium contribution. An eligible employee may elect or an employer may require the employee to substitute any earned paid vacation, personal leave, or other paid leave except for paid medical or sick leave available to the employee for leave during the ten-day period. An employee may be eligible for child care assistance from the Indiana Military Family Relief Fund. (2009 SEA 356)

## 48.5. Family and Medical Leave[72]

48.5.1. Under the Family and Medical Leave Act (FMLA), tenure-line full-time, continuing non-tenure-line, and non-tenure-line, and other faculty and professional personnel who have been employed by the University for at least 12 months and have worked at least 1,250 hours during the 12 months prior to the start of the leave, are eligible to take up to 12 weeks of unpaid, job-protected leave in a 12-month period (defined as the 12-month period measured backward from the date the employee uses FMLA leave): (a) to care for his or her child after birth, or placement for adoption or foster care; (b) to care for his or her spouse, son, daughter or parent who has a serious health condition; or (c) for a serious health condition that makes the faculty or professional employee unable to perform his or her job. The FMLA permits employees to take this leave on an intermittent basis or to work a reduced schedule under certain circumstances.

48.5.2. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider. With continuing treatment, the period of incapacity must require absence of more than three calendar days from work, school, or other regular daily activities; except that the three day requirement does not apply in the case of incapacity: (a) due to pregnancy or for prenatal care; (b) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or (c) that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.).

48.5.3. If the need to take FMLA leave is foreseeable, faculty and professional personnel must notify their department chairperson or administrative supervisor sufficiently in advance to allow time for replacement teaching and other arrangements to be made, but in no event less than 30 days before the leave is to begin. If the need is not foreseeable, notice must be given as soon as practicable (generally within one or two business days of learning of the need to take FMLA leave).

48.5.4. FMLA leave shall be concurrent with existing maternity, child care, paid sick leave, and other paid/unpaid leaves of absence which are taken for FMLA reasons and designated as FMLA leave. FMLA leave will not be provided beyond the end date of a fixed-term appointment.

Approved by the Board of Trustees on July 22, 2016, there are further enhancements to Sick Leave to Care for a Family Member/Foster Care and Adoption Leave. Please contact the office of University Human Resource Services for more information.

## 48.6. Other Leaves of Absence

48.6.1. Leave for Study

For tenure-line full-time faculty and professional personnel with over five years of continuous full-time service, a leave of absence without pay of up to and including 12 months may be granted to an employee to provide an opportunity to gain additional education and skills to better fulfill the specified responsibilities of an employee's present position at the university, related to his/her potential development with the university, or as part of a program leading to a degree. Benefit plans may be continued for eligible employees.

For Ball State University classes only, the Educational Assistance Program may be available to an eligible employee using Leave for Study.

A Leave for Study form, available in University Human Resource Services, requires the approval of the supervisor, department head, dean/vice president, and University Human Resource Services. An eligible employee may use the "Educational Assistance Program" or the "Sixty Years or Older Policy", but not both during Leave for Study.

If the employee fails to return to work at the university on or before the expiration of the Leave for Study, the employee will be considered to have resigned from the university. If the employee fails to return to work at the university at the end of the leave and work for a period of time equal to the length of the leave, he or she must repay the portion of the benefit costs, including insurances and Educational Assistance if applicable, paid by the university during the Leave for Study.

48.6.2. Leave for Danforth, Fulbright, or Government-Arranged Assignments

48.6.2.1. Faculty and professional personnel may be granted a leave without pay Danforth, or Fulbright fellowship appointment or Government arranged assignments.

48.6.3. Leave for Family Emergencies

48.6.3.1. Faculty and professional personnel may be granted a leave for family emergencies without pay for a period of time not to exceed six consecutive months.

48.6.4. Leave for Personal Reasons

48.6.4.1. Faculty and professional personnel may be granted a leave without pay for personal reasons for a period of time not to exceed one calendar year.

48.6.5. Parental Leave Policy

48.6.5.1. This policy takes effect on July 1, 2017 and applies to births or adoptions that occur on July 1, 2017 or after that date. This policy eliminates the former Pregnancy, Maternity, and Child Care Leave policies.

48.6.5.2. Ball State University offers up to twenty-six (26) weeks of leave to eligible full and part time faculty, professional, and staff employees for the birth or adoption of a child. The purpose of Parental Leave is to promote work life balance by providing eligible parents with the time needed to recover from childbirth, to care for and bond with their child, and/or to balance their professional and work obligations while adjusting to their new family environment. This policy provides for both paid and unpaid Parental Leaves.

48.6.5.3. Eligibility for Parental Leave

48.6.5.3.1. This benefit is available to full and part-time faculty, professional and staff employees. Temporary employees, semester non-tenure-line faculty, service employees, graduate assistants and student employees are not covered by this policy.

48.6.5.3.2. To be eligible for paid parental leave, an employee must be appointed to a full-time, benefit eligible position and been employed by the University for twelve (12) continuous months when the parental leave period begins. An employee who attains twelve (12) months of service within six (6) weeks immediately following the birth or adoption of a child will be eligible to receive a pro-rated amount of paid parental leave.

48.6.5.4. Parental Leave General Provisions

48.6.5.4.1. Parental leave may be used for birth or adoption of a minor child. The adoption of a child by a new spouse is excluded from this policy.

48.6.5.4.2. The University provides for a maximum of twenty-six (26) weeks of parental leave on either a full or half-time continuous basis to be used within one year immediately following the birth or adoption of a child. Parental leave may not be taken on an intermittent basis. Taking leave on a half-time basis will not extend the twenty-six (26) week limit. The twenty-six (26) week limit commences with the first day of parental leave used (paid or unpaid). Multiple births or adoptions do not increase the amount of paid parental leave or extend the twenty-six (26) week limit for that event.

48.6.5.4.3. Parental leave is divided into two categories: paid parental leave and unpaid parental leave. Parental leave runs concurrently with the Family and Medical Leave Act (FMLA), as available.

48.6.5.4.4. If both parents are employed by Ball State, they make take the parental leave concurrently or at separate times. Each may request up to twenty-six (26) weeks of parental leave (paid/unpaid).

48.6.5.4.5. Professional and Staff employees who elect to take parental leave on a half-time basis will work one-half day each day they are normally scheduled. Alternate working schedules must be pre-approved by Human Resources and the appropriate Dean or Associate Vice President. Faculty who elect to work half-time are required to have an approved plan of not less than fifty (50) percent time that includes instructional assignments and must be pre-approved by the Chair, Dean and Human Resources.

48.6.5.4.6. Unpaid parental leave may be taken on a full-time or part-time continuous basis and is normally unpaid. An employee may elect to use vacation or compensatory time as available, but is not required to do so.

48.6.5.4.7. An employee who is not eligible for paid parental leave may be eligible to use available sick leave as outlined in the applicable sick leave policy. In cases where the medical provider has deemed it medically necessary for an employee to be off work, available sick leave balances must be used.

48.6.5.4.8. Tenure-track faculty members who are eligible for parental leave (paid or unpaid) may request an extension of their probationary period as outlined in the University Promotion and Tenure Document.

48.6.5.5. Paid Parental Leave General Provisions

48.6.5.5.1. Eligible employees are entitled to a maximum of six (6) weeks of paid parental leave following the birth or adoption of a child. Paid parental leave does not reduce the employee's accrued time under any of the other paid leave programs. Paid parental leave is paid at 100% of the employee's regular pay

48.6.5.5.2. Paid parental leave must be used within six (6) months immediately following the birth or adoption; except that paid parental leave may commence prior to the event when deemed medically necessary or required to fulfill the legal requirements for the adoption. The use of paid parental leave prior to the birth or adoption of a child must be pre-approved by Human Resources.

48.6.5.5.3. Once paid parental leave commences, the time must be used on a full-time continuous basis except when the six (6) weeks of time would include the summer semester and the employee would not normally be scheduled to work during the summer semester. In that situation, the use of paid parental leave will be considered to be used on a continuous basis when the time is taken immediately prior to and following the unscheduled summer semester.

48.6.5.5.4. If an official University holiday or paid break (i.e., spring break, fall break, winter break) occurs during the employee's paid parental leave, the employee must use paid parental leave. Paid parental leave not used in accordance with this policy will be forfeited. Unused balances will not be paid out.

48.6.5.5.5. In the case of a stillborn child, the birth mother may be eligible for a maximum six (6) weeks of paid parental leave and the non-birth parent up to two (2) weeks of paid parental leave which must be taken immediately following the birth and is provided in lieu of funeral leave.

48.6.5.5.6. Paid parental leave is intended to be used in lieu of sick leave and must be exhausted prior to the use of sick leave. An employee who elects to use paid parental leave for the adoption of a child is not entitled to use an additional fifteen (15) sick days for that event. A non-birth parent who elects to use paid parental leave is not entitled to use an additional ten (10) days of sick leave for that event. A birth mother who has exhausted paid parental leave may use ten (10) additional sick days without medical documentation. Any additional use of sick time must be medically necessary and qualified under the University's sick leave policy.

48.6.5.6. Parental Leave and Continued Eligibility for Benefits

48.6.5.6.1. Employees on parental leave retain benefits, but must make arrangements to pay for their portion of premiums if they are on unpaid leave.

48.6.5.6.2. If the employee fails to return to work at the university on or before the expiration of the parental leave, the employee will be considered to have resigned from the university. If the employee fails to return to work at the university at the end of the leave and work for a period of time equal to the length of the leave that was not covered by FML, he or she must repay the portion of the benefit costs paid by the university during the non-FML portion of the parental leave.

48.6.5.7. Requesting Parental Leave

48.6.5.7.1. Requests for parental leave should be made as far in advance as possible, but generally not less than thirty (30) days before the leave commences.

48.6.5.7.2. All requests for parental leave and supporting documentation must be submitted in writing to University Human Resource Services.

48.6.5.7.3. All requests for parental leave must be approved by University Human Resource Services.

48.6.5.7.4. All requests for parental leave beyond what is available through the Family Medical Leave Act must be approved by the appropriate Dean or Associate Vice President.

48.6.5.7.5. Contact University Human Resources Services for more information or to request leave.

48.6.6. Bereavement Leave[73]

An employee will be allowed five (5) workdays time off with pay in the event of a death of the employee's:

Spouse
Parent
Child

An employee will be allowed three (3) workdays time off with pay in the event of a death of employee's immediate family or household defined as:

| Blood Relatives: | Step Relatives: | In-Laws: |
|---|---|---|
| Brother | Step-father | Father-in-law |
| Sister | Step-mother | Mother-in-law |
| Grandmother | Step-son | Son-in-law |
| Grandfather | Step-daughter | Daughter-in-law |
| Grandchild | | |
| Great Grandmother | | |
| Great Grandfather | | |
| Great Grandchild | | |

An employee will be allowed one (1) day time off with pay in the event of the death of an employee's other relatives defined as:

| Relatives: | Step Relatives: | In-Laws: |
|---|---|---|
| Uncle | Step-father-in-law | Brother-in-law |
| Aunt | Step-mother-in-law | Sister-in-law |
| Nephew | Step-sibling | |
| Niece | Step-grandparent | |

Time off with pay may be granted to attend the funeral of a fellow employee. Such time off must be approved by the department head and Employee Relations and will be limited to the employees in the same work unit as the deceased employee. The interpretation of work unit will be the responsibility of the department head. Essential services must be maintained.

**Exception One:** If an employee has taken an Emergency Leave, a non-intermittent Family and Medical Leave, or Sick Leave to care for a qualified family member, that leave terminates upon the death of the qualified family member and funeral leave would be available.

**Exception Two:** The employee is on an intermittent Family and Medical Leave

## 48.7. Absence from Duty

48.7.1. Illness/Emergency

48.7.1.1. Faculty and professional personnel unable to meet any scheduled class or attend work due to illness or emergency are responsible for notifying the office of the department chairperson or supervisor.

48.7.2. Professional Reasons/University Business

48.7.2.1. Faculty absent for professional reasons and/or University business, such as attendance at educational organizations, conferences, visits to schools or other educational institutions, will make provisions for classes during their absence with the department chairperson. In advance of the absence, the faculty member is to complete a Faculty Service Absence form or other written form used by the department.

48.7.2.2. Professional personnel absent from work due to professional reasons and/or University business will obtain supervisor approval in advance of absence.

48.7.3. University Approved Travel

48.7.3.1. Faculty and professional personnel may be authorized to travel for professional reasons and/or on University business. The Authorization for Travel form must be submitted and approved prior to dates of planned travel. The approved form will indicate travel with or without reimbursement and/or other limitations. The Authorization for Travel forms are available in each department or office.

48.7.3.2. University travel regulations and reimbursement procedures are sent to each department or office and to each faculty and professional personnel employee annually. Questions concerning travel regulations should be directed to the Physical Plant Motor Pool Office.

48.7.4. Jury Duty and Court Witness

48.7.4.1. Faculty and professional personnel summoned to report for jury duty or to serve as a witness in court during regularly scheduled working hours will be provided time off with pay. Written notice or a copy of the subpoena must be submitted to department chairperson/supervisor prior to such duty and appropriate documentation of service must be submitted after. This policy does not apply to an employee who is a party to the legal action involved.

## 48.8. Continuation of the Benefit Programs While on Leave

48.8.1. The following table outlines benefit programs applicable to specific leaves. The table is included for information purposes only and is subject to change by action of the Board of Trustees. Official University employee benefit policies are outlined in the Benefits Handbook. Questions concerning employee benefits should be directed to the Payroll and Employee Benefits Office.

## 48.9. Benefits Programs Chart

**Faculty/Professional Personnel-Continuation of Benefit Programs While on Leave**

| | Leaves With Pay | Leaves Without Pay | Leave without Pay |
|---|---|---|---|
| **Benefit Programs** | Special Assigned<br>Assigned<br>Military (15 calendar days or less)<br>- Note A - | Study<br>Fulbright Grant<br>Government Arranged<br>Mutual - Note B<br>Pregnancy and/or Child Care<br>Family Emergencies<br>- Note C, D - | Mutual - Note E<br>Military - Note D<br>Personal - Note D |

| | | | |
|---|---|---|---|
| **Health Care Plan** | Program continues. Premium shared on a 25% (employee) and 75% (University) basis utilizing payroll deduction. | Program optional at discretion of employee. The employee's share (25%) of the premium for the period of the leaves must be paid in advance or it may be deducted from the last paycheck prior to the leave. | Program discontinued; coverage terminates at the end of the month in which the last day of work occurs, except as provided in Notes F and G. |
| **Group Life and Accidental Death and Dismemberment Insurance Plans** | Program continues. Premium shared on a 25% (employee) and 75% (University) basis utilizing payroll deductions. | Program optional at discretion of employee. The employee's share (25%) of the premium for the period of the leave must be paid in advance or it may be deducted from the last paycheck prior to the leave - Note I. | Program discontinued; coverage terminates as follows, except as provided in Notes F and H:<br>. Life - 31 days after the last day of work.<br>. accidental death and dismemberment - on the last day of work |
| **Salary Continuance Insurance Plan** | Program continues. Premium shared on a 25% (employee) and 75% (University) basis utilizing payroll deduction. | Program optional at discretion of employee. The employee's share (25%) of the premium for the period of the leave must be paid in advance or it may be deducted from the last paycheck prior to the leave - Note I. | Program discontinued. |
| **Indiana State Teachers' Retirement Fund (TRF)** | Program continues. University "up" 3% of gross pay contribution and also provides the pension contributions. | Contributions are discontinued while on leave. Under certain conditions, service credit may be earned for study and professional development. | Program discontinued. |
| **Supplement to TRF** | Program continues. All contributions are made by the University. | Program continues. All contributions are made by the University. | Program discontinued. |
| **Alternate Pension Plan** | Program continues. The University makes contributions equal to 5%, 10.5% or 12.27% of gross pay, depending on eligibility. | Program discontinued. | Program discontinued. |
| **Social Security** | Pay subject to tax. | May be subject to tax if employed elsewhere. | May be subject to tax if employed elsewhere. |

**NOTES:**

A. In the event an employee on leave fails to return as agreed, the employee must repay proportional leave payments. Leave payments include: (1) salary, (2) the University's contributions to retirement plans made on behalf of the employee, and (3) the University's portion paid for benefit programs during the period of leave. This provision may be waived at the discretion of the President and Board of Trustees.

B. When employed for at least one continuous year.

C. In the event an employee on leave fails to return as agreed, the employee must repay the University's portion of premiums paid for benefit programs during the period of leave. If an employee does not choose to continue benefit programs, coverages terminate as follows: (1) health care - at the end of the month in which the last day of work occurs; (2) life - 31 days after the last day of work; (3) accidental death and dismemberment - on the last day of work; (4) salary continuance - on the last day of work.

D. Vacation days earned may be utilized; however, such use will not extend period of leave.
E. When employed for less than one continuous year.
F. If employed on an academic year basis and (1) if the leave commences after the end of the academic year, and (2) upon payment of the employee's share (25% of premium, life insurance coverage is provided through September 30 and health, accidental death and dismemberment and salary continuance insurance coverage is provided through August 31 next following the end of the academic year in which actively employed.
G. If eligible, coverage may be continued in accordance with federal regulations. See Appendix V.
H. You may convert life insurance to an individual-contract basis and pay all of the premiums directly to the insurance company.
I. Coverage is based on amount of insurance in force on the last day of work.

# 49. ANTI-NEPOTISM POLICY AND PROCEDURES FOR FACULTY AND PROFESSIONAL PERSONNEL[74]

49.1. This anti nepotism policy is intended to reinforce the University's commitment to employment and educational practices which create and maintain constructive working and learning relationships within the University community. To further these goals, this policy reflects the University's commitment to management practices that are fairly, efficiently, and evenhandedly applied to all faculty and professional personnel and to applicants for employment in faculty and professional personnel positions without actual or apparent bias or favoritism and also to its commitment to pedagogical practices that are fairly, efficiently, and evenhandedly applied to all students without actual or apparent bias or favoritism.

49.2. Persons related by family or marriage may be employed by the University provided they meet regular University employment standards. However, faculty or professional personnel shall not actively participate in the hiring process or the direct supervision of persons related by family or marriage. A person related by family or marriage, for the purposes of this policy, is defined as a person for whom a faculty or professional or staff or service employee has been assigned legal responsibility in a guardianship capacity, parent, child, brother, sister, spouse, aunt, uncle, niece, nephew, grandparent, grandchild, or such persons related by marriage. Moreover, faculty and/or professional personnel shall not initiate, participate in, or influence in any way departmental or institutional decisions involving a direct benefit (initial appointment, retention, promotion, tenure, salary, leave of absence, grievance adjustment, etc.) to any employee of the University related by family or marriage. To avoid actual or apparent bias or favoritism, faculty and professional personnel shall not initiate, participate in, or influence in any way departmental or institutional decisions involving a direct benefit to a former spouse.

In the case of students, no faculty or professional personnel may initiate or participate in admission decisions or have instructional evaluative, or other educational responsibilities with any person who is related to family or marriage, as defined above. If this is not feasible in a particular instance, the faculty or professional personnel member must bring the matter to the attention of the University Vice President superior to the person whose conduct it is in question, or his or her designee, to manage the conflict. It is misconduct, subject to disciplinary action, for failure to timely report a conflict regarding the authority to evaluate, supervise or otherwise have educational responsibility for a student with whom the faculty or professional personnel member has a familial relationship as defined herein.

49.3. Whenever any administrative supervisor proposes in the best interests of the University to employ a person, or to continue the employment of a person, in a position where he or she would be under the direct supervision

of a relative as defined in Paragraph 49.2, such administrative supervisor shall prepare a written request for approval of such employment setting forth the reasons for the request. The request shall be submitted to his or her immediate administrative supervisor for review and recommendation, through each higher supervisory level, to the University officer (defined as a vice president or the senior assistant to the president) responsible for the affected unit. The University officer may reject the request or grant it subject to such conditions as he or she may deem appropriate and in the best interests of the University and in such a way as to be consistent with the general purposes of this policy. If the request is granted, it shall be for a period of no more than 12 months and shall be conditional upon the annual review procedure set forth in the following paragraph.

49.4. The University officer shall review annually each request previously approved for faculty or professional personnel within his or her area of responsibility. If the University officer finds that the circumstances under which the approval was granted have materially changed or that the conditions attached to the approval, if any, are ineffective or inadequate, the University officer shall take such action as he or she finds to be in the best interests of the University, including termination of employment or continuance of employment under different conditions. If the University officer decides to terminate the employment of, or change the conditions of employment for, a faculty or professional employee, the University officer will inform the affected faculty or professional employee of his or her decision by written notice.

49.5. The faculty or professional employee affected by the decision of the University officer as provided for in Paragraph 49.4 may appeal that decision. The affected faculty or professional employee shall prepare a written request for review of the University officer's decision stating the reasons for the appeal and shall submit that written request to the University officer within 10 working days after having received the written notice of the decision by the University officer.

49.6. Upon receiving the written request for a review of his or her decision as provided for in Paragraph 49.5, the University officer shall immediately request the chairperson of the Faculty Council of the University Senate to appoint an ad hoc committee to review the appeal. The committee shall be appointed within 15 working days of the receipt of the written request for appeal by the University officer. The committee shall consist of 3 members of the faculty or professional personnel. Two members of the committee shall be selected from departments, offices, or other units within the University officer's area of responsibility and the chairperson of the committee shall be selected from departments, offices, or other units outside of the University officer's area of responsibility. University officers are not eligible to serve on the committee.

49.7. The committee shall review the University officer's decision to terminate the employment of, or change the conditions of employment for, the affected faculty or professional employee; shall review the written appeal of the affected employee; and shall perform whatever further investigation it deems appropriate and necessary to render a recommendation regarding the decision and the appeal to that decision. The chairperson of the committee shall forward the written recommendation of the committee to the president. Final disposition of the request for appeal will be made by the president who will inform the faculty or professional employee of his or her decision in writing within 10 working days after receipt of the committee's written recommendation.

49.8. If any of the relationships defined in Paragraph 49.2 are created subsequent to the employment of the affected faculty or professional employee, the relationship must be reported to the appropriate University officer in writing within 20 working days. The University officer shall inform the affected employee in writing that

49.8.1. One of the persons affected must give up his or her position by the earlier of the end of the fiscal year or 6 months from the date the relationship was established; or

49.8.2. That the persons affected may continue their employment in their current positions subject to such conditions as the University officer may deem appropriate and in the best interests of the University and in such a way as to be consistent with the general purposes of this policy. If permission for continued employment in the current positions is granted, it shall be for a period of no more than 12 months and shall be conditional upon the annual review procedure set forth above.

49.9. In instances where a conflict of interest might occur because of general supervisory responsibilities (supervision at least one step above that of the direct administrative supervisor) under normal operating procedures, the responsibility for institutional decisions involving a direct benefit will pass to the next higher administrative level. Discretion for handling cases not specifically mentioned in this policy will rest with the appropriate University officer and the president.

If a University officer is made aware of possible violations of this policy, he or she shall have the matter investigated. Final disposition of the investigation will rest with that University officer and the president.

This policy applies to all persons employed after the effective date of the adoption of the policy. This policy also applies to persons whose employment precedes the adoption of this policy with the following exception: persons who directly supervise another person related by family or marriage upon the effective date of the adoption of this policy shall not be subject to the provisions of this policy in regard to that supervisory relationship as long as the administrative supervisor and the relative being supervised remain in their current positions.

## 50. Position Vacancy[75]

In the event of a professional personnel or faculty vacancy, the administrative and/or academic unit must reestablish the justification for filling that position. The procedure to be followed shall be identical with that utilized in establishing the need for a new position.

## 51. Graduate Faculty Policy[76]

As a member of the Council of Graduate Schools, Ball State University subscribes to the view that every University should have a recognizable graduate faculty that includes individuals who have a commitment to graduate education, whose scholarly activities are appropriate to the direction of advanced degree programs, and who collectively assume responsibility for equivalence of value across degree programs. Ball State also recognizes that definitions of scholarship vary among the academic disciplines, and we acknowledge that the use of a single criterion to define members of the graduate faculty discounts the multiplicity that characterizes scholarly and artistic competence, intellectual leadership, and experience with graduate education.

The purpose of the following policy is to explain criteria for the three classifications of graduate faculty, and articulate their responsibilities and prerogatives, and explain their terms of membership. This policy also discusses the routing of appeals.

Upon the approval of an initial application, all new tenure-track faculty are considered a full graduate faculty member for a six-year term. Other tenure-track or tenured faculty are eligible for Full, Associate, or Assistant membership. Full-time non-tenure-line faculty may be eligible for Full, Associate, or Assistant membership. Only Ball State University faculty are eligible for Full membership. Part-time faculty are eligible for Associate or Assistant membership only.

All faculty members teaching graduate courses must apply for membership to the graduate faculty by the end of the term in which they appear as an instructor of record.

51.1. Full Member

51.1.1. Criteria

51.1.1.1. In judging the qualifications of an applicant for full graduate faculty membership, the primary consideration is whether the faculty member is an active and productive scholar and an effective teacher at the graduate level. Individual colleges and/or departments should determine the details of these criteria.

51.1.1.2. In general, graduate faculty are expected to demonstrate:

51.1.1.2.1. Scholarly competence, which is reflected by possession of the terminal degree in the candidate's field (for terminal degree equivalence, see 50.5.6); and

51.1.1.2.2. Intellectual leadership, which typically connotes active participation in contributing to the discipline at various levels, e.g., state, regional, national, and international. Successful applicants are recognized by scholars in the field for their intellectual attainments and creative contributions, and they may be sought out for their expertise to serve in positions of scholarly leadership such as membership on editorial boards and professional reviewing for scholarly journals and presses; and

51.1.1.2.3. Potential to direct the research of graduate students, to teach graduate courses effectively, to plan and direct graduate programs, and to direct research/creative projects and theses.

51.1.2. Responsibilities and Prerogatives

51.1.2.1. Full graduate faculty are eligible to:

51.1.2.1.1. Teach all levels of graduate course work within their academic, artistic, or clinical competence;

51.1.2.1.2. Serve on doctoral committees;

51.1.2.1.3. Chair Ed.S., master's theses, and creative project committees;

51.1.2.1.4. Serve on Ed.S., master's theses, and creative project committees;

51.1.2.1.5. Develop graduate programs and courses;

51.1.2.1.6. Serve as members of the Graduate Education Committee;

51.1.2.1.7. Vote on graduate faculty issues.

51.1.2.2. Chairs of dissertation, theses, research papers, and creative projects who retire or who move to other institutions may be retained as chairs when such arrangements are advantageous to the student and convenient to the former faculty member and Ball State University.

51.1.2.3. The Doctoral Committee Chair Endorsement

51.1.2.3.1. Applicants who qualify for Full graduate faculty membership may apply for an endorsement to chair doctoral committees and direct doctoral dissertations.

51.1.2.3.2. In addition to meeting the criteria listed in 51.1.1 above, applicants must have the earned doctorate and demonstrate a high level of competence in directing research/writing. Individual colleges and/or departments should determine the details of these criteria.

51.2. Associate Member

51.2.1. Criteria

51.2.1.1. Prospective Associate members of the graduate faculty are expected:

51.2.1.1.1. To have demonstrated scholarly competence, which is reflected by possession of the terminal degree in the candidate's field (for terminal degree equivalence, see 51.5.6); and

51.2.1.1.2. To provide reasonable assurance that their service will be available throughout the period of their appointment as associate member.

51.2.1.2. Members may also be drawn from across departmental and collegiate lines, from professionals, and others within the community, faculty emeriti, faculty who have moved to other institutions, or from any source which is reasonably convenient.

51.2.2. Responsibilities and Prerogatives

51.2.2.1. Members may teach all levels of graduate course work within their academic, artistic, or clinical competence;

51.2.2.2. Members may serve as committee members, but not as chairpersons of theses, or creative projects.

51.3. Assistant Member

51.3.1. Criteria

51.3.1.1. Prospective assistant members of the graduate faculty are expected:

51.3.1.1.1. To have completed an advanced degree (not necessarily the terminal degree) in an area relevant to the field of study, or in lieu of the advanced degree, to have developed a high level of competence in an area of special need not covered by a member of the graduate faculty;

51.3.1.1.2. To provide reasonable assurance that their service will be available throughout the period of the special need.

51.3.1.2. Assistant members may also be drawn from across departmental and collegiate lines, from professionals, and others within the community, faculty emeriti, faculty who have moved to other institutions, or from any source which is reasonably convenient.

51.3.2. Responsibilities and Prerogatives

51.3.2.1. Assistant members are not eligible to teach graduate course work.

51.3.2.2. Assistant members may serve as committee members, but not as chairpersons of theses, or creative projects.

51.4. Terms of Membership

51.4.1. Full members of the graduate faculty are appointed for a period of six years.

51.4.2. Associate and Assistant members are appointed for three years.

51.4.3. Reappointments are subject to the departmental criteria and conditions in place at the time of reapplication;

51.4.3.1. Faculty who fail to qualify for reappointment to the graduate faculty may complete their ongoing obligations; however, except under special circumstances, they may not take on new obligations that are specifically reserved for the graduate faculty;

51.4.3.2. Faculty who fail to qualify for the endorsement may complete their obligations as doctoral committee chairs or dissertations directors; however, except under special circumstances,

they may not take on new obligations as doctoral committee chairs or dissertation directors.

51.5. Departmental Guidelines and Procedures

51.5.1. An appropriate departmental committee, e.g., the Graduate Faculty Committee or the Salary-Merit Committee, takes the primary role in defining the criteria for appointment and reappointment of the department's graduate faculty, in accordance with the general principles listed in this policy. New or revised criteria will be forwarded to the departmental faculty for approval.

51.5.2. Departmental criteria for graduate faculty membership and the doctoral committee chair endorsement will be submitted every six years via the College Dean to the Graduate Education Committee for review and approval.

51.5.3. Approval of an applicant's graduate faculty status is determined by the Dean of the Graduate School, upon the joint recommendation of the applicant's department and College Dean.

51.5.4. The application will consist of the candidate's curriculum vitae together with a cover letter prepared by the department that includes the classification sought and an overview of significant professional activity. Only those professional accomplishments during the three (Associate or Assistant) or six (Full) years prior to the application will be considered.

51.5.5. Exceptions to these policies and procedures are made on a case-by-case basis; occasionally individuals may be authorized to perform specific graduate faculty duties with the approval of the Dean of the College and the Dean of the Graduate School.

51.5.6. Terminal degree equivalence will be determined through the process outlines in section 19 of the Faculty and Professional Personnel Handbook, "Teaching Faculty Qualifications Policy and Procedures."

51.6. Appeals

Appeals from an adverse departmental decision should be made to the Dean of the College; appeals from an adverse college decision should be made to the Dean of the Graduate School; appeals from an adverse decision of the Dean of the Graduate School should be made to the Faculty Affairs Committee of the Graduate Education Committee. In all cases the final decision will be made by the Dean of the Graduate School.

# 52. Criteria For Classification For Professional Education Faculty: Category I And Category II Professional Education Faculty[77]

52.1. CATEGORY 1: "Professional Education Faculty" Category 1 Professional Education Faculty must meet the following criteria as requirements to teach courses that are designated as professional education courses—courses focused on pedagogy or content pedagogy, including student teaching.

52.1.1. Has a doctoral degree, specialists' degree, or a master's degree and demonstrated scholarly competence in an appropriate specialization for professional education.

52.1.2. Has held or holds certification or licensure for teaching.

52.1.3. Has early childhood elementary, secondary (middle school or high school), or adult education program teaching experience. (Early childhood teaching experience must be in a licensed program; adult education program teaching experience must be in a program sponsored by a K-12 education agency, or a formal post-secondary program for which professional licensure is required.)

52.1.4. Has continuing and significant experience and involvement with early childhood, elementary, secondary, or adult education schools/programs and personnel.

52.2. CATEGORY 2: "Professional Education Faculty" Category 2 Professional Faculty must meet the following criteria as requirements to teach courses in Educational Psychology and Educational Foundations (or other academic courses designated by departments as not requiring P-12 teaching experience) that are designated as professional education courses.

52.2.1. Meets the criteria for 52.1.1 above.

52.2.2 Has academic expertise directly related to educator preparation (e.g., educational psychology, theory, and/or policy).

52.3. Professional Education Faculty classification is valid for five years from the date of approval. The Professional Education Committee is responsible for approving applications for classification as Professional Education Faculty and applications for renewal.

## 53. INDEMNIFICATION OF UNIVERSITY PERSONNEL

Pursuant to the authority granted to the Ball State University Board of Trustees by Indiana Code 21-38-4 for the defense of University officers, faculty, employees, consultants, counsel and Trustees in any suit arising out of the good faith performance of that person's duties for, or employment with Ball State University, and for saving any such person or member harmless from any liability, cost or damage in connection therewith except where such liability, cost or damage is predicated on, or arises out of the bad faith of such person or member, or is based on that person's malfeasance in office or employment, BE IT RESOLVED, that:

53.1. General. Subject to the provisions of Paragraph 53.2, any person against whom any action is brought or threatened by reason of the fact that such person is or was a trustee, officer, agent or employee of Ball State University, or is or was serving at the request of Ball State University as a trustee, director, officer, agent or employee of any corporation, partnership, trust or other entity or enterprise, shall be indemnified by Ball State University for:

53.1.1. Reasonable cost and expenses, including reasonable attorneys' fees, actually paid or incurred by such persons in connection with proceedings related to the defense or settlement of such action;

53.1.2. Any amount for which such person becomes liable by reason of any judgment in such action; and

53.1.3. Reasonable costs and expenses, including reasonable attorneys' fees, actually paid or incurred in any action, to enforce his or her rights under this resolution, which results in a final judgment in favor of such person.

53.2. Merits

53.2.1. Favorable Judgment on Merits. The indemnification provided for by Paragraph 53.1 shall be made in connection with any action which results in a final judgment on the merits in favor of such person.

53.2.2. Settlement, Adverse Judgment or Judgment Other Than on Merits. In case of settlement of such action, final judgment against such person or final judgment in favor of such person, other than on the merits, the indemnification provided for in Paragraph 53.1 shall be made only if it is determined that such person was acting:

53.2.2.1. In good faith;

53.2.2.2. Within what he or she was reasonably entitled to believe under the circumstances was the scope of his or her employment or authority;

53.2.2.3. For a purpose which he or she was reasonably entitled to believe under the circumstances was in or not opposed to the best interests of Ball State University;

53.2.2.4. In a manner which he or she was reasonably entitled to believe under the circumstances was lawful and not in violation of the Constitution or the laws of the United States or of the state of Indiana.

53.3. The termination of any action by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, does not of itself create a presumption that the person did not meet the foregoing standards of conduct.

53.4. Provided, however, that no indemnification shall be made on account of any action brought by or on behalf of Ball State University to procure a judgment in its favor, or by or on behalf of the state of Indiana to procure a judgment in its favor, against any such trustee, director, officer, agent or employee in which such person shall have been adjudged to be liable for malfeasance in office or employment, unless and only to the extent that the court in which such action was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity and such expenses which the court shall deem proper.

