

Indiana University
BLOOMINGTON FACULTY COUNCIL
October 5th, 2021
Presidents Hall - Franklin Hall
2:30 P.M.- 3:30 P.M.

Members Present: John Applegate, Karen Banks, Carolyn Calloway-Thomas, John Carini, Rachael Cohen, David Daleke, Allen Davis, Madeline Dederichs, Anna Deeds, Constantine Deliyannis, Danielle DeSawal, J Duncan, Kelly Eskew, Lessie Frazier, Ky Freeman, Brian Gill, Anthony Giordano, Lucia Guerra-Reyes, Nandini Gupta, Israel Herrera, Justin Hodgson, Colin Johnson, Pete Kolbaum, Ben Kravitz, Robert Kunzman, Jessica Lester, Sally Letsinger, Scott Libson, Margaret Lion, Nancy Lipschultz, Valentina Luteka, Theodore Miller, Jill Nicholson-Crotty, Miriam Northcutt Bohmert, Massimo Ossi, Eliza Pavalko, Chuck Peters, Rob Potter, Cathrine Reck, Dan Sacks, Steve Sanders, Elizabeth Shea, Jim Sherman, Marietta Simpson, Kashika Singh, Rebecca Spang, Dubravka Svetina, Lisa Thomassen, Samantha Tirey, John Walbridge, Erik Willis, Stephen Wyrczynski, Jeffrey Zaleski, Kurt Zorn

Members Absent: Jim Ansaldo, Toni, Arcuri, Hussein Banai, Kaitlin Doucette, Jackie Fleming, Jason Gold, Annette Loring, Pedro Machado, Courtney Olcott, Angie Raymond, Katie Shy, Thomas Sterling

Guests: Kathy Adams Riester, Doug Knapp (alternate), Katie Metz, Dave O’Guinn, Mike Ryan, Libby Spotts

AGENDA:

1. **Approval of the [minutes of September 21, 2021](#)**
2. **[Memorial Resolution for Earl Dvorak](#)**
3. **Executive Committee Business (10 minutes)**
Marietta Simpson, Faculty President
4. **Presiding Officer's Report (10 minutes)**
John Applegate, Interim Provost
5. **Question/Comment Period**
Faculty who are not members of the Council may address questions to Interim Provost Applegate or President Simpson by emailing bfcoff@indiana.edu. Questions should be submitted no less than two business days before the meeting.
6. **Proposed revisions to the academic misconduct procedures in the Student Code of Conduct (20 minutes)**

Danielle DeSawal, Co-chair of the Student Affairs Committee
Katie Metz, Co-chair of the Student Affairs Committee
Dave O'Guinn, Vice Provost for Student Affairs and Dean of Students
Dr. Kathy Adams Riester, Associate Vice Provost for Student Affairs and Executive Associate Dean of Students, Division of Student Affairs
Libby Spotts, Senior Associate Dean of Student Affairs and Director of the Office of Student Conduct, Deputy Title IX Coordinator, Division of Student Affairs
Mike Ryan, Assistant Director, Office of Student Conduct, Division of Student Affairs
[First Reading – Discussion Item]

[B7-2022 Academic Misconduct Code of Conduct Recommended Changes – Clean](#)

[B8-2022 Academic Misconduct Code of Conduct Recommended Changes – Tracked Changes](#)

7. **Questions/comments on the proposed revisions to the academic misconduct procedures in the Student Code of Conduct (25 minutes)**
8. **Executive Session (45 minutes)**

TRANSCRIPT:

APPLEGATE: Good afternoon, everybody. It's 2:30, or shortly thereafter, and I think it is time for us to come to order. Before we get to the agenda, let me remind everybody, we have a very short agenda today, and that's because we have a hard stop at 3:30. I believe all members, at least, have gotten a message from Elizabeth or others about that, and there will immediately follow, after this meeting, an executive session of just elected members of the Bloomington Faculty Council. That will put an end point on the agenda that you have in front of you.

AGENDA ITEM ONE: APPROVAL OF THE MINUTES OF SEPTEMBER 21ST, 2021

APPLEGATE: The first item of which is, the approval of minutes of September 21, 2021.

Do I have a motion to approve those?

Thank you.

Do I have a second?

Two seconds! Very good.

Any comments, corrections to them? All in favor please indicate by saying aye.

ALL: Aye.

APPLEGATE: Any opposed? All right. The minutes are approved.

AGENDA ITEM TWO: MEMORIAL RESOLUTION FOR EARL DVORAK

APPLEGATE: The next item is a memorial resolution for Dr. Earl Dvorak, who was a professor in the School of Business and Education. Vice-Provost Pavalko?

PAVALKO: Thank you very much.

Dr. Earl Albert Dvorak was one of those individuals who are not the most visible in any institution but provide the fiber and glue that make organizations great. Since 1951, Dr. Dvorak served Indiana University and its schools of business and education as a member of the faculty. In the process, he influenced thousands of undergraduate and graduate students and enhanced the quality of their lives and equipped them to perform in the academic and nonacademic worlds.

