

REPORT TO THE UFC ON REVISIONS TO ACA-33, CODE OF ACADEMIC ETHICS

From the UFC Policy Review Committee

November 29, 2022

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Background:

The Committee has been working on revisions to ACA-33 for close to a year. Our final proposal has been developed in consultation with the university compliance and policy office, circulated to campus academic affairs officers, the UFC Executive Committee, and campus faculty governance organizations and faculty affairs committees. It will be presented to the UFC for a vote on December 13.

ACA-33 dates back to the 1970s and has not been thoroughly reviewed since then. It has never defined faculty responsibilities and standards of conduct nor established a procedure for resolving complaints of faculty misconduct. The campuses have filled that gap with their own misconduct policies and we have tried to accommodate them as much as possible without having different standards of conduct on different campuses.

In 2021, the UFC approved the task force report on faculty-student amorous relationships and instructed the Policy Review Committee to incorporate the report into revisions to ACA-33.

Summary:

There are four parts to this report.

A. The text of the current ACA-33.....	2
B. An annotated version of the current ACA-33 highlighting the provisions we are deleting (and the reasons) and identifying where new provisions should be added.	13
C. An annotated version of the proposed revisions to ACA-33 comparing every rewritten provision to the old one and explaining the changes	25
D. Provisions relating to students and SAAs currently in ACA-33 that should be moved to more appropriate policies.....	41

Process:

Because this policy is 50 years old, there are a lot of changes. Most are innocuous and non-substantive and resulted from trying to turn current policy and practice into policy language. However, we urge each of you to review parts B and C closely before the UFC meeting to see if you have any questions or concerns about provisions being deleted (part B) or added and reworded (part C). If you can send any comments, questions or objections to me, I may be able to answer them before the meeting or can make sure there is time on the agenda to discuss them at the UFC meeting. (tanford@indiana.edu)

We bring to your attention three provisions that produced the most discussion during the review process: whether an instructor must report all instances of student dishonesty to the campus student affairs office (Policy Statement §C-6), the proposed new section on work-life balance (Policy Statement §D), and whether the initial investigation of a misconduct complaint should be undertaken by the administration or a faculty committee, at least in serious cases (Procedures § C).

Part A: Current ACA-33, Code of Academic Ethics (including 2021 Task Force report on consensual faculty-student relationships).

Note: All paragraphs have been consecutively numbered so they easily may be tracked back to this document after the paragraphs are re-arranged in parts B and C.

SCOPE

1. The provisions of this Code apply to persons whose service to the University includes teaching, scholarship, librarianship, and academic administration. Such persons are referred to in the Code as “Academic Personnel.” References in the Code to “Faculty” include tenured members of the faculty, librarians, and persons whose service to the University may lead to tenure.

POLICY STATEMENT

A. Preamble.

2. The central functions of an academic community are learning, teaching, and scholarship. They must be characterized by reasoned discourse, intellectual honesty, mutual respect, and openness to constructive change. By accepting membership in this community, an individual neither surrenders rights nor escapes fundamental responsibilities as a citizen, but acquires additional rights as well as responsibilities to the entire University community. They do not require the individual to be passive and silent. They do require recognition of how easily an academic community can be violated.

B. Organization.

3. This Code contains two major sections: first, a statement of rights and responsibilities; and second, a statement of enforcement procedures. The first section is divided into three subsections. Of these, the first subsection, in seven parts, is a general statement of the rights and responsibilities of Academic Personnel adapted from the “Statement of Professional Ethics” adopted as policy by the American Association of University Professors in April 1966. The second subsection consists of representative responsibilities assumed with academic employment at Indiana University. The third subsection consists of the rules of conduct outlined in the prevailing Code of Student Rights, Responsibilities, and Conduct. It is assumed that academic personnel will accept without reservation those rules of conduct which are generally applicable within the University community and which are expressed at the moment within the student code.

4. The second section is also divided into three subsections. The first subsection deals with initiation of complaints, the second with appropriate administrative actions, and the third with reviews of administrative action.

C. General Responsibilities

5. **Scholarship.** A scholar recognizes a primary responsibility to seek and to state the truth without bias. Striving to improve scholarly competence, continuing always to keep abreast of knowledge of his or her discipline, the scholar exercises critical self-discipline and judgment in using, extending, and transmitting knowledge, and practices intellectual honesty. Although subsidiary interests may be followed, these must never seriously hamper or compromise freedom of inquiry.

6. **Teaching.** A teacher encourages the pursuit of learning in students, holding before them the best scholarly standards of the discipline. Respecting students as individuals, the teacher seeks to establish a relationship of mutual trust and adheres to the proper role as intellectual guide and counselor. The

teacher makes every effort to foster honest academic conduct and to assure that the evaluation of students' scholastic performance reflects their true achievement, with reference to criteria appropriate to the field of study. Any exploitation of students for private advantage is rejected and their significant assistance is acknowledged. The teacher protects their academic freedom and serves as an example of this principle by assuring that each student and colleague is free to voice opinions openly and to exchange ideas free from interference.

7. Librarianship. A librarian in the academic community is responsible for the collection, dissemination and preservation of information and source materials and for services in support of the teaching, research and general learning functions of the University. A librarian instructs and assists in finding and evaluating information, wherever it may be located. A librarian is entrusted with the responsibility of ensuring the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn. A librarian is a member of a profession explicitly committed to intellectual freedom and the freedom of access to information for present and future generations, following the Code of Ethics of the American Library Association and its Library Bill of Rights.

D. Relations with Colleagues.

8. As colleagues, academic personnel have obligations that derive from common membership in the community of scholars. Such persons respect and defend the free inquiry of their associates. In the exchange of criticism and ideas, they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. They accept their share of responsibility for the governance of the University.

E. Relations with Students.

9. With regard to relations with students, the term "faculty" or "faculty member" means all those who teach and/or do research at the University including (but not limited to) tenured and tenure-track faculty, librarians, holders of research, lecturer, or clinical appointments, graduate students with teaching responsibilities, visiting and part-time faculty, and other instructional personnel including coaches, advisors, and counselors.

10. The University's educational mission is promoted by professionalism in faculty/student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and students that harm this atmosphere undermine professionalism and hinder fulfillment of the University's educational mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power. Those who abuse their power in such a context violate their duty to the University community.

11. Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them. All amorous or sexual relationships between faculty members and students are unacceptable when the faculty member has any professional responsibility for the student unless properly disclosed and managed. Such situations increase the chances that the faculty member could abuse their power and exploit the student. As a result of the power imbalance, the faculty may explicitly or implicitly make receiving benefits contingent on amorous, or sexual favors. (See quid

pro quo sexual harassment in the Sexual Misconduct Policy, UA-03, definition of sexual harassment.) Moreover, other people may be affected by such relationships because they place the faculty member in a position to favor or advance one student's interest at the expense of others. At a minimum, faculty-student relationships can raise questions about potential favoritism, which may disadvantage the student.

12. Therefore, unless properly disclosed and managed, the University will view it as a violation of this Code of Academic Ethics if faculty members, engage in amorous or sexual relations with students for whom they have professional responsibility, including but not limited to supervisory, evaluative, or advisory relationships, even when both parties have consented or appear to have consented to the relationship. The violation applies whether such supervisory, evaluative, and advisory relationships occur in instructional or non-instructional contexts.