53.5. The determination required by Paragraph 53.2 shall be made by the President; by the Chair of the Ball State University Board of Trustees if the President or another Trustee is named in his or her individual capacity; or by independent legal counsel if the Chair of the Ball State University Board of Trustees is named in the Chair's individual capacity.

53.6. Payment of Expenses. If the Ball State University Board of Trustees determines in connection with any action that any person ultimately may become entitled to indemnification under this Resolution, it may authorize the payment of reasonable costs and expenses which may include attorneys' fees, in connection with the defense or settlement of such action. Before any such costs or expenses are paid, the person in question shall enter into an agreement with the Ball State University Board of Trustees agreeing to repay such costs and expenses if he or she is ultimately determined not to be entitled to indemnification as authorized in this Resolution.

53.7. Definitions. As used in this Resolution:

53.7.1. "Action" means any action, suit, or other judicial, administrative or investigative proceeding, or threatened proceeding, whether civil, criminal, or otherwise, any appeal or other proceeding for review;

53.7.2. "Final judgment" means a judgment, decree, or order which issues from a court or body from which no further appeal may be taken or one which is appealable and as to which the period for appeal has expired and no appeal has been taken;

53.7.3. "Settlement" includes the entry of a judgment by consent or by confession or upon a plea of guilty or of nolo contendere; and

53.7.4. "Ball State University" includes, unless the context otherwise requires, the Ball State University Board of Trustees, a corporate body.

53.8. This resolution supersedes any prior practice or action of the Board of Trustees concerning the indemnification of Ball State University personnel.

53.9. In addition to the above, the University maintains a primary and umbrella policy which includes coverage for bodily injury and property damage. Personal injury encompasses bodily injury, mental anguish, false arrest,

libel, slander, defamation of character, and invasion of the rights of privacy. Further coverage is provided by an Errors and Omissions Insurance Policy (or equivalent type underwritten for higher education institutions) which provides protection for the Board of Trustees and all University faculty and staff in the event of suit brought about due to actual or alleged errors, misstatements, acts or omissions or neglect or breach of duty.

## 54. The Selection And Appointment Of Chairpersons/ Directors Of Departments, Schools, Or Other Units In Which There Is A Faculty Electorate That Recommends Appointment[78]

54.1. In the event of a declared vacancy, the appropriate academic administrator will convene a meeting of all full-time faculty members of the affected unit. At that meeting or before, copies of these procedures will be distributed to the full-time faculty members of that unit. Through discussion with the academic administrator, it will be established whether external candidates might be considered. When external candidates might be considered, the faculty electorate as defined in 54.2 below will determine by a simple majority vote whether the position will be open only to candidates already holding positions within the unit or also to candidates external to the unit. Subsequent to that decision, the faculty electorate will determine, through discussion, the qualifications required and the term of appointment to be recommended. The term of appointment shall be no more than five (5) years, with an incumbent eligible for re-election if the unit so chooses.

A simple majority of the voting membership is required for a candidate to be recommended. Procedures for achieving a majority vote will be determined by the electorate in advance of the election.

54.2. The electorate will consist of all full-time faculty members and full-time regular and continuing contract professional personnel of the affected unit

54.3. An election of the Chairperson/Director shall be conducted by a committee composed of two members, elected from and by the academic unit, and of the appropriate academic administrator, one of whom will serve as chairperson of the committee. The results of the election shall be announced immediately to the electorate in the affected unit. The name of the recommended Chairperson/Director shall be immediately forwarded to the appropriate academic administrator and communicated to the Provost and Executive Vice President for Academic Affairs and the President of the University. The President will determine the appointment after receiving and reviewing the recommendations of the department, academic administrator, and Provost and Executive Vice President for Academic Affairs.

54.4. In accordance with the Senate Constitution, in all matters of appointment, retention and reassignment, the faculty, through the Senate, act in an advisory capacity to the President. The final responsibility for these actions rests in that office.

## 55. Evaluation Of Chairpersons/Directors Of Departments, Centers, Institutes, Schools, Or Other Units[79]

55.1. Each administrator will have an evaluation or election no later than the fifth anniversary of his or her appointment or last evaluation. The appropriate dean will work with the affected units in developing the

evaluation instruments and procedures. The evaluation will be conducted by a committee composed of the appropriate dean, who will serve as ex officio member of the committee and representatives to be identified by the membership of the academic unit.

55.2. The results of the evaluation shall be reported to the individual evaluated, the Provost and Executive Vice President for Academic Affairs, and the President of the University.

55.3. The evaluation committee shall use these evaluations as a basis for making recommendations to the appropriate dean, Provost and Executive Vice President for Academic Affairs, and the President of the University. This recommendation may include a call for an election or other appropriate measures.

## 56. Review Of An Academic Unit By Its Own Organization[80]

If a department, center, institute, or other academic unit wishes, it may review its organization through initiation of a petition by one third of the full-time faculty or by the chairperson of the department concerned to the dean of the appropriate college. In any event, no fewer than three full-time faculty members may call for a review. When such a review is requested, the dean of the college will then notify the department of the time of the review, which should be no earlier than the spring of the third year under the same leadership. The results of the review should be recorded by the dean of the college concerned who will then take such action as determined necessary and consistent with University policy on departmental reorganization. If such a review is called, a subsequent review may not be called for sooner than twelve months following it. In the case when the department chairperson's term is less than three years, the review of that chairperson will be in the autumn of the second year.

## 57. Procedure For The Selection Of A College Dean[81]

57.1. Each college must establish its own procedure for the selection of a college dean, such procedure to be approved by the Provost and Executive Vice President for Academic Affairs.

57.2. Whatever the representation from within the college, the college-dean search committee shall have a) a faculty member of the University who is not a member of the college appointed by the Provost and Executive Vice President for Academic Affairs to serve as chairperson of the search committee and b) a designated representative of the President.

## 58. Dean's Staff[82]

58.1. Academic deans shall have the right to select their own staff, subject to approval by the Provost and Executive Vice President for Academic Affairs, President, and Trustees.

58.2. Members of the dean's staff shall serve at the pleasure of the dean.

58.3. Members of the dean's staff may be given one of the following titles, subject to approval by the Provost and Executive Vice President for Academic Affairs, President, and Trustees:
58.3.1. Assistant Dean;

58.3.2. Associate Dean;
58.3.3. Acting Assistant Dean;
58.3.4. Acting Associate Dean;
58.3.5. Assistant to the Dean.

# 59. POLICIES FOR DIVISION OF ONLINE AND DISTANCE EDUCATION COURSES[83]

59.1. Division of Online and Distance Education courses are those offered live, electronically, on contract, or through independent learning at an off-campus location through the Division of Online and Distance Education.

59.1.1. The following policies apply to Division of Online and Distance Education courses.

59.1.2. Students enrolled in Division of Online and Distance Education courses shall be entitled to support services of the University Libraries and Information Technology Services. Access to other services and facilities shall only be available if the student has paid all necessary fees.

59.1.3. Ball State students enrolled in Division of Online and Distance Education courses shall only receive residency credit for such courses that originate at Ball State University.

59.1.4. The Online Distance Education Committee of the Professional Personnel Council shall have the responsibility for initiating, recommending, and periodically evaluating policies for distance education programs of the University.

59.1.5. The University Core Curriculum Subcommittee of the Undergraduate Education Committee shall have the additional responsibility for approval and assessment of Division of Online and Distance Education courses offered for University Core Curriculum credit.

59.1.6. In order to receive credit for a Division of Online and Distance Education independent learning course:

59.1.6.1. Students shall be admitted according to the Division of Online and Distance Education admission guidelines as stated on the undergraduate off-campus admissions application.

59.1.6.2. The Division of Online and Distance Education course registration will take place year-round with an established withdrawal period. Students who withdraw from a course will receive a "W" (Withdrawal).

59.1.6.3. The Division of Online and Distance Education course period will not exceed nine months without extensions of time. Final grades for independent learning courses are posted at the end of each semester. If an independent learning course is not completed by the end of the semester for which a student enrolls, an I (Incomplete grade) will be recorded for the course. Once the course has been completed, the instructor will replace the I with the final grade. Students not completing or withdrawing from the Division of Online and Distance Education course by the end of the nine-month period will receive a failing grade.

59.1.7. Proposals by colleges or departments to offer existing or proposed degrees exclusively through the Division of Online and Distance Education will be reviewed as new or revised programs by the appropriate University Committee, including, but not limited to the Undergraduate Education Committee and the Graduate Education Committee. Approved guidelines for these proposals may be obtained from the appropriate Chair of the Committee.[84]

59.1.8. Enrollment in Division of Online and Distance Education courses offered through independent learning or contract

59.1.8.1. Enrollment in courses offered through, and enrollment limits for, independent learning and/or department courses taught by contract shall be approved by the Chairperson of the Department offering the course, the Dean of the college, and the Associate Provost for Learning Initiatives, Division of Distance and Online Education.

59.1.8.2. Students who are enrolled as on-campus, full-time students shall not be allowed to enroll in online courses, if an on-campus section of an equivalent course is available during the proposed period of enrollment in the online course without the approval of the Department Chairperson.

59.1.8.3. Independent Learning or contract registrations for those incarcerated in a Department of Corrections facility shall be subject to the approval of the prison program director.

59.1.8.4. Departments shall maintain a primary syllabus for each independent learning or contract course.

59.2. Policies and Procedures for Division of Online and Distance Education courses offered through electronic media.

59.2.1. Each department and college may propose to offer courses to students at remote locations via electronic media. The Associate Provost for Learning Initiatives, Division of Distance and Online Education shall have the responsibility for reviewing these proposals and recommending those courses and programs that should be offered. Criteria for selection include suitability of the subject and primary syllabus for the Division of Online and Distance Education, projected enrollment, and availability of resources. In cases where a Division of Online and Distance Education course will be transmitted via public-access television, additional review of faculty qualifications for the course may be warranted.

59.2.2. The Academic Technology Committee shall initiate and recommend policies for the operation of instructional media support and online distance education technologies; receive and consider recommendations for improving instructional media support and distance education technologies; conduct a continuing evaluation of instructional media support and online distance education technologies; and submit any recommendations for changes in policies, procedures, and practices in instructional media support and online distance education technologies to the Faculty Council.

59.2.3. Ball State students may enroll in and receive Ball State credit for courses offered by other institutions that are members of the Indiana Partnership for Statewide Education.

59.2.3.1. The institution, which is the source of a distance education course, shall remain responsible for the course.

59.2.3.2. Transcripts and official student records will denote partnership course credit through distance education, listing both the "home" institution and the "host" institution for the course. The "home institution" shall mean the institution from which the student has indicated his or her intention to graduate. The "host institution" shall mean the institution that offers a particular distance education course.

59.2.3.3. Grades for Partnership courses will be recorded as part of the student's Ball State grade point average.

59.2.3.4. Only the Division of Online and Distance Education courses that originate from Ball State shall receive residency credit.

59.3. Policies Governing Faculty Teaching Division of Online and Distance Education courses offered through electronic media.

59.3.1. Definition of Terms

59.3.1.1. "Course Creator(s)": The faculty member or faculty members who develop an electronic course.

59.3.1.2. "Instructor(s) of Record": The faculty member or faculty members who are assigned by the applicable department to implement an electronic course, including, but not limited to, responding to student inquiries, grading student work and issuing the grade for the Division of Online and Distance Education course.

59.3.2. Production Contract. Before an electronic course is created, a written agreement shall be drawn up between the Course Creator, the department, and the University (the "Production Contract" stipulating course content, provisions for the use of the electronic components of the course, and compensation to the Course Creator.

59.3.2.1. Course Content: The Course Creator will be responsible for the content and professional integrity of any electronic course, which is being offered through the Division of Online and Distance Education via electronic media.

59.3.2.2. The University shall own all copyrights in any and all materials that result or arise from electronic courses (e.g., videotapes, audio tapes, CD-ROMs, CDIs produced by or through the University) including but not limited to all intellectual property rights therein, unless otherwise stipulated in a written alternative agreement.

59.3.2.3. In accordance with the provisions of the Ball State University Copyright Policy, all rights in any and all materials prepared using the resources of the University for use in Division of Online and Distance Education courses including but not limited to all intellectual property rights therein, shall be owned by the University unless otherwise stipulated in a written alternative agreement.

59.3.2.4. Materials prepared for use in an electronic course may be used by any Instructor of Record assigned to teach the course.

59.3.2.5. If more than one Course Creator is responsible for the creation and production of the course, all rights and compensation will be shared on a basis equivalent to the responsibility involved. Course Creators shall determine the relative contributions of each in advance, and the agreed upon determination shall be in writing as part of the Production Contract.

59.3.3. Reuse, rebroadcast, retransmission of electronic courses

59.3.3.1. The Course Creator has the right to participate in the negotiation concerning non-commercial, educational uses by the University of the course he or she created. The agreement will be a part of the Production Contract signed before production begins. Unless otherwise agreed upon, any reuse, rebroadcast, or retransmission of an electronic course shall be with the permission of the Course Creator, whether or not the Course Creator is currently employed by Ball State University.

59.3.3.2. So long as a Division of Online and Distance Education course is offered by the University, the Course Creator will be responsible for the content of the Division of Online and Distance Education course and will be expected to recommend revisions when necessary.

59.3.3.3. If a non-real time version of the Division of Online and Distance Education course if offered, the University will first offer the Course Creator the opportunity to be the Instructor of Record for all students enrolled in the course.

59.3.3.4. If the Course Creator chooses not be the Instructor of Record for any use of the course or leaves the University, the Department Chairperson will name an Instructor of Record for the course.

59.3.4. Use of copyrighted materials: The Course Creator shall be responsible for identifying copyrighted materials used in the Division of Online and Distance Education course for which clearance must be sought. The responsibility for clearing copyrighted materials for use in the Division of Online and Distance Education courses rests with the University.
This responsibility has been assigned to the University Libraries.
59.3.4.1. The clearing approvals must be in written form.
59.3.4.2. The clearing approvals must be filed with the University Libraries.

59.3.5. Visiting Lecturers
59.3.5.1. Performance by visiting lecturer(s) may be recorded for reuse when the written permission of the visiting lecture(s) involved is secured.

59.3.6. Lifetime of a Division of Online and Distance Education course
59.3.6.1. After three years, the Division of Online and Distance Education course will be reviewed by the Course Creator, the Dean of the respective college, and the Associate Provost for Learning Initiatives, Division of Distance and Online Education. Should the Course Creator and the University agree that the Division of Online and Distance Education course should continue, a new agreement will be written. Should the decision be made to discontinue the Division of Online and Distance Education course, written notice will be sent by the Associate Provost for Learning Initiatives, Division of Distance and Online Education to the University Libraries, the Ball State University Media Services, the department, and, when appropriate, the Patent and Copyright Committee. Nothing in this policy shall be deemed as preventing the University from having one Course Creator develop a Division of Online and Distance Education course which is identical or similar to a course previously developed by another Course Creator.

59.4. Faculty compensation for Division of Online and Distance Education Electronic courses

59.4.1. The Course Creator shall receive compensation for the Division of Online and Distance Education Electronic course development, major revisions, production, and/or delivery of the Division of Online and Distance Education course.

59.4.2. The Course Creator shall be compensated for the delivery of the Division of Online and Distance Education course according to the contractual agreement signed prior to initial production.

59.4.3. In the case where the Course Creator is not the Instructor of Record, the live, interactive or non-real time delivery of the Division of Online and Distance Education course may be made part of the load of the Instructor of Record in accordance with the contractual agreement signed prior to initial production and with the approval of the Department Chairperson and College Dean.

59.5. Marketing Commercialized Materials of electronically created Division of Online and Distance Education courses

59.5.1. If electronically created, Division of Online and Distance Education courses or related materials are to be commercialized; they shall be subject to the Ball State University Copyright Policy. Disclosure to the Patent and Copyright Committee shall occur to permit the determination of royalty income distribution. The University may negotiate agreements with third parties for the marketing or licensing of such materials where it determines it to be appropriate to do so.

59.5.2. Under the guidelines of the Ball State University Copyright Policy, cost recovery for the University shall include initial investment in creating the Division of Online and Distance Education course, but will not include any faculty compensation for instruction in the Division of Online and Distance Education course.

# 60. POLICY FOR THE PROTECTION OF HUMAN SUBJECTS IN RESEARCH[85]

**60.1. Introduction**

Ball State University, recognizing its responsibility to provide measures to reasonably protect individuals involved as subjects of research conducted under the auspices of the University, requires that all research projects involving human subjects will be reviewed by the Institutional Review Board (IRB). This review will be completed prior to the initiation of the research.

**60.2. Policy**

60.2.1. Rationale

University policy entrusts the investigator with primary responsibility for the protection of individuals participating as human subjects. The University assumes its responsibility for meeting the conditions for the protection of human subjects as required by the National Research Act, Public Law 93 348 and implemented by the Department of Health and Human Services (Title 45 CFR 46, Protection of Human Subjects, as amended) and by other Federal agencies with appropriate jurisdiction.

In assuming its responsibility, the University intends to encourage the conduct of research which will benefit the human condition and, at the same time, protect the rights and welfare of human subjects participating in the research, the investigators doing the research, and the University. University faculty, staff, and students conducting human subject research under this policy are responsible for compliance with all federal regulations.

60.2.2. Administration

Executive functions to be performed by the University include the development of policy; the continuing education of personnel with respect to policy; the modification of this policy to maintain its conformity with laws and regulations; and providing appropriate administrative support and legal assistance for the Institutional Review Board. The University official responsible for carrying out or delegating these functions is the Provost and Executive Vice President for Academic Affairs.

60.2.3. Applicability

This policy is applicable to all research involving human subjects which is conducted under the auspices of the University.

**60.3. Definitions of Terms and Phrases**

60.3.1. "Human Subject":

means a living individual about whom an investigator (whether an employee of the University or a student) conducting research obtains: data, either through intervention or interaction with the individual, or identifiable private information.

60.3.1.1. "Intervention": includes both physical procedures by which data are gathered and manipulations of the subject or the subject's environment that are performed for research purposes.

60.3.1.2. "Interaction": includes communication or interpersonal contact between investigator and subject.

60.3.1.3. "Private Information": includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place,

and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public. Private information must be individually identifiable to an investigator through name or code in order for obtaining that information to constitute research involving human subjects.

60.3.2. "Legally Authorized Representative":
means an individual, judicial, or other body authorized under applicable law to consent on behalf of a prospective subject to the subject's participation in the procedures involved in the research.

60.3.3. "Minimal Risk":
means that the risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

60.3.4. "Research":
means a systematic investigation designed to develop or contribute to generalizable knowledge.

60.3.5. "Research Involving Human Subjects Under the Auspices of the University":
means for purposes of this policy, research involving human subjects shall be "under the auspices of the University" when:

60.3.5.1. The research is funded externally by way of grant, contract, or similar agreement between the sponsor (public or private) and the University;

60.3.5.2. The research is funded internally by the University by way of grant, contract, or similar agreement;

60.3.5.3. The research is conducted upon assignment by the University; or

60.3.5.4. The research is actively assisted by the use of University facilities, resources, supplies, equipment, or personnel.

60.3.6. "Consent to Participate in Research":

60.3.6.1. General Requirement

Except as otherwise permitted by this policy (See Section IV 4.3), no investigator may involve a human subject in research covered by this policy unless the investigator has obtained the informed consent of the subject or the subject's legally authorized representative. The prospective subject or representative must have sufficient opportunity to consider whether or not to participate and there must be a minimal possibility of coercion or undue influence. The information that is given to the subject or representative shall be in language understandable to the subject or representative. No consent, whether oral or written, may include any exculpatory language through which the subject or representative is made to waive or to appear to waive any of the subject's legal rights, or to release the investigator, the sponsor, the University, or its agents from liability for negligence.

60.3.6.2. Elements of Consent

60.3.6.2.1. Except as provided in Section 59.3.6.4 of this policy and in the Federal Regulations 45 CFR 46.116, the following basic elements of information shall be provided to the subject:

60.3.6.2.1.1. A statement that the study involves research, a fair explanation of the purposes of the research and the expected

duration of the subject's participation, a description of the procedures to be followed and identification of any procedures which are experimental;

60.3.6.2.1.2. A description of any reasonably foreseeable discomforts and risks to the subject;

60.3.6.2.1.3. A description of any benefits to the subjects or to others which reasonably may be expected as a result of doing the study;

60.3.6.2.1.4. A disclosure of any appropriate alternative procedures or course of treatment which might be advantageous for the subject;

60.3.6.2.1.5. A statement describing the extent to which confidentiality of records identifying the subject will be maintained;

60.3.6.2.1.6. For research involving more than minimal risk, an explanation as to whether any compensation and/or any medical treatments are available if injury occurs, and if so, what they consist of, or where further information may be obtained. This information must be in the exact wording approved in advance by the Provost and Executive Vice President for Academic Affairs, or his or her designee;

60.3.6.2.1.7. An explanation of whom to contact for answers to pertinent questions about the research, procedures and research subject's rights, and whom to contact in the event of a research related injury; and

60.3.6.2.1.8. A statement that participation is voluntary and that the subject is free to withdraw his or her consent and to discontinue participation in the project at any time without penalty or loss of benefits.

60.3.6.2.2. When determined to be appropriate by the investigator or the Institutional Review Board, one or more of the following optional elements of information shall also be provided to the subject:

60.3.6.2.2.1. A statement that the particular treatment or procedure may involve risks to the subject (or to the embryo or fetus, if the subject is or may become pregnant) which are currently unforeseeable;

60.3.6.2.2.2. Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent:

60.3.6.2.2.3. Any additional costs to the subject that may result from participation in the research;

60.3.6.2.2.4. The consequences of a subject's decision to withdraw from the research, and procedures for orderly termination of participation by the subject;

60.3.6.2.2.5. A statement that the researcher will communicate to the subject significant new findings developed during the course of research which may affect the subject's willingness to continue participation; and

60.3.6.2.2.6. The approximate number of subjects involved in the study.

60.3.6.3. Documentation of Informed Consent

Except as provided below, consent shall be documented by use of a written consent form approved by the Institutional Review Board and conforming to the then current requirements of the United States Department of Health and Human Services. The consent form shall be signed by the subject or the subject's legally authorized representative and a copy shall be given to the person signing the form.

Since the original document is a University record, it is to be kept in a secure department or unit file. Copies of the proposed consent form shall accompany the protocol submitted by the investigator to the Institutional Review Board.

The principal investigator must be properly identified with a signature and the consent form must include the investigator's name, affiliation with the University and with a department or unit of Ball State University.

Except as provided below, the consent form may be either of the following as determined by the Institutional Review Board:

60.3.6.3.1. A written consent document that embodies the elements of informed consent in accordance with the provisions of Section III 6. This document may be read to the subject or his or her legally authorized representative, but in any event, the investigator shall give either the subject or his or her representative adequate opportunity to read it before it is signed. This document shall be signed by the subject or his or her legally authorized representative; or

60.3.6.3.2. A "short form" written consent document stating that the elements of informed consent have been presented orally to the subject or the subject's legally authorized representative. When this method is used, there shall be a witness to the oral presentation. Also, the Institutional Review Board shall approve a written summary of what is to be said to the subject or the representative. Only the short form itself is to be signed by the subject or the representative. However, the witness shall sign both the short form and a copy of the summary, and the person actually obtaining consent shall sign a copy of the summary.

Copies of the summary and short form shall be given to the subject or the representative.

60.3.6.4. Waiver or Alteration of Consent Elements: Waiver of Consent

The Institutional Review Board may approve a consent procedure which waives or alters some or all of the above elements of consent provided the Institutional Review Board finds and documents any of the following:

60.3.6.4.1. The research is to be conducted for the purpose of demonstrating or evaluating:

60.3.6.4.1.1. Federal, state, or local benefit or service programs which are not themselves research programs;

60.3.6.4.1.2. Procedures for obtaining benefits or services under these programs; or

60.3.6.4.1.3. Possible changes in or alternatives to these programs or procedures; and, the research could not practicably be carried out without the waiver or alteration;

60.3.6.4.2. The only record linking the subject and the research would be the consent document and the principal risk would be the potential harm resulting from a breach of confidentiality. Each subject shall be asked whether he or she wants documentation linking himself or herself with the research and the subject's wishes will govern; or

60.3.6.4.3. The research involves no more than minimal risk to the subjects; involves no procedures for which written consent is normally required outside the research context; the waiver or alteration will not adversely affect the rights and welfare of the subjects; the research could not practicably be carried out without waiver or alteration and, wherever appropriate, the subjects will be provided with additional pertinent information after participation.

When, for purposes of meeting the objectives of research, any degree of deception of subjects exists, the Institutional Review Board will ensure that all subjects shall have the right to withdraw their data after debriefing.

**60.4. Institutional Review Board**

60.4.1. General

The Institutional Review Board is responsible for the review and approval or modifications for approval or disapproval of all research subject to this policy. In applying for approval of their projects, investigators' written protocols must be presented to the Institutional Review Board; the format for the protocols will be supplied by the Institutional Review Board.

60.4.2. Membership

The Institutional Review Board shall be composed of eleven individuals, including eight faculty or professional personnel members, one student, an ex-officio member with voting privileges, and one member who is not otherwise affiliated with the University and who is not part of the immediate family of a person affiliated with the University. The Institutional Review Board shall include at least one member whose primary concerns are in a non-scientific area.

Members shall have varying backgrounds to promote complete and adequate review of research activities commonly conducted under the auspices of the University. The Institutional Review Board shall be sufficiently qualified through the varied experience and expertise of its members to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects. In addition to possessing the professional competence necessary to review specific research activities, the Institutional Review Board shall be able to ascertain the acceptability of proposed research in terms of University commitments and regulations, applicable law and standards of professional conduct and practice. The Institutional Review Board shall, therefore, include persons knowledgeable in these areas.

All members will be appointed by the President of the University for terms of no more than three (3) years. Membership of the Institutional Review Board shall be staggered so that the terms of no more than four members will expire in any given year. Except for the ex officio member, members may be

reappointed for no more than one additional consecutive term. In addition, the President will appoint one or more alternate members whose primary concerns are in a non-science area.

No member who has a conflicting interest in particular research may participate in the Institutional Review Board's initial or continuing review of that research except to provide information requested by the Institutional Review Board.

The Institutional Review Board, at its discretion, may invite individuals with competence in special areas to assist in the review of complex issues which require expertise beyond, or in addition to that available on the Institutional Review Board. These individuals may not vote with the Institutional Review Board. If the individual is not an employee of the University, such an invitation may be extended only with the approval of the Provost and Executive Vice President for Academic Affairs, or his or her designee.

60.4.2.1. Procedures for Appointment of Board Members

The procedures for the selection, nomination, and appointment of members shall be:

60.4.2.1.1. The Institutional Review Board members will recommend one or more potential nominee(s) for each vacancy. These names will be forwarded in writing by the Chairperson to the Associate Provost for Research in the Sponsored Programs Office no later than February 15;

60.4.2.1.2. The Associate Provost for Research in the Sponsored Programs Office will forward his or her recommendations to the President of the University for appointment no later than March 15.

60.4.2.2. Officers of the Institutional Review Board and Elections

60.4.2.2.1. The officers of the Institutional Review Board shall consist of a Chairperson and a Secretary.

60.4.2.2.2. Members of the Institutional Review Board will elect a Chairperson and Secretary no later than April 15 of the year preceding the beginning of their term (July 1 to June 30).

60.4.3. Responsibilities and Functions of the Institutional Review Board

60.4.3.1. The Institutional Review Board shall develop and follow written procedures for:

60.4.3.1.1. Conducting its initial and continuing review of research and for reporting its findings and actions to the investigator and the University;

60.4.3.1.2. Determining which projects require review more often than annually and which projects need verification, from sources other than the investigators, that no material changes have occurred since previous Institutional Review Board review;

60.4.3.1.3. Assuring prompt reporting to the Institutional Review Board of proposed changes in research activity;

60.4.3.1.4. Assuring that changes in proposed research, during the period for which approval has been given, may not be initiated without Institutional Review Board review and approval except where necessary to eliminate apparent immediate hazards to the subjects;

60.4.3.1.5. Assuring prompt reporting to the Institutional Review Board of unanticipated problems involving risks to subjects or others; and

60.4.3.1.6. Assuring compliance with then current protections for vulnerable categories of subjects (e.g., Children, 45 CFR, Part 46, Subpart D).

60.4.3.2. Functions of the Institutional Review Board

60.4.3.2.1. Be responsible for the Full, Expedited, or Exempt Review (See Section 59.4.4) of proposed research protocols, involving human subjects, according to this policy. In order for the research protocol to be approved, it shall receive the approval of a majority of those members reviewing the protocol.

60.4.3.2.2. Review and have authority to approve, require modifications in, or disapprove all research covered by this policy.

60.4.3.2.3. Require that information given to subjects as part of consent is in accordance with this policy and applicable law. The Institutional Review Board may require that information, in addition to that specifically mentioned in Section 59.3.6 of this policy, be given to subjects when in the Institutional Review Board's judgment the information would meaningfully add to the protection of the rights and welfare of the subject.

60.4.3.2.4. Require documentation of informed consent or waive documentation in accordance with this policy.

60.4.3.2.5. Notify investigators and the Provost and Executive Vice President for Academic Affairs, or his or her designee, in writing of its decision to approve or disapprove the proposed research, or of modifications required to secure Institutional Review Board approval. If the Institutional Review Board decides to disapprove a research activity, it shall include in its written notification a statement of the reasons for its decision and give the investigator an opportunity to respond in person or in writing.

60.4.3.2.6. Be responsible for reporting to the Provost and Executive Vice President for Academic Affairs, or his or her designee, and to any appropriate government agency, any serious or continuing non-compliance by investigators with the requirements and determinations of the Institutional Review Board.

60.4.3.2.7. Conduct continuing review of research covered by this policy at intervals appropriate to the degree of risk, but not less than once per year, and shall have authority to observe or have a third party observe the consent process and the research.

60.4.4. Types of Research Reviews by the Institutional Review Board

There are three types of review of proposed research protocols which investigators can submit to the Institutional Review Board: 1) Full Review which requires review by the Institutional Review Board at a convened meeting, 2) Expedited Review where the review is conducted by a Subcommittee of the Institutional Review Board, and 3) Exempt Review where the investigator submits a modified protocol under the exempt category which is then treated as an expedited review.

60.4.4.1. Full Review

Any member of the Institutional Review Board may request a Full Review of a research protocol. The review must be conducted by a majority of the members present at a convened meeting. Research protocols or activities may be disapproved only after a Full Review.

60.4.4.2. Expedited Review

The Institutional Review Board, with the approval of the Provost and Executive Vice President for Academic Affairs, or his or her designee, may permit expedited review for:

60.4.4.2.1. Some or all of the categories of research then currently established by federal regulations as being eligible for an expedited review procedure if the research involves no more than minimal risk (e.g., 45 CFR 46, Subpart A 46.110);

60.4.4.2.2. Minor changes in previously approved research during the period for which approval is authorized; or

60.4.4.2.3. Determination of whether research involving human subjects is exempt from this policy.

Under the Expedited Review procedure, the review may be carried out by the Institutional Review Board Chairperson, Secretary, ex officio, and a rotating regular member(s) who will comprise a Subcommittee of the Institutional Review Board. The reviewer(s) of the Subcommittee may exercise all of the authorities of the Institutional Review Board except they may not disapprove the research.

The Institutional Review Board shall adopt a method for keeping all members advised of research protocols which are pending, have been approved, or determined to be exempt under this expedited procedure.

60.4.4.3. Exempt Review

An investigator may submit a research protocol to the Institutional Review Board for Exempt Review if the research involving human subjects will be in one or more of the following exempt categories:

60.4.4.3.1. Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as

60.4.4.3.1.1. Research on regular and special education instructional strategies, or

60.4.4.3.1.2. Research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

60.4.4.3.2. Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless:

60.4.4.3.2.1. Information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and

60.4.4.3.2.2. Any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation.

60.4.4.3.3. Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior that is not exempt under paragraph 59.4.4.3.2 of this section, if:

60.4.4.3.3.1. The human subjects are elected or appointed public officials or candidates for public office; or

60.4.4.3.3.2. Federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

60.4.4.3.4. Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

60.4.4.3.5. Research and demonstration projects which are conducted by or subject to the approval of Department or Agency heads, and which are designed to study, evaluate, or otherwise examine:

60.4.4.3.5.1. Public benefit or service programs;

60.4.4.3.5.2. Procedures for obtaining benefits or services under those programs;

60.4.4.3.5.3. Possible changes in or alternatives to those programs or procedures; or

60.4.4.3.5.4. Possible changes in methods or levels of payment for benefits or services under those programs.

60.4.4.3.6. Taste and food quality evaluation and consumer acceptance studies:

60.4.4.3.6.1. If wholesome foods without additives are consumed; or

60.4.4.3.6.2. If a food is consumed that contains a food ingredient at or below the level and for use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

60.4.4.3.7. Any other category specifically added to this list by the Department of Health and Human Services and published in the Federal Register.

Except as may be provided by law (e.g., research funded by the United States Department of Health and Human Services), the Institutional Review Board has final authority to determine whether particular research is subject to this policy or exempt under one of the categories stated above. An investigator who believes his or her research is exempt under one of the stated categories shall submit his or her written protocol to the Institutional Review Board together with a statement that he or she believes it to be exempt and the reasons for his or her belief; the format of the protocol will be supplied by the Institutional Review Board. The determination of exempt status shall be made by means of the expedited review set forth in Section 59.4.4.2 of this policy.

60.4.5. Criteria for Approval of Research

In order to approve research covered by this policy, the Institutional Review Board shall determine that all of the following requirements are satisfied:

60.4.5.1. Risks to subjects are minimized: 1) by using procedures which have sound research design and which do not unnecessarily expose subjects to risk, and 2) whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes;

60.4.5.2. Risks to subjects are reasonable in relation to anticipated benefits (e.g., importance of the knowledge that may result);

60.4.5.3. Selection of subjects is equitable. In making this assessment the Institutional Review Board should take into account the purposes of the research and the setting in which the research will be conducted;

60.4.5.4. Informed consent will be sought from each prospective subject or the subject's legally authorized representative, in accordance with, and to the extent required by this policy;

60.4.5.5. Informed consent will be appropriately documented, in accordance with, and to the extent required by this policy;

60.4.5.6. Where appropriate, the research plan makes adequate provision of monitoring the data collected to ensure the safety of subjects;

60.4.5.7. Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data;

60.4.5.8. Where some or all of the subjects are likely to be vulnerable to coercion or undue influence, such as persons with acute or severe physical or mental illness, or persons who are economically or educationally disadvantaged, appropriate additional safeguards have been included in the study to protect the rights and welfare of these subjects;

60.4.5.9. If the research involves the fetus, pregnant women, in vitro fertilization, abortoses, prisoners or other special classes of subjects which may be in the future identified by federal regulations, the Institutional Review Board's review shall be in accordance with any such regulations and shall determine that the requirements of any such regulations have been met (e.g., 45 CFR 46 Subpart D, Additional Protections for Children as Subjects in Research).

