

Indiana Code 21-39.5-2-4 Complaint Procedure

Effective July 1, 2024

Ball State University is committed to freedom of expression and inclusiveness, which the University defines as our commitment to respect and embrace equity, inclusion, and diversity in people, ideas, and opinions.

Therefore, consistent with this value and in order to comply with Indiana law, the University provides a procedure to allow a student or employee of the University to file a complaint if a faculty member has not:

1. Helped the University foster a culture of free inquiry, free expression, and intellectual diversity with the University;
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;
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; or
4. Adequately performed academic duties and obligations.

A student or employee making a complaint under this procedure should file it using the University's established [EthicsPoint](#) portal. Complaints will then be referred to appropriate human resource professionals and supervisors for review through regular University processes. If the complaint is deemed to have raised a valid concern regarding the criteria outlined above, the matter will receive consideration in employee reviews and tenure and promotion decisions.

Ball State University

Commercial Activity on University Property

Please direct questions about this policy to the Vice President for Business Affairs

Ball State University (the “University”) values the constitutional rights to engage in free speech and to assemble for peaceful purposes. The University must also preserve its Campus and Facilities for their teaching, learning, research, and administrative purposes while providing a safe Campus environment and preserving the Campus aesthetic.

The University’s Campus and Facilities are dedicated to the fulfillment of the University’s educational mission and are provided for the purpose of fostering and accommodating that mission. The University may from time to time permit certain portions of its Campus or Facilities to be used by certain persons for Commercial Activity subject to specific regulations or limitations.

This policy governs all Commercial Activity on the University’s Campus and in its Facilities except that it does not apply to (1) activities of the University itself, (2) activities of the University’s employees or agents acting within the scope of their approved agency, or (3) activities of persons acting under a contract, lease, or license with the University.

1. Definitions

- 1.1. Campus:** All Facilities and land owned, leased, or under the control of the University.
- 1.2. Campus Reservationist:** The University employee who reserves space in a particular building or outdoor space. Recognized Student Organizations typically will go through the Student Center Facilities Coordinator regardless of the venue. Other persons typically will reserve space through a different employee (e.g., the Director of Emens Auditorium and Pruis Hall, the Special Events Manager for Sports Facilities Management, or the Facilities Accounting/Space Coordinator for buildings and/or outdoor space not served by an assigned reservationist).
- 1.3. Commercial Activity:** Any activity that (1) proposes a commercial transaction, (2) serves an economic motivation by advertising a product or service, or (3) serves an economic motivation by promoting a company, product, or service’s brand awareness or brand loyalty.
- 1.4. Distribution Activity:** Giving out printed materials, goods, or services without requesting, directly or indirectly, a donation or other consideration in return.
- 1.5. Facilities:** All buildings, other structures (e.g., parking garages, stadium, light posts, statues), or defined outdoor spaces (e.g., University Green, the North Quad, Lafollette Field, vendor tables at the Scramble Light, Noyer Bowl) owned, leased, or under the control of the University.
- 1.6. Fronting:** Permitting a Non-Affiliated Person to use University Facilities and services under the guise that the activity is University-sponsored or the use by any Non-Affiliated Person of any University-Affiliated Person or any student organization to help sell a

product or service. For example, a company cannot ask an individual student or a student group to reserve space on Campus simply for the company to sell its product or service even if the student or organization receives a portion of the profits.

- 1.7. Non-Affiliated Persons:** Any person, organization, or other entity that is not a University-Affiliated Person.
- 1.8. Non-Commercial:** When referring to expressive conduct, “Non-Commercial” means all expressive conduct that is not Commercial Activity.
- 1.9. Recognized Student Organization:** A student organization properly registered and recognized by the Office of Student Life.
- 1.10. University:** Ball State University, inclusive of its University Departments.
- 1.11. University-Affiliated Persons:** All students, faculty, employees, or agents of the University.
- 1.12. University Department:** A Ball State University school, college, department, unit, institute, center, or officially recognized affiliated entity.

2. General Prohibition

Except as expressly authorized in this policy, Commercial Activity is not permitted on Campus or in any University Facility.

3. Permitted Commercial Activity at Beginning of Calendar Sessions

Commercial Activity, including the use of tables, booths, or other apparatus, is permitted on Campus between 7:00 a.m. and 11:00 p.m. during the seven calendar days preceding the fall and spring semesters and first summer session and during the first day of the fall and spring semesters and first summer session.

That Commercial Activity is subject to the following regulations:

- 3.1.** It must take place in the area designated by the University for Commercial Activity.
- 3.2.** Space must be reserved on a first-come, first-served basis by registering with the Student Center Campus Reservationist at any time during the eight-week period preceding the desired use.
- 3.3.** The University will impose rental fees in a content-neutral manner.