13. All faculty-student relationships of an amorous or sexual nature where the faculty member has or foreseeably could have a professional responsibility regarding the student must be disclosed according to the procedures outlined below. Failure to disclose an amorous or sexual relationship(s) and/or to comply with the management plan shall be considered a violation of this policy.

a. The presumption of this policy is that all relationships covered by this policy require disclosure to the respective designee by the faculty member. If there is doubt about the potential need for disclosure, the faculty should presume that there is an obligation to disclose. If a faculty member becomes aware that an amorous or sexual relationship has occurred there is an obligation to disclose. If a faculty member becomes aware that an individual with whom they had an amorous or sexual relationship is a student, the faculty member should disclose that information even if the relationship is no longer on-going.

b. Required disclosure procedures

- i Faculty-student relationships must be disclosed to the faculty member's unit head(s) (e.g., department chair, dean, dean's designee). The responsibility to disclose rests with the faculty member. The faculty member must have this disclosure in written form placed in their personnel files. If the relationship involves the department chair or unit head, the relationship must be disclosed to the next higher-level administrator, typically a dean or associate dean.
- ii The person to whom the disclosure is made is responsible for developing a specific plan that resolves the conflict and potential for abuse of power and must maintain confidentiality to the fullest extent possible. At a minimum, the faculty member must recuse themselves from all future evaluative actions involving the student.

c. A faculty member shall be considered in violation of the university's discrimination, harassment, and sexual misconduct policy (UA-03) if the relationship is not properly disclosed or the management plan is not properly followed.

F. Relation to the University.

14. Indiana University is committed to the concept of academic freedom and recognizes that such freedom, accompanied by responsibility, attaches to all aspects of a teacher's or librarian's professional conduct. Within this context, each person observes the regulations of the University, and maintains the

right to criticize and to seek revision and reform. A teacher or librarian determines the amount and character of work done outside the University with due regard to paramount responsibilities within it. When considering interruption or termination of service, the teacher or librarian recognizes the effect of the decision upon the program of the University and gives due notice. Above all, he or she strives to be an effective teacher, scholar, librarian, or administrator.

G. Relation to the Community.

15. As members of the community, academic appointees have the rights and obligations of any citizen. They should measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to the University. When they speak or write as citizens, they are free from institutional censorship or discipline. At the same time, their positions as members of a university and of a learned profession impose special responsibilities. When they speak or act as private persons, they will make it clear that they are not speaking or acting for the University. They will also remember that the public may judge their profession and the University by their utterances and conduct, and they will take pains to be accurate and to exercise restraint.

SPECIFIC RESPONSIBILITIES

16. In addition to the preceding general statements of ethical performance within the academic profession, and Indiana University's Principles of Ethical Conduct, there are specific responsibilities that devolve upon the academic appointee who accepts a position at Indiana University. Observance of such specific responsibilities as the following is also a component of academic ethics.

17. A teacher will maintain a clear connection between the advance description and the conduct and content of each course presented to ensure efficient subject selection by students.

18. A teacher will clearly state the course goals and will inform students of testing and grading systems; moreover, these systems should be intellectually justifiable and consistent with the rules and regulations of the academic division.

19. A teacher will plan and regulate class time with an awareness of its value for every student and will meet classes regularly.

20. A teacher will remain available to students and will announce and keep liberal office hours at hours convenient to students.

21. A teacher will strive to develop among students respect for others and their opinions by demonstrating his or her own respect for each student as an individual, regardless of age, color, disability, ethnicity, sex, gender identity, marital status, national origin, race, religion, sexual orientation, or veteran status.

22. A teacher will strive to generate a proper respect for an understanding of academic freedom by students. At the same time, a teacher will emphasize high standards and strive to protect students from irrelevant and trivial interruptions or diversions.

23. The teacher has a responsibility to foster the intellectual honesty of students. This obligation is

particularly serious in connection with examinations and class exercises. Should a teacher determine that cheating or intentional plagiarism has occurred, the teacher should take appropriate action with respect to grades, and report the dishonesty to the student affairs officer of the campus.

24. Since letters of evaluation written by a teacher may be uniquely important documents in both the academic and post-university life of a student, each teacher will strive to make such letters both candid and fair.

25. A librarian will continually develop, maintain, and make improvements to standard and specialized information resources and library services in support of the teaching, research and general learning functions of the University.

26. A librarian will cooperate with the teaching and research faculty to develop library collections in support of the curricular offerings of the academic community.

27. A librarian will strive to generate a proper respect for academic intellectual freedom in the discharge of the librarian's professional obligations to the patron, the University, and the community at large.

28. A librarian will strive to care for and preserve library information resources.

29. A librarian accepts the responsibility for the care and preservation of library materials.

30. Academic personnel will strive to protect not only their own right to freedom of inquiry, teaching, and expression but also their colleagues' right to the same freedoms.

31. In the interest of avoiding actual or perceived conflict of interest, academic personnel should not directly supervise employees with whom they are having sexual or amorous relationships. Academic supervisors shall disqualify themselves from employment-related decisions concerning such employees and, in consultation with the employee involved and other appropriate persons, the Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs or other equivalent campus administrator shall take steps for the appointment of a surrogate supervisor.

32. While in the classroom, academic personnel should refrain from adverse personal comments about their colleagues. At all times, academic personnel should exercise restraint and discretion in comments about other courses or divisions in the University.

33. Constructive criticism of colleagues is sometimes necessary in the interest of the individual criticized or the entire University community. To be constructive, however, such criticism should be channeled, in confidence, toward those persons (preferably the individual concerned, but also academic superiors, faculty committees, or administrative officers) who have the power to correct or influence conduct in a constructive way. Indiscriminate criticism or gossip about colleagues is condemned.

34. Each academic person retains the right to criticize and to seek to remedy, by appropriate means, regulations and policies of the University. Among means deemed inappropriate are: acts of physical violence against members or guests of the University community; acts which interfere with academic freedom, freedom of speech, or freedom of movement; and acts of destruction of University property. It

is equally inappropriate to advise others to commit such acts.

35. If criticizing the University, the academic person should be aware of ameliorative procedures that exist within the University and should use these procedures in preference to conducting public criticisms of the institutions or any of its divisions.

36. Each academic person will insure that outside commitments do not interfere in terms of time, energy, or conflict of interest with obligations to the University. As a safeguard against such interference, each will:

- a. report to an appropriate authority plans to engage in gainful activities of an extensive, recurring, or continuing nature; and
- b. notify an appropriate authority of any invitation to serve as advisor or consultant to an agency granting money to the University.

37. He or she will give adequate notice of interruption or termination of service. In order that instructional programs will not be interrupted, before leaving, the academic person will:

- a. complete all normal duties;
- b. provide complete records of grades and similar data to departmental chairpersons; and
- c. provide properly for incomplete class and thesis work.

38. He or she will work with colleagues individually and collectively toward furthering both personal and group interests so long as such cooperation does not require violation of intellectual and moral integrity.

39. Each academic person will accept a share of the obligation for helping the University function smoothly as a living and vigorous organization. Toward achieving this goal, each will serve on committees, accept a reasonable burden of administrative duties, and work cooperatively with administrative officers of the University in order to further all the legitimate goals of the institution.

40. All academic appointees are expected to be familiar with and abide by the basic principles of the fair use of copyrighted material in teaching, research and librarianship. When using copyrighted materials in teaching and research, academic appointees should consult university personnel with knowledge of the fair use doctrine at the Copyright Program of the Indiana University Libraries, the University Counsel's Office, or other campus resources.