He received his B.S. from the University of Minnesota in 1946, his M.A. from Columbia University in 1947, and completed the Ed.D. at Indiana University in 1951. He also did graduate study at Stanford University. His appointment on the faculty as assistant professor of business education dates from the academic year 1951-52.

During his professional career at Indiana University, Earl held membership and participated in numerous honorary, learned, and professional organizations and societies, presenting papers at conferences and contributing articles to their journals. He served as faculty sponsor for the IU chapter of Delta Pi Epsilon, the National Business Education Honorary Society. Through his service on the M.B.A. Committee and D.B.A. Committee, Earl made significant contributions to the development of these graduate programs. He served as a coordinator of the school's College Visitation Program. In the early years of the M.B.A. and D.B.A. programs, this meant "hitting the road" to sell the IU programs. Encouraging business school faculty to be away for a week or ten days took some "selling."

Of more significance are those aspects of his career that characterize his great influence on students and the image and reputation of Indiana University. The first was his planning and direction of the annual Conference for Indiana Educational Secretaries. Beginning in 1957, Earl served with distinction as director of the conference. The conference participants were the secretaries to high school principals, school superintendents, boards of education, and administrative officers of colleges and universities from all over Indiana. Upward of 600 secretaries came on campus each year. The contacts that were made through this conference and the goodwill created by it were of incalculable value to Indiana University.

Another contribution was more prosaic, but nonetheless affected thousands of students over the years. Earl was given the job of reorganizing the awarding of the many scholarships given by the school to its undergraduate students. He subsequently was responsible for administering this activity for many years and served with the utmost dedication and conscientiousness benefitting innumerable students in the process.

His most significant contribution, though, was in the area of doctoral research. His primary responsibility in the business education department was the supervision of doctoral candidates in their research undertakings. In this role he influenced hundreds and hundreds of doctoral students. Earl's standards for research were exceptionally high, and he particularly challenged students in the data processing and reporting aspects of dissertation preparation. The stories about his high standards are a legend among the students who received their doctorates in business education from Indiana University.

With the phasing out of the Department of Business Education and Office Management in the business school, Earl continued to influence thousands of students with his undergraduate Business Communications course. He continued to demand the very best from his students. In his classes, the value of a sound thought process was emphasized.

The legacy that Earl Dvorak left to Indiana University upon his retirement is one of excellence and adherence to high standards, unusual service to students both outside and in the classroom, and enhancement of the reputation of the university, especially in the state of Indiana. We could all hope to leave such a rich legacy.

Earl Albert Dvorak passed away on June 8, 2019, in Bloomington. He was born January 31, 1924, in Montgomery, Minnesota to Sophie (Rynda) and Wencel J. Dvorak. He taught business at Pacific University from 1947-49 and at Indiana University from 1951-1994.

Earl married Marilyn G. Reichert on November 28, 1953; they met as students at the University of Minnesota. She preceded him in death in 1975. He is also preceded in death by his parents, six brothers, and one sister. He is survived by two daughters, Joy Dvorak (Craig Walker) of Columbus, IN, and Leah Condie of Glendale, WI; two grandsons, Andrew C. Dvorak of Grayslake, IL, and Michael C. Dvorak of Sacramento, CA; two great-granddaughters; and his brother, Robert Dvorak, of Montgomery, Minnesota.

He was a kind, considerate and very funny man of many diverse interests and talents, including singing in high school productions, raising, and showing both dogs and horses, gardening, and following IU sports, particularly basketball. He always knew who would win the Kentucky Derby and which teams would do well in March Madness. In retirement, he took up baking as a hobby and became known as the "Cookie Man." He made large batches of unique and always delicious cookies which he generously shared with family and friends all over the country.

Thank you.

APPLEGATE: Thank you. Colleagues, may I ask that all who are able, please stand for a moment in respect of Professor Dvorak.

Thank you.

AGENDA ITEM THREE: EXECUTIVE COMMITTEE BUSINESS

APPLEGATE: We now move to Executive Committee Business, Marietta Simpson, the president of the Bloomington faculty.

SIMPSON: Thank you, John. I'd like to do a brief report, and it's just going to involve a couple of things. The first of which is, we know that there have been multiple discussions surrounding the composition of the Provost Search Committee, and I'd just like to say that the executive committee forwarded its recommendation to Fred Cate, who is the chair of the Provost Search Committee, and to President Whitten, and I'd like to announce that Logan Paul, who's a senior lecturer in the Luddy school has been appointed to serve on the Provost Search Committee. Out of our respect to our Interim Provost and to the adherence to the policy ACA-09, we're not going to discuss anything further about the matter, but we wanted to inform everyone that Logan is going to be on the search committee.

The other thing that I'd like to say is, I think that everyone here became involved with shared governance because we believe we could make it different. I think that's why we're here. I think that's why we give of our time. I think that's why we take this time every couple of months in all the committee work and everything that we do. I know that's why I ran for the BFC President. When we started this year, one of the things I said was that I'd like to see us operate with each other with some measure of grace, that I'd like to think that we believe the best of each other, and not the worst, and that sometimes will get it wrong, and sometimes we'll get it right. But that the first tack that we have with each other is that we're trying to each work for the good of all the faculty on this campus; and that everybody that sits at this table that calls themselves faculty is faculty regardless of their appointment category. We're not looking at contracts here, we're looking and respecting each other as fellow faculty. When we're in committees and when we're working, we're seeing beyond ourselves. I hope that we continue to have that feeling towards each other, and working with each other, and that our first instinct is to have conversations with each other, before we go to war with each other.