4. Other Permitted Commercial Activity

- 4.1.** A Recognized Student Organization may engage in Commercial Activity incidental to an event subject to the following regulations.
 - 4.1.1.** The Commercial Activity must be incidental to a larger scheduled event of a Recognized Student Organization and must be provided under contract with the

- 5.5.** Proof of liability insurance and an indemnification agreement must be submitted to, and approved by, the Office of Risk Management before any Facility or property may be used for Commercial Activities.
- 5.5.** To reduce the risk of liability and maintain quality, food safety, and control, all food and beverages sold and provided on Campus and in any University Facility must be supplied by University Dining, University Catering, a University-contracted third-party food-service provider, or as approved by the University under the *Food Safety Policy for Temporary Food Service*.
- 5.6.** Alcoholic beverages may be served only if approved under the *Procedure for Scheduling Alcohol Related Events*. Any approved alcoholic beverages must be provided by University Catering.
- 5.7.** Commercial Activity may not include sound-amplification equipment unless the activity is sponsored by the President or Executive Cabinet or is incidental to an official University-sponsored event.
 - 5.7.1.** The amplification must comply with all restrictions on Non-Commercial expression in the University's *Non-Commercial Expressive Activity and Assembly on University Property* policy, including, but not limited to, restrictions on sound amplification.
 - 5.7.2.** Use of amplification must be approved in writing and in advance by the Vice President for Business Affairs and Treasurer or a designee. Alternatively, the Vice President for Student Affairs and Dean of Students, or a designee, may approve amplified sound and/or music for Recognized Student Organizations' events.
- 5.8.** No alterations may be made to University property unless authorized in advance by the Vice President for Business Affairs or a designee.
- 5.9.** If a circumstance beyond the University's control requires the University to cancel a previously scheduled event, it may do so without penalty unless otherwise specified in a written contract. If an event is canceled, the Campus Reservationist will contact the primary contact to discuss the cancelation and opportunities for rescheduling.
- 5.10.** Fronting is prohibited.
 - 5.10.1.** Any University-Affiliated Person, University Department, or student organization that reserves or permits the use of University property or services by a Non-Affiliated Person under the guise that the activity is a University-sponsored program or event is participating in prohibited Fronting.
 - 5.10.2.** Non-Affiliated Persons must schedule use of Facilities through the appropriate Facility manager and must pay for and use the space and any services in accordance with applicable University policies and fee schedules.

5.10.3. The Vice President for Business Affairs and Treasurer or a designee, in consultation with the Vice President for Student Affairs or a designee when student groups or organizations are involved, will determine whether particular conduct amounts to Fronting.

6. Facility Reservations and Fees

6.1. The University Facilities listed below have dedicated purposes and require a reservation (and may require payment of rental fees) for any other uses. Information about reserving University Facilities may be obtained by contacting the Campus Reservationist.

6.1.1. Alumni Center

6.1.2. All Athletic Facilities

6.1.3. Recreation Services

6.1.4. Emens Auditorium and Pruis Hall

6.1.5. L.A. Pittenger Student Center

6.1.6. Residence Halls Multipurpose Rooms

6.1.7. Multicultural Center Multipurpose Room and Conference Room

6.1.8. University Dining (The Atrium)

6.1.9. Brown Family Amphitheater and Lawn

6.2. The University reserves the right to substitute an alternative space for any facility reserved if necessary to conduct official University business or special programs.

6.3. Tables and chairs may be reserved through Purchasing Services / Central Stores.

7. Sanctions

The University may sanction individuals or groups for violating this policy, including engaging in conduct that materially and substantially disrupts the protected expressive activity of another employee, student, student organization or contractor of the University. Possible sanctions may include:

7.1. Immediate cessation of the Commercial Activity;

7.2. Disgorgement of any profits earned in violation of this policy;

7.3. Removal from Campus;

7.4. Suspension of the sponsoring individual or group from hosting, or participating in, future activities on Campus;

- 7.5. Placing a Recognized Student Organization on probation or withdrawing recognition;
- 7.6. Assessment of costs for expenses or damages incurred by the University;
- 7.7. Suspension or revocation of scheduling privileges;
- 7.8. Disciplinary action up to and including dismissal from the University; and/or
- 7.9. If applicable, criminal liability.

Any questions concerning the interpretation or application of this policy shall be submitted to the Vice President for Business Affairs and Treasurer's designee for resolution. The question shall be submitted in writing by the person affected and must set forth all facts and other information that the person believes to be relevant to the resolution of the question. The Vice President for Business Affairs and Treasurer's designee may conduct such investigation of the circumstances involved as deemed desirable and shall render a decision in writing. Any person who is informed that the person's conduct violates this policy shall immediately cease the violation. An appeal may be taken from the interpretive decision made under this paragraph.