RESPONSIBILITIES AS UNIVERSITY CITIZENS

41. In retaining the rights to speak and act as citizens of the communities in which they dwell, academic personnel must assume as well the responsibilities which are incumbent upon the citizenship. Academic personnel, therefore, accept and adopt the provisions of the Indiana University Code of Student Rights, Responsibilities, and Conduct pertaining to personal misconduct on University property (Part II, Section H), which is printed below.

A. Personal Misconduct on University Property

42. The university may discipline a student for the following acts of personal misconduct that occur on university property, including, but not limited to, academic and administration buildings, residence

halls, athletic and recreational facilities, and other university-serviced property, such as sororities and fraternities:

43. Dishonest conduct including, but not limited to, false accusation of misconduct, forgery, alteration or misuse of any university document, record or identification; and giving to a university official information known to be false.

44. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, e-mail address, signature, or other indications of another person or group without proper authorization or authority.

45. Knowingly initiating, transmitting, filing, or circulating a false report or warning concerning an impending bombing, fire, or other emergency or catastrophe; or transmitting such a report to an official or an official agency.

46. Unauthorized release or use of any university access codes for computer systems, duplicating systems and other university equipment.

47. Conduct that is lewd, indecent, or obscene and/or is in violation of the Sexual Misconduct Policy, UA-03.

48. Disorderly conduct, including obstructive and disruptive behavior that interferes with teaching, research, administration or other university or university-authorized activity. (See Guidelines for Dealing with Disruptive Students in Academic Settings, University Faculty Council, April 12, 2005).

49. Actions that endanger one's self, others in the university community, or the academic process.

50. Failure to comply with the directions of authorized university officials in the performance of their duties, including failure to identify oneself when requested to do so; failure to comply with the terms of a disciplinary sanction; or refusal to vacate a university facility when directed to do so.

51. Unauthorized entry, use, or occupancy of university facilities.

52. Unauthorized taking, possession or use of university property or services or the property or services of others.

53. Damage to or destruction of university property or the property belonging to others.

54. Unauthorized setting of fires on university property; unauthorized use of or interference with fire equipment and emergency personnel.

55. Unauthorized possession, use, manufacture, distribution, or sale of illegal fireworks, incendiary devices, or other dangerous explosives.

56. Possession of any weapon or potential weapon on any university property contrary to law or university policy; possession or display of any firearm on university property, except in the course of an authorized activity.

57. Sale of any firearms from university property or using university facilities, including through computer and telephone accounts; intentional possession of a dangerous article or substance as a potential weapon.

58. Acting with violence.

59. Aiding, encouraging, or participating in a riot.

60. Harassment, including sexual harassment, as defined in Part I (c) of the Code

61. Stalking or hazing of any kind whether the behavior is carried out verbally, physically, electronically or in written form.

a. All forms of stalking, including as defined in the Sexual Misconduct Policy

b. Hazing is defined as any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.

62. Physical abuse of any person, including the following:

a. The use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person;

b. Physical behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur; or

c. Physical behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur.

d. Sexual assault, as defined in the Sexual Misconduct Policy, UA-03.

e. Physical abuse that constitutes dating or domestic violence as defined in the Sexual Misconduct Policy, UA-03.

63. Verbal abuse of another person, including the following:

a. An express or implied threat to

i. Interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored activities and under the circumstances causes the person to have a reasonable apprehension that such harm is about to occur; or

ii. Injure that person, or damage his or her property; or

b. "Fighting words" that are spoken face-to-face as a personal insult to the listener or listeners in personally abusive language inherently likely to provoke a violent reaction by the listener or listeners to the speaker.

c. Verbal abuse that constitutes dating or domestic violence as defined in the Sexual Misconduct Policy, UA-03.

64. Unauthorized possession, use, or supplying alcoholic beverages to others contrary to law or

university policy.

a. Indiana University prohibits:

- i. Public intoxication, use or possession of alcoholic beverages on university property (including any undergraduate residence supervised by the university, including fraternity and sorority houses) except as otherwise noted in Part II, Section H (22) b, and Part II, Section H(22) c.
- ii. Providing alcohol contrary to law.

b. The dean of students, or equivalent role on of each campus, has discretion to allow exceptions to Part II, Section H (22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:

- i. Use or possession of alcoholic beverages by persons who are of lawful drinking age may be generally permitted in residences supervised by the university, including fraternity and sorority houses, when specifically approved by the campus dean of students. Such use or possession may be allowed in residence rooms, apartments, and certain common areas as specifically approved by the dean of students. However, use or possession under this section shall be permitted only in residences supervised by a live-in employee specifically charged with policy enforcement.
- ii. Use or possession of alcoholic beverages may be permitted on an event-by-event basis in designated undergraduate residences (including fraternity and sorority houses) supervised by a live-in employee specifically charged with policy enforcement, when temporary permission is granted by the dean of students for events at which persons of lawful drinking age may lawfully possess and use alcoholic beverages.

c. The chancellor/provost of each campus has discretion to allow exceptions to Part II, Section H (22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:

- i. Use or possession of alcoholic beverages may be permitted in facilities such as student unions or on-campus hotels, including guest rooms and other areas, specifically approved by the campus chancellor/provost.
- ii. Use or possession of alcoholic beverages may be permitted in other areas, such as private offices and faculty lounges, not accessible to the public.
- iii. Use or possession of alcoholic beverages may be permitted in areas accessible to the public, if specifically approved by the campus chancellor/provost.

d. Indiana University also permits the non-conspicuous possession of alcoholic beverages on university property when in transit to areas where they may be possessed or used under the provisions above.

e. Student organizations that serve or permit possession of alcoholic beverages at student organization functions, on or off campus, may be disciplined if violations of alcoholic beverage laws or of university regulations occur. Individual students who plan, sponsor, or direct such functions also may be subject to discipline.

f. The chancellor/provost or dean of students may make rules covering these uses. Those rules shall be enforceable as provisions of this Code.

65. Unauthorized possession, manufacture, sale, distribution or use of illegal drugs, any controlled substance, or drug paraphernalia. Being under the influence of illegal drugs or unauthorized controlled substances.]

66. Intentionally obstructing or blocking access to university facilities, property, or programs.

67. Violation of other disseminated university regulations, policies, or rules. Examples of such regulations include but are not limited to university computing policies, residence hall policies, and recreational sports facility policies.

68. A violation of any Indiana or federal criminal law.

69. Engaging in or encouraging retaliation or any behavior or activity that threatens or intimidates any potential participant in a judicial process, and/or that is in violation of the Sexual Misconduct Policy, UA-03.

70. Engaging in conduct in violation of the Sexual Misconduct Policy (UA-03) not otherwise covered in H1 through H27 of this section.

B. Enforcement Procedures

71. The procedures, definitions, and sanctions herein do not apply to cases involving sexual misconduct, including sexual harassment. Complaints of sexual misconduct, as well as disciplinary procedures, are governed by the University-wide Sexual Misconduct Policy (UA-03).

72. Initiation of Complaints

Any concerned person may initiate complaints about alleged violations of the Code of Academic Ethics. Such complaints should be brought to the attention of an appropriate chairperson or dean, or to the appropriate Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs or his or her deputy; the Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs shall provide for confidential representations regarding such violations. Charges of discriminatory practice may be referred also to the appropriate Affirmative Action Officer. Allegations of sexual misconduct should be reported to the University Title IX Coordinator or the appropriate campus Deputy Title IX Coordinator.