60.4.6. Suspension or Termination of Approval

The Institutional Review Board shall have authority to suspend or terminate approval of research that is not being conducted in accordance with the Institutional Review Board's requirements or that has been associated with unexpected, serious harm to subjects. Any suspension or termination of approval shall include a statement of the reasons for the Institutional Review Board's action and shall be reported promptly to the investigator, the Provost and Executive Vice President for Academic Affairs, or his or her designee, and if the research is externally funded, to the sponsor.

60.4.7. The Institutional Review Board shall prepare and maintain documentation of its activities, including the following:

60.4.7.1. Copies of all research protocols reviewed, scientific evaluations, if any, that accompany the protocols, approved sample consent documents, progress reports submitted by investigators, and reports of injuries to subjects;

60.4.7.2. Minutes of Institutional Review Board meetings which shall be in sufficient detail to show attendance at the meetings; actions taken by the Institutional Review Board; the vote on these actions including the number of members voting for, against, and abstaining; the basis for requiring changes in or disapproving research; and a written summary of the discussion of controversial issues and their resolution;

60.4.7.3. Records of continuing review activities;

60.4.7.4. Copies of all correspondence between the Institutional Review Board and the investigators;

60.4.7.5. A list of Institutional Review Board members as required by the United States Department of Health and Human Services;

60.4.7.6. Written procedures for the Institutional Review Board as required by paragraph 59.4.3.1 of this policy;

60.4.7.7. Statements of significant new findings provided to subjects, as required by Section 59.3.6 of this policy.

The records required by this policy shall be retained in the Sponsored Programs Office for at least six years after completion of the research.

60.4.8. Role of University Officials

Institutional Review Board approvals, actions, and recommendations are subject to review and to disapproval or further restrictions by the Provost and Executive Vice President for Academic Affairs, or his or her designee. Such disapprovals or further restrictions shall then be returned to the Institutional Review Board for consultation among the Institutional Review Board, the investigator and the Provost and Executive Vice President for Academic Affairs, or his or her designee. However, Institutional Review Board disapprovals, restrictions or conditions cannot be rescinded or removed except by further action of the Institutional Review Board, or in the case of federally funded research, by appeal to the Department of Health and Human Services or other federal agency with appropriate jurisdiction.

### 60.5. Cooperative Research

In the event of research in which the University and another institution(s) or party cooperate in the conduct of some or all of the research, the investigator shall comply with this policy. To avoid duplications of effort, the Institutional Review Board with the concurrence of the Provost and Executive Vice President for Academic Affairs, or his or her designee, may use joint review, or reliance upon the review of another qualified Institutional Review Board.

### 60.6. Interpretation

The provisions of the policy shall be interpreted in all respects to be consistent with the provisions of any law applicable to the research involved; in the event there should be any conflict or difference between this policy and the provisions of applicable law, the provisions of the applicable law shall control.

Because the provisions of this policy establish a high quality and standard of review for research involving human subjects, no provision of the policy shall be interpreted as establishing a minimum standard for safety, protection or due care which legally may be owed by an investigator, a member of the Institutional Review Board, the University or any University employee or agent, to a human subject.

Nothing in this policy prevents prior review by any subunit of the University of research proposals originating within that subunit, or proposing research to be conducted within that subunit. If approved by the subunit, such proposals must be forwarded to the Institutional Review Board for review. However, as provided in the last paragraph of Section IV 4.3 of this policy, the Institutional Review Board has final authority to determine whether particular research is subject to this policy and to approve, require modifications for approval or disapprove it.

## 61. POLICY FOR ANIMAL CARE AND USE[86]

### 61.1. Introduction

61.1.1. The assurance of humane treatment and care for experimental animals is a professional and ethical responsibility recognized by the scientific community at Ball State University. Guidelines adopted by many scientific societies and institutions and applicable federal, state, and local laws, regulations, and policies reflect this commitment to the humane care and use of animals involved in research and experimentation.

61.1.2. To provide for the welfare of laboratory animals, as well as to improve the quality of such animals, comfortable and satisfactory animal housing must be provided. As stated by the National Research Council, "a good husbandry program provides a system of housing and care that permits animals to grow, mature, reproduce, and maintain good health."

61.1.3. Both the University and the individual investigator must bear responsibility for the humane treatment and care of animals. The need exists for flexibility and variety in the nature of the facilities provided for animals and the implementation of animal care programs. Although the necessary scientific control of particular experiments may justify modification of the recommendations made by a given agency, suitable animal husbandry practices are requisite for obtaining useful data from research. This policy is in no way intended to limit the investigator's obligation and freedom to plan and conduct animal experiments in accordance with accepted humane and scientific practices.

The animal care and use policy at Ball State University shall be consistent with the Guide for the Care and Use of Laboratory Animals, U.S. Department of Health and Human Services, Public Health Service, National Institutes of Health, Public Health Service Policy on Humane Care and Use of Laboratory Animals (revised September 1986), and other applicable federal, state, and local laws, regulations, and policies. The Office of Research Integrity at Ball State University will provide a copy of the NIH Guide for the Care and Use of Laboratory Animals and all other appropriate documents to all animal users.

**61.2. Applicability**

This policy is applicable to all activities involving animals at Ball State University. For purposes of this policy, "animal" shall mean "any live, warm or cold blooded, vertebrate animal used or intended for use in education, research, research training, experimentation, or biological testing, or for related purposes."

**61.3. The Animal Care and Use Committee**

61.3.1. Purpose

The Animal Care and Use Committee (hereinafter "the Committee") shall be responsible for overseeing the University's animal program, facilities, and procedures.

61.3.2. Membership

61.3.2.1. The Committee shall consist of the following members, who shall be appointed by the President of the University or serve as ex officio members:

61.3.2.1.1. Appointed Members

61.3.2.1.1.1. Faculty members, one from each department experienced in research involving animals;

61.3.2.1.1.2. One faculty member whose primary concerns are in a non-animal area;

61.3.2.1.1.3. One member who is not affiliated with the University in any way other than as a member of the Committee, and is not a

member of the immediate family of a person who is affiliated with the University.

61.3.2.1.2. Ex officio Members

61.3.2.1.2.1. The Vice Provost for Research or his or her designee;

61.3.2.1.2.2. One Doctor of Veterinary Medicine who is responsible for the supervision of housing, feeding, care, and use of all animals at the University and who has appropriate qualifying expertise in laboratory animal medicine (demonstrated either by certification from the American College of Laboratory Animal Medicine, or by other evidence of expertise determined by the Office of Laboratory Animal Welfare [OLAW] to be satisfactory).

61.3.2.2. All Committee members shall be voting members.

61.3.2.3. The faculty members will serve staggered three-year terms and may be reappointed for a second three-year term. The member not affiliated with the University will serve a one-year term, renewable up to three years.

61.3.3. Officers

Officers of the Committee shall consist of a Chairperson and a Secretary, both of whom shall be elected by the Committee by May 1 and may be reelected for a second one-year term.

61.3.4. Functions of the Committee

The Committee shall

61.3.4.1. Review at least once each academic semester the University's program for humane care and use of animals;

61.3.4.2. Inspect at least once each academic semester all of the University's animal facilities, including satellite facilities, if any;

61.3.4.3. Meet once during the summer to prepare materials for the academic year;

61.3.4.4. Review concerns involving the care and use of animals at the University;

61.3.4.5. Make recommendations to the Vice Provost for Research and others regarding any aspect of the University's animal program, facilities, or personnel training;

61.3.4.6. Review and approve, require modifications in (to secure approval), or withhold approval of experimental protocols for the care and use of animals for research and teaching;

61.3.4.7. Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the use of animals in ongoing activities;

61.3.4.8. Be authorized to suspend an activity involving animals if it determines that the activity is not being conducted in accordance with applicable provisions of the Animal Welfare Act, the NIH Guide for the Care and Use of Laboratory Animals, or other applicable federal, state, and local laws, regulations, and policies.

61.3.5. Recordkeeping

61.3.5.1. The Committee shall prepare and maintain minutes of its meetings, including records of attendance, activities of the Committee, and Committee deliberations.

61.3.5.2. All animal protocols shall be kept on file in the Office of Research Integrity for three years.

**61.4. Responsibilities of the Office of Research Integrity**

The responsibilities of the Office of Research Integrity shall be

61.4.1. To assist the Committee in performing its functions;
61.4.2. To maintain pertinent records and data relating to the use of animals in research and teaching;
61.4.3. To supply protocol application forms to animal users; and
61.4.4. To be consistent with changes in information on current federal, state, and local laws, regulations, and policies.

# 62. POLICY FOR RESEARCH INVOLVING RECOMBINANT DNA MOLECULES AND RESEARCH INVOLVING INFECTIOUS MATERIALS[87]

**62.1. Introduction**

Ball State University, recognizing its responsibility to provide effective biological safety programs, requires that all research projects involving recombinant DNA molecules or organisms/viruses containing recombinant DNA molecules will be reviewed by the Institutional Biosafety Committee. This review will be completed prior to the initiation of the research. The University also requires that researchers file, with the Institutional Biosafety Committee, information about all infectious materials to be used in research projects, prior to initiating such research. Herein, reference to "research" includes procedures performed in laboratory classes, as well as in research labs, and the term "investigators" includes course directors for such laboratory classes, as well as researchers.

**62.2. Policy**

62.2.1. Rationale

62.2.1.1. The Institutional Biosafety Committee shall assume its responsibility for meeting the conditions required by the NIH Guidelines for Research Involving Recombinant DNA Molecules published in the Federal Register, Vol. 51, No. 88, Wednesday, May 7, 1986, or subsequent guidelines which may supersede earlier versions. The Institutional Biosafety Committee will also assume its responsibility for other biosafety concerns by making recommendations to investigators regarding appropriate safety practices as outlined in Biosafety in Microbiological and Biomedical Laboratories, current edition, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, GA 30333, and National Institutes of Health, Bethesda, MD 20892. The directives presented in this policy document are in part based on the NIH Guidelines for Research Involving Recombinant DNA Molecules. A copy of these directives shall be provided to all investigators performing research involving either recombinant DNA or infectious materials and may be obtained from the Office of Research Integrity.

62.2.1.2. University policy entrusts the investigator with primary responsibility for the protection of individuals using recombinant DNA technology and/or working with infectious materials.

62.2.1.3. Investigators applying for grants involving recombinant DNA research subject to NIH Guidelines for Research Involving Recombinant DNA Molecules will be required to submit an abstract of the proposed research to the Institutional Biosafety Committee and

to complete a form which will provide information for review and approval of the recombinant DNA aspects of the proposal. Prior to application to the Institutional Biosafety Committee for research approval, the investigator should consult the regulations for recombinant DNA research which are specified in the NIH Guidelines for Research Involving Recombinant DNA Molecules and/or determine the biosafety level from the Biosafety in Microbiological and Biomedical Laboratories (both are available at the Office of Research Integrity).

62.2.1.4. Investigators anticipating use of any infectious agent or materials will be required to complete and submit to the Institutional Biosafety Committee a registration form for each infectious agent, or closely related group of agents. In anticipation of working with a particular infectious material, the investigator should consult the Biosafety in Microbiological and Biomedical Laboratories to determine the biosafety level and recommended practices. If the investigator intends to significantly alter or modify the way a previous registered infectious agent is used, a new registration form should be completed and submitted.

62.2.1.5. These policies, the NIH Guidelines for Research Involving Recombinant DNA Molecules, and the Biosafety in Microbiological and Biomedical Laboratories are intended to help the Institutional Biosafety Committee and the Principal Investigator determine the safeguards that should be implemented. Therefore, it is the responsibility of the institution and those associated with it to adhere to the intent of the guidelines in both of these documents, as well as to their specifics.

62.2.1.6. In assuming its responsibility, the Institutional Biosafety Committee and the University intends to encourage the conduct of biological research while protecting the rights and welfare of those participating in the research, the University, and the community. University faculty, staff, and students conducting research involving recombinant DNA or infectious materials under this policy are responsible for compliance with all federal regulations.

62.2.2. Administration

62.2.2.1. Executive functions to be performed by the University include the development of policy; the continuing education of personnel with respect to policy; the modification of the policy to maintain its conformity with laws and regulations; and the provision for appropriate administrative support and legal assistance for the Institutional Biosafety Committee. The University official responsible for carrying out or delegating these functions is the Provost and Executive Vice President for Academic Affairs.

62.2.3. Applicability

62.2.3.1. This policy is applicable to all research involving recombinant DNA molecules or organisms/viruses containing DNA, and to all research involving any infectious material, which is conducted under the auspices of the University.

**62.3. Definitions of Terms and Phrases**

62.3.1. "Recombinant DNA" or recombinant DNA molecules

means either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules which result from the replication of a molecule described in (i) above. If the joined or synthetic DNA is not

expressed in vivo as a biologically active polynucleotide or polypeptide product, it is exempt from the guidelines.

62.3.2. "Research involving recombinant DNA technology and/or infectious material under the auspices of the University" means for the purposes of this policy, research involving recombinant DNA molecules, recombinant organisms/viruses, or infectious materials shall be "under the auspices of the University" when

62.3.2.1. The research is funded externally by way of a grant, contract, or similar agreement between the sponsor (public or private) and the University;

62.3.2.2. The research is funded internally by the University by way of a grant, contract, or similar agreement;

62.3.2.3. The research is conducted upon assignment by the University; or

62.3.2.4. The research is actively assisted by the use of University facilities, resources, supplies, equipment, or personnel.

**62.4. Biosafety Levels and Containment**

62.4.1. Effective biological safety programs rely upon mechanisms that can be divided into categories
(i) a set of standard practices that are generally used in microbiological laboratories, and
(ii) special procedures, equipment, and laboratory installations and/or animal facilities that will provide physical barriers which are applied in varying degrees according to the estimated biohazard.

62.4.2. Experiments on recombinant DNAs also require the application of specific biological barriers which limit either (i) the infectivity of a vector or vehicle (plasmid or virus) for specific hosts or (ii) its dissemination and survival in the environment. The vectors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be genetically designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory.

62.4.3. There are four biosafety levels which consist of combinations of laboratory practices and techniques, safety equipment, and laboratory facilities appropriate for the operations performed and the hazard posted by agents and for the laboratory function and activity. The four biosafety levels (BL1-4) are described in detail in the Biosafety in Microbiological and Biomedical Laboratories.

**62.5. Institutional Biosafety Committee**

62.5.1. Membership

62.5.1.1. A roster of the members of the Institutional Biosafety Committee, who are appointed by the University president, including the names, addresses, occupations, qualifications, and curriculum vitae of the chairperson and members of the committee, shall be submitted to the National Institutes of Health Office of Biotechnology Activities. The Office of Biotechnology Activities will review the membership of the Institutional Biosafety Committee and, where it finds the Institutional Biosafety Committee in compliance with the requirements set forth in the current NIH Guidelines for Research Involving Recombinant DNA Molecules, will give its approval to the Institutional Biosafety Committee membership. Updated roster information will be submitted to the Office of Biotechnology Activities annually, and if interim changes in the membership of the Institutional Biosafety Committee occur, a revised roster will be submitted to the Office of Biotechnology Activities promptly.

62.5.1.2. The Institutional Biosafety Committee shall comprise no fewer than five members so selected that they collectively have experience and expertise in recombinant DNA technology and microbiology, and the capability to assess the safety of recombinant DNA research experiments and work with infectious agents and any potential risk to the public health or environment. At least two members shall not be affiliated with the institution and shall represent the interest of the surrounding community with respect to health and protection of the environment.

62.5.1.3. The term of appointment for each member shall be for three years and all members and officers shall be eligible for re-election and re-appointment. Beginning July 1, 1992, terms of members will be staggered.

62.5.1.4. The responsibilities of the Institutional Biosafety Committee are covered in detail in the NIH Guidelines for Research Involving Recombinant DNA Molecules.

62.5.2. Responsibilities and functions of the Institutional Biosafety Committee

62.5.2.1. General

62.5.2.1.1. The Institutional Biosafety Committee shall develop and follow written procedures for reviewing recombinant DNA and infectious materials research. Modification of written procedures, including this policy and necessary forms, shall be made by a simple majority vote of the Institutional Biosafety Committee membership.

62.5.2.2. For reviewing recombinant DNA research, the Institutional Biosafety Committee shall develop and follow written procedures for

62.5.2.2.1. Conducting its initial and continuing review of research and for reporting its findings and actions to the investigator and the University;

62.5.2.2.2. Determining which projects require review more often than every three years and which projects need verification, for sources other than investigators, that no significant changes have occurred since previous Institutional Biosafety Committee review;

62.5.2.2.3. Assuring prompt reporting to the Institutional Biosafety Committee of proposed changes in research activity;

62.5.2.2.4. Assuring that changes in proposed research, during the period for which approval has been given, may not be initiated without Institutional Biosafety Committee review and approval;

62.5.2.2.5. Assuring prompt reporting to the Institutional Biosafety Committee of unanticipated problems involving risks;

62.5.2.2.6. Assuring compliance with the NIH Guidelines for Research Involving Recombinant DNA Molecules.

62.5.3. For reviewing research using infectious materials, the Institutional Biosafety Committee will develop and follow written procedures for

62.5.3.1. Conducting review of information provided by the investigator about each infectious agent or material to be used and making necessary recommendations to the investigator regarding biosafety practices;

62.5.3.2. Assuring prompt reporting to the Institutional Biosafety Committee when new infectious agents will be used in research;

62.5.3.3. Assuring adequate application of biosafety principles in work involving infectious agents.

62.5.4. For research involving recombinant DNA, the Institutional Biosafety Committee shall

62.5.4.1. Be responsible for the review of proposed research protocols involving recombinant DNA technology according to this policy at convened meetings. In order for the research protocol to be approved, it shall receive the approval of a majority of those members present;

62.5.4.2. Review and have authority to approve/require modifications in all research covered by this policy;

62.5.4.3. Be responsible for reporting to the Provost and Executive Vice President for Academic Affairs, or his or her designee, and to any appropriate government agency, any serious or continuing non-compliance by investigators with the requirements and determinations of the Institutional Biosafety Committee;

62.5.5. For research involving infectious agents the Institutional Biosafety Committee shall

62.5.5.1. Be responsible for gathering information about the use of infectious materials in research and reviewing the agents which will be used;

62.5.5.2. Give the investigator recommendations for further measures which the committee determines will be necessary to ensure safety in work with the particular infectious agent.

**62.6. Responsibilities of the Principal Investigator**

62.6.1. On behalf of the University, the Principal Investigator conducting recombinant DNA research shall be responsible for complying fully with Institutional Biosafety Committee policies and NIH Guidelines for Research Involving Recombinant DNA Molecules by

62.6.1.1. Seeking prior approval by the Institutional Biosafety Committee before initiating or modifying recombinant DNA research. The research project must be reviewed at least every three years;

62.6.1.2. Determining which biosafety level is required by the research and ascertain that the experiments are covered by the NIH Guidelines for Research Involving Recombinant DNA Molecules. Determination of biosafety level classification of research microorganisms on the basis of hazard is described in Appendix B of the NIH Guidelines for Research Involving Recombinant DNA Molecules. The Principal Investigator will provide the Institutional Biosafety Committee with this information;

62.6.1.3. Reporting within 30 days to the Institutional Biosafety Committee and the National I Institutes of Health Office of Biotechnology Activities all significant problems with and violations of the NIH Guidelines for Research Involving Recombinant DNA Molecules and all significant research-related accidents and illnesses;

62.6.1.4. Being adequately trained in good microbiological techniques. Standard practices of training and physical containment as described in Appendices G (Physical Containment) and I (Biological Containment) of the NIH Guidelines for Research Involving Recombinant DNA Molecules must be adhered to;

62.6.1.5. Adhering to Institutional Biosafety Committee approved emergency plans for dealing with accidental spills and personnel contamination;

62.6.1.6. Complying with shipping requirements for recombinant DNA molecules. Information on packaging and labeling of etiologic agents is covered in detail in the NIH Guidelines for Research Involving Recombinant DNA Molecules.

62.6.1.7. Providing the Institutional Biosafety Committee the title of the project, the proposed beginning and ending dates, and the funding sources.

62.6.2. On behalf of the University, the Principal Investigator conducting research with infectious materials shall be responsible for

62.6.2.1. Informing the Institutional Biosafety Committee of each infectious agent or material that will be used in any of his or her research;

62.6.2.2. Determination of which biosafety level is appropriate for working with the infectious agent or material, according to the Biosafety in Microbiological and Biomedical Laboratories;

62.6.2.3. Ensuring that laboratory and animal facilities are adequate for appropriate containment practices;

62.6.2.4. Notifying all personnel involved in the work of the level of biohazard and training them in appropriate biosafety practices;

62.6.2.5. Adherence to recommended biosafety standards and shipping regulations described in the Biosafety in Microbiological and Biomedical Laboratories.

## 62.7. Types of Review by the Institutional Biosafety Committee

62.7.1. Review of Research Involving Recombinant DNA

62.7.1.1. Full Review

62.7.1.1.1. Full Review requires review by the Institutional Biosafety Committee membership, and approval of a protocol requires a simple majority vote of the Institutional Biosafety Committee membership by signature or at a convened meeting. Any member of the Institutional Biosafety Committee may request a Full Review of a research protocol at a convened meeting. Research protocols or activities may be disapproved only after a Full Review.

62.7.1.2. Expedited Review

62.7.1.2.1. Expedited Review is conducted by a Subcommittee of the Institutional Biosafety Committee at a convened meeting if the investigator submits a modified protocol, with minor changes in previously approved research during the period for which approval is authorized. Under the Expedited Review procedure, the review may be carried out by the Institutional Biosafety Committee chairperson, the ex officio, and a rotating regular member who will comprise the Subcommittee of the Institutional Biosafety Committee. The reviewers of the Subcommittee may exercise all of the authorities of the Institutional Biosafety Committee, except they may not disapprove the research or approve an entirely new research project.

62.7.2. Review of Research Involving Infectious Materials

62.7.2.1. Review of research using infectious agents or materials will be conducted by the Institutional Biosafety Committee membership, allowing each member input for recommendations to be forwarded to the investigator with an authorized signature. These recommendations will be based on the biosafety practices as described in the Biosafety in Microbiological and Biomedical Laboratories.

## 62.8. Suspension or Termination of Approval for Recombinant DNA Projects

The Institutional Biosafety Committee shall have authority to suspend or terminate approval of research that is not being conducted in accordance with the Institutional Biosafety Committee's requirements or that has

been associated with unexpected risk to the investigators, the University or the community. Any suspension or termination of approval shall include a statement of the reasons for the Institutional Biosafety Committee's action and shall be reported promptly to the investigator, the Provost and the Vice President for Academic Affairs, and if the research is externally funded, to the sponsor.

**62.9. Documentation of Institutional Biosafety Committee Activities**

62.9.1. The Institutional Biosafety Committee, in cooperation with the Sponsored Programs Office, shall prepare and maintain documentation of its activities, including the following:

62.9.1.1. Copies of all completed forms and research protocols reviewed, scientific evaluations that accompany the protocols, any documents submitted by the investigators, and reports of research related accidents/spills/contamination;

62.9.1.2. Minutes of Institutional Biosafety Committee meetings which shall be in sufficient detail to show attendance at meetings, actions taken by the Institutional Biosafety Committee, the vote on actions, the basis for requiring changes in or disapproving research, and a summary of the discussion of controverted issues and their resolution;

62.9.1.3. Records of continuing review activities;

62.9.1.4. Copies of all correspondence between the Institutional Biosafety Committee and the investigators;

62.9.1.5. A list of Institutional Biosafety Committee members as required by the NIH Guidelines for Research Involving Recombinant DNA Molecules.

62.9.2. The records required by this policy shall be retained in the Sponsored Programs Office for at least five years after completion of the research.

**62.10. Cooperative**

In the event of research in which the University and another institution(s) or party cooperate in the Research conduct of some or all of the research, the investigator shall comply with this policy. To avoid duplications of effort, the Institutional Biosafety Committee with the concurrence of the Provost and Executive Vice President for Academic Affairs may use joint review or reliance upon the review of another qualified Institutional Biosafety Committee.

# 63. On Preventing Conflicts Of Interest In Government Sponsored Research At Universities[88]

A Joint Statement of the Council of the American Association of University Professors and the American Council on Education

The increasingly necessary and complex relationships among universities, Government, and industry call for more intensive attention to standards of procedure and conduct in Government sponsored research. The clarification and application of such standards must be designed to serve the purposes and needs of the projects and the public interest involved in them and to protect the integrity of the cooperating institutions as agencies of higher education.

The Government and institutions of higher education, as the contracting parties, have an obligation to see that adequate standards and procedures are developed and applied; to inform one another of their respective requirements; and to assure

that all individuals participating in their respective behalf are informed of and apply the standards and procedures so developed.

63.1. Favoring of outside interests. When a University staff member (administrator, faculty member, professional personnel member, or employee) undertaking or engaging in Government sponsored work has a significant financial interest in, or a consulting arrangement with, a private business concern, it is important to avoid actual or apparent conflicts of interest between the Government sponsored University research obligations and outside interests and other obligations. Situations in or from which conflicts of interest may arise are the

63.1.1. Undertaking or orientation of the staff member's University research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the University and to the sponsoring agency;

63.1.2. Purchase of major equipment, instruments, materials, or other items for University research from the private firm in which the staff member has the interest without disclosure of such interest;

63.1.3. Transmission to the private firm or other use for personal gain of Government sponsored work products, results, materials, records, or information that are not made generally available (This would not necessarily preclude appropriate licensing arrangements for invention, or consulting on the basis of Government sponsored research results where there is significant additional work by the staff member independent of the Government sponsored research.);

63.1.4. Use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's Government sponsored activities (The term "privileged information" includes, but is not limited to medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for Government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements.);

63.1.5. Negotiation or influence upon the negotiation of contracts relating to the staff member's Government sponsored research between the University and private organizations with which there are consulting or other significant relationships;

63.1.6. Acceptance of gratuities or special favors from private organizations with which the University does or may conduct business in connection with a Government sponsored research project, or extension of gratuities or special favors to employees of the sponsoring Government agency, under circumstances which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

63.2. Distribution of effort. There are competing demands on the energies of a faculty member (for example, research, teaching, committee work, outside consulting). The way in which effort is divided among these various functions does not raise ethical questions unless the Government agency supporting the research is misled in its understanding of the amount of intellectual effort being devoted to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions performed are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a staff member will devote a certain fraction of effort to the Government sponsored research, or agrees to assume responsibility in relation to such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of involvement that is to be expected. Each University, therefore, should through joint consultation of administration and faculty develop procedures to assure that proposals are responsibly made and complied with.

63.3. Consulting for Government agencies or their contractors. When staff members are engaged in Government sponsored research and also serve as a consultant to a Federal agency, their conduct is subject to the provisions

of the Conflict-of-Interest Statues (18 U.S.C. 201 Et.seq.) and the President's memorandum of May 2, 1963, Preventing Conflicts of Interest on the Part of Special Government Employees. When there is consultation for one or more Government contractors, or prospective contractors, in the same technical field as the research project, care must be taken to avoid giving advice that may be of questionable objectivity because of its possible bearing on other interests of the researcher. In undertaking and performing consulting services, the member should make full disclosure of such interests to the University and to the contractor insofar as they may appear to relate to the work at the University or for the contractor. Conflict of interest problems could arise, for example, in the participating of a staff member of the University in an evaluation for the Government agency or its contractor of some technical aspect of the work of another organization with which there is a consulting or employment relationship or a significant financial interest, or in an evaluation of a competitor to such other organization.

**63.4. University Responsibility**

Each University participating in Government sponsored research should make known to the sponsoring Government agencies:

63.4.1. The steps it is taking to assure an understanding on the part of the University administration and staff members of the possible conflicts of interest or other problems that may develop in the foregoing types of situations.

63.4.2. The organizational and administrative actions it has taken or is taking to avoid such problems, including:

63.4.2.1. Accounting procedures to be used to assure that Government funds are expended for the purposes for which they have been provided, and that all services which are required in return for these funds are supplied;

63.4.2.2. Procedures that enable it to be aware of the outside professional work of staff members participating in Government sponsored research, if such outside work relates in any way to the Government sponsored research;

63.4.2.3. The formulation of standards to guide the individual University staff members in governing their conduct in relation to outside interests that might raise questions of conflicts of interest; and

63.4.2.4. The provision within the University of an informed source of advice and guidance to its staff members for advance consultation on questions they wish to raise concerning the problems that may or do develop as a result of their outside financial or consulting interests, as they relate to their participation in Government sponsored University research. The University may wish to discuss such problems with the contracting officer or other appropriate Government official in those cases that appear to raise questions regarding conflicts of interest.

The above process of disclosure and consultation is the obligation assumed by the University when it accepts Government funds for research. The process must, of course, be carried out in a manner that does not infringe on the legitimate freedoms and flexibility of action of the University and its staff members that have traditionally characterized a University. It is desirable that standards and procedures of the kind discussed be formulated and administered by members of the University community themselves, through their joint initiative and responsibility, for it is they who are the best judges of the conditions which can most effectively stimulate the search for knowledge and

preserve the requirements of academic freedom. Experience indicates that such standards and procedures should be developed and specified by joint administrative faculty action.

# 64. POLICY CONCERNING THE OWNERSHIP, DISTRIBUTION AND COMMERCIAL DEVELOPMENT OF BALL STATE UNIVERSITY INTELLECTUAL PROPERTY AND TECHNOLOGY[88]

## 64.1. PART 1. INTRODUCTION AND SELECTED DEFINITIONS

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 the appropriate 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.

The following overview of intellectual property rights is limited in scope. The Ball State Technology Transfer Officer ("TTO") in the Office of Sponsored Projects Administration (SPA) should be contacted for further information regarding any of these rights. The Associate Director for Strategic Initiatives serves as Ball State's TTO.

### 64.1.1. PATENTS AND PATENT RIGHTS

A patent is a grant issued by the United States Patent and Trademark Office giving an inventor the right to exclude all others from making, using, or selling the invention within the United States, its territories and possessions, for a period which expires 20 years after the patent filing.

Patents may also be granted in foreign countries; procedures for filing, regulations for patentability, and term of patent grant vary considerably from country to country.

To be patentable in most countries, an invention must be new, useful, and nonobvious. In the United States, a grace period of 12 months from the first written or oral public disclosure of an invention is allowed to file a patent application. In most foreign countries, an invention is unpatentable unless the application is filed before public disclosure (written or oral). However, if one has filed a patent application in the United States prior to disclosure, the applicant has 12 months from the date of filing in the United States to file in most non-U.S. countries without losing filing rights.

### 64.1.2. COPYRIGHTS

A copyright owner has the exclusive right to reproduce or copy the work, prepare derivative works, distribute by sale or otherwise, and display or perform the work publicly.

Under federal copyright law, copyright subsists in "original works of authorship" which have been fixed in any tangible medium of expression from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

For an individual author, copyright protection of a work extends for the author's life plus 70 years. For employers, copyright protection of a work extends for 95 years from the date of publication as of 1998. An "author" is a person who creates copyrightable material in any form. A copyrightable work may have more than one author.

In contrast to a patent which protects the "idea", copyright protects the "artistic expression." This can include, without limitation, tangible mediums of expression such as: literary work, musical work, computer program or software, video or motion picture or sound recording, digital video or digital photograph, photograph, sculpture, and so forth, in which the "expression" is embodied, illustrated, or explained.

### 64.1.3. TRADE AND SERVICE MARKS

A trade or service mark is a word, name, symbol or device (or any combination thereof) adopted by an organization to identify its goods or services and distinguish them from the goods and services of others. In the United States, trademark ownership is generally acquired through use of a term or symbol to identify the origin of goods or services, although effective November, 1989, legislation enables organizations to file for trademark protection based on intent to use a particular term or symbol. Trade or service mark ownership is not dependent upon federal or state registration, but upon use of the mark. Registration of trade and service marks may be obtained on both the state and federal levels. However, to apply for a federal registration of a mark, it must be used in interstate commerce.

### 64.1.4. MASK WORKS

A mask work is defined as a series of related images representing a predetermined, three-dimensional pattern of metallic, insulating, or semiconducting layers of a semiconductor chip product. Under the Semiconductor Chip Act of 1984, mask work protection extends for 10 years and gives the owner of the qualifying mask work exclusive rights to its exploitation. Mask works are registered with the United States Copyright Office. Failure to apply within 2 years of the initial commercial exploitation results in the termination of the exclusive rights.

64.1.5. TANGIBLE RESEARCH PROPERTY

The term "tangible research property" refers to those research results which are in a tangible form as distinct from intangible (or intellectual) property. Examples of tangible property can include integrated circuit chips, computer software, biological organisms or tissue, engineering prototypes (whether functional or non-functional), computer generated three-dimensional models or prototypes, engineering drawings or renderings, and other property which can be physically distributed.
Although tangible research property may often have intangible property rights associated with it, such as biological organisms which may be patented or computer software which may be either patented or copyrighted, where appropriate, tangible research property may be distributed without securing intellectual property protection by using some form of contractual agreement, such as formal contract, materials transfer or license agreement, loan agreement, letter agreement, memorandum of understanding, or user license as further set forth in this document.

64.1.6. TRADE SECRET

The law of trade secret may be applied to almost any secret which is used in business or commerce and gives the owner of the trade secret a competitive edge over others. It is used to protect valuable proprietary information and is a commonly used form of protection for software. Unlike copyrights, there is no federal trade secret statute. Trade secret laws are determined by the individual states but generally adhere to similar principles. The most important aspect of this type of protection is that of secrecy. The protection will remain legally valid only as long as a trade secret is maintained, and/or reasonable efforts are undertaken to maintain its secrecy. In order to maintain protection while a trade secret is being used, it is necessary to bind those individuals having access to the secret by a contractual agreement not to disclose it. Such agreements are usually called nondisclosure or confidentiality agreements.

## 64.2. PART 2. BALL STATE'S POLICY STATEMENTS

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.

64.2.1. 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 63.2.1.5, 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:
    i. 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
    ii. The intellectual property was developed with significant use of funds, other resources or facilities administered by Ball State, as defined in Section 63.2.1.2.

(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 64.2.1.3), or
    2. it is "specially commissioned" by Ball State pursuant to a written agreement whereby Ball State retains copyright ownership, (see Section 64.2.1.3), 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 63.2.1.5, 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 unless any of the conditions set forth in this section on Student Ownership and outlined above in Section 63.2.1(a) or Section 63.2.1(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 63.2.1(a)(2), 63.2.1 (b), or 63.2.1 (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[1].** 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.