8. Appeals

Appeals may be taken under this policy subject to the following procedures:

- 8.1. University actions may be appealed under this policy as follows.
 - 8.1.1. Any sanction issued under this policy may be appealed to the Vice President for Business Affairs and Treasurer or a designee.
 - 8.1.2. Interpretive decisions issued under Section 8 of this policy may be appealed to the Vice President for Business Affairs and Treasurer or a designee.
 - 8.1.3. The removal of any content from University information-technology systems under the Information Technology Users' Privileges and Responsibilities policy may be appealed to the Vice President for Information Technology and Chief Information Officer.
- 8.2. Any appeal must be submitted in writing within ten (10) business days after the challenged sanction was imposed or the challenged interpretive decision was issued.
- 8.3. The written appeal must include the name(s) and address(es) of the individual(s) or group(s) that received the challenged sanction or interpretive decision, the nature of the action being appealed, and the grounds for the appeal.
- 8.4. Review of the appeal shall include the following:
 - 8.4.1. The materials submitted by the appellant;
 - 8.4.2. The basis or grounds for the University action, and any related information; and

8.4.3. Any additional information requested by the University official or designee deciding the appeal.

8.5. A final decision on the appeal shall be issued in writing within five (5) business days after the date the written appeal is filed, unless there is good cause for delay. The person filing the appeal will be notified in writing of any delays.

9. Amendment

This policy may be amended, added to, or revoked, in whole or in part, by the President of the University as the President from time to time may deem appropriate. Any such amendment, addition, or revocation shall be effective as determined by the President and does not require approval by the Board of Trustees unless the action is inconsistent with any then-existing policy of the Board of Trustees.

10. Disclaimer

In making its Campus available for use under this policy, the University assumes no obligation or responsibility for the activities of any Non-Affiliated Person or any University-Affiliated Person engaged in Commercial Activity on Campus. The University reminds all users to review and comply with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.

Adopted May 6, 2022

Revised June 14, 2024

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 even the quietest or most underrepresented voices among us 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 Ball State's commitment to freedom of expression comports with our commitment to inclusive excellence, which encompasses encouraging and rewarding diversity of thought, innovation, and creativity. We define inclusiveness, one of our University's enduring values, as a commitment "to respect and embrace equity, inclusion, and diversity in people, ideas, and opinions." As members of the Ball State University community, we will provide opportunities for all 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. We pledge to keep inclusive excellence at the highest level of institutional importance and as a foundation in all that we do.
- 1.8 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*.

Adapted from the Report from the Committee of Freedom of Expression at the University of Chicago, 2014.
The Board of Trustees, January 31, 2020.

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 are²:

- 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 and with the following:
 - 16.1.2.3.1. Non-tenure-line faculty who have previously held full-time temporary assignments during each semester of three consecutive academic years or who have previously received temporary appointments of three or more contractual twelve-month assignments, may be reviewed by the Director of Affirmative Action who shall determine whether continued appointment on a temporary basis is consistent with Equal Opportunity and Affirmative Action regulations and goals.

- 16.1.2.3.2. The Provost and Executive Vice President for Academic Affairs will approve or disapprove all such appointments before they are forwarded for further action.
- 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, with the exception of the promotion and tenure and salary and merit committees that only impact tenure-line faculty in a unit.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 may be eligible to apply for a first promotion no earlier than the seventh (7th) year of full-time service.

16.1.3.1.2. Non-tenure-line faculty are eligible to apply for a second promotion no earlier than five (5) years of service after their first promotion.

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. Documentation of excellence may vary depending on the area of specialization.

16.1.3.2.1. Departments will create their own policies, procedures, and expectations for excellence for promotion of non-tenure-line faculty.

16.1.3.2.2. The document will be included in the department's non-tenure-line faculty merit document.

16.1.3.2.3. The document should establish deadlines for submitting written requests for multi-year contract extensions.

16.1.3.3. All promotion decisions will be handled at the department level and approved by the College Dean, the Provost and Executive Vice President for Academic Affairs, Office of the President, and the Board of Trustees. All multi-year contract extension decisions will be handled at the department level and approved by the College Dean, the Provost and Executive Vice President for Academic Affairs, 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:

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 Re: Non-tenure line PROMOTION

16.1.3.4.1 Reconsideration

16.1.3.4.1.1 Reconsideration is the act whereby a candidate may request an initial adverse decision by a departmental committee or Dean be reexamined. Reconsideration can take place before an appeal. Reconsideration provides an opportunity for a candidate to clarify content of material.

16.1.3.4.1.2 If the initial adverse recommendation has been made by the department Non-Tenure-Line Promotion Committee, then the candidate may ask for a reconsideration of that recommendation by the Department Committee before he or she may proceed.

16.1.3.4.1.2.1. The candidate must ask, in writing, for the reconsideration within ten (10) calendar days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, if a department Non-Tenure-Line Promotion Committee advises a faculty member in writing that it is recommending against promoting 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 nontenure-line faculty members who have been promoted. 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.