73. Administrative Action on Violations of Academic Ethics

The line of administrative action in cases of alleged violation of academic ethics shall be the chairperson; the academic dean; the appropriate Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs; the appropriate Chancellor/Provost; a Vice President, where appropriate; and the President. Subject to the substantive standards of University tenure policy and the procedural safeguards of the faculty institutions, sanctions appropriate to the offense should be applied by the academic administrators. Possible sanctions include the following: reprimand, consideration in establishing annual salary, consideration in promotion decisions, consideration in tenure decisions, retention of salary, termination of employment, and immediate dismissal.

74. Review of Administrative Action

Academic appointees affected by administrative action taken against them on grounds of violation of the Code of Ethics, whether or not the action resulted from proceedings provided in this Code, shall have such rights as are provided by the rules governing appeals to the Faculty Board of Review (or to the Associate Instructor Board of Review) of the appropriate campus. Appointees also have the rights of hearing and appeal provided by any other procedure of the University for the review of administrative action.

Part B: ACA-33 reorganized

1. Related provisions are grouped together in a logical order.
2. Provisions to be deleted because they are outdated, superseded or irrelevant **are in red**.
3. Explanations for the deletions **are in blue**.
4. New provisions that need to be added **are identified in purple**.

SCOPE

1. The provisions of this Code apply to persons whose service to the University includes teaching, scholarship, librarianship, and academic administration. Such persons are referred to in the Code as “Academic Personnel.” References in the Code to “Faculty” include tenured members of the faculty, librarians, and persons whose service to the University may lead to tenure.

75. Add clarification that policy applies throughout university and its programs, on and off campus, and during the summers.

71. The procedures, definitions, and sanctions herein do not apply to cases involving sexual misconduct, including sexual harassment. Complaints of sexual misconduct, as well as disciplinary procedures, are governed by the University-wide Sexual Misconduct Policy (UA-03).

72B. Charges of discriminatory practice may be referred also to the appropriate Affirmative Action Officer. Allegations of sexual misconduct should be reported to the University Title IX Coordinator or the appropriate campus Deputy Title IX Coordinator.

76. Add that it also does not apply to conduct that falls under ACA-30, Research Misconduct.

77. Add that policy is subject to ACA-37 (Tenure) and ACA-52 (involuntary separation).

POLICY STATEMENT

A. Preamble

2. The central functions of an academic community are learning, teaching, and scholarship. They must be characterized by reasoned discourse, intellectual honesty, mutual respect, and openness to constructive change. By accepting membership in this community, an individual neither surrenders rights nor escapes fundamental responsibilities as a citizen, but acquires additional rights as well as responsibilities to the entire University community. They do not require the individual to be passive and silent. They do require recognition of how easily an academic community can be violated.

Add absence of bias.

3. This Code contains two major sections: first, a statement of rights and responsibilities; and second, a statement of enforcement procedures. The first section is divided into three subsections. Of these, the first subsection, in seven parts, is a general statement of the rights and responsibilities of Academic Personnel adapted from the “Statement of Professional Ethics” adopted as policy by the American Association of University Professors in April 1966. The second subsection consists of representative responsibilities assumed with academic employment at Indiana University. The third subsection consists of the rules of conduct outlined in the prevailing Code of Student Rights, Responsibilities, and Conduct. It is assumed that academic personnel will accept without reservation those rules of conduct which are generally applicable within the University community and which are expressed at the moment within the student code.

4. The second section is also divided into three subsections. The first subsection deals with initiation of complaints, the second with appropriate administrative actions, and the third with reviews of administrative action.

** Delete as redundant and unnecessary*

78. Add section B, TERM OF APPOINTMENT, which was transferred here from ACA-28 when it was rescinded, but extending end-of-term date by 3 days because of changes in grading policy (ACA-66)

79. Add: should be regularly on campus and define exceptions

80. Add clarification about summer months for 10-month appointees.

C. Responsibilities of Academic Appointees

[1. General]

16A. In addition to the preceding general statements of ethical performance within the academic profession, and Indiana University's Principles of Ethical Conduct, there are specific responsibilities that devolve upon the academic appointee who accepts a position at Indiana University. Observance of such specific responsibilities as the following is also a component of academic ethics. **Personnel have obligations that derive from common membership in the community of scholars.**

** Delete. Vague and hortatory.*

81. Add: Faculty should cooperate in enforcing the student conduct code.

16C. In the exchange of criticism and ideas, they show due respect for the opinions of others and strive to be objective in their professional judgment of colleagues.

16B. Such persons respect and defend the free inquiry of their associates.

38. He or she will work with colleagues ... toward furthering both personal and group interests so long as such cooperation does not require violation of intellectual and moral integrity.

33. Constructive criticism of colleagues is sometimes necessary in the interest of the individual criticized or the entire University community. To be constructive, however, such criticism should be channeled, in confidence, toward those persons (preferably the individual concerned, but also academic superiors, faculty committees, or administrative officers) who have the power to correct or influence conduct in a constructive way. Indiscriminate criticism or gossip about colleagues is condemned.

** Delete. Superseded by IU Principles of Ethical Conduct (2013), redundant of 16C, inconsistent with the 1st Amendment, and potentially inconsistent with unit P&T processes.*

14D. Above all, he or she strives to be an effective teacher, scholar, librarian, or administrator.

8C. They accept their share of responsibility for the governance of the University.

39. Each academic person will accept a share of the obligation for helping the University function smoothly as a living and vigorous organization. Toward achieving this goal, each will serve on committees, accept a reasonable burden of administrative duties, and work cooperatively with administrative officers of the University in order to further all the legitimate goals of the institution.

14C. When considering interruption or termination of service, the teacher or librarian recognizes the effect of the decision upon the program of the University and gives due notice.

37A. He or she will give adequate notice of interruption or termination of service. In order that instructional programs will not be interrupted, before leaving, the academic person will ... complete all normal duties.

** Delete: Superseded by ACA-52, Permanent separations*

14A1. Indiana University is committed to the concept of academic freedom

14A2.....and recognizes that such freedom, accompanied by responsibility, attaches to all aspects of a teacher's or librarian's professional conduct. Within this context, each person observes the regulations of the University, and maintains the right to criticize and to seek revision and reform.

15. As members of the community, academic appointees have the rights and obligations of any citizen. They should measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to the University. When they speak or write as citizens, they are free from institutional censorship or discipline. At the same time, their positions as members of a university and of a learned profession impose special responsibilities. When they speak or act as private persons, they will make it clear that they are not speaking or acting for the University. They will also remember that the public may judge their profession and the University by their utterances and conduct, and they will take pains to be accurate and to exercise restraint.

34A. Each academic person retains the right to criticize and to seek to remedy, by appropriate means, regulations and policies of the University.

34C. Among means deemed inappropriate are ... acts which interfere with academic freedom, freedom of speech, or freedom of movement [or] advise others to commit such acts.

35. If criticizing the University, the academic person should be aware of ameliorative procedures that exist within the University and should use these procedures in preference to conducting public criticisms of the institutions or any of its divisions.

30. Academic personnel will strive to protect not only their own right to freedom of inquiry, teaching, and expression but also their colleagues' right to the same freedoms.

41A. In retaining the rights to speak and act as citizens of the communities in which they dwell, academic personnel must assume as well the responsibilities which are incumbent upon the citizenship.

** Delete. Superseded by ACA-32, Academic freedom [linked]; IU Principles of Ethical Conduct*

36A. Each academic person will insure that outside commitments do not interfere in terms of time, energy, or conflict of interest with obligations to the University

36B. As a safeguard against such interference, each will:

- a. report to an appropriate authority plans to engage in gainful activities of an extensive, recurring, or continuing nature; and
- b. notify an appropriate authority of any invitation to serve as advisor or consultant to an agency granting money to the University.