PRESENT ASSIGNMENT:

By virtue of this policy and pursuant to the terms of section 64.2.1 of this policy, inventors/authors presently convey, transfer and assign to ball state university all rights, titles, and interests in all ideas, inventions, discoveries, works of authorship, and all other intellectual property, present or future, whether patentable or not, that the inventor/author, either solely or jointly with others, conceived of, reduced to practice, authored or otherwise created during the term of inventor/author's employment or enrollment at ball state university, and that is determined to be owned by ball state university pursuant to this policy. The inventor/author also agrees to execute all documents that Ball State University deems necessary to vest ownership in Ball State University.

64.2.1.1. SPONSORED RESEARCH AND OTHER AGREEMENTS

**PATENTS**: Research contracts sponsored by the Federal Government are subject to statutes and regulations under which Ball State must acquire title to inventions conceived or first reduced to practice in the performance of the research. Ball State's ownership is subject to a nonexclusive license to the government and the requirement that Ball State retains title and takes effective steps to develop the practical commercial applications of the invention by licensing and other appropriate means.

[1] For purposes of this policy, the supervision and direction of a faculty or staff member means that the contributions of the faculty or staff member can constitute the use of a significant Ball State administered resource where the contributions of the faculty or staff member are outside of usual and ordinary instruction in a Ball State class, the resulting intellectual property resulted from the direct collaboration between the faculty or staff member and the student, and the resulting intellectual property reflects the valuable contributions of the faculty or staff member.

Contracts with industrial sponsors often provide that Ball State retain ownership of patents while the sponsor is granted an option to acquire license rights to develop commercial applications of the patent.

**COPYRIGHT**: Normally, research contracts sponsored by the Federal Government provide the government with specified rights in copyrightable material developed in the performance of the research. These rights may consist of title to such material vesting solely in the government, but more often consist of a royalty-free license to the government with title vesting in Ball State.

When a work is created under the terms of a sponsored research agreement, authors of copyrightable works should be aware that there may be contractual terms relating to the form of the report, advance notice to the sponsor before publication, and related terms of which the authors should be aware.

**GENERAL**: Ball State faculty, staff and other personnel and visitors should contact SPA for additional information or assistance regarding interpretation of research contract terms; the terms of such sponsored research agreements apply not only to inventions made by faculty and staff, but also to those made by students and visitors, whether or not paid by Ball State, who participate in performing research supported, even in part, by such agreements. It is essential, therefore, that all individuals participating in the research are made aware that by the terms of this policy they are assigning their rights in the developed intellectual property to Ball State and sign Inventions and Proprietary Information Agreements prior to the disbursement of funds as provided under Section 63.5.0.

64.2.1.2. SIGNIFICANT USE OF BALL STATE-ADMINISTERED RESOURCES

When an invention, software, or other copyrightable material, mask work, trade secret or tangible research property is developed by Ball State faculty, students, staff, visitors, or others participating in Ball State programs using significant Ball State funds, resources or facilities, Ball State will own the patent, copyright, or other tangible or intellectual property. If the material is not subject to a sponsored research or other agreement giving a third-party rights, the issue of whether or not a significant use was made of Ball State funds, resources or facilities will be reviewed by the inventor/author's laboratory or unit director or department chair, and a written recommendation forwarded to the TTO, in the form of the letter that is Form 1 in Appendix A.

Ball State does not construe the payment of salary from unrestricted accounts as constituting significant use of Ball State funds, except in those situations where the funds were paid specifically to support the development of certain materials.

Generally, an invention, software, or other copyrightable material, mask work, trade secret or tangible research property will not be considered to have been developed using significant Ball State funds, resources or facilities if all of the following factors have been met:

(1) only a minimal amount (usually not exceeding $500) of unrestricted funds have been used; and

(2) the invention, software, or other copyrightable material, mask work, or tangible research property has been developed outside of the assigned area of research of the inventor/author, or as to students the intellectual property has been developed outside of a Ball State class, funded project or independent study, internship or practicum; and

(3) only a minimal amount of time has been spent using Ball State facilities or only insignificant facilities and equipment have been utilized; and

(4) the development has been made on the personal, unpaid time of the inventor/author.

When an invention, software, or other copyrightable material, mask work, trade secret or tangible research property is not subject to a sponsored research or other agreement (such as an equipment agreement), but has been developed using significant Ball State funds, resources or facilities, the TTO may, at his or her discretion and consistent with the public interest, license the inventor(s)/author(s) exclusively or nonexclusively on a royalty basis. The inventor(s)/author(s) must demonstrate adequate technical and financial capability to commercialize the intellectual property, and the TTO will have the right to terminate such license if the inventor(s)/author(s) has not achieved effective dissemination within a reasonable amount of time (generally less than 2 years). The license and related royalty is also subject to the inventor(s)/author(s) waiving their rights to royalty sharing under this Policy. Where such a license is issued, the inventor(s)/author(s) may be required to assume some or all of the costs of filing, prosecuting and maintaining any patent rights at the discretion of Ball State University.

64.2.1.3. WORKS FOR HIRE

**EMPLOYEES:** A "work for hire," as defined by law, is a work product created in the course of the author's employment. Ownership of the work product in these situations belongs to the employer. For example, results of work assigned to staff programmers or writers of university publications are considered to have been created in the course of the author's employment and are the property of Ball State. It is the policy of Ball State that it shall own all works for hire.

**NON-EMPLOYEES:** Under the Copyright Act, copyright of specially commissioned works of non- employees is owned by the author and not by the commissioning party unless there is a written agreement to the contrary. All Ball State personnel are cautioned to ensure that independent contractors agree in writing in advance of work commencing that ownership of the commissioned work is assigned to Ball State, except where special circumstances apply and it is mutually agreed that the author will retain ownership.

64.2.1.4. TRADITIONAL WORKS OF SCHOLARSHIP

The term "Traditional Works of Scholarship" shall mean scholarly publications, journal articles, research bulletins, monographs, textbooks, books, instructional materials, play scripts, theatrical productions, poems, musical compositions, or other works of artistic imagination. Ball State shall not claim ownership of Traditional Works of Scholarship unless: (a) the work is created pursuant to a pre-arranged contractual obligation with Ball

State ("work for hire"); (b) the work is created with significant Ball State administered resources as defined in Section 63.2.1.2. herein; (c) the work capitalizes on an affiliation with Ball State by explicit labeling of the work to gain a marketing advantage, beyond the noting of the creator's affiliation; or (d) the copyright to such work resides in Ball State under the terms of a sponsored research or other agreement, or by operation of the copyright law or otherwise as a result of Ball State policy.

Furthermore, in those situations where copyright to such Traditional Works of Scholarship resides in Ball State under the terms of a sponsored research or other agreement, or by operation of the copyright law or otherwise as a result of Ball State policy, Ball State may at its sole discretion, upon the author's request and to the extent consistent with the intent of the sponsor and with the recommendation of the laboratory/unit director or department chair, convey copyright to the author of such work. An author requesting a waiver of Ball State ownership should submit Form 2 in Appendix A to the TTO for review and consideration.

64.2.1.5. 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 63.2.1.2 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.

64.2.2. TRADE AND SERVICE MARKS

Trade and service marks, whether registered or not, relating to goods and services developed at Ball State will be owned by Ball State.

64.2.3. SOFTWARE ACQUISTION

Whether the software and databases used at Ball State are owned by users or third parties and are protected by copyright and/or other laws, or are subject to license or other contractual arrangement, it is the policy of Ball State that users abide by any legal restrictions imposed by the owner of the software or database. It is the responsibility of the owner of the protected software or database to make the nature of the restrictions known to Ball State.

## 64.3. PART 3. TECHNOLOGY EVALUATION, PROTECTION AND DISSEMINATION

RESPONSIBILITY

The TTO is responsible for facilitating the transfer of Ball State technology for public use and benefit. The TTO evaluates, obtains proprietary protection for, and assists in the distribution of technology for research purposes, as described in this Section 63.3.0. The TTO also assists in the commercial development of selected technology by identifying potential markets and negotiating license and related agreements as described in Section 63.4.0.

64.3.1. DISCLOSURE

The initial step in establishing contact with the TTO is usually the submission of a Ball State Intellectual Property Disclosure for Inventors and Authors Form (See Form 3 in Appendix A). When submitted, the Technology Disclosure Form will initiate action by the TTO to make a determination regarding ownership, and to investigate the patenting (or other methods of protection) and marketing of the technology and may be accompanied by a letter requesting other action by Ball State, such as a waiver of Ball State's ownership rights in the technology (Form 2 in Appendix A).

**SPONSORED PROGRAMS**: The terms of sponsored research and other agreements normally create obligations with respect to the reporting of inventions, technical data, and copyrightable works such as software. In particular, inventions and copyrightable works developed under sponsored research should be promptly reported to the TTO by submitting a Technology Disclosure Form. The TTO will make a determination as to the steps necessary for discharging and/or satisfying Ball State's obligations to research sponsors.

**OTHER PROGRAMS**: Inventions or technology developed at Ball State either as work-for-hire or with significant use of Ball State funds, resources or facilities, should also be submitted to the TTO using an Intellectual Property Disclosure for Inventors and Authors Form. Independently-owned technology need not be disclosed to the TTO unless the owner of the technology desires the TTO to assist in commercializing the technology. In the latter cases, the technology may be submitted for evaluation to the TTO using the Intellectual Property Disclosure for Inventors and Authors Form.

64.3.1.1. DUTY TO FILE TECHNOLOGY DISCLOSURE FORM

Whenever a faculty member, student, staff member, or a visitor employed by Ball State, participating in Ball State programs or using Ball State funds, resources or facilities creates a work of intellectual property as defined in Section 1.0 of this Policy which is, or may be, owned by Ball State as set forth in Part 2 of this Policy, he or she shall file the Intellectual Property Disclosure for Inventors and Authors Form set forth in this Section 63.3.1 with the TTO as soon as practicable, but not more than thirty (30) calendar days after the work is completed.

64.3.1.2. DETERMINATION OF OWNERSHIP RIGHTS

Upon receipt of (1) the Intellectual Property Disclosure for Inventors and Authors Form, (2) the recommendation of the laboratory/unit director or department chair regarding whether it constitutes a work for hire and/or involved a significant use of Ball State-

administered resources as addressed in Section 63.2.1.2, and (3) whatever additional information the TTO deems necessary or appropriate, the TTO shall make a written determination of whether the work of intellectual property is owned by Ball State pursuant to Section 63.2.0 of this Policy. Such determination shall be made as soon as practicable but no later than sixty (60) calendar days after the submission of the Technology Disclosure Form.

If the faculty member, student, staff member, or a visitor disagrees with the ownership determination made by the TTO, he or she may file a request for review by the Patent and Copyright Committee (the "Patent and Copyright Committee") (See Section 63.4.9) within ten (10) calendar days of the TTO's written determination. The faculty member, student, staff member, or a visitor shall submit with the request for review his or her written reasons for disputing the TTO's determination, and the TTO shall, within ten (10) calendar days after the request for review is submitted, submit any additional written materials supporting his or her original determination. Within thirty (30) calendar days after receiving the TTO's responsive submission, the Patent and Copyright Committee shall then review the respective submissions, and make its written advisory recommendation to the Vice Provost for Research (as the final arbiter of this Policy under Section 63.6.1 of this Policy) regarding the ownership of the intellectual property. The Vice Provost for Research shall then render the final decision under this Policy regarding ownership of the intellectual property within ten (10) days of his or her receipt of the advisory recommendation of the Patent and Copyright Committee. There shall be no further appeal from the decision of the Vice Provost for Research.

### 64.3.2. PATENTS: PROTECTION

Although patent protection is sometimes sought for various noncommercial reasons, such as professional status, Ball State will generally not seek protection for inventions which are not commercially attractive, even if the invention is intellectually meritorious, unless otherwise requested by the sponsor of the research supporting the development. Ball State will, at its discretion, normally seek patent protection on inventions in order to pursue commercial licensing and to comply with the terms of sponsored research agreements. The procedures for obtaining patents on inventions are described in Section 63.4.0.

It is important to understand at the outset that any publication (or even verbal disclosure) which describes an invention prior to filing for a patent may preclude patenting in foreign countries altogether, and may also preclude protection in the United States unless a patent is filed within one year from verbal or written publication. The implications of publication upon patent rights should be discussed with the TTO and a decision on patent filing reached promptly so that publication will not be delayed.

### 64.3.3. COPYRIGHTS: ASSERTING AND REGISTERING

Copyright protection covers the "artistic expression" in the particular literary work, musical work, computer program, video or motion picture or sound recording, photograph, digital work, sculpture, article, book or other publication, in which the "expression" is embodied, illustrated, or explained, and it is sought in order to recognize authorship and protect the integrity of the work. It is also

essential in order for Ball State to license copyrightable materials to commercial book publishers and others and to comply with the terms of sponsored research agreements.
A copyright is established at the time expression is fixed in a tangible medium. In order to maintain the copyright for the period prescribed under the copyright statute, notice of copyright must be affixed to the copyrightable material. Failure to affix the proper notice will cause the copyright to be lost after a certain period of time has elapsed from the first publication of the work.

The following notice is to be applied on Ball State owned works to protect the copyright:

**"Copyright © [Year] BALL STATE UNIVERSITY. All rights reserved."**

The date in the notice should be the year in which the work is first published. No notice other than the foregoing is to be used for Ball State owned works.

Further, for added copyright protection, certain works should be registered with the United States Copyright Office using its official forms.

Questions concerning copyright notices and registration should be brought to the TTO.

64.3.4. TRADE AND SERVICE MARKS: ASSERTING AND REGISTERING

A trade or service mark may be used to protect those names and symbols associated with certain Ball State activities and events and with certain technology developments such as computer programs. Prior to registration for trademark protection, the designation "TM" after a trademark or "SM" after a service mark will give adequate notice of a claim of ownership. The designation "® "for a trademark may only be used after Federal registration.

The use of trade and service marks to protect Ball State owned technology or to designate Ball State as the origin of a product, event, activity, service, or the like, may be instituted only at the direction of the TTO. It is vitally important to note that trademark protection carries with it certain obligations on the part of the holder of the mark. Therefore, requests for use and registration of trade or service marks on behalf of Ball State must be referred to the TTO who shall then consult with Ball State's Office of Marketing and Communications regarding use and/or registration of a Ball State mark.

64.3.5. MASK WORKS: ASSERTING AND REGISTERING

Protection of a mask work commences with the registration of its initial commercial exploitation. If registration for protection has not been made within two years of the initial commercial exploitation, mask work protection may be lost and the work entered into the public domain.

To protect mask work rights, the following notice is to be applied on all Ball State-owned semiconductor chip products which incorporate mask works:

**"Mask work "M" or (M) BALL STATE UNIVERSITY"**

Questions concerning mask work notices and registration should be brought to the TTO.

## 64.3.6. TANGIBLE RESEARCH PROPERTY

Tangible research property (TRP) such as biological materials and computer software are frequently patented or copyrighted as appropriate and thereafter licensed for commercial purposes.

However, these and other forms of TRP, including those under commercial license, generally are simultaneously distributed solely for research purposes either under simple letters of understanding, more formal licenses, materials transfer agreements, or some combination thereof.

The following sections deal only with dissemination of TRP for research and other noncommercial purposes. Commercial licensing of TRP is covered generally in Section 63.4.0.

### 64.3.6.1. DISTRIBUTION FOR SCIENTIFIC RESEARCH

In keeping with the traditions of academic science and its basic objectives, it is the policy of Ball State that results of scientific research are to be promptly and openly made available to others. Since the traditional modes of dissemination through scholarly exchange and publication are not fully effective for most TRP, except as dictated by Sections 63.3.6.2 and 63.3.6.3 it is Ball State's policy that those research results which have tangible form should also be promptly and openly made available to other scientists for their non-commercial scientific research, unless such distribution is inappropriate due to factors such as safety, the need to more fully characterize or develop the TRP prior to distribution, or unless such distribution is incompatible with other obligations.

### 64.3.6.2. CONTROL OF TRP

Where TRP is developed in the course of research which is subject to the terms of a sponsored research or other agreement, control over its development, storage, distribution, and use is the responsibility of the principal investigator, who will consult with the TTO for direction and guidance. In other cases, significant use of Ball State resources will be presumed, so control over TRP rests jointly with the laboratory/unit director or department chair and with the TTO. The responsibility for control includes determining if and when distribution of the TRP is to be made beyond the academic community at Ball State for scientific use by others in accordance with the terms of this policy.

### 64.3.6.3. TRP WITH POTENTIAL COMMERCIAL VALUE

Scientific exchanges should not be inhibited due to potential commercial considerations. However, TRP may have potential commercial value as well as scientific value, and the principal investigator who may wish to make TRP available for scientific use in a manner which does not diminish its value or inhibit its commercial development should seek guidance from the TTO.

The normal mechanism for commercialization of TRP is through licensing agreements as set forth in Section 4.0.

64.3.6.4. TRP IDENTIFICATION

Each item of TRP should have an unambiguous identification code and name sufficient to distinguish it from other similar items developed at Ball State or elsewhere. The TTO should be consulted for assistance in developing appropriate identification systems.

64.3.6.5. DISTRIBUTION OF BIOLOGICAL TRP TO RESEARCH COLLEAGUES

Biological materials are in many cases patentable and licensed for commercial purposes under various types of patent licenses. They are also a form of tangible research property which can be distributed for commercial and/or research purposes with or without patent protection.

Biological TRP owned by Ball State may usually be distributed internally to a research colleague for research purposes only with minimal conditions attached. Any such distribution is subject to an agreement by the recipient that commercial development or commercial use or further transfer of the biomaterial is not to be undertaken. In addition, the principal investigator may wish to control subsequent use, for example, by requiring recipients to follow a specific research protocol in the use of the biological materials.

When distributing biological TRP to research colleagues outside Ball State, at a minimum, costs of the materials and handling may be recovered from the recipient, and returned to the account which funded those costs. When costs are charged for TRP distribution, adequate documentation must be maintained for audit purposes. The TTO should be consulted for guidance when distributing biological TRP to research colleagues outside of Ball State.

If there is a possibility of biohazard or other risk associated with the transport, storage, or use of a particular biological TRP, or if the recipient is likely to use the TRP for clinical research, the TTO should be contacted for advice on the appropriate form of disclaimers of liability and indemnities.

If the biological TRP was developed under a sponsored research agreement, the TTO should be contacted to advise on possible contractual obligations with respect to the TRP prior to its distribution for noncommercial purposes. Distribution of biological TRP which is part of a patent or patent application should be coordinated through the TTO.

64.3.6.6. DISTRIBUTION OF COMPUTER SOFTWARE FOR RESEARCH PURPOSES

The distribution of Ball State owned computer software to colleagues for research purposes must be coordinated with the TTO if the software has potential commercial value, if the principal investigator wishes to control subsequent use, or if it is subject to the terms of a sponsored research agreement.
The TTO will provide wording for the distribution agreement necessary to preserve commercial value and will arrange for trademark and copyright registration as appropriate. The TTO provides the service of distribution of software for noncommercial research use, charging recipients a nominal amount to cover costs associated with reproduction

and distribution. In addition to the handling of administrative details, including mailing, the TTO also makes arrangements for collecting departmental costs associated with providing software for noncommercial use and returning these costs to the department.

64.3.6.7. OTHER TRP

Distribution of TRP other than biological TRP should follow the procedures outlined in this policy for distribution of computer software in Section 63.3.6.6.

64.3.6.8 PROHIBITION ON TRANSFER OF INTELLECTUAL PROPERTY

In compliance with Indiana Code 21-36-5, Ball State University prohibits the transfer, licensing, or sublicensing of intellectual property created or developed using Ball State resources to a prohibited person. See IC 21-36-1 for applicable definitions.

## 64.4. PART 4. COMMERCIAL DEVELOPMENT

INTRODUCTION

It has long been acknowledged that the primary functions of a university are education, research, and public service. It is in the context of public service that Ball State supports efforts directed toward bringing the fruits of Ball State research to public use and benefit.

In many cases, mere publication of research results will be sufficient to transfer Ball State research to the public. In other cases, it is necessary to encourage industry, through protection of the intellectual property and the granting of certain licensing rights, to invest its resources to develop products and processes for use by the public.

64.4.1. COMMERCIALIZATION - GENERAL

The TTO will pursue the licensing of technology by researching the market for the technology, identifying third parties to commercialize it, entering into discussions with potential licensees, negotiating appropriate licenses and/or other agreements, monitoring progress, and receipting and distributing royalties to the inventors/authors in accordance with Ball State's royalty policy. When it is deemed appropriate to do so, a supporting organization of Ball State may accept an equity position partially or entirely in lieu of cash royalties.

64.4.1.1. INVENTOR/AUTHOR ASSISTANCE

With few exceptions, the support and cooperation of the inventor/author is critical to licensing success.

64.4.1.2. INVENTOR/AUTHOR OWNED TECHNOLOGY

Ball State faculty, staff, students or visitors who wish to pursue the development of their independently-owned technology through the TTO may offer such technology for evaluation by submitting an Intellectual Property Disclosure for Inventors and Authors Form. The TTO will evaluate the commercial potential and determine whether or not the

technology will be accepted for licensing by the TTO, under the usual royalty sharing policies.

Faculty, staff, and students are equally free to choose some other mechanism for commercializing their independently-owned technology, but prior to such commercialization should confirm through the TTO as set forth in Section 63.3.0 that the technology is not subject to a sponsored research or other agreement, and/or it is not subject to Ball State ownership. If either of these conditions might apply, the inventor/author should request from the TTO an appropriate license to the intellectual property or a waiver of Ball State's rights as set forth in this Section 63.4.0. A waiver request is Form 2 in Appendix A.

64.4.1.3. COMMITMENT OF FUTURE INVENTIONS

It is the policy of Ball State not to commit future inventions to licensees even where improvements to technology are anticipated. Some very narrowly drawn exceptions may occasionally be appropriate to handle subordinate patents and well-defined derivative works for licensed software.

64.4.1.4. CONSULTING CONTRACTS

The TTO will generally not negotiate consulting contracts for individual inventors/authors as part of a license arrangement.

64.4.2. PATENTS OWNED BY BALL STATE

64.4.2.1. EVALUATION

Once an Intellectual Property Disclosure for Inventors and Authors Form disclosing an invention is submitted, the TTO, with whatever assistance the TTO deems necessary, will begin the process of evaluating the invention for patentability, commercial potential and obligations to sponsors. The first step will typically be a meeting with the inventor. The TTO may also request that one of the inventors participate in a literature search of prior art. Contact with industry by the TTO and/or the inventor may also be made as part of the evaluation process.

64.4.2.2. SPONSORED PROGRAMS

If the invention arose from a sponsored research project, the TTO will file for a patent if required by the terms of the sponsored research agreement or otherwise if deemed appropriate following the TTO's evaluation of the invention, and will thereafter negotiate an appropriate license consistent with the terms of the contract.

The TTO shall be contacted for information about the specific patent terms of sponsored research agreements.

64.4.2.3. WAIVER OF BALL STATE RIGHTS

When it has the right to do so, Ball State may, if requested by the inventor, and at Ball State's discretion, "stand aside" in those situations where Ball State believes that it would enhance the transfer of technology to the public, is consistent with Ball State's obligations to third parties, and does not involve a conflict of interest as set forth below. By "standing aside", Ball State agrees not to exercise its common-law, contractual or statutory ownership rights to the technology, clearing the way for the Ball State inventor to seek ownership. Inventors may request that Ball State waive its ownership rights by submitting the letter that is Form 2 in Appendix A.

In the case of Federal agency sponsorship, any "stand aside" by Ball State must be made by releasing the invention to the Federal government, following which the inventor may directly petition the applicable Federal agency for a release of rights to himself or herself. Federal research agreements are generally subject to a uniform patent law which provides that universities take title to resulting inventions subject to certain obligations concerning the exploitation in the public interest, Federal approval of any assignment of ownership, preferences for licensing, the retention by the Federal government of certain license rights, and march-in rights. Decisions by the Federal sponsors to permit individual inventors to acquire ownership are generally made on a case-by-case basis with the Federal Government retaining for itself those rights previously discussed.

In the case of industrial sponsorship, Ball State usually must seek approval of the sponsor prior to waiving its ownership rights in favor of the inventor.

64.4.2.4. LICENSING OF BALL STATE RIGHTS TO INVENTORS

Ball State faculty, staff, or student inventors may also request a license to commercially develop their Ball State owned inventions where such licensing would enhance the transfer of the technology, is consistent with Ball State obligations to third parties, and does not involve a conflict of interest. Any evaluation and decision about whether to license Ball State rights to inventors shall be made by the TTO with any assistance deemed necessary.

64.4.2.5. CONFLICT OF INTEREST OR COMMITMENT

Any of the following factors may signify a conflict of interest which will be taken into account prior to waiving or licensing Ball State's rights to inventors under this Section 64.4.2 or to authors/creators under Section 64.4.3:

64.4.2.5.1. an adverse impact on Ball State's educational responsibility to its students;
64.4.2.5.2. an undue influence on the employment commitment of the inventor/author to Ball State in terms of time or direction of effort;
64.4.2.5.3. a detrimental effect on Ball State's obligation to serve the needs of the general public; or
64.4.2.5.4. potential conflict of interest as defined or addressed by any other Ball State policy regarding Conflicts of Interest or Commitment in the Ball State Faculty and Professional Personnel Handbook.

If the inventor/author holds or will shortly acquire an equity or founder's stock and/or option position in a small, tightly-controlled company to which the invention is licensed by Ball State, a supporting organization of Ball State may accept equity in lieu, or partially in lieu, of royalty only with the prior approval of the President of the University. The inventor/author will be required to sign Ball State's Statement of Disclosure of a Conflict of Interest and/or Conflict of Commitment Form (see Form 4 in Appendix A) if a license is granted to the company in which the inventor/author has an equity position. If a Ball State supporting organization does acquire equity in lieu or partial lieu of royalties for intellectual property, it will expect the company to grant the inventor/author holding or acquiring the equity position a total equity and/or option share reflective of the inventor/author's relative contribution both to the intellectual property and to the company operations, and such inventors/authors will not receive a share of the equity paid for the license. Ball State will take this factor into account in its license negotiations with the company. For all other inventors/authors, Ball State will require that the company distribute to those inventors/authors the approximate percentages of equity that would have otherwise been distributed to them under this policy as if the payment had been made in cash.

#### 64.4.2.6. RESEARCH FUNDING/EQUITY

Ball State, at its sole discretion, generally will not accept research funding from a licensee in which Ball State, through the TTO, or a Ball State inventor has an equity interest (including stocks, options, warrants or other financial instruments convertible into equity) unless:

64.4.2.6.1 the research is not likely to result in inventions dominated by the claims of the licensed patent or in software that is a derivative work of the licensed software; and

64.4.2.6.2 if the inventor remains employed by Ball State, the research will not be conducted in the inventor's laboratory/unit group; and

64.4.2.6.3 the inventor's students under the inventor's direction and control will not participate in any project funded by the licensee.

### 64.4.3. COPYRIGHTS OWNED BY BALL STATE

#### 64.4.3.1. COMMERCIALIZATION BY THE TTO

Copyrightable works owned by Ball State are normally licensed through the TTO except where other arrangements are made in accordance with this policy. Copyrightable material not owned by Ball State also may be licensed through the TTO when submitted under an Intellectual Property Disclosure for Inventors and Authors Form to the TTO by its author and are accepted for licensing by the TTO.

**COMPUTER SOFTWARE:** Computer software in which Ball State acquires rights may be either patented or copyrighted and made available by Ball State for commercial purposes through the TTO under various forms of patent or copyright licenses. Authors and their departments will share in royalties earned from licensing as further set forth in this policy. In those instances where the authors desire to distribute commercially licensed

software for research purposes or as TRP, such licensing must be coordinated with the TTO.

**OTHER WORKS:** Other works in which Ball State acquires rights may be either patented or copyrighted and made available by Ball State for commercial purposes through the TTO under various forms of patent or copyright licenses. Authors and their departments will share in royalties earned from licensing as further set forth in this policy. In those instances where the authors desire to distribute commercially licensed video or digital works for research purposes or as TRP, such licensing must be coordinated with the TTO.

64.4.3.2. WAIVER OF RIGHTS TO BALL STATE AUTHORS

When it has the right to do so, Ball State may, if requested by the author(s) and at Ball State's sole discretion, "stand aside" in those situations where Ball State believes that it would enhance the transfer of technology to the public, is consistent with Ball State's obligations to third parties, and does not involve a conflict of interest as stated in Section 4.2.5. By "standing aside", Ball State agrees not to exercise its contractual rights to the technology, clearing the way for the author(s) to seek ownership. Authors may request that Ball State waive its ownership rights by submitting the letter that is Form 2 in Appendix A.

Federal research agreements presently vary widely with respect to rights in copyrightable technical data and computer software, but in general, universities have the right to copyright and to control distribution of most materials. Several major agencies retain a large degree of control over computer software and will relinquish control only under limited circumstances.

In the case of industrial sponsorship where the sponsor acquires license rights, Ball State usually must seek approval of the sponsor prior to releasing its ownership rights in favor of the author.

64.4.3.3. OTHER FORMS OF AUTHOR CONTROL

Where consistent with Ball State's obligations to third parties, Ball State faculty, staff or student authors, with agreement of their laboratory/unit director or department chair and all of their co-authors, may request a license from the TTO to commercially develop their Ball State owned works, may request to have the works openly distributed through royalty-free licenses, or may request that the works be placed in the public domain. Any evaluation and decision about whether to license Ball State rights to authors as set forth in the subsequent paragraph, to distribute the work through royalty-free licenses, or to place works in the public domain shall be made by the TTO with any assistance deemed necessary.

**LICENSING TO AUTHORS:**
Authors may request control of the copyrighted material through a grant of commercial license rights.

Consistent with the public interest, Ball State may grant the request for author control but Ball State will retain title to the work, with the right to use it for internal educational, marketing and/or promotional purposes, the right to the payment of appropriate royalties, and the right to withdraw such licensing rights if the authors have not achieved effective dissemination as agreed. In addition, such arrangements will be subject to Ball State's Conflict of Interest and Commitment policies as stated in Section 63.4.2.5.

Where such requests relate to major projects that typically involve multiple authors and long development periods, determining the most effective course for dissemination shall require discussion and special negotiation with the TTO.

Ball State, through the TTO, will respond to author requests made under this policy within ninety (90) days. However, in those cases where the work, generally software, is not sufficiently developed to allow proper assessment, Ball State may require additional development prior to responding to an author request.

**PUBLIC DOMAIN:**
Authors may request that otherwise copyrightable material, including computer software, be placed in the public domain if such action will promote widespread use, for example by providing a means to establish a new standard such as a computer operating system. In responding to a request to place intellectual property in the public domain, Ball State will weigh the advantages of improved access, the complexity of the work and whether or not it is ready for effective public use, whether its quality can be maintained, and the author's reasons for seeking this mode of dissemination.

### 64.4.4. TRADE AND SERVICE MARKS

Trade and Service Marks owned by Ball State are to be licensed through the TTO. Any exceptions to this procedure must be approved in advance by the TTO who shall consult with Ball State's Office of Marketing and Communications regarding any license of trade or service marks owned by Ball State.

### 64.4.5. MASK WORKS

Mask works owned by Ball State are to be licensed through the TTO. Any exceptions to this procedure must be approved in advance by the TTO. Mask works not owned by Ball State also may be licensed through the TTO when offered for licensing by the Ball State-affiliated developer of such mask work and accepted by the TTO

### 64.4.6. TANGIBLE RESEARCH PROPERTY

It is Ball State policy that any commercial distribution of Ball State owned TRP be handled only through the TTO. Software should be submitted to the TTO in the same fashion as a patentable invention, for which the first step is preparation and submission of a Technology Disclosure Form (see Form 3 in Appendix A).

If TRP developed by Ball State as a result of research activities is to be distributed to outside users for commercial purposes, the distribution agreement must contain provisions negotiated by the TTO covering the terms under which the property may be used, limits on Ball State's liability for the TRP or products derived therefrom, and other conventional license agreement terms including those relating to any intangible property rights (such as patents) which also may be associated with the use of the tangible property.

64.4.7. INCOME DISTRIBUTION - GENERAL

Royalty income received during the preceding Ball State fiscal year related to Ball State owned intellectual property shall be distributed **once annually** as follows:

**STEP:**

64.4.7.1. Deduct 10% from Gross Income received by Ball State related to the intellectual property for partial indirect cost recovery; thereafter, deduct Recoverable Costs and, in some cases, a direct cost reserve to arrive at the annual Adjusted Income **(See NOTE A below)**

64.4.7.2. Distribute one-third of the Adjusted Royalty Income to the inventors/authors.

64.4.7.3. Distribute one-third of the Adjusted Income to Ball State for placement in an account to support the research and development of intellectual property by funding the operations and economic development mission of the Ball State Innovation Corporation, the Ball State Innovation Management Services LLC, and/or the Ball State Technology Transfer Office, or for funding of other Ball State priorities as determined by the President of Ball State or designee.

64.4.7.4. Distribute one-third of the Adjusted Income to the Ball State department and/or units of the inventor/author up to an annual royalty amount of $30,000. If one-third of the annual Adjusted Income exceeds $30,000, any excess shall go to Ball State for placement in an account to support the research and development of intellectual property as designated in the preceding paragraph. **(See NOTE A below)**

**NOTES**:

A. Distribution of the "Departmental Share" shall be to the department if it is the organization which administered the research contract from which the invention arose or to the Interdepartmental Laboratory if the latter administered the contract.

64.4.7.5. DISTRIBUTION OF ROYALTIES AMONG MULTIPLE INVENTORS/AUTHORS

In the event there is more than one inventor/author for the intellectual property, the inventor/author share shall be divided among them as they agree in writing. In the absence of a written agreement, the inventors/authors shall attempt to reach agreement among themselves as to the fair and equitable allocation of royalties among them based upon their relative contributions to the work.

In the event they fail to reach agreement, any one of the inventors/authors may request that the Patent and Copyright Committee evaluate the relative contributions of the

inventors/authors and propose an appropriate royalty allocation. Upon a written request from an inventor/author, the Patent and Copyright Committee shall select a meeting date to consider the relative contributions of the inventors/authors and the appropriate royalty allocation. Each inventor/author involved shall be notified in writing of the meeting date and time and shall be given the opportunity to attend the meeting and to present evidence concerning his or her contribution to the invention. Based upon the evidence presented, the Patent and Copyright Committee shall then recommend a proposed royalty allocation to the TTO for implementation. Within five (5) days of this recommendation by the Patent and Copyright Committee, any of the inventors/authors may appeal the recommendation to the Vice Provost for Research. The Vice Provost for Research shall then review the recommendation of the Patent and Copyright Committee and all supporting evidence. The Vice Provost for Research may also request that the inventors/authors provide any other evidence deemed useful or appropriate. The Vice Provost for Research shall render his or her final decision regarding the recommendation within ten (10) days of the inventors'/authors' request for appeal. As the arbiter of this Policy, the decision of the Vice Provost for Research shall be final.