16.1.3.4.1.2.2 There are two permissible reasons to request reconsideration: 1) the department Non-Tenure-Line Promotion Committee'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 filed in the office of the department chairperson and

forwarded to the Department Non-Tenure-Line Committee.

16.1.3.4.1.3. After receiving a request for reconsideration, the Department Committee must meet to reconsider its initial adverse recommendation. The Department Committee must meet with the candidate if requested. The candidate may provide an oral presentation of the request for promotion. No additional materials may be introduced or added to the documents or the process.

16.1.3.4.1.3.1. 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.

16.1.3.4.1.3.2. The candidate's materials for promotion shall be held in the departmental office and shall not be forwarded to the College Dean until the requests for reconsideration has been completed.

16.1.3.4.1.4. If the initial adverse recommendation has been made by the College Dean, then he or she may ask for reconsideration at the collegiate level.

16.1.3.4.1.4.1. The candidate must ask, in writing, for the reconsideration within ten (10) calendar days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, if a College Dean advises a faculty member in writing that it is 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 promoted. 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.

16.1.3.4.1.4.2. There are two permissible reasons to request reconsideration: 1.) the College 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 shall be filed in the office of the College Dean.

16.1.3.4.1.4.3. After receiving a request for

reconsideration, the College Dean must reconsider the initial adverse recommendation. The Dean must meet with the candidate if he or she so requests. The candidate may provide an oral presentation of the request for promotion. No additional materials may be introduced or added to the documents or the process.

16.1.3.4.1.4.4. The Dean will inform the candidate of his or her decision following reconsideration. If the decision is to affirm the initial adverse recommendation, the 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.

16.1.3.4.1.4.5. The candidate's materials for promotion shall be held in the Dean's office and shall not be forwarded to the University Non-Tenure-Line Faculty Committee until all requests for reconsideration have been exhausted.

16.1.3.4.1.5. If the initial adverse recommendation has been made by the Provost, then the candidate may ask for reconsideration by the Provost.

16.1.3.4.1.5.1. The candidate must ask, in writing, for the reconsideration within ten (10) calendar days following the date of the faculty member's receipt of the written recommendation adversely affecting them. For example, the Provost advises a faculty member in writing that they are recommending against promotion to such member, the period to request reconsideration would run from the date of receipt of the 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 promoted. 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.

16.1.3.4.1.5.2. 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 shall be filed in the office of the Provost.

16.1.3.4.1.5.3. After receiving a request for reconsideration, the Provost must reconsider their initial adverse recommendation. The Provost must meet with the candidate if they request. The candidate may provide an oral presentation of the request for promotion. No additional materials may be introduced or added to the documents or the process.

16.1.3.4.1.5.4. After reconsidering the candidate's materials, the Provost shall overturn or affirm the previous decision. This decision supersedes the previous decision.

16.1.3.4.1.5.5. The Provost will inform the candidate of their decision following reconsideration.

16.1.3.4.1.5.6. The candidate's materials for promotion shall be held in the Provost's Office and shall not be forwarded to the university President until all requests for reconsideration have been exhausted.

16.1.3.5. Appeals

16.1.3.5.1. The first line of appeal for a negative promotion decision should be heard by an ad hoc committee comprised of non-tenure-line faculty members from that college and a representative of the dean's office.

16.1.3.5.2. The second line of appeal should be heard by the University Non-tenure-line faculty Affairs Committee and a representative of the Provost's Office.

16.1.3.6. Implementation

16.1.3.6.1 The policy begins Fall Semester 2018.

16.1.3.6.2. Non-tenure-line faculty currently employed by Ball State University will have their titles reassigned based on the criteria of the [Titles and Promotion chart](#).

16.1.3.6.3 Non-tenure-line faculty will be eligible to apply for the appropriate promotion level based on the faculty member's documented demonstration of excellence and requisite number of years of service.

16.1.3.6.4 During the initiation year for titles and promotion, a department committee holds the discretion of awarding titles to non-tenure-line faculty who have shown excellence with meritorious ratings and have been employed by Ball State University a minimum of seven (7) years to the first promotion according to the [Titles and Promotion Chart](#).

16.1.3.6.5. During the initiation year for titles and promotion, a department committee holds the discretion of awarding titles to non-tenure-line faculty who have shown excellence with meritorious ratings and have been employed by Ball State University for a minimum of twelve (12) years to the second promotion according to the [Titles and Promotion Chart](#).

16.1.3.6.6. Non-tenure-line faculty who received the first promotion during the initiation year and have served twelve (12) or more years may apply for the second promotion after three (3) years.

16.1.3.6.7. Non-tenure-line faculty who hold the title of Assistant Professor prior to August 18, 2018, may elect to maintain the title of Assistant Professor but will negate their ability to be promoted.

16.1.3.6.7.1. Final decisions on maintaining the title or moving to the promotable titles must be made within the 2018F-2019 Academic Year.