14B. A teacher or librarian determines the amount and character of work done outside the University with due regard to paramount responsibilities within it.

31. In the interest of avoiding actual or perceived conflict of interest, academic personnel should not directly supervise employees with whom they are having sexual or amorous relationships. Academic supervisors shall disqualify themselves from employment- related decisions concerning such employees

and, in consultation with the employee involved and other appropriate persons, the Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs or other equivalent campus administrator shall take steps for the appointment of a surrogate supervisor.

** Delete. Superseded by UA-17, Conflicts of interest.*

5B. [An academic appointee] strives to improve scholarly competence, continuing always to keep abreast of knowledge of his or her discipline.

24. Since letters of evaluation written by a teacher may be uniquely important documents in both the academic and post-university life of a student, each teacher will strive to make such letters both candid and fair.

40. All academic appointees are expected to be familiar with and abide by the basic principles of the fair use of copyrighted material in teaching, research and librarianship. When using copyrighted materials in teaching and research, academic appointees should consult university personnel with knowledge of the fair use doctrine at the Copyright Program of the Indiana University Libraries, the University Counsel's Office, or other campus resources.

6E. Any exploitation of students for private advantage is rejected.

82. Add: staff

83. Add: Broader responsibility to treat staff and students with respect.

[2. Applicable to research]

5A. A scholar recognizes a primary responsibility to seek and to state the truth without bias.

5C. The scholar exercises critical self-discipline and judgment in using, extending, and transmitting knowledge, and practices intellectual honesty.

5D. Although subsidiary interests may be followed, these must never seriously hamper or compromise freedom of inquiry.

** Delete: Purely hortatory and superseded by IU Principles of Ethical Conduct . 5D is incomprehensible.*

8B. They acknowledge their academic debts

6F. [Students'] significant assistance is acknowledged.

[3. Applicable to teaching]

6G. The teacher protects [students'] academic freedom and serves as an example of this principle by assuring that each student and colleague is free to voice opinions openly and to exchange ideas free from interference.

9. With regard to relations with students, the term "faculty" or "faculty member" means all those who teach and/or do research at the University including (but not limited to) tenured and tenure-track faculty, librarians, holders of research, lecturer, or clinical appointments, graduate students with teaching responsibilities, visiting and part-time faculty, and other instructional personnel including coaches, advisors, and counselors.

** Delete: Inconsistent with current definition of academic appointees*

6A. A teacher encourages the pursuit of learning in students, holding before them the best scholarly standards of the discipline.

22A. A teacher will strive to generate a proper respect for an understanding of academic freedom by students.

** Delete: Hortatory; covered by 6G.*

6B. [A teacher] respects students as individuals. The teacher seeks to establish a relationship of mutual trust and adheres to the proper role as intellectual guide and counselor.

21. A teacher will strive to develop among students respect for others and their opinions by demonstrating his or her own respect for each student as an individual, regardless of age, color, disability, ethnicity, sex, gender identity, marital status, national origin, race, religion, sexual orientation, or veteran status.

** Delete: List of categories superseded by UA-01, Nondiscrimination*

10. The University's educational mission is promoted by professionalism in faculty/student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and students that harm this atmosphere undermine professionalism and hinder fulfillment of the University's educational mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power. Those who abuse their power in such a context violate their duty to the University community.

** Delete: Vague, hortatory, and unenforceable. Superseded by IU Principles of Ethical Conduct.*

17. A teacher will maintain a clear connection between the advance description and the conduct and content of each course presented to ensure efficient subject selection by students.

18. A teacher will clearly state the course goals and will inform students of testing and grading systems; moreover, these systems should be intellectually justifiable and consistent with the rules and regulations of the academic division.

84. Add: Instructor should clarify student use of study aids/tutors.

6D. [The teacher makes every effort] to assure that the evaluation of students' scholastic performance reflects their true achievement, with reference to criteria appropriate to the field of study.

19B. A teacher ... will meet classes regularly.

85. Add policy about cancelling and making up classes.

19A. A teacher will plan and regulate class time with an awareness of its value for every student.

22B. At the same time, a teacher will emphasize high standards and strive to protect students from irrelevant and trivial interruptions or diversions.

20. A teacher will remain available to students and will announce and keep liberal office hours at hours convenient to students.

86. Add: Online instructors should clarify how class participation/office hours will work

32. While in the classroom, academic personnel should refrain from adverse personal comments about their colleagues. At all times, academic personnel should exercise restraint and discretion in comments about other courses or divisions in the University.

6C. The teacher makes every effort to foster honest academic conduct.

23. The teacher has a responsibility to foster the intellectual honesty of students. This obligation is particularly serious in connection with examinations and class exercises. Should a teacher determine that cheating or intentional plagiarism has occurred, the teacher should take appropriate action with respect to grades, and report the dishonesty to the student affairs officer of the campus.

37B. He or she will give adequate notice of interruption or termination of service. In order that instructional programs will not be interrupted, before leaving, the academic person will ... provide complete records of grades and similar data to departmental chairpersons.

37C. He or she will give adequate notice of interruption or termination of service. In order that instructional programs will not be interrupted, before leaving, the academic person will ... provide properly for incomplete class and thesis work.

** Delete: Superseded by ACA-52, Permanent separations, and ACA-66 grading policy on incompletes.*

[4. Applicable to librarianship/information resource management]

7. A librarian in the academic community is responsible for the collection, dissemination and preservation of information and source materials and for services in support of the teaching, research and general learning functions of the University. A librarian instructs and assists in finding and evaluating information, wherever it may be located. A librarian is entrusted with the responsibility of ensuring the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn. A librarian is a member of a profession explicitly committed to intellectual freedom and the freedom of access to information for present and future generations, following the Code of Ethics of the American Library Association and its Library Bill of Rights.

** Redundant of ACA-14, Academic appointment classifications - librarians.*

28. A librarian will strive to care for and preserve library information resources.

29. A librarian accepts the responsibility for the care and preservation of library materials.

26. A librarian will cooperate with the teaching and research faculty to develop library collections in support of the curricular offerings of the academic community.

25. A librarian will continually develop, maintain, and make improvements to standard and specialized information resources and library services in support of the teaching, research and general learning functions of the University.

27. A librarian will strive to generate a proper respect for academic intellectual freedom in the discharge of the librarian's professional obligations to the patron, the University, and the community at large.

87. Add: expand to management of other information resources

88. Add Section D on work-life balance, discouraging evening/weekend assignments except in units with evening/weekend programs as approved by faculty.

E. Consensual Relations with Students

11A. Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them.

11B. All amorous or sexual relationships between faculty members and students are unacceptable when the faculty member has any professional responsibility for the student unless properly disclosed and managed. Such situations increase the chances that the faculty member could abuse their power and exploit the student. As a result of the power imbalance, the faculty may explicitly or implicitly make receiving benefits contingent on amorous, or sexual favors. (See [quid pro quo sexual harassment in the Sexual Misconduct Policy, UA-03, definition of sexual harassment.](#))

** Replace with link.*

11C. Moreover, other people may be affected by such relationships because they place the faculty member in a position to favor or advance one student's interest at the expense of others. At a minimum, faculty-student relationships can raise questions about potential favoritism, which may disadvantage the student.