64.4.8. ROYALTIES - SPECIAL CASES

In some cases, distribution of royalties to individuals or departments will be impractical or inappropriate; for example, where the material was developed as a laboratory project or where the authors/inventors are not easily identifiable. The TTO, in consultation with the principal investigator (or laboratory director/department head if not under a sponsored agreement) will review the circumstances of development when such situations have been identified and will recommend an appropriate royalty allocation to the Provost of Ball State who shall be the final arbiter of this Section 63.4.8 of this Policy. Generally, in such cases, royalties will be split between the department or laboratory and the Ball State account to support research and development of intellectual property as designated in numbered paragraphs 3 and 4 of Section 63.4.7.

64.4.9. COMMITTEE ON PATENTS AND COPYRIGHTS

An ad hoc Patent and Copyright Committee will oversee the operations of the TTO. The members of the committee shall be appointed as needed by the Vice Provost for Research and shall consist of between 3 and 7 individuals which will include representatives from those fields of technology generally served by these offices. In addition to its responsibilities as set forth in this Policy, this committee may, from time to time, elect to create a subcommittee of experts in a specific technology whose function is to recommend policy that relates to the exploitation of that technology, or necessary amendments or supplements to this Policy.

64.4.10. CONFLICT OF INTEREST—SPA OFFICE STAFF

In order to assure no present or potential future conflict of interest, an individual SPA staff member should not personally invest in non-public companies that have licensed Ball State intellectual property. If a staff member is a partner in a venture fund, that staff member should not engage in licensing negotiations with any company in which that fund is invested, and those who are voting partners should not recommend Ball State companies to that fund. SPA staff members also have a

special responsibility to assure that their knowledge of a Ball State license to a public company is not disseminated in any way that could affect the company's stock price, and that the knowledge is not used for investment purposes by themselves, their families, friends or business associates. (For additional guidelines on Conflict of Interest, see Section 63.4.2.5 and University's Policies governing Conflicts of Interest and Commitment).

## 64.5. PART 5. FACULTY, STUDENT, STAFF AND VISITOR OBLIGATIONS AS TO SPONSORED RESEARCH OR FUNDED PROJECTS

GENERAL POLICY

It is the policy of Ball State that individuals through their employment by, or enrollment as students at, Ball State or by participating in a sponsored research project, or in using Ball State administered funds, resources or facilities, thereby accept the principles of ownership of technology as stated in this policy. In furthering such undertaking, all participants will sign Inventions and Proprietary Information Agreements in accordance with the following policy.

### 64.5.1. PERSONNEL INVENTIONS AND PROPRIETARY INFORMATION AGREEMENT

#### 64.5.1.1. WHO MUST SIGN

Individuals at Ball State who:

(a) receive support from sponsored research or Ball State funded projects; or

(b) otherwise, may be in a position to make, conceive or reduce to practice inventions or otherwise develop technology under sponsored research or Ball State funded projects, whether or not salary or other support is received from such projects, or through the use of significant Ball State administered funds, resources or facilities, must sign the Ball State Inventions and Proprietary Information Agreement prior to the disbursement of funds as prepared and updated from time to time by the TTO. Note that this requirement specifically extends not only to Ball State personnel but also to visiting scientists and fellows or others.

#### 64.5.1.2. ADMINISTRATION

Each Ball State laboratory and department through its laboratory head or chair is responsible for ensuring that Inventions and Proprietary Information Agreements are signed by all faculty, students, staff and visitors, who may be or are involved with sponsored projects or who may have opportunities to use significant Ball State funds, resources or facilities administered by that laboratory or department. The TTO will monitor laboratory and department compliance with this requirement. All Inventions and Proprietary Information Agreements should be signed in triplicate with one copy retained by the signatory, one copy retained in the laboratory/department files and one copy sent to the TTO.

Inventions and Proprietary Information Agreement forms may be obtained from the TTO who will assist with any questions which arise in connection with such Agreements (see Form 5 in Appendix A).

## 64.6. PART 6. ADMINISTRATION

### 64.6.1. VICE PROVOST FOR RESEARCH

Except where otherwise set forth herein, the Ball State Vice Provost for Research is the final arbiter of any disputed issues of interpretation relating to this document. In unusual circumstances and as set forth in Sections 63.4.7 and 63.4.8 of this Policy, the Ball State President and the Provost and Executive Vice President for Academic Affairs, respectively, may also authorize necessary and reasonable exceptions to the normal procedures set forth herein.

### 64.6.2. SPONSORED PROJECTS ADMINISTRATION (SPA)

SPA is responsible for the negotiation, execution, and administration of all Ball State agreements with external sponsors of research grants and contracts and for ensuring that the rights of the sponsors in technology developed under external grants and contracts are protected. SPO personnel, with assistance from the TTO, are available to assist all principal investigators and sponsored program administrators in the negotiation and interpretation of intellectual property terms of grants and contracts.

Research priorities will have precedence over technology development priorities. Thus, no grant or contract terms are to be accepted which inhibit the utilization by the public of the results of research at Ball State. In unclear situations or where there appears to be a conflict between the priorities, the Vice Provost for Research will be the final arbiter.

### 64.6.3. TECHNOLOGY TRANSFER OFFICE

The Ball State Technology Transfer Office has two principal goals. The first is to facilitate the transfer to public use and benefit of technology developed at Ball State. The second, where consistent with the first, is to provide an additional source of unrestricted income to support research and education at Ball State. The TTO will work with the Ball State developers of technology and with industry in a manner which does not interfere with the normal flow of technical and academic information through publications, conferences and consulting.

## 64.7. PART 7. MISCELLANEOUS

### 64.7.1. APPLICABILITY

This Policy, as amended from time to time, shall be deemed to be part of the terms and conditions of employment of every employee of Ball State, a part of the terms and conditions of every visitor appointment, and a part of the terms and conditions of the enrollment and attendance of every student of Ball State.

### 64.7.2. AMENDMENT

The Provost and Executive Vice President for Academic Affairs is authorized to amend this policy. Any modifications necessitated by new or revised statutes or regulations are to be made in consultation with the Vice President and General Counsel.

## 65. Privileges And Responsibilities Of Technology Users[89]

Members of the University community must conduct themselves in accordance with high ethical standards related to use of technology. This policy applies to all forms of current and future technology capable of originating, storing, receiving or sending alphanumeric data and photographic or other images. Faculty may limit the use of technology in their classrooms and laboratories. In addition to maintaining a high level of ethical behavior, each member of the University community agrees to abide by particular policies published elsewhere in this document, including the "Code of Student Rights and Responsibilities" and the "Information Technology Users' Privileges and Responsibilities" document published on the University web site (http://www.bsu.edu/security/itpolicy/). These policies are periodically reviewed and updated by the Student Government Association, Faculty Council, Professional Personnel Council and the University Senate.

## 66. Graduate Assistants In Teaching Roles[90]

66.1. Graduate assistantships are awarded by Ball State University to persons considered outstanding in the various disciplines. Assistantships should be structured to be educationally beneficial to the student as well as professionally helpful to the institution.

66.2. While the nature of duties assigned to graduate assistants may vary greatly, depending upon special talents, experience and professional goals of the students, these duties should not ordinarily include the full teaching responsibility for a University class.

66.3. In special instances where departments deem it necessary or desirable to have graduate assistants assume teaching roles, it will be the department's responsibility to supervise such teaching to insure consistency of purpose and quality of instruction.

## 67. Guidelines For Graduate Assistantships

67.1. Assistantships shall be academically and professionally valuable experiences, and each graduate assistant shall be supervised by a faculty or staff member.

67.2. Departments and other units granting assistantships shall develop policy related to work load, role and responsibilities, and professional conduct for graduate assistantships consistent with principle #1. These policies shall be reviewed by the college dean or other appropriate administrator and the graduate dean and be included in public documents describing graduate programs.

## Notes

1 By action of the University Senate, April 23, 1987.

2 By action of the University Senate, April 20, 1995;
Board of Trustees, July 21, 1995.

3 Revised--By action of the University Senate, April 24, 1997;
Revised--By action of the University Senate, March 23, 2000.
Revised—By action of Faculty Council, November 2, 2023
Revised—By Action of Faculty Council, December 12, 2025.

4 By action of the University Senate, March 23, 2000;
Revised - - By action of the University Senate, March 28, 2002;
Faculty and Professional Personnel, November 25, 2002.

5 By action of the University Senate, April 25, 1996;
Board of Trustees, July 19, 1996;
Revised--By action of the University Senate, April 23, 1998.
Revised—By action of Faculty Council, November 2, 2023

6 By action of the University Senate, June 12, 1973;
Board of Trustees, June 28, 1973.

7 By action of the University Senate, March 22, 1990;
Board of Trustees, May 4, 1990.

8 Editorial Changes--University Senate, May 14, 1987.

9 By action of the University Senate, February 15, 1973.

10 By action of the University Senate, April 4, 1968;
Board of Trustees, June 6, 1968.

11 By action of the University Senate, May 4, 1972;
Modified by Board of Trustees, May 17, 1972.

12 By action of the President, May 2, 1989;
By action of the University Senate, October 19, 1989;
Board of Trustees, December 1, 1989.

13 Revised--By action of the University Senate, April 25, 1996.

14 Revised--By action of the University Senate, February 22, 1996;
Revised-By action of the University Senate, April 22, 2010;
Board of Trustees, July 23, 2010.

15 By action of the University Senate, February 14, 2013.

16 By action of the University Senate, February 18, 1993;
Board of Trustees, March 26, 1993;

Editorial Change--University Senate, October 19, 1995.

17 Adopted by the State Teachers College Board, June 4, 1944;
Editorial Changes--Professional Affairs Council, February 2, 1997.

18 Taken from the 1940 "Statement of Principles," AAUP Bulletin,
Volume 51, Number 4, September, 1965, pp. 388 389.

19 Revised--By action of the University Senate, April 2, 1998;
Board of Trustees, April 17, 1998;
Board of Trustees, July 24, 1998;
Revised--By action of the University Senate, June 16, 2014.

20 Updated--Equal Opportunity and Affirmative Action, July 19, 1999;
Revised--By action of the University Senate Agenda Committee, July 7, 2000.

21 Board of Trustees, January 9, 1981;
Revised December 16, 1983;
Revised--By action of the University Senate, October 7, 1999;
Board of Trustees, December 17, 1999.

22 University Senate, October 23, 2014;
Board of Trustees, December 12, 2014.

23 By action of the University Senate, March 28, 1996;
Board of Trustees, April 26, 1996;
By action of the University Senate, November 12, 1998;
Board of Trustees, December 18, 1998;
Revised -- By action of the University Senate, October 27, 2011;
Board of Trustees, July 19, 2013;
Revised – By action of the University Senate Agenda Committee, June 15, 2015;
Board of Trustees, July 17, 2015.

24 By action of the University Senate, November 2, 1967;
Editorial Changes-University Senate, February 15, 1990.

25 By action of the University Senate, April 29, 2004.

26 By action of the University Senate, March 20, 2014;
Board of Trustees, June 17, 2014;
Revised--By action of the Board of Trustees, December 12, 2014.

27 By action of the University Senate, February 21, 1991;
Revised--By action of the University Senate, March 21, 1991;
Board of Trustees, April 5, 1991;
Revised--By action of the University Senate, February 18, 1993;
Board of Trustees, March 26, 1993;

Editorial Changes-University Senate, April 29, 2004
University Senate, February 21, 2008;
Board of Trustees, March 21, 2008;
Revised – By action of University Senate, January 21, 2010;
Faculty and Professional Personnel, April 2, 2010;
Board of Trustees, July 23, 2010.

28 Revised--By action of the University Senate, May 1, 1997;
Revised-- By action of the University Senate, April 29, 2004;
Revised – By action of the University Senate, October 27, 2011;
Board of Trustees, July 19, 2013.

29 Revised-By action of the University Senate, November 3, 2005.

30 Required information from Federal Government, August, 2016.

31 Revised--By action of the University Senate, March 27, 1997;
Editorial Change--July 1, 2001;
Revised-By action of the University Senate, April 29, 2004.

32 Revised--By action of the University Senate, October 10, 1996;
Board of Trustees, November 15, 1996.
Revised-By action of the University Senate, April 29, 2004;
University Senate, February 21, 2008;
Revised-By action of the University Senate, January 21, 2010;
Faculty and Professional Personnel, April 2, 2010;
Board of Trustees, July 23, 2010.
Revised, By action of the University Senate, April 25, 2013;
Accepted by Board of Trustees, July 19, 2013.
Revised, By action of the University Senate, February 27, 2020;
Accepted by Board of Trustees, September 18, 2020;
Revised, By action of the Faculty Council, March 18, 2021;
University Senate, April 22, 2021;
Revised, By action of the Faculty Council, April 14, 2022;
Announced at University Senate, August 25, 2022.
Revised, By action of the Faculty Council, March 16, 2022;
Announced at University Senate, March 23, 2022.
Revised, By action of the Faculty Council, February 15,2024
Announced at University Senate, February 22, 2024
Revised by Board of Trustees, June 13, 2025

33 Revised, by action of the University Senate, September 29, 2011.
Revised, By action of the University Senate, February 27, 2020;
Accepted by Board of Trustees, September 18, 2020;
Revised, By action of the Faculty Council, March 18, 2021;
University Senate, April 22, 2021;
Revised, By action of the Faculty Council, April 14, 2022;

Announced at University Senate, August 25, 2022.

34 Revised-By action of the University Senate, April 29, 2004;
University Senate, February 21, 2008.

35 Revised – By action of the University Senate, April 29, 2004;
University Senate, February 21, 2008

36 Revised – By action of the University Senate, April 29, 2004;
University Senate, February 21, 2008.

37 Revised, by action of the University Senate, September 29, 2011.

38 Approved by the University Promotion and Tenure Committee, August 14, 1991;
Updated--By action of the University Senate, March 27, 1997;
Removed by University Senate, September 4, 2008.

39 Board of Trustees, December 16, 1983;
Editorial Changes--University Senate, May 14, 1987.

40 By action of the University Senate, April 24, 1986;
Board of Trustees, May 23, 1986.

41 By action of the University Senate, February 26, 2015;
Board of Trustees, May 1, 2015.

42 By action of the University Senate, February 26, 2015;
Board of Trustees, May 1, 2015.

43 By action of the University Senate, January 27, 2000;
Board of Trustees, May 5, 2012.

44 By action of the University Senate, January 27, 2000.

45 By action of the University Senate, January 24, 2002.

46 By action of the University Senate, February 26, 2015;
Board of Trustees, May 1, 2015.

47 By action of the University Senate, April 4, 1985;
Board of Trustees, May 3, 1985;
Editorial Changes--University Senate, May 14, 1987;
Updated--Board of Trustees, February 10, 1989.

48 By action of the University Senate, January 24, 2002;
Board of Trustees, May 3, 2002;
By action of the University Senate, April 22, 2021;

Board of Trustees, June 18, 2021.

49 By action of the University Senate, April 21, 2011;
Board of Trustees, June 16, 2011;
By action of the University Senate, April 22, 2021;
Board of Trustee, June 18, 2021.

50 By action of the Board of Trustees, February 20, 1987;
Revised--By action of the Board of Trustees, January 28, 1994.

51 By action of the University Senate, April 21, 1983;
Board of Trustees, May 20, 1983;
Revised -Board of Trustees, April 4, 1986.

52 By action of the University Senate, November 12, 1998;
Board of Trustees, December 18, 1998.

53 By action of the University Senate, November 1, 1984;
Board of Trustees, March 29, 1985.

54 By action of the University Senate, May 2, 1985;
Board of Trustees, April 4, 1986.

55 By action of the University Senate, February 15, 1990;
Board of Trustees, May 4, 1990.

56 By action of the University Senate, April 25, 1996.

57 By action of the University Senate, April 18, 1996.
By action of the University Senate, March 21, 2013.

58 By action of the University Senate, November 12, 1992;
Board of Trustees, December 4, 1992;
By action of the University Senate, April 20, 1995;
Board of Trustees, July 21, 1995;
Revised--By action of the University Senate, April 18, 1996;
Board of Trustees, July 19, 1996.

59 By action of the University Senate, April 22, 1993;
Board of Trustees, May 3, 1993;
Revised--By action of the University Senate, April 20, 1995;
Board of Trustees, July 21, 1995;
Revised--By action of the University Senate, January 25, 2001;
Board of Trustees (Information), July 20, 2001.

60 By action of the University Senate, April 18, 1996;
Board of Trustees, July 19, 1996;

University Senate, February 21, 2008.

61 By action of the University Senate, April 18, 1996;
Board of Trustees, July 19, 1996.

62 By action of the University Senate, May 4, 1972;
Board of Trustees, May 12, 1972.
By action of the University Senate, April 28, 2016;
Board of Trustees, July 22, 2016.

63 By action of the University Senate, April 9, 1987.

64 Editorial Changes--By action of the University Senate, December 15, 1988;
Board of Trustees, February 10, 1989;
Revised--By action of the University Senate, April 20, 1989;
Board of Trustees, May 5, 1989;
Editorial Changes--By action of the University Senate, February 21, 1991;
Board of Trustees, April 5, 1991.

65 By action of the University Senate, January 29, 1987.

66 By action of the University Senate, April 16, 1992;
Board of Trustees, July 17, 1992;
By action of the University Senate, October 21, 1993;
Board of Trustees, January 28, 1994.
Revised - - By action of the University Senate, April 24, 2003.
By action of the Board of Trustees, June 13, 2025

67 By action of the University Senate, October 13, 1994.

68 By action of the University Senate, September 17, 1987.

69 By action of the University Senate, October 15, 1987;
Board of Trustees, December 4, 1987.

70 Revised--By action of the University Senate, April 20, 1989;
Board of Trustees, May 5, 1989.

71 By action of the University Senate, April 14, 1988;
Board of Trustees, May 20, 1988.
Updated to be consistent with other handbooks, Approved by Director of Employee Relations and Affirmative Action, February 20, 2018.

72 By action of the University Senate, December 6, 2001.

73 By action of the University Senate Agenda Committee, July 7, 2000;
Board of Trustees, July 21, 2000;

Editorial Change--University Human Resource Services, July 1, 2002.
By action of the University Senate, March 25, 2015;
Board of Trustees, May 1, 2015.

74 By action of the University Senate, April 14, 1988;
Board of Trustees, May 20, 1988;
Updated--University Human Resource Services, July 1, 2002;
Board of Trustees, July 18, 2003;
University Senate, April 1, 2005.

75 By action of the University Senate, March 28, 1974;
Board of Trustees, May 3, 1974;
By action of the University Senate, February 17, 2011.
By action of the University Senate, February 14, 2013.

76 By action of the University Senate, October 17, 2002;
University Senate, March 27, 2008;
University Senate, April 23, 2009;
By action of the Faculty Council, January 27, 2022;
Announced at University Senate, February 24, 2022.

77 By action of the University Senate, February 16, 1984.
By action of the University Senate, January 19, 1995;
By action of the University Senate, April 23, 2020.

78 By action of the Board of Trustees, March 18, 1977;
By action of the Faculty Council, April 15, 2021;
University Senate, April 22, 2021.

79 By action of the University Senate, April 23, 1987;
Revised--By action of the University Senate, February 22, 1996.

80 By action of the University Senate, April 23, 1987.

81 By action of the University Senate, January 8, 1970;
Revised--By action of the University Senate, October 7, 1991.

82 By action of the University Senate, October 15, 1987;
Board of Trustees, December 4, 1987;
University Senate, November 6, 2008.

83 By action of the University Senate, April 25, 1996;
Board of Trustees, September 20, 1996;
Updated- By action of the University Senate, September 30, 2021.

84 Editorial Change--University Senate, April 2, 1998.

85 By action of the Board of Trustees, August 16, 1984;
Revised July 11, 1986-Approved by Agenda Committee, July 25, 1986;
Updated-By action of the University Senate, September 20, 1990;
Board of Trustees, December 14, 1990;
Editorial Changes-Academic Research and Sponsored Programs, July 1, 2001.

86 By action of the University Senate, October 14, 1976;
Board of Trustees, November 4, 1976;
Revised March 21, 1986 -Approved by Board of Trustees, May 23, 1986;
Updated--By action of the University Senate, April 23, 1987;
Revised--By action of the University Senate, October 19, 1989;
Board of Trustees, January 26, 1990;
Editorial Changes--Academic Research and Sponsored Programs, July 1, 2001.

87 By action of the University Senate, April 19, 1990;
Board of Trustees, May 4, 1990;
By action of the University Senate, October 21, 1993;
Board of Trustees, January 28, 1994;
Editorial Changes--Academic Research and Sponsored Programs, July 1, 2001.

88 By Action of the Board of Trustees, July 23, 2010.

89 By action of the University Senate, March 19, 1970.

90 By action of the University Senate, April 29, 1998.

91 By action of the University Senate, August 31, 2017.

92. By action of the University Senate, November 2, 2017.

93. By action of the University Senate, April 26, 2018.

94. By action of the University Senate, April 23, 2020.
Board of Trustees, September 18, 2020;
By action of the Faculty Council, April 16, 2020;
By action of the University Senate, April 23, 2020

95. By action of the Faculty Council, March 19, 2020;
By action of the University Senate, April 23, 2020;
By action of the Faculty Council, January 28, 2021;
By action of the Faculty Council, January 27, 2022;
Announced at University Senate on February 24, 2022.
Joint Appointment Statement approved by Faculty Council, November 3, 2022

96. Revised by Action of the Faculty Council, approved by Board of Trustees, December 12, 2025.

97. Revised by Action of the Faculty Council, approved by Board of Trustees, December 12, 2025.

98. Revised by Action of the Faculty Council, approved by Board of Trustees, December 12, 2025.

99. Revised by Action of the Faculty Council, approved by Board of Trustees, December 12, 2025.

100. Revised by Action of the Faculty Council, approved by Board of Trustees, December 12, 2025.

101. Revised by Action of the Faculty Council, approved by Board of Trustees, December 12, 2025.

102. Revised by Action of the Faculty Council, approved by Board of Trustees, May 1, 2026.

103. Revised by Action of the Faculty Council, approved by Board of Trustees, May 1, 2026.

# SECTION III: PROFESSIONAL AND RELATED OPPORTUNITIES

## 68. FACULTY AND PROFESSIONAL PERSONNEL DEVELOPMENT OPPORTUNITIES

Faculty and Professional Personnel Development is the general responsibility of the Associate Provost who monitors a variety of programs and activities contributing to the professional growth of the faculty. Among these are retraining and refocusing of faculty and professional personnel; special leaves with pay where replacement of the faculty or professional personnel member is unnecessary; attendance at short courses and workshops; and supplemental support of professional travel. A complete description of these programs can be found in the pamphlet Professional Development Opportunities for Faculty at Ball State University available from the Associate Provost's Office.

## 69. FACULTY PUBLICATIONS

69.1. The Publications and Intellectual Properties Committee will consider and recommend to the Provost and Executive Vice President for Academic Affairs for University publication original unpublished faculty manuscripts.

69.2. The Sponsored Programs Office will consider requests for support of journal page costs and the subvention of monograph publication.

## 70. REPRINTS OF FACULTY PUBLICATIONS

70.1. Faculty who have published scholarly articles may request that the University purchase a limited number of offprints in those cases where the journal does not provide them free of charge. Requests for purchase should be submitted to the Sponsored Programs Office.

70.2. When offprints are purchased, one copy will be retained by the Sponsored Programs Office, one copy will be placed in the Library, and the remainder will become the property of the author.

## 71. FACULTY RESEARCH GRANTS

Full time faculty may apply to the Research Committee for financial support of their research activities.

## 72. CREATIVE TEACHING GRANTS

Full time faculty may apply to the Creative Teaching Committee for support of creativity and experimentation in instructional activity.

## 73. CREATIVE ARTS GRANTS

Full time faculty may apply to the Creative Arts Committee for financial support of their creative activity.

# 74. EDUCATIONAL ASSISTANCE PROGRAM[1]

The following conditions apply to all regular full-time employees, temporary faculty employed for a full academic year, temporary full-time professional personnel employed for a full fiscal year, temporary full-time staff personnel and service personnel employed for a full fiscal year, retirees who have been granted retirement status or emeritus status, and those who are in a probationary period wishing to take undergraduate classes or a non-probationary employee wishing to take graduate classes or an eligible employee on a Leave of Study who meets the normal admissions requirements of the university. The eligible employee is entitled to a remission of 100% of basic tuition for students with at least one main campus course, and 50% of basic tuition for students with no main campus courses (student services and special fees excluded).

74.1. An employee needing an Undergraduate application or a Graduate Application for admission to the university must obtain the application form from University Human Resource Services. By obtaining the form from UHRS, the usual application fee will be waived.

74.2. An eligible employee may enroll for up to six credit hours per fall semester, up to six credit hours per spring semester, and up to six credit hours during any combination of summer terms. All Ball State classes are included in the credit hour limitations.

74.3. Under an approved unpaid Leave for Study, an eligible employee using the Educational Assistance Program may enroll at Ball State University for up to 18 credit hours per fall semester, up to 18 hours per spring semester, and up to 18 hours during any combination of summer terms for a maximum enrollment of 54 credit hours in a 12-month period.

74.4. At the time of registration each semester or summer term, the employee must submit to the appropriate administrative head a Class Registration form listing the course(s) to be taken and an Educational Assistance Program Class Attendance Request form indicating how the work scheduled is to be adjusted to cover the employee's absence, if any, from his/her work assignment. After approval by the supervisor, administrative head, and vice president of the area, this Request is forwarded to University Human Resource Services for final review and clearance. The form must be processed in the Office of the Bursar no later than the last day of the academic semester or summer term in which the class was taken in order to qualify for tuition waiver.

74.5. The course(s): (a) must be taken outside of scheduled working hours, or (b) an equivalent adjustment must be made in the employee's work schedule, or (c) the time away from work must be deducted from the employee's posted vacation/paid time off (PTO) balance, or (d) an equivalent adjustment must be made in the employee's pay. The supervisor will specify if option a, b, c, or d is applicable. An employee will not be permitted to register for more than one class for a maximum of four credit hours per semester or summer term during his or her regular work schedule.

74.6. The employee will be required to repay waived tuition as calculated by the Office of the Bursar if:

74.6.1. The employee does not complete the course(s) in which he or she is registered (unless dropped during Drop/Add or cancelled prior to the start of the term).

74.6.2. The employee does not achieve a grade of "C-" or above for undergraduate courses, "B-" or above for graduate or doctorate level courses, or "Pass" for all courses utilizing the "Pass/Fail" option. Any form of "W: for a grade is unacceptable. The signed Educational Assistance Program Class Attendance Request will authorize the university to have access to the employee's course grade(s).

74.6.3. The employee receives a mark of "Incomplete" ("I"), and it is not converted to a passing grade within one calendar year following the end of the term in which the course was taken or the date employment terminates, whichever is earlier.

74.6.4. The employee withdraws from the university after the date specified for a 100% tuition refund according to the university's refund schedule.

74.6.5. The employee voluntarily terminates from active employment prior to the completion of the term for which the employee was enrolled.

74.7. An employee with any of the following may not use the Fee Remission Program: A past-due balance, a "Hold" on his/her university record, a delinquent account, a "Voluntary Payroll Deduction Loan."

74.8. The employee may not have the tuition waiver applied to the same course more than once (i.e., retakes, repeats). While some courses at the university are available for multiple total credits, university tuition waiver is not applicable for enrollment taken beyond course catalog recommended total credits.

74.9. Military personnel who are assigned for regular duty as members of the ROTC staff are eligible for tuition benefits during the duration of their Ball State University assignment.

74.10. An eligible employee on an approved leave of absence may qualify for the Educational Assistance Program. Contact University Human resource Services to determine eligibility. The Educational Assistance Program does not apply during Personal Leave, Mutual Leave, Emergency Leave, Extended Sick leave, or Extended Personal Sick Leave of Absence.

74.11. When an employee (with the exception of an apprentice trainee in the Skills Training Program) is requested by the appropriate administrative head to enroll in a course(s) which is/are directly related to the employee's assigned university responsibilities, the time away from work to attend class(es) shall be considered part of the employee's regular work schedule. Class attendance shall not take priority over work to be performed except as outlined in the preceding sentence.

74.12. An employee is eligible for tuition waiver for a given semester or combination of summer terms under only one of the following programs: the "Fee Remission Program," the "Educational Assistance Program," or the "Sixty Years or Older Policy."

74.13. Late fees or any other fees incurred by the employee are the responsibility of the employee.

## 75. ENROLLING IN GRADUATE WORK[2]

75.1. Full time faculty and professional personnel who do not hold appropriate terminal degrees are encouraged to pursue such degrees. The primary responsibility of such individuals, however, is to their duties in the University. Study on advanced degree programs at Ball State University by full time faculty and professional personnel shall be approved by the appropriate department chairperson or administrative head, Academic Dean(s) and the Provost and Executive Vice President for Academic Affairs. Full time faculty and professional personnel may apply for study leave to meet residence requirements.

75.2. Faculty members and professional personnel may take graduate courses at Ball State University. If the courses taken at Ball State University, or elsewhere, are to be considered for professional advancement at the University, these courses should be appropriate to one of the following:

75.2.1. The member's discipline with the approval of the appropriate administrative head;

75.2.2. The member's position in the University with approval of the appropriate administrative head;

75.2.3. A related discipline to the member's position in the University or his or her discipline with the approval of the appropriate administrative head;

75.2.4. The pursuit of a degree different from the one already earned.

75.3. Faculty and professional personnel may take a 1, 2, 3, 4, or 5 semester hour course each semester during the academic year. Members desiring to take a combination of courses totaling more than 5 semester hours credit will need the approval of the appropriate department chairperson or administrative head, Academic Dean(s) and the Provost and Executive Vice President for Academic Affairs. Documentation of graduate courses taken shall be processed and placed in the faculty member's file folder in the appropriate offices. Unless eligible for the University Educational Assistance Program, faculty members and professional personnel pay the same fees that students are required to pay, except that the nonresident fee does not apply; they may enroll for auditing at no cost.

## 76. FEE REMISSION[3]

76.1. Below are programs at Ball State University which provide for a partial remission of fees:

76.1.1. Fee remission for persons age 60 or older.

76.1.2. Fee remission for graduate assistants and doctoral fellows.

76.1.3. Fee remission for tenure-line full time faculty/professional personnel, continuing non-tenure-line professional personnel, and non-tenure-line full-time faculty/professional personnel.

76.1.4. Fee remission for spouses and dependent children of tenure-line full time faculty/professional personnel and continuing contract professional personnel with at least one year of continuous service and non-tenure-line full-time faculty/professional personnel with at least two years of continuous service. (For further information contact the office of the Controller.)

76.2. For purposes of these programs, the terms fee remission, fee reduction, and fee waiver are used interchangeably. Furthermore, it is intended that there will be no duplication of benefits, i.e., an individual will receive a fee remission under only one of the programs even though that person may be eligible under two or more programs. If an individual is eligible for benefits under two or more programs, the fee remission will be calculated under each program, but only the benefit under the program offering the individual the largest reduction of fees will be applicable.

For further information, please see "Educational Assistance Program" in this handbook.

## NOTES

1 By action of the Board of Trustees, December 18, 1981;
Updated March 30, 1984;
Updated May 20, 1988;
Updated May 4, 1990;

Updated May 7, 1999;
University Senate, December 1, 2005;
University Senate, May 14, 2007;
By action of the Board of Trustees, December 18, 2009;
Updated July 22, 2011.

2 By action of the University Senate, March 27, 1975;
Board of Trustees, April 17, 1975.

3 By action of the Board of Trustees, July 31, 1975, and September 10, 1975;
By action of the Board of Trustees, June 24, 1983;
By action of the Board of Trustees, May 4, 1990;
Updated, May 7, 1999.

# SECTION IV: ACADEMIC POLICIES AND PROCEDURES

## 77. POSTING OF COURSES AND CURRICULA[1]

77.1. Each college within the University will establish a College Curriculum Committee, efficient in size and representative of included areas. The dean of each college will serve as executive secretary of the committee of that college.

77.2. New Courses and Course Changes

77.2.1. Responsibility for introducing and approving a new course or a revision of an existing course shall rest with the academic unit and the college involved. The proposal shall not become a matter of University wide concern unless the new or revised course duplicates or encroaches upon a course offered in another college, unless introduction of the course leads to establishment of a new curriculum or unless the new or changed course affects programs administered by other units or colleges. A proposal for a new course, or to revise an existing course, must document that the number of credit hours assigned is consistent with the University's policy. For purposes of the preceding sentence, course revision includes a change in delivery mode or format, as well as a change in content. A proposal for a new course, or to revise an existing course, must document that the number of credit hours assigned is consistent with the University's policy.

77.2.2. A proposal for a new course or a change in an existing course shall be referred by the initiating unit to the relevant College Curriculum Committee for preliminary approval. Preliminary approval of the College Curriculum Committee will include a determination that the number of credit hours assigned is consistent with the University's policy. Following such preliminary approval, the office of the dean will distribute the proposal for a ten-school day posting period in the administrative units of the college. Such posting is to acquaint all faculty within that college with the proposed new course or change in an existing course. If no demurrer is received within ten school days by the dean of the college in which the proposal or change is initiated, the dean will certify the course or change as approved and forward copies to the Provost and Executive Vice President for Academic Affairs.

77.2.3. Internal structure for resolution of demurrers within a college will be developed by the college and implemented by the office of the dean. After submittal to the Provost and Executive Vice President for Academic Affairs, demurrer action from administrative units or members of the initiating college will not be honored.

77.2.4. Once a month the Office of the Registrar will compile a combined list of proposals for new and changed courses submitted by colleges and distribute it to all University academic deans, department chairpersons, and secretaries of educational policies councils. If no demurrers are received in that office within ten school days, the Provost and Executive Vice President for Academic Affairs or his or her designee will certify the courses or changes for implementation by appropriate administrative offices.

77.2.5. During the time of institutional posting the chairperson of any department or other administrative unit in the University outside the initiating college who feels that a proposal for a new or changed course may involve substantive overlap or encroachment on the department's or unit's area of responsibility, or that it affects disadvantageously programs offered by the unit, may demur. Such demurrer shall be submitted in writing to the dean of the college initiating the proposal and shall request a conference with the initiating administrative chairperson. This demurrer is to be sent within ten school days from distribution of the published combined list; otherwise, the right to raise

objection will be regarded as forfeited. The conditions on which the action was based will be stated in the demurrer. A copy will be sent to the Provost and Executive Vice President for Academic Affairs.

77.2.6. Upon receiving a demurrer, the college dean will record the date of its receipt and notify the head of the unit initiating the proposal, whose responsibility it will be to respond to the request for a conference. If the issue is resolved to the satisfaction of the demurring administrative head, a note withdrawing the demurrer will be submitted to the affected college dean with a copy to the Provost and Executive Vice President for Academic Affairs.