It's not my quote, even though I like it, you know where I'm going with this. A house divided against itself is going to fail. If we fight amongst ourselves, the fights that we really need to have, we won't have the strength to fight. That's not what shared governance is. It's not faculty fighting against faculty. We can disagree with each other. That's okay. We won't always agree with each other, but how we disagree with each other is really important, so that we don't destroy each other in the process, and all of us walk away from the table angry, and all of us walk away from shared governance who will be there to enact these policies if we destroy our relationships in the process? I would just like for us to be mindful that we're all working towards the same goal. Let me speak for myself, I respect each and every one of you, I respect what you do for the campus, I respect who you are, and like I said, we might not always agree on things, and that's okay, but I think we can start from the place that we are working towards a common good, and that we do have protocols and processes in place. I would love to see that we try to start from those places first and go from there.

I'm very happy to see you here today, as always, we will have the executive session second, as John mentioned what happens there is like Vegas, it's confidential. A little better than Vegas. Just as a sense of protocol, all executive sessions are confidential. But I just wanted to say that this is a great organization. What you do here, we appreciate the work that you do, how you serve all of that. But let's just remember, we're all faculty, we're all working towards a common good. We don't want to have the kind of discourse that's happening in our country. We have something different here that has happened on this campus for over 75 years. That's something really special, and we want to strengthen that this year. It's going to be a very long year if we don't preserve that. I think we have the ability to do something really special, and I'd really love to see that continue. Thank you.

AGENDA ITEM FOUR: PRESIDING OFFICER'S REPORT:

APPLEGATE: Thank you Marietta, and not for the first time and undoubtedly not for the last, I want to associate myself with the wise and eloquent words that Marietta just said. I think she's absolutely correct about that. Let me turn to a couple of other matters. The first is that, as you all know because everybody has been talking about it, two weeks ago, President Whitten announced a major initiative to accelerate IU's efforts to hire a more diverse mix of faculty members. The details of that are still being worked out, including some important ones. Vice President James

Wimbush will be reporting on that. I don't know if that has been scheduled yet, but we'll be doing so soon. I will just say that my office and I have been working very hard to figure out how to sync that up with this campus' existing strategic hiring funds with an eye of course, to making sure that they are synergistic, that is they add to each other so that the impact of the president's initiative is only increased because it is a very exciting and welcoming initiative, and as I say, details on that to follow. I have asked the deans and I would ask really anyone here to begin to think about individuals or even groups or areas where we might be able to make good use of that wonderful funding.

I want to commend members of the faculty and students, and all members of our community for a wonderful response to the refugee crisis in Afghanistan, which you may also have read about, that is the IU response. It began in two ways. One was reaching out to students and those who've worked with IU in Afghanistan and those who have family there and was accelerated by requests from the U.S. government to provide translation and other services to the refugees who are temporarily housed at Camp Atterbury, fairly near here. It then grew to a more broad-based, grassroots support for these displaced individuals. I think it speaks wonderfully both to this university, as a university, but also as a community that we responded to this crisis so quickly and so well and with such great enthusiasm. You will also know that there is another major crisis that's geographically closer to us in Haiti. Having to do with both political turmoil and natural disasters. I've asked Vice Provost Watson to reach out to individuals' programs that work with Haiti, to see if there are similar things that we might be able to do. If you or yourself or others know of ways that we as a university and as a community might assist those individuals too, please let Lemuel Watson know, I'd be very grateful.

Couple of other things you may have seen an email from IU Human Resources that shared a list of mental well-being resources and events available to IU faculty and staff. We've been concentrating in the student affairs area on student health and well-being, and this is the complementary part of it. If that is something that you or again, a colleague feel would be helpful to you, I urge you to check out the HR website where it has a number of these resources available. There is also a program called Brighter Futures Indiana that enables individuals to apply for a scholarship help for childcare at IU. These are from the COVID relief and recovery act and they're available through March 2022. The director of IU's childcare centers, Christy Olson is aware of this and would be more than happy to assist anyone in navigating that process.

Finally, I do want to report that the public health indications on the pandemic in our state are positive. Those of you who are following it on, for example, the Department of Health's website would be aware that the level of positivity, the number of hospitalizations and other indications seem to be going down pretty clearly, after the recent surge. Monroe County has moved from orange back to yellow, which is a very good thing. Even better, the county has extended its mask mandate through October 31st. I'm sure many of you have heard me say this before, but those two things are not unrelated. The level of the mask requirement and the county is very aware that the mask requirement has contributed to the relatively good performance of this county by that measure. It's also interesting if you look at the state health map, one of the other counties that is doing particularly well is Tippecanoe County where the unnamed sister institution resides. They too have a very high vaccination rate, and that I have to believe contributes to it. We can hope that we will be even further down the scale. I think blue is the next color, by possibly even the end of the month. But obviously, with the county's requirement, we will not be thinking about any changes on IU's own mask requirement until that happens. Last word on this is to encourage

everybody to get a flu shot. There will be flu shot clinics in the next couple of weeks. We've had very good uptake on them for the one or two that have already been held, and as I say, you can get it here, you can get it at many local places, and I can't encourage it strongly enough. That is my report.