12. Therefore, unless properly disclosed and managed, the University will view it as a violation of this Code of Academic Ethics if faculty members, engage in amorous or sexual relations with students for whom they have professional responsibility, including but not limited to supervisory, evaluative, or advisory relationships, even when both parties have consented or appear to have consented to the relationship. The violation applies whether such supervisory, evaluative, and advisory relationships occur in instructional or non-instructional contexts.

13A. All faculty-student relationships of an amorous or sexual nature where the faculty member has or foreseeably could have a professional responsibility regarding the student must be disclosed according to the procedures outlined below. Failure to disclose an amorous or sexual relationship(s) and/or to comply with the management plan shall be considered a violation of this policy.

13B. The presumption of this policy is that all relationships covered by this policy require disclosure to the respective designee by the faculty member. If there is doubt about the potential need for disclosure, the faculty should presume that there is an obligation to disclose.

13C. [If a faculty member becomes aware that an amorous or sexual relationship has occurred there is an obligation to disclose.](#) If a faculty member becomes aware that an individual with whom they had an amorous or sexual relationship is a student, the faculty member should disclose that information even if the relationship is no longer on-going.

** Delete: Makes no sense, redundant of next sentence..*

13D. Required disclosure procedures

- i Faculty-student relationships must be disclosed to the faculty member's unit head(s) (e.g., department chair, dean, dean's designee). The responsibility to disclose rests with the faculty member. The faculty member must have this disclosure in written form placed in their personnel files. If the relationship involves the department chair or unit head, the relationship must be disclosed to the next higher-level administrator, typically a dean or associate dean.

- ii The person to whom the disclosure is made is responsible for developing a specific plan that resolves the conflict and potential for abuse of power and must maintain confidentiality to the fullest extent possible. At a minimum, the faculty member must recuse themselves from all future evaluative actions involving the student.

13E. A faculty member shall be considered in violation of the university's discrimination, harassment, and sexual misconduct policy (UA-03) if the relationship is not properly disclosed or the management plan is not properly followed.

** Delete: Inconsistent with UA-03*

F. Personal Misconduct

42. The university may discipline a student for the following acts of personal misconduct that occur on university property, including, but not limited to, academic and administration buildings, residence halls, athletic and recreational facilities, and other university-serviced property, such as sororities and fraternities:

89. Add: rewrite section so it discusses equivalent faculty misconduct and transfer section on student conduct to student code, STU-00.

90. Add a general statement that persistent failure to perform academic duties is misconduct.

67A. Violation of other disseminated university regulations, policies, or rules.

47B. Conduct that is ... in violation of the Sexual Misconduct Policy, UA-03

67B. Examples of such regulations include but are not limited to university computing policies, residence hall policies, and recreational sports facility policies.

** Delete, refers to student example.*

60. Harassment, including sexual harassment, as defined in Part I (c) of the Code

61. Stalking or hazing of any kind whether the behavior is carried out verbally, physically, electronically or in written form.

a. All forms of stalking, including as defined in the Sexual Misconduct Policy

b. Hazing is defined as any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.

62C. Physical abuse of any person, including the following:

d. Sexual assault, as defined in the Sexual Misconduct Policy, UA-03.

e. Physical abuse that constitutes dating or domestic violence as defined in the Sexual Misconduct Policy, UA-03.

63C. Verbal abuse that constitutes dating or domestic violence as defined in the Sexual Misconduct Policy, UA-03.

69B. Engaging in or encouraging retaliation or any behavior or activity that ... is in violation of the Sexual Misconduct Policy, UA-03.

70. Engaging in conduct in violation of the Sexual Misconduct Policy (UA-03) not otherwise covered in H1 through H27 of this section.

** Delete: Superseded by UA-03, Sexual misconduct, discrimination and harassment.*

50A. Failure to comply with the directions of authorized university officials in the performance of their duties, including failure to identify oneself when requested to do so... or refusal to vacate a university facility when directed to do so.

91. Add: refusal to follow health and safety guidelines (i.e., Covid) is misconduct.

66. Intentionally obstructing or blocking access to university facilities, property, or programs.48B. [O]bstructive and disruptive behavior that interferes with teaching, research, administration or other university or university-authorized activity. (See [Guidelines for Dealing with Disruptive Students in Academic Settings, University Faculty Council, April 12, 2005](#)).

** Delete; not relevant to faculty misconduct.*

56. Possession of any weapon or potential weapon on any university property contrary to law or university policy; possession or display of any firearm on university property, except in the course of an authorized activity.

57. Sale of any firearms from university property or using university facilities, including through computer and telephone accounts; intentional possession of a dangerous article or substance as a potential weapon.

49. Actions that endanger one's self, others in the university community, or the academic process.

58. Acting with violence.

34B. Among means deemed inappropriate are: acts of physical violence against members or guests of the University community. It is equally inappropriate to advise others to commit such acts.

62B. Physical abuse of any person, including the following:

b. Physical behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur; or

c. Physical behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur.

63A. An express or implied threat to ... i. Interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored activities and under the circumstances causes the person to have a reasonable apprehension that such harm is about to occur;

92. Add policy against bullying.

69A. Engaging in or encouraging retaliation or any behavior or activity that threatens or intimidates any potential participant in a judicial process.

46. Unauthorized release or use of any university access codes for computer systems, duplicating systems and other university equipment.

51. Unauthorized entry, use, or occupancy of university facilities.

93. Add: clarification of email policy, IT-21, as applied to faculty

52A. Unauthorized taking, possession or use of university property or services.

53A. Damage to or destruction of university property.

34D. Among means deemed inappropriate are ... acts of destruction of University property. It is equally inappropriate to advise others to commit such acts.

54. Unauthorized setting of fires on university property; unauthorized use of or interference with fire equipment and emergency personnel.

43. Dishonest conduct including, but not limited to, false accusation of misconduct, forgery, alteration or misuse of any university document, record or identification; and giving to a university official information known to be false.

50B. Failure to ... comply with the terms of a disciplinary sanction.

64A. Public intoxication... on university property

65B. Being under the influence of illegal drugs or unauthorized controlled substances.

68. A violation of any Indiana or federal criminal law.

44. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, e-mail address, signature, or other indications of another person or group without proper authorization or authority.

45. Knowingly initiating, transmitting, filing, or circulating a false report or warning concerning an impending bombing, fire, or other emergency or catastrophe; or transmitting such a report to an official or an official agency.

48A. Disorderly conduct .

52B. Unauthorized taking, possession or use of ... the property or services of others.

53B. Damage to or destruction of ... property belonging to others.

55. Unauthorized possession, use, manufacture, distribution, or sale of illegal fireworks, incendiary devices, or other dangerous explosives.

59. Aiding, encouraging, or participating in a riot.

62A. The use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person

64C. Unauthorized possession, use, or supplying alcoholic beverages to others contrary to law ...

a. Indiana University prohibits:... ii. Providing alcohol contrary to law.

65A. Unauthorized possession, manufacture, sale, distribution or use of illegal drugs, any controlled substance, or drug paraphernalia.

47A. Conduct that is lewd, indecent, or obscene .

** Delete as inconsistent with 1st Amendment and would potentially prevent research on obscenity.*

63B. "Fighting words" that are spoken face-to-face as a personal insult to the listener or listeners in personally abusive language inherently likely to provoke a violent reaction by the listener or listeners to the speaker.

** Delete as inconsistent with 1st Amendment.*

41A. In retaining the rights to speak and act as citizens of the communities in which they dwell, academic personnel must assume as well the responsibilities which are incumbent upon the citizenship.