16.1.4. **OTHER RANKS**

161411. 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

161412. 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

161413. 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

161414. ENDOWED CHAIR

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 tenure-line faculty on tenure of the department which will be served. The usual rules on tenure will apply to the individual.

161415. 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, writing, research, or meritorious achievement in appropriate fields of service. In any event, the individual shall have attained the distinguished reputation prior to appointment rather than simply to have shown promise of unusual success.
- 16.1.4.1.5.2. Current members of the University faculty may be eligible for appointment to the position of distinguished professor. Former distinguished professors may be eligible for tenure-line faculty

appointments.

- 16.1.4.1.5.3. The candidate for a distinguished professorship must be approved by a majority of the tenured and tenure-line 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, appropriate promotion and tenure committees, and the President of the University before being submitted to the Board of Trustees for action. The usual rules for tenure will apply to the individual.
- 16.1.4.1.5.4. Salary
 - 16.1.4.1.5.4.1. The salary of a distinguished professor is to be no more than 50% above the salary of the highest paid tenure-line faculty member.
 - 16.1.4.1.5.4.2. Funds and/or accumulation of income from funds donated for the establishment and maintenance of a distinguished professorship shall normally pay at least one-third of the salary of the appointee to that position.

161416 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 PERSONNEL¹⁰

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.

16.2.3.3.1.1. Contract professional personnel who have previously held full-time temporary assignments during each semester of three consecutive academic years or who have previously received temporary appointments of three or more contractual twelve-month assignments, shall be subject to prior review by the Vice President and General Counsel who shall determine whether continued appointment on a temporary basis is consistent with Equal Opportunity and Affirmative Action regulations and goals. The Provost and Executive Vice President for Academic Affairs will approve or disapprove all such appointments before they are forwarded for further action.

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.

16235 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.

35. UNIVERSITY PROMOTION AND TENURE DOCUMENT³²

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 diverse 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 inclusiveness, which we define as our commitment to respect and embrace equity, inclusion, and diversity in people, ideas, and opinions. Inclusiveness is integral to fulfilling our mission and our strategic plan.

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 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:
 - 35.1.8.2.5.1 Expressing dissent or engaging in research or public commentary on subjects.
 - 35.1.8.2.5.2 Criticizing the leadership of Ball State University.
 - 35.1.8.2.5.3 Engaging in any political activity conducted outside the faculty member's teaching duties at Ball State University.
- 35.1.8.2.6 If the Board of Trustees determines that a faculty member has failed to meet the criteria outlined in 35.1.8.2.1 through 35.1.8.2.4, the faculty member will be subject to disciplinary actions, up to and including termination; demotion; salary reduction; other disciplinary action as determined by the Board of Trustees; or any combination of these actions.
- 35.1.8.3 Faculty members who engage in activities that promote inclusive excellence (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. DEFINITIONS³³

- 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.

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. No person may serve as a member of a Department Promotion and Tenure Committee who is a candidate for promotion.

35.4.1.1.3.1. 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.

35.4.1.1.3.2. 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.

35.4.1.1.4. 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.

35.4.1.1.5. 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.

35.4.1.1.6. 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.

35.4.1.1.7. The department chairperson shall be an ex officio non-voting 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. 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.
 - 35.3.6.2. 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 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 an initial adverse decision by a departmental or collegiate committee be reexamined. Reconsideration can take place before an appeal.

Reconsideration provides an opportunity for a candidate to clarify content of material.

- 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) calendar 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. After receiving a request for reconsideration, the Department Promotion and Tenure Committee (or the College Committee, College dean, or the Provost) must meet to reconsider their initial adverse recommendation. The Department Promotion and Tenure Committee (or the College Committee, the College dean, or the Provost) 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 dean will inform the candidate of their decision following reconsideration. If the decision is to affirm the initial adverse recommendation, the 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 promotion and tenure file.
- 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 After reconsidering the candidate's materials, if the first adverse decision is at the level of the Provost, the candidate may request reconsideration 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 and Affirmative Action, 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 and Affirmative Action 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 illegal 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 and Affirmative Action Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose the other such panelist. If either the appellant or the responding party fails to make a selection, the University's Director of Employee Relations and Affirmative Action shall make that party's selection. The University's Director of Employee Relations and Affirmative Action, 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 illegal discrimination, two (2) of the members of the hearing panel shall be appointed from among the full-time faculty and professional personnel then serving on the Complaint Appeals Board of the Ball State University "Equal Opportunity and Affirmative Action Appeal Procedures." The appellant shall choose one (1) of such panelists and the responding party shall choose the other such panelist. If either the appellant or the responding party fails to make a selection, the University's Director of Employee Relations and Affirmative Action, shall make that party's selection. The University's Director of Employee Relations and Affirmative Action, 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 PERSONNEL³⁸

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 Performance⁴¹
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 Performance⁴²

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 PERFORMANCE⁴⁶

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.