AGENDA ITEM FIVE: QUESTION/COMMENT PERIOD

APPLEGATE: We now turn to the question, comment period. Questions, comments. All right. Yes, sir.

CARINI: Some of my colleagues are little upset about the emails that are automatically generated by the student engagement process. That emails were sent out under their names that they're unaware of. They're a little perturbed that happened without even knowing about it ahead of time, and possibly other people in the room.

APPLEGATE: Okay. I don't know about this.

CALLOWAY-THOMAS: Please clarify, explain.

CARINI: Well, there was the student engagement rosters. We're supposed to fill them out and submit them by Sunday. When we did, apparently, it spammed all of our students with a notice that we had filled out the engagement rosters for the class, except it listed the source of that email as being our personal IU emails. But we were unaware of even the text that was generated. All we got was a notice after we hit "Submit" that oh by the way, we just sent emails to all your students, and some of my colleagues objected to that.

JOHNSON: John, I can help with that.

CARINI: Like to communicate to their students by other means, particularly say through Canvas.

APPLEGATE: Okay. I will have to confess ignorance there, but Kurt probably knows more about that and then Colin, I believe I saw.

ZORN: I am aware of this. An email came across today. Let me point out that we do have a requirement for early evaluations and that is what was being filled out. The reason that this is an automatically generated email from the instructor through the system is because we know that I think you're just like I am, if it comes from a UITS generated box or something, it probably will not get the attention. The intent here is for students to pay attention to the fact that an early evaluation grade has been entered or an early evaluation has been entered. There wasn't any nefarious purpose behind this. There was no spamming going on. This is part of the system that's set up to provide evaluation. I know Becky Torstrick and I serve as what we call academic owners for these systems, so we are going to have a discussion. I was thinking on the way over here if the message can be changed, that it can say something to the fact that this is a grade that's been submitted by your faculty member and so forth. The other point that I think my understanding is I'm wrong. Somebody correct me. Our IU accounts are not personal accounts, they're our professional accounts. That's the reason they were used instead of your Yahoo or something like that account. I just wanted to point that out also.

APPLEGATE: Thank you for the explanation. Colin?

JOHNSON: Just to elaborate on that, I think the issue is first of all, that the SCR didn't actually notify us that emails had been sent to all students. There was no record of that except for a general description of the process that's housed on the registrar's website. What was happening was hundreds of these emails were going out and students were then responding to instructors on the assumption that instructors were aware of the fact that those had gone out. You had some people who are getting emails from 50 students saying, thank you so much for the feedback. I would now like to meet with you out of nowhere with no preparation. That was one issue. The other issue is the language in the automated message is written in the first-person. It says, "I have gone ahead and submitted this," which is, "please contact me if you want to follow up with this," and I think that was the thing that people were responding to was the implication that this was actually a personal email generated on behalf of the instructor, particularly because in some cases, people had already proactively reached out to people individually soliciting that kind of thing, and then received this automated follow-up message that looked deceptively as it was a subsequent communication. The issue I think is the complication of incentivizing that communication through automated systems, and the implications of doing it in a particular way are on the backside for the people who are then receiving feedback. I've already referred the matter to tech policy for consideration as well because it does potentially fall within their jurisdiction. They said this matter had been raised in different contexts three years ago, and they thought that it had been resolved on the theory that that's not necessarily best practice and they're going to be taking it up as is my understanding.

ZORN: Colin, just to clarify, that's where the email came to me through them. I do agree that the message could use some enhancing. Let me give you just a little bit of context. We just started using SER this year. We were the last of IU campuses to do so. Part of it is growing pains. We're going to address this. I'm not being flippant about this, please understand that. But let me point out one thing that I'd like to emphasize. The first thing you said, I think you said something about a faculty member got 50 emails from students saying, "I'd like to meet with you." That's actually what we want to do through our early evaluation process. If the BFC has second thoughts about that, we certainly should bring that back to be considered, but that was my understanding, that was our purpose in the first place for the early evaluation.

JOHNSON: I would argue that's fine. I think it's helpful for us to know that that's going to happen is the issue.

ZORN: Right and again, this is the first time through. I think it caused, some of us weren't expecting this.

APPLEGATE: Constantine?

DELIYANNIS: Yeah. I have the exact [inaudible]

APPLEGATE: I think Kurt is saying absolutely that they are looking at that. Thank you for raising the issue initially and appreciate the input and conversation.

Others?

AGENDA ITEM SIX: PROPOSED REVISIONS TO THE ACADEMIC MISCONDUCT PROCEDURE IN THE STUDEN CODE OF CONDUCT

APPLEGATE: Hearing none, let's move on to agenda item number six, which is proposed revisions to the academic misconduct procedures in the student code of conduct. That is part, I believe of a larger effort to make revisions to the student code of conduct, which is quite a task. Let me just say in advance that the efforts of many people in this room and not in this room on revising and updating the student code of conduct is something that we should all be very appreciative of. The co-chairs, Professors DeSawal and Metz, do you want to start with leading this off? And I see you are surrounded with talented assistance, so I'll leave it to you.