** Delete. Superseded by ACA-32, Academic freedom,*

[irrelevant provisions that apply only to students]

41B. ... the Indiana University Code of Student Rights, Responsibilities, and Conduct pertaining to personal misconduct on University property (Part II, Section H) ...

64B. Unauthorized possession, use, or supplying alcoholic beverages to others contrary to law or university policy. a. Indiana University prohibits:

i. [U]se or possession of alcoholic beverages on university property (including any undergraduate residence supervised by the university, including fraternity and sorority houses) except as otherwise noted in Part ... b and Part ... c

b. The dean of students, or equivalent role on of each campus, has discretion to allow exceptions to Part II...allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:

i. Use or possession of alcoholic beverages by persons who are of lawful drinking age may be generally permitted in residences supervised by the university, including fraternity and sorority houses, when specifically approved by the campus dean of students. Such use or possession may be allowed in residence rooms, apartments, and certain common areas as specifically approved by the dean of students. However, use or possession under this section shall be permitted only in residences supervised by a live-in employee specifically charged with policy enforcement.

ii. Use or possession of alcoholic beverages may be permitted on an event-by-event basis in designated undergraduate residences (including fraternity and sorority houses) supervised by a live-in employee specifically charged with policy enforcement, when temporary permission is granted by the dean of students for events at which persons of lawful drinking age may lawfully possess and use alcoholic beverages.

c. The chancellor/provost of each campus has discretion to allow exceptions to Part II, Section H (22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:

i. Use or possession of alcoholic beverages may be permitted in facilities such as student unions or on-campus hotels, including guest rooms and other areas, specifically approved by the campus chancellor/provost.

ii. Use or possession of alcoholic beverages may be permitted in other areas, such as private offices and faculty lounges, not accessible to the public.

iii. Use or possession of alcoholic beverages may be permitted in areas accessible to the public, if specifically approved by the campus chancellor/provost.

d. Indiana University also permits the non-conspicuous possession of alcoholic beverages on university property when in transit to areas where they may be possessed or used...

e. Student organizations that serve or permit possession of alcoholic beverages at student organization functions, on or off campus, may be disciplined if violations of alcoholic beverage laws or of university regulations occur. Individual students who plan, sponsor, or direct such functions also may be subject to discipline.

f. The chancellor/provost or dean of students may make rules covering these uses. Those rules shall be enforceable as provisions of this Code.

74B. Review of Administrative Action

Academic appointees affected by administrative action taken against them on grounds of violation of the Code of Ethics ... shall have such rights as are provided by the rules governing appeals to the ... Associate Instructor Board of Review of the appropriate campus.

** Irrelevant provisions that apply only to students -- delete all*

94. Add REASONS FOR POLICY section from university policy template.

ENFORCEMENT PROCEDURES

95. Add a rewritten procedure section that parallels other misconduct policies, i.e., investigation, sanction, faculty board of review, final decision by chancellor/provost

72A Initiation of Complaints

Any concerned person may initiate complaints about alleged violations of the Code of Academic Ethics. Such complaints should be brought to the attention of an appropriate chairperson or dean, or to the appropriate Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs or his or her deputy; the Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs shall provide for confidential representations regarding such violations.

96. Add an option for informal resolution (current practice).

73A. Administrative Action on Violations of Academic Ethics

The line of administrative action in cases of alleged violation of academic ethics shall be the chairperson; the academic dean; the appropriate Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs; the appropriate Chancellor/Provost; a Vice President, where appropriate; and the President.

97. Add that administrator may terminate the process if complaint unwarranted.

73B. Subject to the substantive standards of University tenure policy and the procedural safeguards of the faculty institutions, sanctions appropriate to the offense should be applied by the academic administrators. Possible sanctions include the following: reprimand, consideration in establishing annual salary, consideration in promotion decisions, consideration in tenure decisions, retention of salary, termination of employment, and immediate dismissal.

98. Add that power is constrained by ACA-37 (Tenure) and ACA-52 (dismissal).

99. Add: administration can suspend/remove a person who poses an imminent threat, current practice.

74A. Academic appointees affected by administrative action taken against them on grounds of violation of the Code of Ethics, whether or not the action resulted from proceedings provided in this Code, shall have such rights as are provided by the rules governing appeals to the Faculty Board of Review ... of the appropriate campus.

74C. Appointees also have the rights of hearing and appeal provided by any other procedure of the University for the review of administrative action.

100. Add DEFINITIONS section using same definitions as in other recently revised policies.

Part C: Revised text (in red) compared to former text

ACA-33, Academic Appointee Responsibilities and Conduct

Old title: Code of Academic Ethics

Changes: Rename because neither a code nor a statement of ethics.

SCOPE

A. This policy applies to all academic appointees [link to ACA-14] at all times, including periods when the university is not in session, an appointee is on leave, and throughout the entire year for 10-month appointees.

B. The provisions relating to responsibilities and conduct toward students apply to all personnel with instructional or supervisory responsibilities, whether paid or unpaid, whether on or off campus, including but not limited to coaches, advisors, and counselors.

C. This policy supersedes any provisions in campus personal misconduct policies that are inconsistent with it.

Old text (1): The provisions of this Code apply to persons whose service to the University includes teaching, scholarship, librarianship, and academic administration. Such persons are referred to in the Code as “Academic Personnel.” References in the Code to “Faculty” include tenured members of the faculty, librarians, and persons whose service to the University may lead to tenure.

Changes (75): The policy applies throughout university and its programs, on and off campus, and during the summers.

D. This policy does not govern conduct that falls under ACA-30, Research Misconduct, or UA-03, Sexual Misconduct, Discrimination and Harassment.

Old text (71, 72): The procedures, definitions, and sanctions herein do not apply to cases involving sexual misconduct, including sexual harassment. Complaints of sexual misconduct, as well as disciplinary procedures, are governed by the University-wide Sexual Misconduct, Policy (UA-03). Charges of discriminatory practice may be referred also to the appropriate Affirmative Action Officer. Allegations of sexual misconduct should be reported to the University Title IX Coordinator or the appropriate campus Deputy Title IX Coordinator.

Changes (76): Added that policy does not apply to conduct that falls under ACA-30, Research Misconduct.

E. Situations in which incompetence or serious misconduct may result in loss of tenure and/or involuntary dismissal are covered by ACA-37, Faculty and Librarian Tenure, ACA-52, Permanent Separations from the University, and campus policies.

Old text: None

Changes (77): Added that termination is covered by ACA-37 (Tenure) and ACA-52 (Dismissal)

POLICY STATEMENT

A. Preamble

The central functions of an academic community are learning, teaching, and scholarship. Academic institutions must be characterized by reasoned discourse, intellectual honesty, absence of bias, mutual

respect, and openness to constructive change. By accepting membership in this community, an individual neither surrenders rights nor escapes fundamental responsibilities as a citizen, but acquires additional rights as well as responsibilities to the entire University community. Academic norms do not require the individual to be passive and silent. They do require recognition of how easily an academic community can be undermined.

Old text (2): The central functions of an academic community are learning, teaching, and scholarship. They must be characterized by reasoned discourse, intellectual honesty, mutual respect, and openness to constructive change. By accepting membership in this community, an individual neither surrenders rights nor escapes fundamental responsibilities as a citizen, but acquires additional rights as well as responsibilities to the entire University community. They do not require the individual to be passive and silent. They do require recognition of how easily an academic community can be violated.