43. POLICY FOR THE EVALUATION OF TEACHING⁵⁸

- 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 two of the following means: All of the following means will be available to the individual faculty member:
 - 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.

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.

Ball State University

Non-Commercial Expressive Activity and Assembly on University Property

Please direct questions about this policy to the Vice President for Student Affairs

Ball State University (the “University”) values the constitutional rights to engage in free speech and to assemble for peaceful purposes. Expressive activities may take many forms, and the freedom to engage in expressive activities foster the robust exchange of ideas essential to academic and social growth. The University must also preserve its Campus and Facilities for their teaching, learning, research, and administrative purposes while providing a safe Campus environment and preserving the Campus aesthetic.

This policy outlines the University’s regulations regarding Non-Commercial expressive activity and assembly on the University’s Campus or in University Facilities. It sets forth reasonable time, place, and manner regulations that apply to all students, employees, visitors, and other individuals while on Campus.

This policy does not replace, but supplements, applicable federal, state, and local laws and regulations.

Regulations governing Commercial activity on Campus appear in the *Commercial Activity on University Property* policy.

1. Definitions

- 1.1. Campus:** All Facilities and land owned, leased, or under the control of the University.
- 1.2. Campus Reservationist:** The University employee who reserves space in a particular building or outdoor space. Recognized Student Organizations typically will go through the Student Center Facilities Coordinator regardless of the venue. Other persons typically will reserve space through a different employee (e.g., the Director of Emens Auditorium and Pruis Hall, the Special Events Manager for Sports Facilities Management, or the Facilities Accounting/Space Coordinator for buildings and/or outdoor space not served by an assigned reservationist).
- 1.3. Commercial:** When referring to expressive conduct, “Commercial” means expressive conduct that (1) proposes a commercial transaction, (2) serves an economic motivation by advertising a product or service, or (3) serves an economic motivation by promoting a company, product, or service’s brand awareness or brand loyalty.
- 1.4. Distribution Activity:** Giving out printed materials, goods, or services without requesting, directly or indirectly, a donation or other consideration in return.
- 1.5. Facilities:** All buildings, other structures (e.g., parking garages, stadium, light posts, statues), or defined outdoor spaces (e.g., University Green, the North Quad, LaFollette Field, vendor tables at the Scramble Light, Noyer Bowl) owned, leased, or under the control of the University.
- 1.6. Non-Affiliated Persons:** Any person, organization, or other entity that is not a University-Affiliated Person.

- 1.7. **Non-Commercial:** When referring to expressive conduct, “Non-Commercial” means all expressive conduct that is not Commercial.
- 1.8. **Recognized Student Organization:** A student organization properly registered and recognized by the Office of Student Life.
- 1.9. **University:** Ball State University, inclusive of its University Departments.
- 1.10. **University-Affiliated Persons:** All students, faculty, employees, or agents of the University.
- 1.11. **University Department:** A Ball State University school, college, department, unit, institute, center, or officially recognized affiliated entity.

2. **Prohibited Expressive Activities**

Some forms of expressive activity, or conduct having an expressive component, are not constitutionally protected. The following expressive activities are prohibited on Campus and in University Facilities:

- 2.1. Violations of state or federal law
- 2.2. Physical damage to or defacement of Campus or University Facilities
- 2.3. A true threat, which is a statement meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence against a particular individual or particular group of individuals
- 2.4. Expression directed to inciting or producing imminent lawless action and likely to incite or produce such action
- 2.5. A false statement of fact creating a clear and present danger by raising an alarm of imminent physical danger
- 2.6. Expression determined by a court to be defamation
- 2.7. Harassment, which may take two forms:
 - 2.7.1. Speech or conduct that is (1) unwelcome and (2) directed toward a person (3) on the basis of that person’s membership or perceived membership in a protected class (4) that is so severe, pervasive, and objectively offensive that (5) it effectively deprives the victim of access to the educational opportunities or other benefits provided by the University.
 - 2.7.2. Speech or conduct explicitly or implicitly conditioning a person’s participation in a University program or activity on, or basing an educational decision on, the person’s submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature.

- 2.8. An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.

3. Time, Place, and Manner Regulations

Consistent with applicable state and federal law, the University generally permits both University-Affiliated Persons and Non-Affiliated Persons to engage in Non-Commercial expressive activity on Campus subject to the reasonable time, place, and manner regulations listed below. Only the Vice President for Student Affairs, or designee, may grant an exception to these time, place, and manner regulations if such an exception would not be injurious to public health and safety. Any exception granted will be in a viewpoint neutral manner.