DESAWAL: Thank you so much. On behalf of the Student Affairs Committee, we'd like to thank the BFC for hearing the proposed policy changes that we're going to present and to also emphasize that this has taken over a year. I think I get to control this, will just be fun, brief PowerPoint just to get us started.

We're not going to go through the document line by line. It'd take us well over an hour. We're going to provide a brief overview and let you know the recommended changes come to the BFC with the support of the Student Affairs Committee. This process has taken over a year and has been inclusive of multiple constituencies on campus, including faculty, undergraduate, and graduate students, and representatives from the school's college that work directly with the academic misconduct processes, as well as our experts that we brought with us today from student affairs.

The Bloomington procedures are for adjudicating academic misconduct specifically on the Bloomington campus, and that is what we are reviewing here today. Prior to Q&A, we're going to do a broad review of the substantial changes to the overall document. We have essentially three areas that we're going to cover.

First is change from calendar to business days. The code is currently written using calendar days. We recommend a move to business days two primary points: consistency to align with practice and communicate to students that they should not expect to hear anything about their cases over the weekend, as well as also using business days, will clarify when the university is actually closed for business, and those days will not count in the process that we're going to look at.

Procedure timelines, as it is currently written, the procedures can take more than 90 calendar days to complete, assuming there are not any university holidays or breaks and if a student uses all of their appeal options. That is quite a timeline. The procedures were written during a time when we actually used mail. A lot of the time is present in order to account for inner campus mail or USPS, and obviously, email and online services allow for a quicker disbursement of information. The recommended changes to the timeline impact students, faculty, and administrators proportionally the same. The piece I want to highlight is that the changes create a procedure timeline that could take up to 47 business days, which puts us at around 65 calendar days from beginning to end.

Basis for appeal, this is the third one. Previously, any case could be presented for appeal. This allowed a case to move through the appeals process academic unit level without cause so what that really translates into is that a student could just say, just because I want it to be appealed. We recommend establishing a required reason to provide an appeal at each of the appeal stages in the process itself to also help the student articulate what it is that they're concerned about within the academic appeal process, as well as have everyone in the conversation prepared for that educational conversation about what are some options and to hear the student's voice. Basis for

appeal provides clear guidelines and consistency that then will create a little bit more of an equitable process. The proposed reasons and appeal may be granted are a student may appeal a faculty member's decision on the basis of alleged bias, due process, error, or an arbitrary disproportionate outcome. We recommend making these changes the same in the appeal at the dean sanction appeal level as well for consistency. Those are the primary broad overlook changes to the document. A lot of them are in multiple places. We've also adjusted gender so it's gender neutral for DEI lens. I will now turn it back over to the executive committee for discussion.

AGENDA ITEM SEVEN: QUESTION/COMMENTS ON THE PROPOSED REVISIONS TO THE ACADEMIC MISCONDUCT PROCEDURES IN THE STUDENT CODE OF CONDUCT

APPLEGATE: Questions or comments? Yes?

DUNCAN: First of all, I want to thank the committee for their work on this. Revising these policies is never easy, never quick, and you'll always have more questions. Speaking of which, I was looking at the timeline on this and I noted that you're changing the amount of time for an instructor to report the sanction from two weeks to four days. When you have a large class, it's often the case that misconduct can involve a group of students who say, participated in misconduct together.

In my experience, you have to meet with all of them before you can really assign sanction to any of them. This process has sometimes taken as much as a week to line up in students' schedules. I think I really need a week, therefore, to be able to go from that meeting to the report and four days seems awfully short.

DESAWAL: Thanks so much for that question. That is absolutely something that we talked about, and I am going to turn it over to Libby Spotts to provide you with some information.

SPOTTS: Hi, Professor Duncan. Thank you so much for the question. There are a couple other provisions in the code that I think really help us address that really important point which is there are classrooms with hundreds of students and if there are students cheating or plagiarizing in mass, that might take a little bit of time. Under our general principles, it states very clearly that these timelines can be extended for a good reason, and that would always be a good reason. Just as it would be for a student to request an extension for perhaps being in the hospital or being unable to appeal, for example. We're hopeful that with a combination of shorter goal timeframe coupled with when that need comes up, we can definitely meet it, that will be able to balance both of those interests with the quicker process and faculty needing maybe at times more time.

APPLEGATE: Steve, I believe I saw you next and then Constantine.

SANDERS: Thank you, John. I also appreciate the work that goes into something. I'm concerned though about the limitation of the grounds for appeal. I realize some of the background here is that students would just hit the button and appeal for any reason. I agree that's a problem, but I think the criteria are too narrow.