77.2.7. If the issue is not resolved to the mutual satisfaction of both parties, (a) the initiating administrative head may withdraw the proposal or (b) either party involved in the demurrer may request a hearing to resolve the issue. In the latter event, the Provost and Executive Vice President for Academic Affairs will, within ten school days, assemble the deans of the two involved colleges and one representative from each of the Curriculum Committees of the two colleges involved, with both contesting administrative heads invited to review the issues. If resolution cannot be achieved by this means, the Provost and Executive Vice President for Academic Affairs will advise the appropriate educational policies council to place the matter on its agenda. The decision of this body will be binding on all parties, under conditions cited in 77.4 and 77.5 below.

77.3. New and Revised Programs and Curricula

77.3.1. Proposals for new and revised programs and curricula must be approved by the dean of the college from which they originate and the appropriate educational policies council or councils of the University Senate. Upon approval by the council or councils, the proposal shall be sent to the Provost and Executive Vice President for Academic Affairs. An individual or unit wishing to present a demurrer to the Provost and Executive Vice President for Academic Affairs should initiate such action through the office of the college dean within ten school days of the date on which the proposal was posted. If none is filed within this ten-day period, the Provost and Executive Vice President for Academic Affairs may 1) disapprove the proposal or 2) approve the proposal and notify the University Senate Agenda Committee.[2]

77.3.2. A demurrer shall state explicitly the reasons for such action. The procedure for resolution is for the Provost and Executive Vice President for Academic Affairs to arrange a conference of the interested parties for the purpose of clarifying or resolving the issues. If resolution cannot be achieved at this conference, the Provost and Executive Vice President for Academic Affairs shall refer the matter to the appropriate educational policies council for resolution. If an action of this council is unacceptable to either of the contending parties, the dissatisfied party may take the issue to the Agenda Committee of the Senate, which shall place the item on the agenda for the following meeting for consideration by the Senate.

77.3.3. The above process will not rule out informal attempts by contending parties to reach agreement at any point in the process. If such negotiations are successful, the Provost and Executive Vice President for Academic Affairs shall be so notified.

77.4. Should procedures for resolution of demurrers affecting items 76.2 or 76.3 above extend beyond two months from the date demurring action was filed, either or both of the contending parties may request that the matter be placed immediately on the agenda of the appropriate educational policies council (as determined by consultation with the Provost and Executive Vice President for Academic Affairs). This council shall act upon the matter within a month from receipt of such a request. *

77.5. All council proceedings are subject to review by the Agenda Committee of the Senate. Individuals may request the Agenda Committee to place any matter on the agenda of the University Senate. Any demurrer placed on the agenda of the University Senate will receive action by that body within one month from the date it appears on the agenda the first time.

## 78. SUSPENSION AND ELIMINATION OF ACADEMIC PROGRAMS[3]

This policy defines the procedures and requirements for the suspension and elimination of academic programs. This policy requires that a decision for program suspension and elimination result from the academic program review process, or a special ad hoc program review.

Definitions

Academic Program: An academic program leads to a credential including Bachelor's, Master's, and Doctorate degrees as well as undergraduate and graduate certificates. Minors and concentrations are not academic programs in this context.

Academic Program Review: A process to improve programs through a focused, self-study. The academic program review is completed by faculty who determine academic quality, assess student learning outcomes, and develop an implementation plan for program improvement. An academic program review may be part of a Unit Review or Annual Report where program concerns are identified.

Program Suspension: Discontinuation of an academic program for a maximum of two years. No new students are admitted during the period of program suspension. A suspended program may return to its active status after the two-year period or become eliminated.

Program Elimination: Discontinuation of an academic program permanently. For eliminated programs to return to active status, the program would need to begin the process for approval of a new degree program.

Special Program Review: A review process called by program faculty or administrators to review an academic program following a recommendation to suspend or eliminate a program.

Procedures

1. Suspension and elimination of academic programs are reviewed in accordance with regular curriculum changes and are approved by the department and/or college, university curriculum committees, and Provost.
2. Program suspension and elimination changes should be accompanied by justification which can be attached to the program change request. Justification should include, but is not limited to:
    a. Narrative justification
    b. Enrollment over the last five years
    c. A plan for current matriculates to complete the academic program as well as strategies to communicate the planned suspension or elimination with currently enrolled students
    d. A plan for program review and potential reinstatement (if a program suspension)
    e. Preferred date of suspension or elimination. Program suspension and elimination dates should ideally be at least one full year following approval. This allows Admissions to ensure students are not recruited into a program that has been approved for suspension or elimination.
3. Program change requests, with appended justification, should be submitted to Smart Catalog for review in accordance with regular curriculum changes.

Program suspensions and eliminations approved through the curriculum change process are subsequently submitted to the Indiana Commission of Higher Education (ICHE) to update the Academic Program Inventory.

# 79. PROCESS FOR ANNUAL COURSE REVIEW[4]

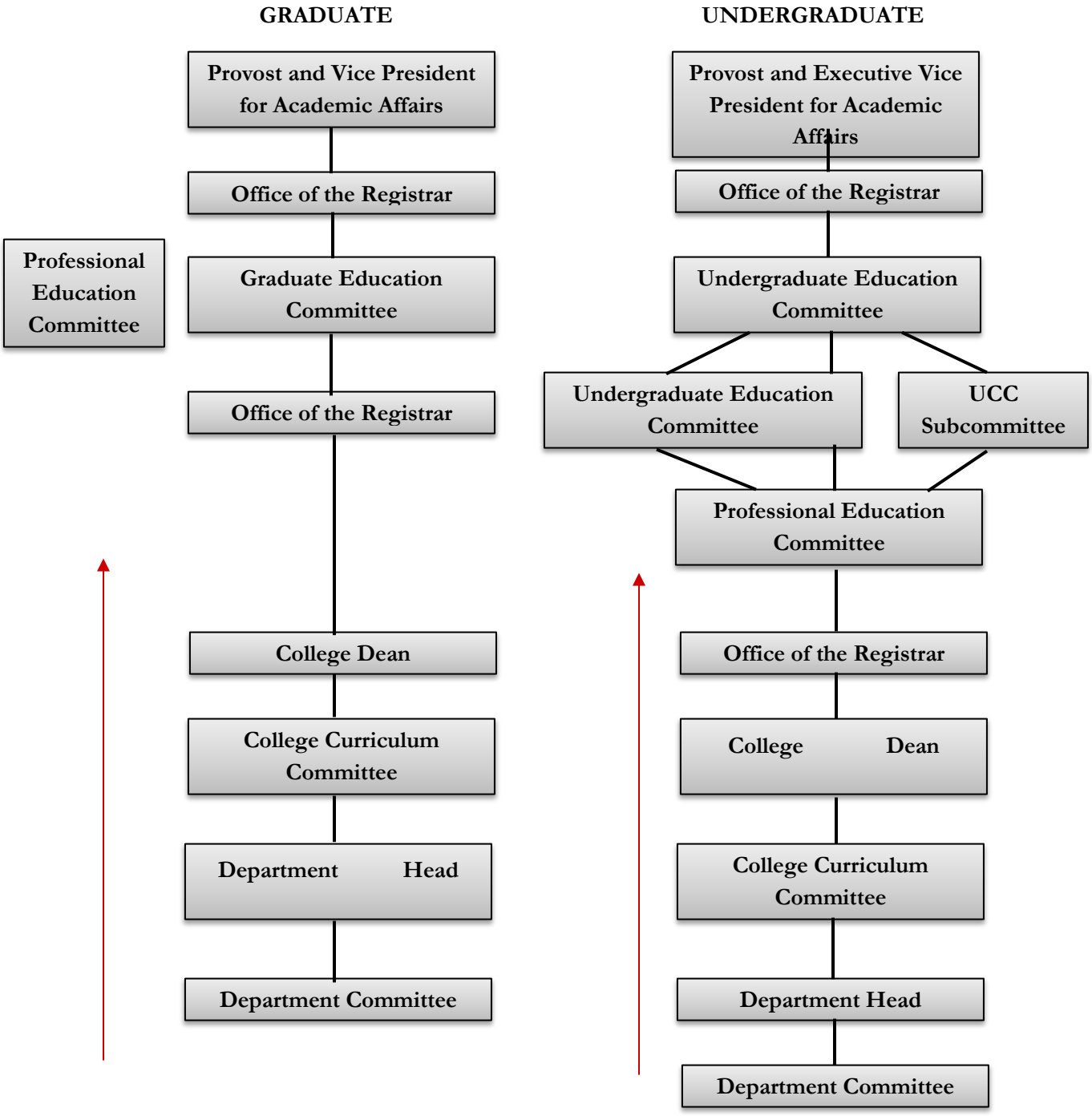
Departments will annually review course offerings and recommend revisions of course listings by adding or deleting courses or modifying course descriptions and prerequisites. Particular attention should be paid to courses which have not been taught during a current catalog cycle.

During spring semester of the first year of a catalog cycle, a list of courses not taught for either the current or previous catalog cycle will be forwarded by the Office of Institutional Research to each College Curriculum Committee. The College Curriculum Committee shall recommend that respective departments review those courses which have not been taught for two catalog cycles. Departments will either recommend that a course be dropped or will justify continued listing of the course. Based upon response from the department, the College Curriculum Committee will decide which courses warrant continued catalog listing, recommending to the Office of the Registrar those courses which should be dropped from subsequent catalogs. Courses recommended by the colleges shall continue to be listed.

When proposing program changes which create new courses, departments should carefully consider the possibility of dropping courses which will not be taught in the near future. Departments are encouraged to use Special Topics course numbers and descriptions to offer experimental or trial courses (299x or other), and those courses which will not be offered on a regular basis.

** It is understood that the summer hiatus in council and senate activities may delay such action until beginning of the following academic year.*

# 80. Flow Chart on Posting of New Programs and Major Revisions in Existing Programs



# 81. POLICIES AND PROCEDURES FOR UNDERGRADUATE CERTIFICATE PROGRAMS[5]

Introduction

81.1. Undergraduate certificates are a focused collection of courses that, when completed, affords the student some record of coherent academic accomplishment in a given discipline or set of related disciplines. The undergraduate certificate is a formal credential approved by, and registered with, external agencies. As such, certificate programs should have independent descriptions and marketing materials.

81.2. Students may be awarded these certificates upon completion of a well-defined program of coursework.

81.3. Addressing the criteria and procedure below will provide a rationale for the educational needs and objectives to be fulfilled by the certificate program.

*81.3.1. Admission Requirements*

81.3.1.1. Admission requirements for certificate programs must meet the minimum requirements for all undergraduate students.

81.3.1.2. Students may be enrolled full- or part-time in a certificate program.

81.3.1.3. Completion of an undergraduate certificate does not guarantee admission into an undergraduate degree program.

*81.3.2. Development of New Undergraduate Certificate Programs*

81.3.2.1. Undergraduate certificate programs are initiated by individual department(s) and college(s) using the university's usual procedures for New Course/Program Approval.

81.3.2.2. Certificate programs are to be distinguished from certification programs offered by professional associations or other organizations. Certificate programs should include the certificate title, program descriptions to be published, and marketing materials that reflect the distinction between the program and certifications offered by professional associations. These materials must make it clear to potential applicants that the certificate program being offered will not lead to a certification by a professional association.

81.3.2.3. The proposed sequence of coursework for a certificate program must offer a clear and appropriate educational objective at the undergraduate level. There can be no hidden prerequisites.

81.3.2.4. The costs of a certificate program will be absorbed by department(s) or funded by College Dean(s) and/or Online Distance Education.

81.3.2.5. Certificate programs must be listed in the Undergraduate Catalog.

*81.3.3. Criteria for Program Administration*

81.3.3.1. The certificate programs may be either freestanding or as add-ons to existing degree programs.

81.3.3.2. The certificate program proposal will address the question of the impact of the undergraduate certificate program on any related degree programs. Certificate programs should incorporate existing courses whenever possible.

*81.3.4. Curriculum Criteria*

81.3.4.1. Undergraduate certificate programs must be at the undergraduate level.

81.3.4.2. The number of undergraduate credits must be at least 12 semester hours. Any course prerequisites must be included.

81.3.4.3. No transfer credit will be allowed, but departments could substitute courses to eliminate overlap.

81.3.4.4. Certificate programs may be delivered by distance learning where appropriate.

81.3.4.5. Interdisciplinary certificate programs are encouraged.

81.3.4.6. Requirements of the certificate program that are in addition to coursework, including but not limited to laboratories, practica, internships or projects, must be clearly identified.

81.3.4.7. Credit from certificate program courses may be applied to an Associate's or Baccalaureate degree at Ball State University.

81.3.4.8. Students must achieve at least a 2.0 GPA in the certificate program to receive a certificate.

81.3.4.9. No course with a grade below a C (2.0) will be counted toward an undergraduate certificate.

81.3.4.10. The student's official transcript shall contain not only the listing of courses taken in this certificate program, but will also indicate successful completion of the certificate program.

# 82. POLICIES AND PROCEDURES FOR GRADUATE CERTIFICATE PROGRAMS[6]

**82.1. Introduction**

82.1.1. Graduate certificate programs may be created within the structure of the Graduate School. Graduate certificates are a focused collection of courses that, when completed, affords the student some record of coherent academic accomplishment in a given discipline or set of related disciplines. The graduate certificate is a formal credential approved by, and registered with, external agencies. As such, certificate programs should have independent descriptions and marketing materials.

82.1.2. Students may be awarded these certificates upon completion of a well-defined program of coursework.

82.1.3. The graduate certificate is not defined as a degree by the Graduate School; rather, it is a focused collection of courses that, when completed, affords the student some record of coherent academic accomplishment in a given discipline or set of related disciplines. Certificate programs should have published descriptions and marketing materials that will make this distinction clear to possible applicants.

82.1.4. Addressing the criteria and procedure below will provide a rationale for the educational needs and objectives to be fulfilled by the certificate program.

**82.2. Development of New Graduate Certificate Programs**

82.2.1. Programs are initiated by individual department(s) and college(s) and approved according to a college's New Course/Program Approval process.

82.2.2. Once a program has been approved by department(s) and college(s), a conditional "fast track" approval may be granted by the Dean of the Graduate School and when appropriate, the Associate Provost for Online and Distance Education. Following the "fast track" approval, the program is submitted to the Graduate Education Committee for review and approval.

82.2.3. Programs are to be distinguished from professional certification programs offered by professional associations or other organizations. Programs should include the certification title, program descriptions to be published, and marketing materials that reflect the distinction between the program and certifications offered by professional associations. These materials must make it clear to potential applicants that the certification program being offered will not lead to a certification by a professional association.

82.2.4. A program may or may not contain the word certificate, depending on the tradition in the discipline(s) proposing the program.

82.2.5. The proposed sequence of coursework for a program must offer a clear and appropriate educational objective at the post- baccalaureate level.

82.2.6. The costs of a program will be absorbed by department(s) or funded by College Dean(s) and/or Online Distance Education.

82.2.7. Programs may or may not be listed in the Graduate Catalog.

**82.3. Criteria for Program Administration**

82.3.1. The programs may be either freestanding or as add-ons to existing degree programs.

82.3.2. The program proposal will address the question of the impact of the graduate certificate program on any related degree programs. Programs should incorporate existing courses whenever possible.

82.3.3. For consideration by the Graduate School, proposed new graduate certificate programs must contain the following information:

82.3.3.1. A statement of the educational objectives of the program

82.3.3.2. A statement of the proposed course sequence associated with the certificate

82.3.3.3. A statement of how the proposed course sequences associated with the certificate will meet the stated educational objectives

82.3.3.4. A statement outlining who will administer the program

**82.4. Curriculum Criteria**

82.4.1. Graduate certificate programs must be at the post-baccalaureate, the post-masters or the post-doctoral level.

82.4.2. The number of graduate credits must be at least 9 semester hours and no more than one-half of the credits necessary for a related degree from the Graduate School. Exceptions to this policy will be made by the Graduate Education Committee[55].

82.4.3. No transfer credit will be allowed, but departments could substitute courses to eliminate overlap.

82.4.4. All certificate requirements must be met within five years unless the graduate dean on the recommendation of the chairperson of the department offering the certificate approves an extension of time.

82.4.5. Programs may be delivered by distance learning where appropriate.

82.4.6. Interdisciplinary certificate programs are encouraged.

82.4.7. Requirements of the program that are in addition to coursework, including but not limited to laboratories, practica, internships, projects or theses, must be clearly identified.

82.4.8. Courses included in the certificate program are to be taught by Graduate Faculty.

82.4.9. Students may apply credit from certificate programs to a Master's, Specialist, or Doctorate degree at Ball State University.

82.4.10. Students must achieve at least a 3.0 GPA in the certificate program to receive a certificate.

82.4.11. No course with a grade below a 2.0 can be counted toward a graduate certificate.

82.4.12. The student's official transcript shall contain not only the listing of courses taken in this program, but will also indicate successful completion of the program.

82.4.13. Students will receive a printed certificate acknowledging their completion of the program.

**82.5. Admission Requirements**

82.5.1. Applicant's pursuing only a certificate program will be admitted as non-degree students. Students who complete a certificate, however, can apply these hours to a degree-granting program upon receiving department approval.

82.5.2. Admission requirements for certificate programs must meet the minimum requirement for the Graduate School master's degree programs.

82.5.3. Students who are currently enrolled in the Graduate School and who wish to pursue approved graduate certificate programs must apply for admission to such programs[56].

82.5.4. Graduate students enrolled only in a certificate program may not hold a Graduate Assistantship.

82.5.5. Students may be enrolled full- or part-time in a certificate program.

82.5.6. Students who are currently enrolled in a graduate program of study leading to a degree who wish to pursue a simultaneous graduate certificate within the Graduate School must inform the certificate program coordinator and the Graduate School of their intent to seek the graduate certificate.

82.5.7. Completion of a graduate certificate does not guarantee admission into a graduate degree program.

# 83. GUIDELINES FOR ASSESSMENT OF STUDENT LEARNING IN ACADEMIC PROGRAMS[7]

**83.1. Policy**

83.1.1. Assessment of student learning within the University's academic programs is an essential means of identifying areas for growth and improvement in those programs. Therefore, the colleges, departments, and schools of the University will engage in programmatic assessment.

83.1.2. Processes and documents generated for professional accrediting, Indiana Commission for Higher Education reviews, and similar purposes may satisfy this assessment policy.

83.1.3. This policy does not apply to assessment of the University Core Curriculum.

83.1.4. Results of assessments conducted under this policy shall not be used for evaluation of individual faculty members.

**83.2. Definitions**

83.2.1. Academic program assessment is designed to improve student learning through the systematic collection and review of information about academic programs. Direct and indirect measures of learning are used to examine how well students have acquired the knowledge, skills, and abilities that the program was designed to foster. Ultimately, it seeks to identify ways of improving the program's ability to meet its academic goals.

83.2.2. Direct measures of learning explicitly demonstrate how well students have acquired the knowledge, skills, and abilities identified as goals of the program. Direct measures of learning include, but are not limited to, comprehensive examinations; standardized tests; licensing examinations; evaluations of student portfolios and performances; and evaluations of students made by practicum, internship, or clinical supervisors.

83.2.3. Indirect measures of learning ask students to reflect on what they have learned and experienced. Rather than directly demonstrating students' knowledge, skills, and abilities, indirect measures provide proxy information about student learning. These measures include student ratings of program quality and student self-assessment. Focus groups, questionnaires, and interviews also can be used to collect this information.

**83.3. Responsibilities**

83.3.1. Departments and Schools will

83.3.1.1. Identify the knowledge, skills, and abilities that their programs are designed to instill in students.

83.3.1.2. Determine assessment measures, collect assessment data, examine data, report assessment results to their respective colleges, and take action on the results.

83.3.1.3. While each department and school will determine how its assessment program will be conducted, each assessment program must include at least one direct measure of student learning.

83.3.2. Colleges will work in conjunction with departments to

83.3.2.1. Establish procedures to monitor the assessment activities of their departments and schools.

83.3.2.2. Establish reporting requirements and timetables for the submission of department and school assessment reports recognizing that these may differ by department.

83.3.2.3. Assess the effectiveness of the college and its units on the basis of the departmental and school reports, report the results of that assessment to the Provost and Executive Vice President for Academic Affairs, and take action on the results of that assessment.

83.3.3. The Provost and Executive Vice President for Academic Affairs will

83.3.3.1. Provide general oversight of the University's assessment program.

83.3.3.2. Review reports submitted by the colleges according to their respective deadlines.

83.3.4. The Office of Institutional Research will consult and assist departments, schools, and colleges in establishing and maintaining their assessment programs. For further reference, please refer to the "Assessment Philosophy" available from the Office of Institutional Research.

## 84. SCHEDULING OF CLASSES[8]

84.1. At the appropriate time the chairperson of each academic department submits a master schedule for the next academic year. The schedule is updated by the departments, under the direction of the Office of the Registrar, to produce the Annual Master Schedule (AMS).

84.2. After the above procedure is completed, the Office of the Registrar sends the semester master schedule to all departments for review and update. Any necessary change to the semester schedule is initiated by the department chairperson through the department's administrative coordinator. Changes are electronically forwarded to the dean of the college for approval.

84.3. A faculty member who has a problem relating to classroom assignment, hour of instruction, or other possible change in the schedule will confer with the chairperson of the department. If the department chairperson considers the suggested change desirable, the chairperson will then process the change if the space is available. Otherwise, the schedule is to be followed as established. Rooms are closely scheduled for classes and other uses. A record of classroom utilization is maintained in the Office of the Registrar for use in avoiding conflicts in room assignments, locating classes and individuals assigned them, and for analytical studies of academic space utilization.

# 85. Baccalaureate Curriculum Classifications And Policies On The Scope Of Majors And Curricular Patterns[9]

## 85.1. Definitions

85.1.1. A curriculum is a pattern of studies leading to a baccalaureate degree and is characterized by three primary components general education, specialization, (which may include area(s) of concentration and professional education), and electives. Distinction in curricula is based on the degree of explicitness of vocational orientation, sizes of major and minor concentrations, and the suggested use of elective courses.

85.1.2. A major is composed of courses in a single subject or several related fields. The major denotes the student's specialization within one of the several broadly defined curricula. The description of the major in the catalog must include all college level prerequisites, but would not include those prerequisite courses normally taken on the high school level.

85.1.3. A minor is a lesser concentration in a subject field. A minor comprises 15 semester hours and usually bears sufficient relationship to the major so that a student may readily convert it to a major or pursue advanced work in the area. The description of the minor in the catalog must include all college level prerequisites, but would not include those prerequisite courses normally taken on the high school level.

85.1.4. Course credit can be applied to multiple credentials (majors, minors, certificates) within a degree program although credit overlap between credentials is limited. "Unique credits" are credits not used to satisfy the requirements for multiple credentials. A major requires a minimum of 15 unique credits; minors and certificates require a minimum of 9 unique credits.[51]

85.1.5. Electives are classified as either free or directed.

85.1.5.1. Free electives are those courses chosen by the student from the full range of University offerings. Their primary use would be made by the student to bring a total undergraduate program to the overall minimum of credit hours required for the degree.

85.1.5.2. Directed electives are those to be taken from a specific series of courses or from selected disciplines. Their primary use will be in defining the scope of a major, minor, option or in the selection of sequences to meet university core curriculum requirements.

## 85.2. Baccalaureate Degrees

The baccalaureate degrees offered by the University are bachelor of arts, bachelor of fine arts, bachelor of general studies, bachelor of landscape architecture, bachelor of music, bachelor of science, bachelor of social

work, and bachelor of urban planning and development. The requirements for these degrees are described below:

85.2.1. Bachelor of Arts (B.A.)

This degree is designed for students who wish to complete a foreign language component. Students must complete two years of college-level language study or the equivalent with all the hours earned in one language. Students may demonstrate proficiency in the language by taking a placement test, which may partially fulfill this requirement.

85.2.1.1. University core curriculum:

85.2.1.1.2. Courses in the program of university core curriculum..... 36 hrs.

85.2.1.2. 1.2 Foreign language:

85.2.1.2.2. One foreign language..... 12-16 hrs.

85.2.1.3. Concentration area:

85.2.1.3.2. Courses in the major area of study

85.2.1.4. Electives:

85.2.1.4.2. As many hours of credit as needed to bring the total to 120 hours.

85.2.2. Bachelor of Fine Arts (B.F.A.)

85.2.2.1. University core curriculum:

85.2.2.1.2. Courses in the program of university core curriculum..... 36 hrs.

85.2.2.2. Concentration area:

85.2.2.2.2. Courses in major area of study..... 85 hrs.

85.2.2.3. Electives:

85.2.2.3.2. As many hours of credit as needed to bring the total to 120 hours.

85.2.3. Bachelor of General Studies (B.G.S.)

85.2.3.1. University core curriculum:

85.2.3.1.2. Courses in the program of university core curriculum..... 36 hrs.

85.2.3.2. Computer science:

85.2.3.2.2. One course emphasizing computer literacy..... 3 hrs.

85.2.3.3. Concentration areas:

85.2.3.3.2. A single area of emphasis of at least 36 hours, or two separate areas of emphasis of at least 18 hours each, or two minors

85.2.3.3.3. Students must obtain the approval of each area of emphasis or minor before the completion of the last 30 hours.

85.2.3.4. Electives:

85.2.3.4.2. As many hours of credit as needed to bring the total to 120 hours.

85.2.4. Bachelor of Landscape Architecture (B.L.A.)

85.2.4.1. University core curriculum:

85.2.4.1.2. Courses in the program of university core curriculum..... 36 hrs.

85.2.4.2. Concentration area:

85.2.4.2.2. Courses in major area of study..... 113 hrs.

85.2.4.3. This five-year degree requires a total of 154 hours.

85.2.5. Bachelor of Music (B.M.)

85.2.5.1. University core curriculum:

85.2.5.1.2. Courses is the program of university core curriculum..... 36 hrs.

85.2.5.2. Concentration area:

85.2.5.2.2. Courses in major area of study..... 79-94 hrs.

85.2.5.3. Electives:

85.2.5.3.2. As many hours of credit as needed to bring the total to 120 hours.

85.2.6. Bachelor of Science (B.S)

85.2.6.1. University core curriculum:

85.2.6.1.2. Courses in the program of university core curriculum..... 36 hrs.

85.2.6.2. Concentration area:

85.2.6.2.2. Courses in the major area of study.

85.2.6.3. Electives:

85.2.6.3.2. As many hours of credit as needed to bring the total to 120 hours.

85.2.7. Bachelor of Social Work (B.S.W.)

85.2.7.1. University core curriculum:

85.2.7.1.2. Courses in the program of university core curriculum..... 36 hrs.

85.2.7.2. Concentration area:

85.2.7.2.2. Courses in the major area of study..... 69 hrs.

85.2.7.3. Electives:

85.2.7.3.2. As many hours of credit as needed to bring the total to 120 hours.

85.2.8. Bachelor of Urban Planning and Development (B.U.P.D.)

85.2.8.1. University core curriculum:

85.2.8.1.2. Courses in the program of university core curriculum..... 36 hrs.

85.2.8.2. Concentration area:

85.2.8.2.2. Courses in major area of study..... 82 hrs.

85.2.8.3. Electives:

85.2.8.3.2. As many hours of credit as needed to bring the total to 120 hours.

## 85.3. Posthumous Baccalaureate Degrees and Certificates of Recognition[10]

85.3.1. At the recommendation of the appropriate college or department and the approval of the Provost or his/her designee and the President:

85.3.1.1. The Posthumous Baccalaureate Degree may be awarded to a student who had reached the senior level (Class Status 4) with at least 15 credits earned from Ball State, and was in good standing with the University at the time of death.

85.3.1.1.2. If the student would be eligible for an academic honor, it will also be awarded.

85.3.1.2. A Certificate of Recognition may be awarded to a student at the freshman, sophomore, or junior level who was in good standing with the University at the time of death. The wording of the certificate shall be the responsibility of the nominating college or department.

85.3.1.3. A Certificate of Recognition may be awarded to a student at any class level in good standing with the University who becomes permanently disabled due to illness or accident and is unlikely to be able to finish the degree.

# 86. ENROLLING OF STUDENTS[49]

86.1. Currently enrolled students are expected to register in the semester preceding the semester for which they are registering and beginning at a specified, assigned time. This is called "priority registration". Priority registration periods for a fall/spring semester are queued by population groups and are the first opportunity for student enrollment. In a population group, students are issued a time ticket and that is their earliest opportunity to register for classes.

86.2. Time ticket assignment is governed by the general principle of student total earned credits. The more credits a student has earned, the earlier that student may enter registration. In some special circumstances group exceptions may be determined. Early time ticket assignment may be used to accommodate student groups whose service to the university or special circumstance require early assignment of a time ticket. "Service" and "special circumstances" shall be determined by a committee appointed by the Admissions & Credits subcommittee.

86.3. Early time ticket assignment will be available through an application process administered through the Registrar's Office. An application must be approved no later than October 1st and becomes effective for the next academic year. Applications will only be accepted from university recognized student organization advisors/coordinators/directors of recognized campus groups, and no more than 2 individuals appointed to serve as primary contact and liaison throughout the submittal review process. Applications must meet the following eligibility criteria:

**I**. Conditions for early time ticket assignment must prove that every participant in the campus group experiences essentially the same scheduling restriction, and needs essentially the same special exception to the normal priority time ticket assignment every fall/spring semester.

**II.** Groups must provide data to support lack of an early time ticket assignment consistently impedes the group from academically progressing within a reasonable period of time.

**III.** Groups must explain why student participation is mandatory and ongoing, and explain why the campus group or the university does not have discretion of rescheduling mandatory participation events. Groups must identify why the majority of participating students are not able to achieve their academic goal within a reasonable period of time.

**IV.** The committee reserves the right to determine the number of academic terms in which early time ticket assignment is approved and the number of students eligible for such early assignment.

**V.** At the discretion of the review committee, a re-examination of approved groups of students with early time ticket assignment may be requested in order to determine if they continue to meet guidelines for early assignment. *These groups will be held to the same timeline as new requests (review application by the fall deadline and if determined not to continue with priority registration, the change would take effect the next academic year).*

Early time ticket assignment during priority registration is not to be used as a reward, to recruit students, or to facilitate student involvement. Groups may submit application for early assignment no more than one time per academic year.

86.4 Students should log into the student information system and review their registration status as well as their time ticket to register for classes. All students are encouraged to become familiar with their academic plan of study, contact their advisor with questions, and resolve any barriers to enrollment activity before their time ticket opens. Details on how to register for classes as well as important dates and deadlines are published on the Registrar's Office website. Students should register soon after their time ticket opens to stay on track for

degree or certification progress, maintain financial aid eligibility, avoid late fees, and take advantage of their position in the overall assignment of registration time tickets. Once a time ticket opens, registration activity continues until the close of change-of-course. Delays in using an open registration time ticket will impact course seat availability and academic progress.

86.5 Individuals who were not enrolled in the preceding term (stop out) are issued a registration time ticket following admission or readmission to the university. Students with other reasons for academic stop out (ex: total institutional withdrawal) will be issued a time ticket if an anticipated semester for enrollment is specified. Careful and timely planning of course registration is important to continue academic progress and plan course seat availability.

## 87. Change Of Course[11]

87.1. Delays in using an open registration time ticket will impact course seat availability and academic progress.

87.2. Students are encouraged to make necessary changes to their schedules prior to the start of the semester or term. Unless the student has a barrier to registration activity, the student may change their schedule through the appropriate change-of-course period which is published on the Registrar website: www.bsu.edu/registrar. Schedule changes may be processed by web or in person at the Office of Registrar.

87.3. In addition, the chairperson of an academic department may transfer students from one section of a class to another section of the same class. Such transfers are presented to the Office of Registrar on the Transfer of Students form.

87.4. After the change-of-course time frame, it is IMPORTANT that no student be permitted to remain in class whose name is not on the class list. Failure to maintain accurate attendance records will impact student financial aid and progress toward degree. Students who are not on the list should be sent to the Office of Registrar.

## 88. Assignment Of Credit Hours[12]

88.1. Departments and units shall assign a number of credit hours to each class that reflects the amount of time required for a typical student to successfully complete the class. Departments and units shall assign one hour of credit to a class for each 750 minutes of student attendance and out-of-class work.

88.2. Face-to-face undergraduate classes: Departments and units typically assign one hour of credit for each 750 minutes of face-to-face undergraduate instructional time, with an additional 1,500 minutes of out-of-class work required for successful completion. (750 minutes of instructional time reflects 50 minutes of class weekly over a 15-week semester.)

88.3. Other undergraduate delivery modes and formats: Classes other than face-to-face undergraduate classes (for example, online classes, workshops, classes offered in non-standard venues, study abroad, and blended classes) will often divide the minimum time requirement between instructional time and out-of-class work in a different manner. However, departments and units shall determine that total course time required for a typical student is at least 2,250 minutes for each credit hour to be granted.

88.4. Graduate classes: Graduate classes present students with material and assignments of additional rigor, and accordingly require greater time commitments for successful completion. As a general rule, departments and units shall determine that total course time required for a typical student is at least 3,000 minutes for each graduate credit hour to be granted. The Graduate School may enact additional policies to assure that the number of graduate credit hours assigned to a course is appropriate.

88.5. Minimum time guidelines: The number of credit hours assigned to a condensed-format course should reflect the period of time required to complete the expected minutes of activity. Thus, a three-hour course should normally be offered over a minimum of two weeks when the students in that course are taking no other courses. Similarly, a six-hour (nine-hour) course should normally be offered over a minimum of four (six) weeks.

88.6. Procedure for new or revised courses: A proposal for a new course, or to revise an existing course, must document that the number of credit hours assigned is consistent with the requirements of the preceding paragraphs.

88.7. Procedure for continuing courses: Each college will develop procedures for its College Curriculum Committee (or other body) to review the appropriateness of the number of credit hours assigned to continuing courses on a rotating basis, with each continuing course reviewed at least once every five years.

88.8. Primary responsibility for maintaining the appropriate number of hours for a course shall rest with the academic department or unit involved.

88.9. Credit-bearing experiential learning experiences such as internships, clinicals, practica, etc. are also governed by the above policies.

## 89. TYPES OF CREDIT[13]

89.1. Faculty have options to view a class roster. Options include Banner SSB, Canvas, and Argos reporting. Depending on which option is used to view student enrollment, the faculty member can select a summary class list or a detail class list that may contain student level, class, credit hours, and types of credit (graduate, undergraduate, credit/no credit, audit). Students who desire to take courses without expectation of credit to apply on a degree (auditors) sign a waiver for the respective course or courses. No credit will be earned, and the transcript entry will be recorded with a grade of AU.

89.2. Should a student desire to change from audit to credit, graduate to undergraduate, or vice versa, the student must apply to the curricular advisors for such change during the change of course period. If approval is given, the instructor will be notified. This change can be made only during the official change of course period at the beginning of the semester or term.