- 3.1. No person or group may interfere with the free flow of vehicular, bicycle, or pedestrian traffic on Campus or in any University Facility.
- 3.2. No person or group may block entrances to or exits from, or otherwise interfere with the free flow of traffic into and out of, University Facilities.
- 3.3. No person or group may disrupt teaching, research, administration, disciplinary procedures, or any other University functions.
- 3.4. Assemblies, protests, or other demonstrations are prohibited in the following locations:
 - 3.4.1. Within 50 feet of any building having a classroom, laboratory, library, or similar instructional or research space
 - 3.4.2. Within 50 feet of any indoor or outdoor experiential-learning Facility
 - 3.4.3. Within 50 feet of any building having a computer lab
 - 3.4.4. Within 50 feet of any building having a testing or tutoring center
 - 3.4.5. Within 50 feet of any building having an administrative office
 - 3.4.6. Within 50 feet of any residence hall or family apartment

Assemblers, protesters, or demonstrators who refuse to vacate any of the locations listed in this subsection upon request may be subject to suspension and/or arrest under applicable laws.
- 3.5. Expressive activities that are audible from inside a residence hall or family apartment are prohibited between the hours of 11:00 p.m. and 9:00 a.m. Sunday through Thursday and between 1:00 a.m. to 10:00 a.m. on Friday and Saturday. Expressive activities that are audible from inside a residence hall or family apartment are prohibited all day during finals week each semester.
- 3.6. Amplification equipment may be used on Campus only with prior approval of the Campus Reservationist. Requests should be initiated through the Campus Reservationist

at least three business days prior to the event. Requests will be granted only if the proposed use complies with the following restrictions.

3.6.1. Use of amplification equipment is prohibited if the amplified sound is audible from inside any classroom, library, laboratory, or similar instructional or research space during scheduled instructional hours. Requests to use amplification equipment must explain why the requesting party believes its proposed use will not violate this restriction.

3.6.2. The University may control the volume and direction of sound amplification if noise levels are interfering with a previously scheduled event or University function.

Use of amplification equipment without the approval required under this subsection, or an approved use that violates the restrictions in this subsection, is prohibited.

3.7. Distribution Activity is permitted on Campus if it does not violate any other provision in this policy and subject to the following regulations.

3.7.1. Recognized Student Organizations and University Departments and may reserve tables for Distribution Activity based on availability through the Campus Reservationist.

3.7.2. Non-Affiliated Persons may not reserve tables for Distribution Activity and may not bring tables onto Campus except as permitted under Section 3.18.

3.8. University-Affiliated Persons are permitted to post materials on bulletin boards and outdoor kiosks on Campus, unless the bulletin board or outdoor kiosk is designated for University purposes. To avoid damage and to assist with the overall aesthetic of the Campus, materials may not be posted or otherwise attached to any other University property. Materials advertising events that have passed, that cover more than ten percent of an entire bulletin board or outdoor kiosk, or that violate this provision or any University policy may be subject to immediate removal. In addition, all postings on outdoor kiosks are removed at the end of each academic year. Non-Affiliated Persons may not post materials on Campus.

3.9. No person or group may prevent any University official or employee from carrying out the official or employee's job duties.

3.10. No person may access nonpublic areas of Campus, or of any University Facility, without authorization. Non-public areas include, but are not limited to, classrooms, laboratories, libraries, faculty and administrative offices, and recreational facilities.

3.11. Access to University residence halls and family apartments is limited to residents and their escorted guests (subject to any Housing and Residence Life policies) and to individuals conducting official University business.

3.12. No person may camp or lodge on Campus other than in Facilities designated by the University for overnight lodging.

- 3.13.** No person may climb up or rappel down any University Facility or Campus structure without authorization.
- 3.14.** No person may erect any temporary or permanent structure or sign on Campus unless directed to by the University. Handheld signs are permitted only if they do not violate any other provision in this policy.
- 3.15.** No person may scratch, scrape, stain, tape, graffiti, paint, chalk, or otherwise mark a University building or other structure. Chalking is allowed only on campus sidewalks or walkways that can be easily washed away by rain and that will not cause lasting or permanent damage. Chalking is not allowed on any brick pavers, on steps or stairs attached to or leading toward any buildings, under any covered area (where the chalk will not be washed away by rainfall), or within 10 feet of any door or building entrance. Only water-soluble stick chalk (sidewalk chalk) is allowed. No spray chalk, chalk markers, paints, or similar products may be used.
- 3.16** The University Facilities listed below have dedicated purposes and require a reservation (and may require payment of rental fees) for any other uses. Information about reserving University Facilities may be obtained by contacting the Campus Reservationist.
 - 3.16.1.** Alumni Center
 - 3.16.2.** All Athletic Facilities
 - 3.16.3.** Recreation Services
 - 3.16.4.** Emens Auditorium and Pruis Hall
 - 3.16.5.** L.A. Pittenger Student Center
 - 3.16.6.** Residence Halls Multipurpose Rooms
 - 3.16.7.** Multicultural Center Multipurpose Room and Conference Room
 - 3.16.8.** University Dining (The Atrium)
 - 3.16.9.** Brown Family Amphitheater and Lawn
- 3.17.** The University is a tax-exempt state educational institution. In order to maintain this status, the University may not participate or intervene in any political campaign or permit its resources to be used in a manner that suggests institutional support for any political party or candidate. To protect the University's tax-exempt status, the University must regulate political activity on Campus. Political activity is permitted on Campus to the same extent other Non-Commercial expressive activity is permitted under this policy and subject to the following regulations.
 - 3.17.1.** University students, faculty, and staff who participate in political activities, support candidates, or become candidates for public office must do so in their

individual capacity without using the University's name or trademarks or otherwise implying University support for any political party or candidate.