It says alleged bias, due process error, or arbitrary outcome. I assume that means the penalty is too high. I would imagine, many students would simply say, "I don't believe you have established the facts to demonstrate that I committed misconduct. I think you're wrong that I

copied this out of this source," or "I think you're wrong, that I copied answers from my classmate" or something like that. Reading this, this allows for appeals that are entirely based on process. But there's nothing here that actually says the faculty member has to establish the facts behind the allegation of bias. If a student says, "I don't believe you, that you have your facts straight," it sounds as though the dean can simply say, "Well, I'm sorry, that's not a sufficient basis for appeal. Appeal dismissed." I'm concerned about that, about how you would imagine cases like that being handled.

Then second, just a little unclear on the language, it's early alleged after the informal conference. Then D where it says, if no resolution within seven business days of concluding individual meeting, case is considered by unit hearing board. I'm not sure what no resolution means, that sounds like they just sat on it and didn't deal with it. If the student loses, if the dean rules against the student, or if the dean dismisses the appeal, does that qualify as the case has not been resolved and therefore, the student can appeal after that? I'm concerned if at some point in this process, the student is just prevented from pursuing any additional appeals. But I'm curious if you would address, again, my real concern that this really doesn't appear to allow students to appeal the faculty member's factual determination that misconduct actually took place.

SPOTTS: Thank you. Professor Sanders. I think I'll start with your second question, first, regarding the language, that's in the code that if no resolution is met within seven days, the case will move forward to a hearing. We've not recommended a change to that language, that is as it currently is written. There is still an opportunity for the faculty member, the student, and a dean of the academic unit to meet together or to come together and to determine whether they can come to a mutual understanding, as it were. We think that should stay the same in terms of can this be met without a hearing.

Then to your point about the narrowly tailored reasons that a student may request an appeal. Essentially, it's another bite at the apple. And right now, we have what might be considered nouveau hearings. Brand new hearings from the start for any case under the sun. What we're recommending are some reasons for an appeal, which are consistent with student conduct best practices, it's also consistent with other types of student conduct. What we'd like to do overall as we work through some of these different changes is make those reasons for appeal consistent across all types of misconduct. We would hope that those would be what you'll see in both personal misconduct and organizational misconduct, etc., so there's a lot of consistency, rather than what we have right now which is different reasons for appeal in different processes, which is a little bit confusing for students. Instead of saying, well, you may only appeal if it's just proportionate or arbitrary, which is the case right now in the academic process when it comes to appealing the dean sanction.

We'd like to afford the student the opportunity to appeal for any of those reasons at both levels. Differently, the narrowly tailoring it, what I think it does is it gives us better guidelines to say, this is why an appeal is granted rather than leaving it to be subjective. That somebody's appeal may be granted for reasons other than what we would want. That very much could be based on bias or how we feel about a student when we can point to a reason for granting an appeal, I think that upholds a fair and equitable process for students more strongly when we can point to that and say that's the reason.

SANDERS: I agree but I think there's a big difference between saying the student must articulate some concrete basis for the appeal. This is much different. Again, this plainly does not allow the

student to appeal the substantive factual determination that misconduct has taken place. I would not be able to vote for the policy with such limited grounds for challenging the faculty member's decision even at the very outset. The student gets no day in court unless they have what are essentially procedural or biased related concerns as opposed to, if I'm going to suffer this consequence, I expect the faculty member to be able to actually prove their case factually.

SPOTTS: Sure. I guess in response to that, we had opined that the factual pattern would fall under due process because we use a preponderance of the evidence as a procedure. If a preponderance is not met, that would be the prong that the student may be requesting an appeal under. If you feel that that's not clear enough, we certainly could include other language to articulate that, but I think it very comfortably sits under the due process.

SANDERS: I won't take any more time, but I'm not sure that to most people intuitively meet, they would understand due process basically means, I think you haven't submitted enough evidence to prove your case. I would hope that could be clarified. Thank you.

APPLEGATE: Great. Constantine?

DELIYANNIS: Let me also thank you for your work on this. I have three concerns brought to me by a faculty member. The one that was mentioned a moment ago about the five days versus fourteen is one of the concerns that would be very useful to have some information. For example, the first three relevant dates: the date of the incident, the date of the student meeting, the date of the faculty report, the initial one. How much time historically has it taken from one day to the other? How many days are there between the incident and the student meeting? Typically, how many days are there between the student meeting and the initial faculty report? If it turns out it's 95% of the time is two days, then this change is very reasonable. If it turns out on average is twelve days, this change is going to cause problems. In absence of such information, I would have to say that faculty can be very busy for any of a number of reasons. They travel to conferences to gather data, to give concert, whatever, and it might make it difficult for them to file the report on time. Now, you did say there are exceptions that could be requested and that's fine if there are relatively few cases and if it doesn't cause a procedural error to occur. We have to be careful about all of this.

The second concern was the definition or going from days to business days. In the presentation, it was suggested that's clearer, but in my mind, it's more ambiguous. I know what a day is, a calendar day is. I'm not sure everybody knows what business days are. For example, do winter break days count as business days? I have no objection to switching to business days, but it needs to be defined very clearly what counts as a business day and what doesn't.