## 90. CREDIT/NO-CREDIT POLICY[14]

90.1. Students may choose to earn up to fifteen credits under the credit/no-credit option. If a course is offered only for credit/no-credit, it will not be counted in the fifteen-credit allowance. Students who have taken a course for a grade cannot take it again on a credit/no-credit basis. Courses taken on a credit/no-credit basis will not

count toward the academic major, minor, or any university core curriculum requirements, except for student teaching, internships, and courses offered only for credit/no-credit. If a student has taken courses in a particular subject for credit/no-credit and then decides to major or minor in that subject, not more than two of the courses will count toward the major or minor requirements. Students on academic warning may not use the credit/no-credit option. Apart from these exceptions, departments must allow students to take courses for credit/no-credit.

90.2. The credit/no credit option may be applied to required Physical Education courses, student teaching and internships, and to elective courses outside a student's major or minor areas of concentration and outside the university core curriculum courses in the professional sequence for teachers. This option may not be denied by a department.

90.3. A department, with the approval of its College Dean, may accept the credit/no credit option from any student for any course. A faculty member, with the approval of the department offering the course and of the appropriate dean, may initiate a credit/no credit policy for a particular section of the course.

90.4. Credit given under this system, with the appropriate "credit" or "no credit" designation, will appear on the student's permanent academic record but will not be counted as part of the student's grade-point ratio. "Credit" will be given when the grade is C- or higher. "No credit" will be given when the grade is below C-.

90.5. Students enrolled under the credit/no credit option are not exempt from any requirements in the course.

90.6. Registration for credit/no credit will follow regular University procedures. Regular fees are applicable.

## 91. Credit Other Than By Regular Enrollment In University Classes[15]

91.1. The following are ways in which the student may receive credit other than by regular enrollment in University classes:

- 91.1.1. Advance Placement Program
- 91.1.2. College Level Examination Program (CLEP)
- 91.1.3. Credit by Departmental Examination
- 91.1.4. Credit by Departmental Authorization
- 91.1.5. Credit Earned for Military Service
- 91.1.6. Credit Earned While in Military Service

See the Catalog for more complete information.

## 92. Residence Credit[16]

Any course except correspondence offered by Ball State University shall be granted residence or campus credit.

## 93. Continuing Education Unit[17]

The Division of Online and Distance Education supports the Continuing Education Unit (CEU) plan adopted by Ball State University as a means of recording and accounting for non-credit courses, programs, and activities. One Continuing Education Unit (CEU) is defined as ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.

## 94. Withdrawal From A Course[18]

94.1. Change of Course Period

Students may drop/add a course through the fifth day of classes of a semester (fall, spring, and summer), and third day of classes of a summer session. Courses dropped through this period are not recorded in the student's permanent record.

94.2. Course Withdrawal Period

From the sixth to the forty-eighth day of classes in a semester, sixth to the thirtieth day of classes of a summer semester, and fourth to the fifteenth day of classes of a summer session. Saturday is not considered a class day for these purposes.

94.2.1. All student initiated withdrawals will be accepted and recorded as "W" during this period.

94.2.2. Students wishing to withdraw from a course during this period

94.2.2.1. Should see the instructor and discuss the withdrawal;

94.2.2.2. Must take the initiative to obtain the withdrawal form with instructions (paper or on-line), and

94.2.2.3. Must submit the completed withdrawal form to the Office of Registrar by the close of business hours on the last day of the withdrawal period.

94.2.3. Discontinuance of enrollment or abandonment of a course or courses without having properly followed the procedure as indicated above will normally result in the issuance of an "F" grade.

94.3. Withdrawal After the Course Withdrawal Period Because of Verifiable Extenuating Circumstances

If there are verifiable extenuating circumstances which make withdrawal from a course academically justified after the withdrawal period ends, the college dean (or designate) may grant an exception to the above withdrawal policy. The faculty member is responsible for determining the grade to be assigned, W or F.

## 95. Withdrawal From All Courses During A Semester Or A Term[19]

Students who find it necessary to withdraw from all courses during a semester or summer session should refer to the Undergraduate or Graduate Course Catalog. Undergraduate Students please refer to following link. Graduate students please refer to the following link.

## 96. Undergraduate Course Repetition[20]

96.1. An undergraduate student may repeat a course an unlimited number of times except in cases where a department has imposed repetition limits. The repetition of a course does not remove the previous grades from the student's official academic record. A "W" will not replace a previous grade.

96.2. The last grade in a course will be used in computing the student's GPA. The credit hours will count only once toward meeting minimum hourly requirements for graduation.

96.3. The University is not obligated to offer courses so that a student can repeat them.

## 97. Graduate Course Repetition[21]

A graduate student may not repeat more than one time a course for which a grade has been given. The repetition of a course does not remove the previous grades from the student's official academic record. The last grade in a course will be used in computing the scholastic ratio. The credit hours will count only once toward meeting minimum hourly requirements for graduation.

## 98. A Program Of Academic Clemency[22]

Ball State University provides a procedure whereby undergraduate students who were not enrolled at Ball State University for a five-year period may petition the Committee on Admissions and Credits to have grades and credits earned prior to that period removed from the calculation of their accumulative grade-point average. Acceptability of this policy by institutions other than Ball State University will be solely at the discretion of those institutions. Students participating in the program of academic clemency are specifically required to comply with the following provisions:

98.1. The student must not already have an earned degree from Ball State University.
98.2. University records must verify they were not registered in any capacity at Ball State University during a period of at least five years and must be registered for the current term.
98.3. For students who qualify for academic clemency, all previous Ball State University course work with grades of C or above will be counted for credit only. However, students will lose credit for all courses with grades below C. Students will resume their academic program with no accumulative grade point average.
98.4. The student's academic records will be inscribed with the note "Academic Clemency Granted (date)."
98.5. Academic clemency may be used only one time by a Ball State University student.
98.6. Academic clemency is final and irreversible.
98.7. All other academic policies of Ball State University apply.

## 99. Syllabi Of Courses[23]

99.1. A primary syllabus for each course taught in each department should be on file. (The primary syllabus is not an individual course syllabus but can be used by faculty to develop individual course syllabus.) The primary syllabus is a course guide and should include a general, rather than a specific, description of the following constructs:

99.1.1. Course description
99.1.2. Course objectives
99.1.3. Course rationale
99.1.4. Course content, format, and bibliography

99.2. All course primary syllabi should be on file with the appropriate college dean. The primary syllabus for any university core curriculum course should be on file with the Office of University Core Curriculum and Academic Programs.

## 100. SYLLABUS STATEMENT[52]

100.1. We are committed to ensuring that all members of the community are welcome, through valuing the various experiences and worldviews represented at Ball State and among those we serve. We promote a culture of respect and civil discourse.

100.2. If you need course adaptations or accommodations because of a disability, please contact the instructor of record as soon as possible. Ball State's Disability Services office coordinates services for students with disabilities; documentation of a disability needs to be on file in that office before any accommodations can be provided. Disability Services can be contacted at 765-285-5293 or dsd@bsu.edu.

100.3. Indiana Code 21-38-3.5-5 requires a faculty member to prepare and post on the University's website a syllabus for each course the faculty member is teaching.

## 101. DOUBLE-NUMBERED TAUGHT/WITH COURSES[24]

101.1. Ball State University offers graduate programs that provide advanced education and training in several fields. In order to maintain the integrity and promote the quality of these advanced programs, certain distinctions are made between them and the University's undergraduate programs. Because of these distinctions, certain graduate classes are inappropriate for undergraduate enrollment due to their emphasis upon research and prior educational experiences. The purpose of this policy is to help determine those courses which can and cannot be double numbered.

101.2. It is recognized that some double-numbered courses are educationally desirable and may be conveniently taught as taught/with classes--e.g., certain courses in the sciences which, by universal practice, serve both undergraduate and graduate degree programs; music ensembles, art studio courses, and certain foundation courses. These courses must be identified and approved by the appropriate college dean and the Dean of the Graduate School.

101.3. Double-numbered courses which exist purely to meet minimum class sizes or staffing problems diminish the quality of graduate education and should be eliminated or reduced in number in an orderly fashion by such means as: 1) a reduction in the total number of courses offered; 2) offering courses less often; or 3) by changes in the curriculum.

101.4. The following regulatory devices are intended to provide a degree of uniformity in purpose and control over reduction of double-numbered courses:

101.4.1. Departments shall provide to the Graduate Education Committee for its review data supporting how they use taught/with courses for credit toward graduate degrees. Continued use of such courses will be subject to approval by the Graduate Education Committee.

101.4.2. When taught/with courses are offered, faculty must differentiate between graduate and undergraduate students by such means as: 1) differences in course requirements, 2) standards of grading, 3) separate weekly seminars, 4) independent research papers, and 5) individual conferences.

101.4.3. It is recognized that the use of graduate-only courses will necessitate the offering of some classes with low enrollment. This need should be met by eliminating minimum class sizes and placing course

management entirely in the hands of department chairpersons but subject to an annual review by the college dean.

## 102. Field Trips [53]

102.1. Field trips consistent with the purpose of the course should be planned at the beginning of the semester for which they are contemplated, and the college dean should receive three copies of the notice of the project at that time. No field trips or travel involving absence from class on the part of any of the participants shall be scheduled during the first week of a semester. Whenever possible, the trip should be scheduled for a weekend.

102.2. No field trips, travel, or other events, including on-campus events, involving students that impact attendance in other classes shall be scheduled during the first week or last week of any terms or during the final examination period. These weeks are defined to include the weekend and are known as the restricted period. Academic exceptions will be granted only after consultation with and approval of the Provost and Executive Vice President for Academic Affairs or designee. Additionally, exceptions related to student organizations will require the approval of the Vice President for Student Affairs or designee.

102.3. A field trip is voluntary for the student, although failure to go on a planned and announced field trip may be penalized by grading if the student offers no adequate make up as assigned.

102.4. The instructor who finds it necessary to take students on a field trip or to an event which will involve loss of time in other classes will complete the established electronic request. This process, along with ensuring proper approval, provides notice for students for other faculty and provides emergency information for all travelers. Notice is to be given at least three class days before the start of the trip or event. Exceptions for the restricted period must be requested seven days in advance.

## 103. Internships And Practica[25]

The university encourages student internships and practica. Internships and practica are defined as supervised practical experience in a student's field of study. To be recorded on students' academic transcripts, these internships and practica must have an academic component. Academic supervision must be conducted by faculty in the student's major or minor course of study in collaboration with a supervisor at the internship or practicum site. Academic internships and practica must be approved by the department chairperson or a designated representative of the student's major or minor course of study.

## 104. Research Paper[26]

104.1. The paper must be accompanied by a cosigned form including the signatures of the student's departmental advisor and the department chairperson.

104.2. If the departmental advisor and the department chairperson are the same person, another member of the Ball State graduate faculty within the department of the student's major must also sign the form indicating his or her familiarity with the paper and knowledge of the student's work.

## 105. Creative Research Project Plan[27]

105.1. The project must be accompanied by a cosigned form including the signatures of the student's departmental advisor and the department chairperson.

105.2. If the departmental advisor and the department chairperson are the same person, another member of the Ball State graduate faculty within the department of the student's major must also sign the form indicating his or her familiarity with the project and knowledge of the student's work.

## 106. GRADUATE STUDENT RESEARCH[28]

106.1. The financial support of research conducted by graduate students is an acknowledged and legitimate academic cost for departments. The University recognizes that departments may budget funds to support graduate student research.

106.2. A fund will be established and administered by the Dean of the Graduate School for use in supporting graduate research papers, creative projects, theses, and dissertations for which students have enrolled. This University fund will allow contributors to the Ball State University Foundation to earmark financial contributions for use in supporting graduate research. The fund, administered by the Dean of the Graduate School, will be used to supplement departmental support of graduate research. The decisions of the Dean of the Graduate School will be reviewed yearly by a joint committee composed of members drawn from the University Research Committee and Graduate Education Committee. This review will be used for the generation of future policy and procedure for furthering support of graduate research.

## 107. POSTHUMOUS GRADUATE DEGREES AND CERTIFICATES OF RECOGNITION[29]

107.1. At the recommendation of the appropriate academic unit and college, the Graduate Dean, and the Graduate Education Committee and the approval of appropriate administrators:

- 107.1.1. The Posthumous Graduate Degree may be awarded to a student, who at the time of death:
  - 107.1.1.1. Was in good standing with the University;
  - 107.1.1.2. Had completed substantially all course work, i.e., had completed or was enrolled in the last semester of classes;
  - 107.1.1.3. Had progressed on any required dissertation, thesis, research paper, creative project, and/or internship to a point where the student's committee (or advisor) feels confident that the project and/or internship would have been completed successfully.
- 107.1.2. A Certificate of Recognition may be awarded to a student at any class level in good standing with the University at the time of death. The wording of the certificate shall be the responsibility of the nominating college or department and approved by the Registrar and Provost (or their designee).
- 107.1.3. A Certificate of Recognition may be awarded to a student at any class level in good standing with the University who becomes permanently disabled due to illness or accident and is unlikely to be able to finish the degree. The wording of the certificate shall be the responsibility of the nominating college and approved by the Registrar and Provost (or their designees).
- 107.1.4. Degrees and certificates awarded posthumously will be so noted on the student's official transcript.
- 107.1.5. Requests for posthumous degrees and certificates of recognition must be made within five years of last attendance.

107.2. The Provost or designee will have final approval.

# 108. STUDENT ATTENDANCE[30]

108.1. At Ball State University student attendance at class meetings is expected. Faculty shall establish attendance policies for their courses. Such attendance policies must be communicated to students by faculty through individual course syllabi.

108.2. Absence caused by field trips or activities in which the student is representing Ball State University at state, regional, or national events shall be announced in advance to instructors of the other course(s) in which the student is enrolled. A notice will originate in the office of the department chairperson and be brought to the instructor(s) by the student at least three (3) days before the field trip. All trips should be scheduled after the first week or before the last two weeks of a semester (last two weeks—including the examination period). Exceptions to these periods will be granted only after consultation with and approval by the Provost and Executive Vice President for Academic Affairs and the Vice President for Student Affairs. Faculty are expected to allow students to make up all missed course activities during their absence including, but not limited to, class activities, assignments, examinations, and final examinations. Students should not be penalized for their absence while representing the University. When possible, students are expected to complete these activities before their absences.

108.3. Detailed information regarding requirements for Veterans' attendance may be obtained from the Office of Financial Aid and Scholarships. This information is kept current by directives received from the Administrator of the Veterans Administration, VACO, Washington, D.C.

Veterans' Affairs Public Law 116-315 Statement[50]- Federal law requires that academic institutions who receive GI Bill funding must allow for students to be gone for both long and short periods of time due to military service obligations students must fulfill for active-duty service members and Reservists. In addition, these academic institutions must allow Service members and reservists to be readmitted to a program if they are temporarily unable to attend class or suspend their studies due to service requirements.

108.4. Detailed information regarding attendance requirements for student financial aid may be obtained from the Office of Financial Aid and Scholarships.

# 109. CLASS VISITATION[54]

109.1 Unannounced visits to classrooms or other learning environments can disrupt the educational process. Those in supervisory roles should, when practicable, inform the instructor of the intent to visit; all other visitors should seek permission at least one day in advance.

# 110. POLICY ON GRADES[31]

## 110.1. RESPONSIBILITY OF INSTRUCTOR

It is the responsibility of the instructor:

110.1.1. To grade students in accordance with the following grading system

110.1.1.1. The record of student performance in courses of undergraduate level in Ball State University is indicated by the following system of letters: A, B, C, D, F, FN, and FS. A

plus or minus may be appended with the exception of A+, F+, F-, FN+, FN-, FS+, and FS-.

110.1.1.2. "A" represents work of excellent quality and is recorded for students who do outstanding work.

110.1.1.3. "B" represents work of good quality and is recorded for those who do work which is clearly above the average.

110.1.1.4. "C" represents work of average quality and is recorded for students who do average work.

110.1.1.5. "D" represents work which is below average, but above failure.

110.1.1.6. "F" represents work that is not of an acceptable quality.

110.1.1.7. "FN (Non-attendance)" represents a failing grade awarded to a student who did not attend a course (no completed assignments, no exams, no instructor interaction or other documented engagement in an academically-related activity in the course).

110.1.1.8. "FS (Stopped Attendance)" represents a failing grade awarded to a student who did not officially withdraw but failed to complete a course (i.e., did not take a final exam, stopped attending, etc.) and failed to achieve the course objectives.

Instructors will be required to enter the last date of academic engagement for a student receiving a grade of FS.

110.1.1.9. A failing grade (F, FN, or FS) is recorded when a student withdraws from a course after the published withdrawal deadline for the semester or term unless, in the judgment of the instructor or college dean, the reasons for withdrawing from the course are such that the student should have a W.

110.1.2. To keep a record of grades for a minimum of one calendar year.

110.1.3. To inform the class, very early in the course, the basis on which grades are to be determined.

110.1.4. To have information available to a student concerning academic progress throughout the course, insofar as possible.

110.1.5. To provide a student with the opportunity to examine and discuss all of the student's work which has been evaluated by the instructor tests, papers, reports, special projects, etc.

110.1.6. To submit final grades by the published grade submission deadline. It is essential the faculty submit all grades in which they are due and in the proper format. Failure to submit grades to the Office of Registrar by the specified due date will results in the Instructor submitting grades on the Supplemental Grade Report form for each student. Specific and detailed instructions will come directly from the Office of Registrar to all departmental secretaries/administrative coordinators.

## 110.2. RIGHT OF THE STUDENT

110.2.1. To know, very early in the course, the basis on which grades are to be determined.

110.2.2. To receive upon request information concerning the student's academic progress throughout the course, insofar as possible.

110.2.3. To receive upon request information concerning the instructor's evaluation of all work done by the student in the course tests, papers, reports, special projects, etc. which will contribute to the final grade.

110.2.4. To know why a grade has been received, including the final grade for the course.

## 110.3. GRADES[32]

110.3.1. Near the close of each session of the University, faculty members will be notified by the Office of Registrar of the deadline when grades for the current session are due. After grades have been submitted, they will be processed through the Office of Registrar and will be made available for student viewing on the web, and used at once for determining the student's eligibility to attend the next semester or term, to continue in sequential courses, to be recommended for graduation and often recommended for teaching certificate, for transcript of record to be sent elsewhere, and for other purposes. A grade of "NR" will be recorded automatically by the Office of Registrar for any grade not properly reported. Notifications of an "NR" grade are sent by the Office of Registrar to the instructor, department chair, and college dean immediately following the grade submission deadline and in two-week intervals. Instructors will have 30 days after the grade submission deadline to submit a Supplemental Grade Report form. In the event the instructor from whom students receive an NR grade is no longer employed by Ball State University, cannot be contacted, is incapable of performance due to medical conditions, or fails to submit a Supplemental Grade Report form by this 30-day deadline, the determination of the student's final grade(s) will reside with the department chairperson and will be reported within five days. If there is no grade resolution by the department chair or college dean by this five-day deadline, the provost shall be notified for grade resolution.

110.3.2. Students are graded in accordance with the system described in the Catalog. The student's work in a course is to be regarded as finished by the close of the semester or term. A student whose work at the close of the semester or term is incomplete because of illness or some circumstances beyond the control of the student may be given an "I" grade and privileges of completing the work at a later time. Students who withdraw from a course under the terms specified for the mark of "W" may be given "W."

110.3.3. The granting of an "I" must be approved at the end of the semester by the department head or chairperson.

110.3.4. It is most important that the conditions for removing the "I" be as specific as possible. Removal of an "I" should be limited to as short a period as possible. CR/NC enrollments will expire to become a failing grade as defined by the grading method. All other enrollments expired to an F grade.

*Undergraduate Courses*

Unless an earlier completion date is specified by the instructor, an "I" grade awarded for an undergraduate course will expire as follows: for Fall enrollment, by May 1; for Spring and/or Summer enrollment, by December 1. An exception is made when an extension on the timeline has been recommended by a department chairperson and approved by the appropriate dean. The Registrar's Office will send an email reminder to the student and to the instructor of an "I" grade on the student record on or about the 15th of every month.

*Graduate Courses*

The maximum time permitted for the completion of an "I" grade for a graduate course is 12 calendar months. An exception is made when an extension on the timeline has been recommended by a department chairperson and approved by the appropriate dean. The Office of the Registrar will send an email reminder on or about the 15th of every month. Incomplete capstone projects in CRPR 698, RES 697, THES 698 or DISS 799 may be handled in one of three ways: credit may be given on an on-going basis if the student is making progress with the understanding that the student cannot graduate until the project is submitted to and approved by the Graduate School; instructors may assign a grade of NC and may change the grade to CR when the project is complete; or instructors may request an extension of the "I" grade.

## 110.4. MIDTERM EVALUATION OF UNDERGRADUATES[33]

Midterm Progress Reporting is a critical tool in our effort to reach all undergraduate students at an early enough point in the semester to provide positive intervention and feedback. By the end of the eighth week of the semester, faculty will submit a midterm grade for all students enrolled in courses at Ball State utilizing Ball State University's student success platform. This policy will apply to all classes, including parts of term and summer courses, and grades will be made available to students. Each student's academic advisor will receive notification of the student's performance, and, if a student lives in a residence hall, the residence hall director also will receive this information. The purpose of the midterm evaluation is to provide students with information about their current classroom as well as to provide information to support personnel for students who might require additional support. Moreover, the process is designed to provide students who are performing well with feedback and encouragement. It is ultimately the student's responsibility to respond appropriately to this information. The midterm grade does not guarantee a specific performance at the end of the semester but is merely notice of the student's performance to that time.

## 110.5. CHANGE OF GRADES

Grades are given by faculty members, and a change of grade can be given only by the faculty member who gave the original grade. Students who feel they have earned a grade different from the one given are referred to the course instructor. If that instructor concludes that the officially recorded final grade should be changed, the instructor will make corrections on the Change of Grade Form which is available in the departmental office. After the instructor signs the Form, the department chairperson signs and forwards the Form to the dean of the college. The dean signs it and forwards the original and all copies to the Office of Registrar. Once the change has been made on the student's academic transcript, the student will be notified and all copies of the Form are sent to the appropriate individuals.

## 110.6. FINAL EXAMINATION GUIDELINES[34]

110.6.1. A final examination or alternative end-of-term assessment should be given in each course, regardless of modality. Full-semester courses must schedule their final during the published day and time during finals week; non-standard and summer courses should be administered on the last regularly scheduled class meeting day. The date(s), time(s), and location should be clearly stated in the course syllabus or schedule. Directed research, internships, independent study, thesis, and dissertation courses, as well as performance-related assessments, are exempt from this policy. The College Dean or designee should approve any other exemptions.

110.6.2. Face-to-face or synchronous online exams held during the semester must take place during the scheduled class times, except for faculty members who wish to schedule multiple-section exams. Such exams must be approved and scheduled by the Office of the Registrar prior to the start of the semester. The date(s), time(s), and location should be clearly stated in the course syllabus or schedule.

110.6.3. No student will be required to take more than two (2) final examinations in one day. In cases where a student has an examination conflict, the student is responsible for notifying their instructor(s) of the conflict. Once notified by the student, it is the faculty member's responsibility to make special arrangements to ensure the student is not adversely affected. In cases where a student has difficulty solving this problem, the Provost and Executive Vice President for Academic Affairs, or their designee, shall make the necessary adjustment(s).

## 111. Discontinuance Of Graduate Courses[35]

111.1. Each college will establish procedures to have each department

111.1.1. During the spring semester of each academic year identify those graduate courses which (a) have been listed in the Graduate Catalog during all of the immediate preceding six years, and (b) have not been taught during any of this same period;

111.1.2. Provide a statement for each major so identified recommending either (a) that the course be dropped, or (b) that the course be retained and provide a rationale for the retention.

111.2. The college approves or disapproves the recommendations from each department. The college dean will then prepare a list of all courses from the college that are to be dropped. The list is sent to the Dean of the Graduate School, not later than the last day of the spring semester. The courses on the "drop" lists will be deleted from the next edition of the Graduate Catalog.

111.3. If the Dean of the Graduate School questions the retention of a graduate course, the matter is to be discussed with the appropriate college dean. The college dean will refer the questions back to the appropriate department for additional study and justification. If not resolved, the question will be referred to the Graduate Education Committee.

## 112. Discontinuance Of Graduate Degree Majors And Programs[36]

112.1. Each college will establish procedures to have each department

112.1.1. During the fall semester of each academic year identify those graduate majors which have not produced a graduate during the last six-year period (the Graduate Dean will provide the department chairpersons with such information);

112.1.2. Provide a statement for each major so identified recommending either (a) that the major be dropped, or (b) that the major be retained and provide a rationale for the retention.

112.2. The college curriculum committee will consider the recommendations from each department and decide whether the recommendation will be approved or disapproved. The college dean will then prepare a list of all majors from the college that are to be dropped. The list is sent to the Dean of the Graduate School, not later than the last day of the fall semester. The majors on the "drop" lists will then be recommended for dropping by the appropriate department.

112.3. If the Dean of the Graduate School questions the retention of a graduate major, the matter is to be discussed with the appropriate college dean. The college dean will refer the question back to the appropriate department for additional study and justification. If not resolved, the question will be referred to the Graduate Education Committee. If the Graduate Education Committee decides that a major should be dropped, the appropriate department will be directed to request that majors be discontinued through regular posting.

## 113. Selection And Presentation Of Lecturers Or Speakers By Student Organizations[37]

113.1. Pursuant to the University's Statement on Rights and Responsibilities, the University reaffirms that:

113.1.1. Recognized Ball State University student organizations have the privilege of inviting speakers to the campus, subject only to the following provisions.

113.1.1.1. The speaker shall refrain from urging the audience to take action which is prohibited by the rules of Ball State University, or which is illegal under federal or Indiana law. Advocating or urging the modification of the government of the United States or of the state of Indiana by violence or sabotage is specifically prohibited.

113.1.1.2. The student organization sponsoring the speaker has the responsibility of

113.1.1.2.2. Informing the speaker of provision "113.1.1.1" above;

113.1.1.2.3. Arranging for reservation of space through the Student Center Reservations Office;

113.1.1.2.4. Completing the form furnished by the Campus Reservationist listing the names of the speakers, the time and place of the meeting, an estimated number of anticipated attendees, and whether the organizer anticipates that the event may require special preparation from campus police; the form to be certified by the signature of the appropriate officer of the student organization and the faculty advisor.

113.1.1.2.5. Assisting in ensuring that any meeting held on this campus is conducted in an orderly fashion and that any speaker invited to this campus as a guest of the University shall be accorded an opportunity to speak and to be heard.

113.1.2 As stated in the Statement of Rights and Responsibilities, Ball State University is committed to freedom of expression. Members of the University community are free to criticize and contest views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus. But they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe.

113.2. It is the responsibility of the Director of Student Life, or a designee, to certify that all of the above provisions have been complied with by the sponsoring student organization before space reservation for the event is officially confirmed. In the event an invited speaker fails to comply with Section 113.1.1.1 above and/or advocates action deemed to be illegal, any action to be taken must be left to appropriate law enforcement authorities (for violations of law) or to the Vice President for Student Affairs, or a designee (for violations of University policy). In the event the sponsoring student organization violates the provisions listed above, it is subject to the procedures and penalties applicable to students and student organizations which violate other Ball State University policies.

## 114. Policy Statement On Selection Of Campus Speakers[38]

Ball State University, as an institution dedicated by the people of Indiana to higher education in the truest sense, reaffirms and follows these policies in the selection and presentation of lectures or speakers appearing on campus under University auspices.

114.1. Persons whose achievements in specific fields of intellectual endeavor have equipped them as recognized authorities in these fields will be brought to the campus for lectures as a planned effort to expand and enrich learning opportunities for University students. This includes the clear obligation of the University to its students to bring speakers who can and will present varying and perhaps conflicting viewpoints covering a vast array of subjects.

114.2. The selection and presentation of speakers or other programs on campus shall be guided and directed by regularly constituted University agencies operating within the framework of the University's administration. These University agencies will seek to expose the campus community to speakers representing different viewpoints relating to the academic programs and activities of the University and its departments.

114.3. In all campus affairs the University will maintain its commitment to freedom of expression as outlined in the Statement of Rights and Responsibilities. The opportunities of students at Ball State University to know and evaluate conflicting opinions shall not be diluted under any circumstance. The University also stands ready to defend this freedom for any members of the community regardless of their political or social beliefs.

114.4. Although individuals or groups on campus or elsewhere may object to the views of a speaker or even to the person's appearance on campus, such objections cannot be allowed to interfere with the University's viewpoints. Individuals or groups outside the framework of the University's administration have the right to select their own sources of information in judging the competence of a speaker or writer. The University reserves the right, however, to be its own judge of the relevance and accuracy of such information.

114.5. Members of the University community are free to criticize and contest views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus. But they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe.

114.6. Any lesser practice than is indicated in these policy statements would constitute an abdication of the intellectual assignments Indiana has given Ball State University. Indeed, these policies assure students, faculty members, and interested citizens the finest possible contributions to mutual intellectual needs as well as to local, state, and national citizenship responsibilities.

114.7. Although we might not always agree with what is said we would be among the first to defend the right of the author to write, the editor to editorialize, the citizen to speak or write letters to the editor, and the preacher to preach.

114.8. These statements are made so that interested individuals may appreciate the position which an accredited institution of higher education of status, character, and integrity must take if we are to preserve and enhance the American way of life so eloquently stated in our Constitution, the Bill of Rights, the Declaration of Independence, and other documents cherished by all of us.

## 115. THE STUDENT IN THE UNIVERSITY[39]

115.1. The University is a special kind of community – a community marked by a variety of backgrounds and viewpoints and mobility, but at the same time, by a constancy and shared purposes among its members. This community's constituency includes students, faculty, and staff in a broad range of age groups and from different backgrounds, fulfilling a variety of converging functions, and holding membership in the community for varying periods of time, in most cases for four years or less. Commitment to the pursuit of common goals in an atmosphere of free inquiry and expression is jointly exercised by all members of the University community, the members of the University community having varying functions reflecting their particular competencies. Residents of the state, alumni, parents, and other benefactors also have a stake in the future of the University.

115.2. Although it is a part of the larger society and as such is subject to many operative forces therein, the University community is and must be dedicated to: the definition and transmission of our heritage; the discovery, application, and advancement of knowledge; service to the best interests of society; and, above all, the development of its students.

115.3. As a citizen in the University community, the student is both subject and object of community life. The student, while a member of the community, shares with others responsibility for progress toward the attainment of cooperatively developed University goals, and the impact of the student culture is that of a dominant factor in effecting a potent educational environment. Concurrently, the student is the beneficiary of the content as well as the process of higher education. The role of the student is, then, contributor and recipient; and the relationship between the student and other members of the University community singly and collectively is basically an educational one, with education broadly conceived. Mutual respect and reciprocal fairness should characterize the relationships among members of the University community.

115.4. In the academic sphere of University life, the student is entitled to expect the following: competent teaching; courses which are adequately described and relevant, so choices may be made; fair, well defined, and equitable evaluation practices; an effective voice in the evaluation of class content, structure, and instruction; adequate facilities; respect from teachers and other students; protection from exploitation and capricious actions by faculty and other students; and opportunity for appeal of decisions made regarding the student's academic achievement and/or progress, which are deemed unfair or unreasonable. Also, every desirable and practical measure should be taken to humanize educational programs and procedures, as well as to facilitate personalized student faculty relationships. The student is expected to take full advantage of available opportunities and to be an active participant in the teaching-learning process. The student should keep in mind that the professors have previously demonstrated a degree of competency in a field of specialty. While not official University policy, legitimate academic-related expectations by particular professors are well within the professor's academic freedom and must be respected as such. The professor, on the other hand, should clearly delineate to students the criteria by which they will be evaluated.

115.5. In the extra class sphere of University life, as in the classroom and laboratory, the University operates on the basis of its own responsibility and authority derived from various sources, not as a parent surrogate.

115.6. The University community has responsibility for determining and enunciating its own standards, and students, as full members of the community, should participate in all levels of policy formulation relevant to them. Policies and procedures of the University applicable to student life are based on their justification for, and contribution to, the education of students and the well-being of the University community as a whole, with respect to genuine and legitimate educational concerns. In order to effect consistency in the formation and

implementation of policies affecting students, communication should be facilitated among and within policy making bodies, as well as between policy making bodies and those who implement the policies. Policies and procedures must be applied in ways consistent with the principle of due process, the hallmark of which is fair play for all students regardless of race, religion, color, sex, sexual orientation, physical or mental disability, national origin, ancestry, age, or other legally protected characteristic.

115.7. The student is both a member of the University community and a citizen. The student retains basic rights as a citizen when entering the University, while recognizing the assumption of certain additional obligations as a member of that special community. Thus, basic rights as a citizen - freedom of expression, freedom of association, freedom of inquiry, peaceful assembly, and right to petition - will be protected on the campus, with any limitations clearly substantiated as necessary for upholding applicable laws and/or valid educational considerations and consistent with the https://www.bsu.edu/about/freedom-of-expression. The student is responsible to civil authorities for obeying the laws of the community, just as to the University for adherence to University regulations. The University will not accept remand of a student charged or convicted of violations of local or state laws for the purpose of imposing discipline. Only when a genuine university educational concern or purpose is contravened will the University take action against a student's behavior. And, a student has the right and should have the means to appeal any University action which seems unjustified or capricious.

115.8. It is expected that all members of the University community will respect the rights of others – including their right to hold differing or even unpopular opinions. Therefore, it is essential for the student, as well as for other members of the community, to be fully aware of his or her rights and responsibilities.

## 116. PET POLICY[40]

116.1. 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.

116.2. University Buildings (Except Residence Halls and Ball State 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.

116.3. Residence Halls

Pets are not permitted in Residence Halls with the exception of marine life in fresh water aquariums.

116.4. 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.

116.5. Ball State University Apartments

Pets are not permitted in Ball State University Apartments with the exception of marine life in fresh water aquariums.

116.6. 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 Ball State University Apartments, will have action taken in accordance with "Conditions of Occupancy" for Student Family Housing, and "Policies of University Residence Halls" for the Residence Halls.

116.7. Provisions of this policy do not apply to service animals or to police or K9 dogs while such animals are performing their duties under supervision.

116.8. This Pet Policy is in addition to applicable ordinances of the City of Muncie and statutes of the state of Indiana.

## 117. Financial Assistance To Students

The Office of Financial Aid and Scholarships, in the Student Affairs area, administers the scholarship, grant, loan, and veteran's programs for the University. Faculty members aware of students in financial need should contact this office.

## 118. Rinker Center For Global Affairs[41]

118.1. **The Rinker Center for Global Affairs** is responsible for overseeing, encouraging, and evaluating all international programs and activities on campus fall under: 1) study abroad programs and similar domestic experiences, 2) faculty and student exchanges and similar international experiences, 3) international academic partnerships and dual degree programs, 4) International Students success and programming, 5) campus globalization and internationalization efforts and 6) joint University/ community international activities.