3.17.2. No University funds or resources, including information-technology systems like University email, may be used to support any partisan political activity. University funds and resources may be used to support non-partisan voter-education and voter-registration activities. Those activities must be conducted in an unbiased manner that neither favors nor opposes a particular candidate or political party.

3.17.3. Political parties or organizations may rent University Facilities for meeting purposes on the same terms as other Non-Affiliated Persons and subject to the limitations in this subsection.

3.17.4. Political fundraising is not permitted on campus.

3.18. Non-Affiliated Persons may engage in Non-Commercial expressive activity, including Distribution Activity, using tables, booths, or other apparatus between 7:00 a.m. and 11:00 p.m. in an area designated by the University for Commercial or Non-Commercial expressive activity during the seven calendar days preceding the fall and spring semesters, the seven days preceding the first summer session, and the first day of the fall and spring semesters and first summer session.

3.18.1. Space during this approved period is available on a first-come, first-served basis by registering with the Student Center Campus Reservationist at any time during the eight-week period preceding the desired use.

3.18.2. The University will impose rental fees in a content-neutral manner.

4. Sanctions

The University may sanction individuals or groups who violate this policy, including engaging in conduct that materially and substantially disrupts the protected expressive activity of another employee, student, student organization, or contractor of the University. Possible sanctions include:

- 4.1.** Immediate cessation of the expressive activity;
- 4.2.** Removal from Campus;
- 4.3.** Suspension of the sponsoring individual or group from hosting, or participating in, future events on Campus;
- 4.4.** Placing a Recognized Student Organization on probation or withdrawing recognition;
- 4.5.** Assessment of costs for expenses or damages incurred by the University;
- 4.6.** Suspension or revocation of scheduling privileges;
- 4.7.** Disciplinary action up to and including dismissal from the University; and/or

4.8. If applicable, criminal liability.

Any questions concerning the interpretation or application of this policy shall be submitted to the designee of the Vice President for Student Affairs. The question shall be submitted in writing by the person affected and must set forth all facts and other information that the person believes to be relevant to the resolution of the question. The Vice President for Student Affairs or a designee may conduct such investigation of the circumstances involved as deemed desirable and shall render a decision in writing. Any person who is informed that the person's conduct violates this policy shall immediately cease the violation. An appeal may be taken from the interpretive decision made under this paragraph.

5. Appeals

Appeals may be taken under this policy subject to the following procedures:

- 5.1.** University actions may be appealed under this policy as follows.
 - 5.1.1.** Any sanction issued under this policy may be appealed to the Vice President of Student Affairs or a designee.
 - 5.1.2.** Interpretive decisions issued under Section 4 of this policy may be appealed to the Vice President of Student Affairs or a designee.
 - 5.1.3.** The removal of any content from University information-technology systems under the Information Technology Users' Privileges and Responsibilities policy may be appealed to the Vice President for Information Technology and Chief Information Officer.
- 5.2.** Any appeal must be submitted in writing within ten (10) business days after the challenged sanction was imposed or the challenged interpretive decision was issued.
- 5.3.** The written appeal must include the name(s) and address(es) of the individual(s) or group(s) that received the challenged sanction or interpretive decision, the nature of the action being appealed, and the grounds for the appeal.
- 5.4.** Review of the appeal shall include the following:
 - 5.4.1.** The materials submitted by the appellant;
 - 5.4.2.** The basis or grounds for the University action, and any related information; and
 - 5.4.3.** Any additional information requested by the University official or designee deciding the appeal.
- 5.5.** A final decision on the appeal shall be issued in writing within five (5) business days after the date the written appeal is filed, unless there is good cause for delay. The person filing the appeal will be notified in writing of any delays.

6. Amendment

This policy may be amended, added to, or revoked, in whole or in part, by the President of the University as the President from time to time may deem appropriate. Any such amendment, addition, or revocation shall be effective as determined by the President and does not require approval by the Board of Trustees unless the action is inconsistent with any then-existing policy of the Board of Trustees.

7. Disclaimer

In making its Campus available for use under this policy, the University assumes no obligation or responsibility for the activities of any Non-Affiliated Person or any University-Affiliated Person engaged in expression on Campus. The University reminds all users to review and comply with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.

Adopted May 6, 2022

Revised June 14, 2024