The third point, in part two, step three, part A towards the end, I'll just read it out loud. It says, "if the board finds that misconduct occurred and the student has appealed the academic sanction imposed, the board may uphold or reduce that sanction." There's no provision to increase the sanction. The next sentence says the same thing, "the faculty who was concerned about this has had experience with such procedures and says that it's often the case that during the appeal's procedures, more information comes out which suggests a more serious sanction should have been imposed, and if the faculty member had known that initially, they would have done so the request from the faculty member is to add a clause, something or increase the sanction. The board may uphold or reduce or increase the sanction to take this possibility into account." There's a second piece of reasoning here. If there's no possibility to increase the sanction,

students have no incentive not to appeal. They've got nothing to lose by appealing, so why not appeal? Sorry if this was long-winded. That's what I've got.

APPLEGATE: Do you want to respond to that?

DESAWAL: Do we have an option?

APPLEGATE: Yes, I phrased it as a question and no would be a perfectly good comment. I believe it was more in the nature of a comment than a question in any event, and I'm more than happy to leave it at that. I believe Constantine is as well.

DELIYANNIS: I'm not expecting a response right here and now. Those statistics I requested would be nice if they would appear, but certainly if you have a response, feel free.

DESAWAL: I think to the first point, one of the things that was a question that came up. We had the conversations with faculty and what we may need to look at is if we make that a little bit clearer. But the timeline for the faculty for the five days is after you have met with the student, and you have concluded whether they are responsible, not responsible. That's when that timeline starts.

DELIYANNIS: I understand that, but for those who have very busy travel schedules, you meet with a student, the next day you go off to your data gathering run, that takes a week. You must absolutely concentrate your full attention to that and then you come back, and the five days have passed. This, in my field at least, is not all that uncommon. I can't speak for all fields, but I suspect most of our faculty are very busy people. If this can be covered by exceptions in a reasonable way, that's probably fine. Again, we have to be careful that that doesn't trigger a procedural error or perception, even of a procedural error.

DESAWAL: Right. We'll definitely take that into consideration.

APPLEGATE: Danielle, do you want to further?

DESAWAL: We're going to turn it over to Mike Ryan to provide a little bit of context for the other two comments.

RYAN: Hi, everyone. My name is Mike Ryan. I oversee our academic misconduct process and if I haven't met you, I probably have certainly seen your name on some of the reports that you have submitted, those all funnel to me. Thank you for allowing me time to speak today.

I wanted to talk a little bit about the timeline issue that was addressed and while I don't have the data with me. Anecdotally, I see every academic report that comes into the office of student conduct, and by and large, most of the reports are submitted within the week that the faculty member determines that academic misconduct has taken place. Again, there's some fact-finding in some time that goes into that that we recognize.

To Professor Duncan's point earlier, if there are hundreds of students in a class and it takes a couple of weeks to get to grading, and then all of a sudden in that grading session now we've identified misconduct has taken place, that's just the start of the process. We still have to talk to the student about, hey, what's going on here. Let them address the allegations that that misconduct may have taken place. Then at that point once we have all of our information, it's that point that at the determination of misconduct, by and large within a week, I would say within generally about three days, is the date that professor is selective when they met with the

student and then when they've submitted the report to our office and there are outliers as well, due to varying circumstances and oftentimes, professors are very clear about putting, hey, this is why this is later than what the recommended time is, and we work forward through those processes as well. Hopefully, that gives a little bit more clarity on what we just see anecdotally through our office with these reports. This would just be making the process, I think, more consistent with what the practice generally already is across campus. Thank you.

APPLEGATE: Karen Banks?

BANKS: Thank you. Mike, it's nice to see you. I write these reports every semester so it's good to put a face with that. Since, like J, I write a lot of these reports. I am concerned about step E, where it does say faculty members submit the written report form within five business days. I think later on it says five business days when you decide the academic sanction. To me, that means I can meet with the student and then I can ponder or think about this for ten days, and then once I decide on the sanction then the five days begin. In reality, this could go on for years because I may need to think about this for a while, well not really. Perhaps there could be a little bit of a problem there where we are not limited until we decide. Maybe an academic sanction needs to be decided within a certain amount of time, but then like J had mentioned, with large classes, typically, once we catch one student, there could be 40 other students I need to talk with. I need to talk with all 40 students before then we decide on what we're going to do. Just a little bit worried about how that is going to play out.

Then another thing I don't think I saw in this document but knowing how long that remains in a student's record or how long that is discoverable by, you know they go join the FBI and something like this. My guess is they have to sign a document before that could be discoverable, but it's nice for us to know those rules also. Thank you.

RYAN: Yeah, great question. In regards to your last comment about recordkeeping, I can speak to that a little bit at this point. Students who have never been in our office before, students who this is their first violation and it is academic misconduct, the most likely outcome for those students is to go to what's called the academic integrity seminar and what is considered no additional sanctions under our procedures. This is our opportunity to try and help students who may have not had access to the same resources, get the tools that they need to be successful for the rest of their time here at IU. So, we don't want to punish students who are maybe coming from a place where they didn't have the same access to resources or maybe even cultural differences where plagiarism and things like that were different. We have this seminar setup to try and address that. We really try hard not to penalize our students additionally, from that point.