118.2. **The International Admissions Office** is responsible for recruiting students from abroad and for handling all related admissions correspondence as well as for evaluating credentials and making admissions recommendations. This office sends students final letters of admission as well as the proper forms for obtaining visas. It also coordinates arrangements for living accommodations and financial support with the relevant offices, cooperates with the English Department in identifying those students needing remedial help with the language, and provides orientation services as well as developing other activities, such as the host family program, for fully integrating the foreign students into the University and larger communities. The office is always available to help foreign students with their problems or for consultation with individual instructors concerning specific problems that may arise regarding foreign students.

118.3. **The International Educational Services Office** compiles and makes available to students' information on the widest possible range of study abroad opportunities, whether those involve the various "Ball State Abroad" programs (such as the London Centre), programs offered by various consortia to which we belong, exchange and fellowship opportunities, or programs offered by other universities. It also offers students assistance in applying for these programs and issues international student identification cards.

118.4. **The Rinker Center for International Programs** provides guidelines for establishment of international academic exchanges and oversees selection of participants. Official coordinators for each existing exchange agreement are appointed by the director of the Center, and these individuals are available for consultation by those interested. Information is available on other opportunities for faculty to obtain experience abroad as well.

118.5. The Center is interested in encouraging a very broad range of opportunities for foreign studies on campus, including, for example, the development of new courses for the global studies component of university core curriculum. The Associate Director for International Admissions and Sponsored Programs also acts as coordinator of the regional studies programs on campus currently Asian Studies and Latin American Studies.

118.6. In all the areas for which the Center is responsible, the staff stands ready to help interested parties in any way possible, whether it be with advice, information, or assistance in identifying possible sources of funding for the development or support of international programs and activities.

## 119. CAREER CENTER

119.1. The University conducts a career center for students and alumni. The flow of employing officials through this office and the hundreds of requests for personnel received daily are some indication of the extensive activity within the area.

119.2. During the year students and alumni will ask faculty members to submit references to Career Center to be used by Career Center in recommending for teaching and other positions. An honest appraisal of the individual for whom a reference is given is essential, for employing officials rely heavily on the references, and their confidence in the evaluations is strengthened when they find in subsequent associations with the University graduates that their capabilities and weaknesses had been identified in the references.

119.3. Individual faculty members may learn of vacancies in the field and may be asked about candidates. All such requests should be referred to Career Center so that an efficient, central placement system can be maintained. This will also provide an accurate supply demand figure for state and national reports.

## 120. HEALTH CENTER[42]

The Health Center is staffed with licensed doctors and nurses to care for the health needs of most enrolled students. Each new student is required to submit a completed student health form to the Health Center and to comply with disease prevention measures as required. It is essential that each student fulfill health requirements. Failure to comply can result in cancellation of enrollment.

## 121. COUNSELING STUDENTS

Students in need of academic, vocational, or personal counseling should be referred to the Counseling Center, which is organized under the Vice President for Student Affairs. A faculty member who wishes to refer a student for some other type of personal assistance should contact the Office of the Vice President for Student Affairs.

## 122. OFFICE OF DISABILITY SERVICES

The Office of Disability Services (DSD) serves as the coordinator of the university's efforts to provide access and opportunity to students with disabilities. Included among the many functions of DSD are the determination of disability, determination of reasonable accommodations based upon disability, and coordination of the provision of auxiliary services and appropriate accommodations. A few of the accommodations and services facilitated by DSD are priority class

scheduling, letters to teachers regarding classroom and testing accommodations, making print accessible, note taking, and sign language interpreting.

122.2 Academic Accommodations for Students with Disabilities Policy

## 123. Burris School

123.1. The laboratory school of the University, Burris School, is an area of particular significance in this University. The academic staff of the University should be familiar with its program and should utilize its resources in the University academic program. It is an area of demonstration of teaching of public-school students from kindergarten through high school levels. For the teacher and prospective teacher, it is of inestimable value in learning through observation and participation.

123.2. Student teaching is done in other public schools of Muncie and Delaware County and in other urban and rural schools of the state of Indiana.

## 124. David Owsley Museum Of Art[43]

The Museum of Art, located in the Fine Arts Building, houses an excellent collection of eighteenth, nineteenth, and twentieth Century art works and select examples from many different eras and cultures which are on permanent display. The temporary galleries are used for traveling shows, as well as special exhibits from the gallery collections. The gallery is open free to the public and its staff offers guided tours by appointment.

## 125. Outdoor Laboratories In Science

125.1. Christy Woods, on the west campus, and Sixteen Acres, a wooded area crossed by a stream southwest of the campus, are maintained by the University as laboratories for students of plant and animal life. Both areas are open to students and staff during daytime hours. A faculty member who wishes to make special use of either laboratory should make arrangements through the Office of the Chairperson of the Department of Biology.

125.2. The Esther L. Cooper and Robert H. Cooper Woodland Area on Bethel Pike is a 31.48-acre gift to the University for use by the Department of Biology as a wild life and research study area. Located two miles northwest of the campus, the Cooper Woodland Area includes open fields and a forested area for the use of undergraduate and graduate students in the fields of biology, taxonomy, and ecology. This outdoor laboratory provides the Department of Biology with an ideal site for the study and collection of upland type vegetation.

125.3. Ginn's Woods, an outdoor laboratory classroom located approximately 10 miles from the campus, is a beech maple forest of approximately 111 acres, which has never been grazed nor burned, nor has it had significant logging in the past half century. This rich natural area is used extensively by science students for field trips and research.

## 126. Student Organizations[44]

126.1. All student organizations are required to have faculty advisors. The faculty advisor, as an official representative of the University, assumes responsibility for working on a continuing basis with the student organization in accordance with the policies of the institution.

126.2. Recognition of new student organizations is granted by the Student Government Association and the Student Activities Committee.

126.3. Policies related to student organizations are implemented through the Office of Student Life in coordination with the Student Government Association, the Student Activities Committee, and appropriate coordinating councils.

## 127. Convocations, Artist Series, Concert Series

127.1. The University arranges a convocation series, the Artist Series, the Concert Series, and the Focus on Culture Series for the enlightenment, education, and entertainment of students and staff. These are scheduled primarily in the evening.

127.2. Students are encouraged to attend; however, students with class conflicts should arrange with the individual faculty member regarding the feasibility of class absence.

## 128. Special Events On Campus

128.1. The University and its various areas sponsor many conferences, meetings, and other programs on campus-some educational, some cultural, and some for other purposes; and many outside organizations hold meetings and other special events at the University. Faculty and students are encouraged to attend most of the open meetings.

128.2. All special events must be scheduled and arranged for, because often many facilities of the University are involved. Therefore, arrangements for physical facilities for conferences should be made with the Director of Conferences and Special Events.

128.3. Any group or organization wishing help in planning a program for a special conference or workshop should consult the Associate Provost for Learning Initiatives, Division of Distance and Online Education.

128.4. Faculty members have been elected on the basis that they have something to contribute as a person as well as a teacher. They are expected to attend many of the special events on campus and often to participate. Many University functions cannot be a success unless faculty members are there by choice.

## 129. Examination, Scanning, And Evaluations Services

129.1. The Examination, Scanning, and Evaluations Services is intended to provide individuals with information and with assistance which will contribute to the improvement of academic management at Ball State University. The Examination, Scanning, and Evaluations Services will be operated to achieve positive goals and will be concerned with the enhancement of those aspects of teaching and academic management which appear to contribute to an individual's effectiveness in his or her specific job.

129.2. Ball State University's Examination, Scanning, and Evaluations Services is designed as a service program for academic and administrative personnel of the University. The goals of the program are (1) to provide individuals with data which may enable them to assess more efficiently the effectiveness of their roles, and (2) to initiate activities which will assist individuals who wish to enhance certain of their professional competencies. The evaluation service is voluntary, and the results of evaluations will be released only to the individuals evaluated.

129.3. All faculty, graduate assistants, doctoral fellows, and other individuals involved in teaching University classes are invited to participate in student evaluation of instruction. All persons having administrative responsibilities may also avail themselves of the Examination, Scanning, and Evaluations Services in a manner appropriate to their assigned responsibilities.

## 130. COMMENCEMENT[45]

130.1. Commencement is an occasion marked by tradition and ceremony for the purpose of recognizing academic achievement and excellence. To ensure that a large number of faculty join with the students in this recognition, each department will develop a plan to ensure that each faculty member will participate in at least one of the three University Commencement ceremonies each academic year.

130.2. Information concerning rental of caps, gowns, and hoods is available at the Ball State Bookstore.

## 131. BALL STATE UNIVERSITY INTERCOLLEGIATE ATHLETICS[46]

131.1. Mission Statement

131.1.1. The intercollegiate athletics program is an integral part of the educational program of Ball State University. The program supports the educational mission of the institution through its pursuit of the education and graduation of student-athletes.

131.1.2. Athletics provides an environment in which a student-athlete is able to develop academically, athletically, and personally. The University believes values and benefits of athletic participation include the opportunity to learn the importance of teamwork in striving toward a goal, to learn the importance of good sportsmanship, to develop leadership skills, and to build confidence and self-esteem.

131.1.3. Intercollegiate athletics offers a wide variety of athletic opportunities for student-athletes. The department is committed to having a staff and student-athlete population reflective of the University and community. The program also provides opportunities for other students to participate as managers, trainers, athletics communication staff, and spectators.

131.1.4. Students participating in intercollegiate athletics gain experiences not only as athletes, but as students and community members. The welfare of student-athletes is of the utmost importance in providing a well-rounded athletics program. The program protects and enhances the physical and educational welfare of all its student-athletes.

131.1.5. To eliminate discrimination, the program is administered in a nondiscriminatory manner in accordance with the University's equal opportunity policy.

131.1.6. The athletics program also provides a valuable link to the community. A successful, fiscally sound, and well-administered program reflects positively on both the University and the community and results in a considerable amount of positive public relations.

131.1.7. Ball State University has a responsibility to provide the resources for student-athletes to develop positive attitudes and to display good citizenship in the community. It is understood that staff and coaches serve as mentors and leaders not only to the students, but the youth of the community as well.

131.2. Goals:

131.2.1. To emphasize integrity in dealing with our student-athletes, the University, and the community;

131.2.2. To provide an environment that nurtures the full development of individual student-athlete potential;

131.2.3. To educate and instill in our athletes and athletic department personnel, fans, and support organizations the values of good sportsmanship and proper ethical behavior;

131.2.4. To maintain a graduation rate and an overall grade point average higher than the general student population at the institution;

131.2.5. To continue to develop the tradition of athletic success in both the men's and women's sport programs by earning Mid-American Conference, regional, and national recognition;

131.2.6. To operate the program in a nondiscriminatory manner for all students and staff;

131.2.7. To dedicate student-athlete and staff resources toward meaningful involvement in community service activities; and

131.2.8. To continue to be a productive and responsible member of the Mid-American Conference, the Midwest Intercollegiate Volleyball Association, and the National Collegiate Athletic Association and abide by the rules and regulations of these organizations.

# 132. Statement Of Principles For Intercollegiate Athletics At Ball State University[47]

**132.1. Intercollegiate Varsity Athletics**

For a sport to be admitted to varsity status, it must meet the following criteria

132.1.1. Student Interest in Sport. Interest in the sport must have been aroused in the students to the extent that they want it as an intercollegiate activity.

132.1.2. Available Competition. Sufficient competition in the sport with other institutions must be available for the scheduling of at least the minimum number of contestants required by the Mid-American Conference and the NCAA.

132.1.3. Financing the Sport. Determination must be made as to the feasibility of financing the sport.

132.1.4. Facilities. Adequate facilities must be available for use.

132.1.5. The Athletics Committee may recommend addition to or deletion of a sport from current varsity sport offerings.

132.1.6. The intercollegiate varsity athletic program for men consists of competition in seven sports: baseball, basketball, football, golf, swimming and diving, tennis, and volleyball. The intercollegiate varsity program for women consists of competition in twelve sports: basketball, cross country, field hockey, golf, gymnastics, indoor track, outdoor track, soccer, softball, swimming and diving, tennis, and volleyball. Intercollegiate varsity athletics for men are administered by the Director of Intercollegiate

Athletics for Men and intercollegiate varsity athletics for women are administered by the Director of Intercollegiate Athletics for Women.

132.1.7. Coaches and staff members of Ball State University's athletics department shall comply with the National Collegiate Athletic Association (NCAA) and Mid-American Conference (MAC) rules and regulations. It is important that this compliance commitment be determined as early as possible in a search process, and the NCAA is to be contacted before an initial contract offer is made by an athletic director to a prospective head coach. A contract offer will ordinarily not be made to a prospective head coach who is currently under official sanction by the NCAA.

Coaches of varsity sports are appointed by the President of the University upon the recommendation of the respective Athletic Directors and Executive Assistant to the President.

**132.2. Financing of Athletic Program**

132.2.1. The financial aspects of the intercollegiate athletic program are administered in accordance with the policies and practices required by the chief financial officer of the University. Income is derived from 1) designated funds, such as student fees, 2) gate receipts, 3) guarantees from competing colleges, 4) gifts, and 5) miscellaneous. (The parking fee is representative of the miscellaneous type of income.) The particular portion of designated funds used for the support of the intercollegiate athletic program is set annually by the Board of Trustees and President of the University. Currently, admission is charged in football and men's basketball; in the future, admission may be charged for other sports. All students receive admission without charge to all regular home varsity athletic events upon the presentation of the student identification card. Admission charges may, however, be required for all attending National Collegiate Athletic Association Championships, conferences, and other special athletic events.

132.2.2. The collection and disposition of revenue as well as payments for all supplies, services, equipment, scholarships, and grants in aid are processed through the regular business channels of the University. Expenditures are approved by the Assistant to the President on the recommendation of Athletic Directors. Sound fiscal policies must be maintained by all persons who have been delegated such responsibilities.

**132.3. Athletic Associations, Affiliations, and Representation**

The nature and governance of the national athletic associations and conference affiliations for both men's and women's intercollegiate athletics are contained in this portion of the policies controlling intercollegiate athletics at Ball State University.

132.3.1. Ball State University is a member of the National Collegiate Athletic Association, the major regulatory association for intercollegiate athletic competition; as a member institution, Ball State University must administer the intercollegiate athletic program in conformity with the rules and regulations of the NCAA.

132.3.2. Ball State University is a member of the Mid-American Conference and as such must conform to and administer the intercollegiate athletic program within the limits of the Constitution, Bylaws, and Operating Code adopted by the Conference.

132.3.3. Ball State University is a member of the Midwest Intercollegiate Volleyball Association, a voluntary organization of institutions that sponsor volleyball teams; the purpose of the association is to provide standards and regulate the play of volleyball.

132.3.4. Ball State University shall be represented in the Mid-American Conference and the National Collegiate Athletic Association by the same University representative. The University representative is elected by the University Senate. The nominations for the University representative shall be the responsibility of the Governance and Elections Committee of the University Senate upon the recommendation of the Athletics Committee. The initial term of office for any representative is for five years. Subsequent terms are for three-year periods. The candidate(s) nominated need not be a member(s) of the Athletics Committee or the University Senate. The representative shall be prepared to make regular reports to both groups. The University representative will be an ex officio member of the Athletics Committee.

# 133. GUIDELINES ON FUND-RAISING ACTIVITIES[48]

**133.1. Policy**

133.1.1. Solicitation of funds, grants, contracts, or property may be made for the benefit of the University, or any agency thereof, with approval of the President or his or her designated representative and within the general guidelines and specific programs outlined henceforth.

133.1.2. Any dean, director, faculty, or staff member who wishes to undertake any type of fund-raising program or solicitation of contributions in the name of the University from alumni, business, industry, foundations, or friends, or who seeks to establish a fund-raising program, such as "Associates," "Friends," or similar groups, should follow the guidelines established for this purpose.

**133.2. General Guideline**

Before undertaking informal discussions with any potential donor or sponsor for the support of a new program, of the construction or modification of a building, there should be conversations with the appropriate Vice President or his or her designated representative. If and when it appears to be timely to submit a formal request in writing, this should be reviewed by the same Vice President, who before authorizing its submission, may take it to Senior Staff, the President, and/or Board of Trustees for approval, or utilize other usual channels for its approval.

**133.3. Specific Programs Facilities Committee**

133.3.1. Any written request involving the planning, construction, or expansion of a University building, regardless of the source of funding, should be submitted to the Master Planning and Facilities Committee. Detailed instructions on the nature and method of presentation will be furnished.

133.3.2. Any major academic program request for funding to be made to a foundation, should first be submitted to the appropriate College Dean, for approval and forwarding to the Provost and Executive Vice President for Academic Affairs or his or her designated representative for review and presentation to the President. This excludes those proposals which are channeled normally through the Sponsored Programs Office.

133.3.3. The Office of Ball State University Foundation is responsible for planning, directing, and coordinating the University's gift seeking activities.

133.3.4. The Ball State University Foundation shall deposit all gifts promptly and issue receipts for use in the acknowledgement process. The Foundation will also record all gifts for data processing purposes.

This responsibility encompasses private gifts of cash, securities, property, equipment, etc., received by any unit of the University for any purpose except programs already recognized and approved.

133.3.5. To insure that all the University's fund-raising efforts are properly coordinated and to protect alumni and friends of the University from an excessive number of University solicitations, any written request to undertake a fund raising program or solicitation of contributions from alumni, friends, business, industry, or the local community, should first be submitted to the Executive Director of Ball State University Foundation for review and presentation to appropriate administrative directors.

133.3.5.1. Included in this category are the following:

133.3.5.1.2. Plans to raise funds from alumni on an annual, recurring basis, similar to or as a part of the Alumni Fund solicitations. This does not pertain to fund-raising programs already recognized and approved;

133.3.5.1.3. Establishment of an "Associates" or "Friends" program designated to solicit financial support;

133.3.5.1.4. Special fund-raising efforts appealing to the University's constituencies on behalf of scholarships, memorial funds, fellowships, aid programs, professorships, endowed chairs, etc.;

133.3.5.1.5. Plans to add or reassign faculty or staff members, or to retain outside professional counsel to conduct fund raising activities in the University's name.

133.3.5.2. Upon approval of the fund-raising activity, the Executive Director of Ball State University Foundation will assist in the preparation of final plans for implementation and will coordinate the leadership and solicitation(s).

133.3.5.3. Since the Ball State University Foundation has been established to serve as the fund-raising organization for the University, all donors should be encouraged to make their gifts to the Foundation. Checks should be made payable to Ball State University Foundation.

**133.4. Acceptance and Handling of Gifts**

133.4.1. The Vice President for Ball State University Foundation, in consultation with other University faculty and administrators, will be responsible for the determination of acceptability of a proposed private gift to the University for which the donor desires a tax deduction. If a gift is unacceptable because of restrictions a donor has placed on its use, the donor will be counseled to remove or modify the restrictions. If the conditions of the gift are still unacceptable to the University, the gift will be returned to the donor.

133.4.2. When real estate, equipment, books, manuscripts, or other gifts in kind are given to the University with the intent of a tax deduction, they will be appraised by at least two knowledgeable appraisers furnished by the donor; and an average of the two appraisals will be used as the value at date of gift. Appraisals and a report concerning the department receiving the gift should be submitted to the Executive Director of Ball State University Foundation.

133.4.3. The Vice President for Ball State University Foundation will forward this report to the Ball State University Foundation for receipting and acknowledging the gift and to the Director of Purchasing in order that the gift can be inventoried. It is recommended that a University employee not be used for an appraisal unless that person is considered to be the most qualified to make an appraisal. The Director of Purchasing or Vice President for Ball State University Foundation may be consulted as to available appraisers if a department has questions concerning the appraisal procedure.

133.4.4. Gifts in kind to the University and acknowledged by the Ball State University Foundation will be inventoried by Ball State University.

**133.5. Acknowledgement of Gifts**

133.5.1. All Gifts will be acknowledged by the President of the University or his or her designee and University and officially receipted by the Ball State University Foundation. Department chairpersons, administrators, or faculty members involved with the program benefited also may write a letter of appreciation.

133.5.2. Gifts in kind will be officially acknowledged by the President of the University and receipted by the Ball State University Foundation. Department chairpersons, administrators, or faculty members involved with the program benefited also may write a letter of appreciation.

**133.6. Unsolicited Gifts**

Gifts proffered to the University, or to one of its agencies, may be accepted by the agency involved which will report such a gift promptly to the Office of Ball State University Foundation in order that the gift may be officially reviewed and accepted as indicated in the foregoing provisions.

**133.7. Unusual Circumstances**

If a faculty member or an administrator finds an unusual opportunity to suggest a gift to the University that can fit within the above indicated procedures, he or she may do so, indicating to the prospective donor that University agencies are required to review the gift before its final official acceptance.

## NOTES

1 By action of the University Senate, December 19, 1974;
Board of Trustees, January 22, 1975.

2 By action of the University Senate, February 18, 1988.

3 By action of the University Senate, March 26, 2015;
By action of the University Senate, February 27, 2020.

4 By action of the University Senate, March 23, 1995;
Board of Trustees, May 1, 1995.

5 By action of the University Senate, December 5, 2002.

6 By action of the University Senate, April 29, 1999.

7 By action of the University Senate, May 2, 1974;
Board of Trustees, May 30, 1974.

8 By action of the University Senate, April 30, 1987;
Semester Changes--June 1988;
Updated— (Academic Systems) Office of the Registrar, June 27, 1996;
Updated— (Academic Systems) Office of the Registrar, May 16, 2001.

9 By action of the University Senate, January 20, 1994;
Board of Trustees, March 4, 1994.

10 Updated--By action of the University Senate, March 22, 1990;
Board of Trustees, May 4, 1990;
Updated—Registrar, May 23, 1996;
Updated – By action of the University Senate, April 24, 2014.

11 Updated – By action of the University Senate, April 24, 2014.

12 By action of the University Senate, September 28, 1978;
Board of Trustees, November 30, 1978;
Updated -By action of the University Senate, January 14, 1982;
Board of Trustees, March 26, 1982;
Updated--By action of the University Senate, April 28, 1988;
Board of Trustees, May 20, 1988;
Updated--By action of the University Senate, April 26, 2001;
Board of Trustees (Information), July 20, 2001;
Updated – By action of the University Senate, April 24, 2014.

13 By action of the University Senate, March 21, 2013.

14 By action of the University Senate, May 15, 1975.

15 By action of the University Senate, April 30, 1987.

16 By action of the University Senate, February 7, 1974;
Board of Trustees, February 20, 1974;
Updated--School of Continuing Education and Public Service, June 11, 1996.

17 By action of the University Senate, February 16, 1978;
Board of Trustees, March 29, 1978;
Updated -By action of the University Senate, April 7, 1983;
Updated--By action of the University Senate, April 28, 1988;
Board of Trustees, May 20, 1988;
Updated--By action of the University Senate, May 2, 1989;
Board of Trustees, May 5, 1989;

University Senate, September 28, 2006.

18 By action of the University Senate, December 13, 1984;
Board of Trustees as information item, January 25, 1985;
Updated--By action of the University Senate, April 14, 1988;
University Senate, September 28, 2006.

19 Editorial Changes--University Senate, May 14, 1987;
Revised--By action of the University Senate, October 15, 1992;
Board of Trustees, December 4, 1992;
Revised-By action of the University Senate, December 1, 2011.

20 Revised-By action of the University Senate, January 19, 2012.

21 By action of the University Senate, February 18, 1988.

22 By action of the University Senate, March 24, 2011;
Board of Trustees, June 16, 2011.

23 By action of the University Senate, April 21, 1983;
Updated--By action of the University Senate, December 15, 1988;
Updated- By action of the University Senate, August 26, 2021.

24 By action of the University Senate, November 13, 1997;
Board of Trustees (Information), December 19, 1997.

25 By action of the University Senate, February 6, 1975;
Board of Trustees, March 20, 1975.

26 By action of the University Senate, February 6, 1975;
Board of Trustees, March 20, 1975.

27 By action of the University Senate, December 14, 1978;
Board of Trustees, January 30, 1979.
Approved by the Board of Trustees December 17, 1999
Revised 8/02; 7/15; 9/22; 1/23

28 By action of the University Senate, April 25, 1996;
Board of Trustees, July 19, 1996.

29 Updated--By action of the University Senate, April 28, 1988;
Board of Trustees, May 20, 1988;
Updated--By action of the University Senate, April 21, 1994;
Board of Trustees, May 6, 1994;
Updated--By action of the University Senate, December 7, 2000;
Board of Trustees (Information), July 20, 2001;
Revised--By action of the University Senate, December 4, 2003.

30 By action of the University Senate, February 6, 1975;
Board of Trustees, March 20, 1975;
By action of the University Senate; October 23, 2014;
By action of the University Senate and President; December 3, 2014.

31 By action of the University Senate, November 2, 1972;
Semester Changes--June 1988;
Updated--Registrar, May 23, 1996;
By action of the University Senate, October 23, 2014;
By action of the University Senate and President, December 3, 2014.

32 Updated--By action of the University Senate, May 14, 1987;
Updated--By action of the University Senate, February 23, 1989;
Board of Trustees, March 31, 1989;
Updated--By action of the University Senate, April 24, 1997;
Board of Trustees (Information), July 25, 1997;
By action of the University Senate, February 13, 2014.

33 By Action of the University Senate, November 13, 2014;
Updated- By Action of Faculty Council, March 14, 2024
Announced in Senate, March 21, 2024

34 By action of the University Senate, October 20, 1988;
Board of Trustees, December 9, 1988;
Editorial Change--University Senate, February 15, 1990;
Editorial Change— (Academic Systems) Office of the Registrar, August 3, 1993.
Revised by Action of the Faculty Council, approved by Board of Trustees, May 1, 2026.

35 By action of the University Senate, October 14, 1976;
Board of Trustees, November 4, 1976.

36 By action of the University Senate, November 11, 1976;
Board of Trustees, January 20, 1977.

37 By action of the Student Senate, September 30, 1965;
Student Activities Committee, April 26, 1965;
Faculty Senate, December 16, 1965;
Revised--By action of the University Senate, March 19, 1992;
Board of Trustees, April 20, 1992;
Board of Trustees, May 6, 2022.

38 A joint statement by the Faculty Advisory Council, the Ball State Chapter of the American Association of University Professors, the President of the University, and the President of the University Board of Trustees, Spring, 1962;
Board of Trustees, May 6, 2022.

39 Approved by Student Activities Committee, November 17, 1969;
Student Senate, December 3, 1969;
University Senate, May 14, 1970.
Revised by University Senate, January 19, 2023

40 By action of the University Senate, March 10, 1977;
Board of Trustees, April 21, 1977;
University Senate, March 26, 2009.

41 By action of the University Senate, April 30, 1987.

42 Updated--Dean of Students, July 1, 1996;
Editorial Changes – University Senate, 2007.

43 Updated--By action of the University Senate, April 30, 1987.

44 Updated--By action of the University Senate, February 18, 1988.

45 Editorial Changes--University Senate, May 14, 1987;
University Senate, March 26, 2009.

46 By action of the University Senate, October 19, 1995;
Board of Trustees, December 15, 1995;
Revised--By action of the University Senate, April 27, 2000;
Board of Trustees, May 5, 2000.

47 By action of the University Senate, May 14, 1987;
Updated--By action of the University Senate, December 17, 1987;
Updated--By action of the University Senate, April 14, 1988.

48 By action of the University Senate, May 13, 1976;
Board of Trustees, May 28, 1976;
Updated--Senior Officers, March 28, 1988.

49 By action of the University Senate, December 5, 2019.

50 By action of the Faculty Council, April 15, 2021.

51 By action of Faculty Council, October 8, 2020;
University Senate, October 29, 2020.

52 By action of the University Senate, September 30, 2021.
By action of the Board of Trustees, June 13, 2025

53 By action of the Board of Trustees, June 13, 2025

54 By action of the Board of Trustees, June 13, 2025

55. Revised by Action of the Faculty Council, approved by Board of Trustees, May 1, 2026.

56. Revised by Action of the Faculty Council, approved by Board of Trustees, May 1, 2026.

# SECTION V: CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

The Ball State *Code of Student Rights and Responsibilities* (*Code*) is published on-line at www.bsu.edu/studentcode. The *Code* provides extensive information about the rights of students as members of the Ball State community as well as expectations for their behavior and the procedures used to address behavior that falls short of expectations. General questions about the *Code* should be directed to the Office of Student Conduct at (765) 286-5036 or studentconduct@bsu.edu. Our web page is at http://www.bsu.edu\studentconduct. The table of contents for the *Code of Student Rights and Responsibilities* is provided here for reference:

Ball State *Code of Student Rights and Responsibilities*

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www.bsu.edu/pledge -- A direct link to the Beneficence Pledge, a commitment to the values of academic integrity, excellence in scholarship, social responsibility, and respecting and learning from others.

www.bsu.edu/associateprovost/academicethics -- The Academic Ethics policy for students contains a statement of academic values, definitions and procedures for handling alleged violations.

www.bsu.edu/associateprovost/gradeappeal -- The grade appeal policy outlines procedures for students who wish to contest the final grade in a class.

https://www.bsu.edu/about/administrativeoffices/vice-provost/student-services/attendance-policies#accordion_funeralandbereavementleave – Student leaves for funerals, bereavement, jury duty, and pregnancy are outlined here along with information about student responsibilities and procedures.

https://ballstate.sharepoint.com/:w:/s/VPAA/IQC8YVq3qgzWQ7qLSGt_lU4ZASR-8Vt46rWclOBz-LQUHJU?e=W3e5lZ-- Disruption in classrooms, offices, and other facilities supporting the university is prohibited. This policy provides guidance to faculty and other employees for handling disruption in the academic environment.

www.bsu.edu/studentcode/alcoholpolicy -- The University's alcohol policy for students is linked here.

https://www.bsu.edu/about/administrativeoffices/student-conduct/policiesandprocedures/drugs -- The University's drug policy for students is linked here.

https://www.bsu.edu/about/administrativeoffices/student-conduct/policiesandprocedures/sexual-harassment-misconduct -- The University's policy regarding student sexual harassment and misconduct is outlined at this link. This policy applies specifically to circumstances when a student is accused of sexual misconduct.

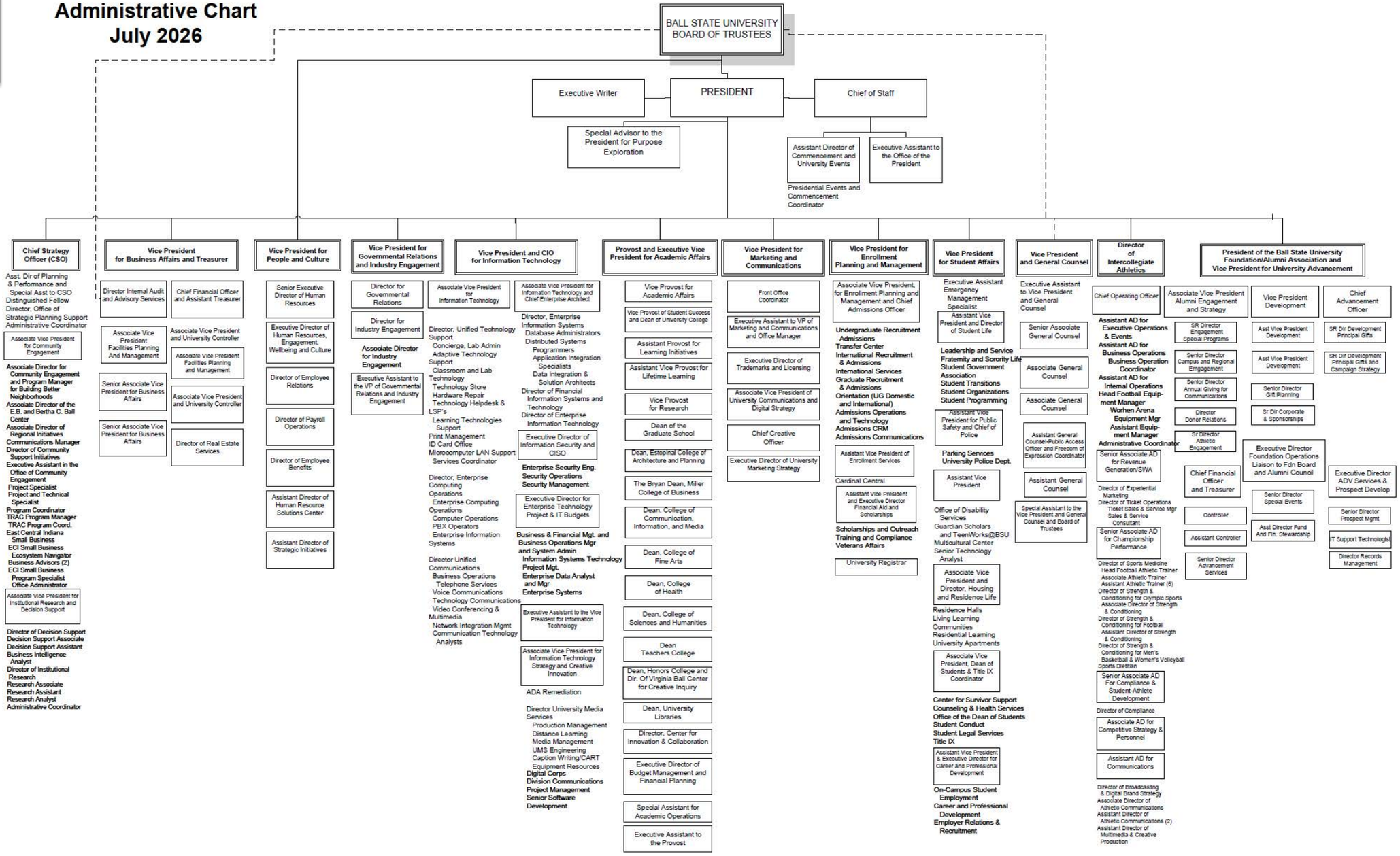
https://www.bsu.edu/about/administrativeoffices/student-conduct/policiesandprocedures/alcohol-policy -- The Good Neighbor policy provides students the opportunity to have University disciplinary action waived when seeking medical or other emergency assistance for another person in distress. This is similar to the Indiana Lifeline Law, which pertains to criminal action.

Approved by Ball State Board of Trustees – July 17, 2015;
Code of Student Rights and Responsibilities update approved by University Senate on February 22, 2018;
Code of Student Rights and Responsibilities update approved by University Senate on April 25, 2019;
Code of Student Rights and Responsibilities updated by Student Government Association, December 2, 2020;
University Senate, February 25, 2021;
Code of Student Rights and Responsibilities update approved by University Senate on March 23, 2023;

# Administrative Chart: July 2026 Academic Year

Ball State University | Faculty and Professional Personnel Handbook

## Administrative Chart July 2026



# Academic Affairs Chart July 2026