If that is the case for record keeping, a student's record is managed internally at that point, and so even if the proper FERPA releases and paperwork were filled out and maybe a graduate school that a student was applying to said, "Hey, we would really like to see student A's misconduct record." At that point, our office would essentially report to that institution that student A has done everything they need to stay in good standing at IU and we don't have anything further to report. That's really important because we're not trying to continue to punish our students for maybe a mistake that they made while they were a freshman or that they didn't know was a rule or something along those lines.

If a student does come into our office again or they're placed on things like probation, suspension, expulsion, statuses like that, that is when we start to see varying amounts of time

where their records are being maintained beyond their graduation. A student who's been on probation, whether through an academic process or through a personal misconduct process, their record is maintained for five years beyond their graduation at this point, or students that have been suspended or expelled again, whether through academic or personal misconduct, their record is maintained indefinitely beyond their graduation. So hopefully that helps to clarify a little bit about the process of record keeping. Thanks.

SPOTTS: You asked a great question about the timeliness of these reports, and could we take a year? And we all chuckle. I think it's a great question. Under the current code with a 14 days as written, it's still 14 days from the day the faculty member makes the decision or the finding of responsibility. That same decision-making point is identified in a very similar way. It's just the days that we're talking about. I think by and large because there are so many moving parts to this process, because it then comes to the Student Conduct Office for centralized record keeping and a review of whether there should be any other sanctions, there's some of these hard dates that have needed to be built-in for the benefit of the students, so they know their case is moving forward in a timely manner. If a faculty member says to a student, "I haven't made my decision yet, I'll let you know when I do." That's a really clear indicator that their decision isn't made. But at the point that it is, that student should expect that a report will be filed within five days, is sort of what we're going through here. I think what I've really enjoyed about working on this campus is by and large faculty want to see students succeed. They want to give students an idea of what it means to receive a certain grade on a test or an exam or a paper and then give them a pathway forward or figure out what they need to do next, whether it's coming to the seminar or trying again.

We don't often see some of those outliers, but when we do, we work with the deans of those academic units and with the faculty on what the reasons for a delayed report might be. There have been very few, but that has happened before and we talk to the student and the faculty about what the reasons are and trying to come to that mutual understanding as the centralized record keepers in the process, if that's helpful for context about what we're doing when we get the reports.

APPLEGATE: Thank you. I don't see more hands. We have a member who is in the back. Could you please come to the table?

And you have the honor of the last question or comment.

OSSI: Thank you. Sorry about the table business, my first day.

I heard from one of my colleagues and also noticed myself the word bias sent off not just a bell of danger or of alarm, but an entire full peal from a cathedral bell tower. That implies lots of things and I'm wondering if perhaps defining the word would be a useful thing to do. There is a very broad range of things, but it seems to me that this is one place where a student's appeal could potentially turn and become an accusation and I wonder if that's been thought about.

SPOTTS: Yes, I'm glad you brought up that point. I think the reason we included it is as a tenet of a good and fair process to allow space for a student to raise a concern like that if one exists. To your point about it raising any number of concerns I agree with you. Those that are related to the areas of protected class would clearly revert to the very outlined process that we already have

at the institution and so it would not go through this process. It would go to the Office of Institutional Equity first.

But by and large, what we're talking about is a student having evidence of or being able to speak to an element of unfairness or being felt like a decision is made against them and being able to articulate that not only in words but also facts to say this is what leads me to believe that this was an unfairly made decision, that this person was not being neutral in that decision. As far as a fair process, we do want to make sure that a student has the ability to say that that might be a very good reason to then say, as a dean of an academic college, "Okay, then we're going to give you an opportunity to go before a panel who's never met you and have this case reheard in what you can determine as a fair process, and if they determine the same outcome then we know that this occurred and we'll move forward." Not to levy, but then to have that check and balance to make sure if that is potentially the case, if there is evidence that speaks to bias between the two dynamic, the dynamic of the student and the faculty, that we have a measure built-in for a fair process. It's not an excuse to go ahead with academic misconduct it's just an indicator in our process that we might need a different type of panel in this situation to review it.

OSSI: Yes, but there are two questions then; What is the standard for proving such a thing? And how is the faculty member going to defend themselves in a situation of that kind? I've noticed that I teach a very large course, I have six AIs and there had been a few cases of just disputes of grades, minor things. But in every case, the student's email includes, "The instructor doesn't like me, it doesn't like my friends, and is hostile towards us," in some form. It has become a standard final line in appealing anything. I'm wondering, how do we guard against just that becoming a part of the formula?

APPLEGATE: I think let's take that as a comment and ask the committee to consider that as well as the other questions and comments that have come up.

SANDERS: John if I may?

APPLEGATE: We are after 3:30, so I really need to respect that stop. But I think you know where to find them.

SANDERS: My concern is we hadn't heard from the students, so it wasn't a question. It was going to be an invitation for student representatives.

APPLEGATE: Well yes, but we have a hard stop at 3:30, which was announced, and we will be returning to this, I believe since this is simply a discussion item and not an action agenda. I would love to hear from Ky and Maddie or others at that point.

AGENDA ITEM SEVEN: EXECUTIVE SESSION

APPLEGATE: We now resolve ourselves or more accurately, you resolve yourselves into an executive session with only, I believe the elected faculty members of the BFC in attendance. I will leave you to it. See you in two weeks.