Changes: Added “absence of bias.”

B. Term of Appointment.

1. Unless the written terms of an academic appointment provide otherwise, academic appointments are made subject to these guidelines:

- a. Appointments for the academic year begin seven days prior to the first day of classes on that campus and end three days after the day of Commencement on that campus.
- b. 12-month appointments begin on July 1 and end on June 30 unless the terms of the appointment specify different dates.
- c. Single-semester appointments for the fall semester begin seven days prior to the first day of classes on that campus and end on December 31.
- d. Single-semester appointments for the spring semester begin seven days prior to the first day of classes on that campus but never earlier than January 1, and end three days after the day of Commencement on that campus.
- e. Appointments for summer sessions begin two days prior to the first day of classes and terminate two days after final grades are due on each campus.

Old text: None

Changes (78): Added language that used to be in ACA-28 (rescinded)

2. Academic appointees shall be regularly on campus during the term of their appointment unless otherwise authorized by the principal administrator of the unit. Appointees may be away from campus occasionally for personal or academic reasons, as long as those absences do not interfere with their instructional, research, or other academic responsibilities.- Any request to work entirely remotely for a semester or longer must be approved by a Senior Executive Officer of the university under ACA- 83 [link].

Old text: None

Changes (79): Added that faculty should be regularly on campus (with exceptions)

3. 10-month appointees may engage in compensated activities during the two months they are not engaged in university business. They are not required to participate in university activities when they are uncompensated. However, they remain bound by university misconduct, ethical and conflict of interest policies. [links to UA-03, ACA-30, UA-17].

Old text: None

Changes (80): Clarified summer responsibilities for 10-month appointees.

C. Responsibilities of Academic Appointees

1. Academic appointees shall:

- a. Be familiar with and abide by the [Indiana University Principles of Ethical Conduct \[link\]](#).

Old text (16A): In addition to the preceding general statements of ethical performance within the academic profession, and Indiana University's Principles of Ethical Conduct, there are specific responsibilities that devolve upon the academic appointee who accepts a position at Indiana University. Observance of such specific responsibilities as the following is also a component of academic ethics.

Changes: None

- b. Be familiar with the [Code of Student Rights, Responsibilities and Conduct \[link\]](#), abide by the same standards of behavior that we expect of our students, and cooperate with student affairs officials in enforcing that Code.

Old text (41): Academic personnel, therefore, accept and adopt the provisions of the Indiana University Code of Student Rights, Responsibilities.

Changes (81): Added that faculty should cooperate in enforcing the student conduct code.

- c. Show due respect for colleagues and other members of the university community and be fair and objective in their evaluations of them.

Old text (16C): In the exchange of criticism and ideas, they show due respect for the opinions of others and strive to be objective in their professional judgment of colleagues.

Changes: None

- d. Strive to be effective in their areas of responsibilities that include teaching, research and creative activity, librarianship and/or service.

Old text (14D): Above all, he or she strives to be an effective teacher, scholar, librarian, or administrator.

Changes: Included research as area of effectiveness

- e. Engage in service to the university consistent with their defined responsibilities, by serving on committees, participating in faculty governance, and accepting a share of administrative duties.

Old text (8C, 39): They accept their share of responsibility for the governance of the University. Each academic person will accept a share of the obligation for helping the University function smoothly as a living and vigorous organization. Toward achieving this goal, each will serve on committees, accept a reasonable burden of administrative duties, and work cooperatively with administrative officers of the University in order to further all the legitimate goals of the institution.

Changes: None

- f. Protect academic freedom [\[link to ACA-32\]](#).

Old text (14A1): Indiana University is committed to the concept of academic freedom.

Changes: Added a link to ACA-32

g. Insure that outside commitments do not interfere in terms of time, energy, or conflict of interest with obligations to the University [link to UA-17].

Old text (36A): Each academic person will insure that outside commitments do not interfere in terms of time, energy, or conflict of interest with obligations to the University

Changes: Added a link to UA-17

h. Keep abreast of knowledge and developments in their disciplines

Old text (5B): [An academic appointee] strives to improve scholarly competence, continuing always to keep abreast of knowledge of his or her discipline.

Changes: None

i. Make their time available to students, provide students with fair and candid feedback in their evaluations, and prepare fair letters of recommendation as appropriate..

Old text (24): Since letters of evaluation written by a teacher may be uniquely important documents in both the academic and post-university life of a student, each teacher will strive to make such letters both candid and fair.

Changes. Expanded to all academic appointees, not just instructors

2. Academic appointees shall be familiar with and abide by provisions of copyright and intellectual property law that pertain to the use of educational and research material, including the fair use of copyrighted materials, attribution requirements, and licensing issues for reused or created materials. Academic appointees should consult university personnel with knowledge of intellectual property law at the Copyright Program of the Indiana University Libraries, the University Counsel's Office, or other campus resources.

Old text (40): All academic appointees are expected to be familiar with and abide by the basic principles of the fair use of copyrighted material in teaching, research and librarianship. When using copyrighted materials in teaching and research, academic appointees should consult university personnel with knowledge of the fair use doctrine at the Copyright Program of the Indiana University Libraries, the University Counsel's Office, or other campus resources.

Changes: Expanded to include broader reference to intellectual property law.

3. Academic appointees shall treat all students and staff with respect and courtesy. They shall not engage in threatening, humiliating or intimidating behavior toward, or verbal abuse of, any person. They may not pressure students or staff to perform personal errands or activities, nor exploit them for private advantage.

Old text (6E): Any exploitation of students for private advantage is rejected.

Changes (82, 83): (1) Included staff as well as students. (2) Added an affirmative obligation to treat them with respect

4. When disseminating research and publishing instructional material, academic appointees shall acknowledge their academic debts including significant assistance from students, post-docs and other researchers.

Old text (8B, 6F): [Researchers] acknowledge their academic debts. [Students'] significant assistance is acknowledged.

Changes: Extend to published teaching materials

5. Academic appointees with instructional responsibilities shall:

a. Protect students' freedom to openly discuss ideas and opinions germane to the class topic and consistent with the class format.

Old text (6G): The teacher protects [students'] academic freedom and serves as an example of this principle by assuring that each student and colleague is free to voice opinions openly and to exchange ideas free from interference.

Changes: Added that opinions must be germane

b. Treat students with respect and fairness, adhere to university non-discrimination and accessibility policies, and strive to develop among students respect for each other.

Old text (6B, 21): [A teacher] respects students as individuals. The teacher seeks to establish a relationship of mutual trust and adheres to the proper role as intellectual guide and counselor. A teacher will strive to develop among students respect for others and their opinions by demonstrating his or her own respect for each student as an individual.

Changes: Added adherence to nondiscrimination principle.

c. Maintain a clear connection between the advance description and syllabus of a course and the actual conduct and content of the course to ensure efficient subject selection by students.

Old text (17): Maintain a clear connection between the advance description and the conduct and content of each course presented to ensure efficient subject selection by students.

Changes: Add reference to syllabus.

d. Clearly state the course goals and inform students of evaluation, assessment, and grading procedures, which must be intellectually justifiable and consistent with the policies of the academic unit.

Old text (18): A teacher will clearly state the course goals and will inform students of testing and grading systems; moreover, these systems should be intellectually justifiable and consistent with the rules and regulations of the academic division.

Changes: None,

e. Clearly state the extent to which study aids or assistance from other students or tutors is allowed in class preparation and assignments.

Old text: None

Changes (84): Added that instructor should clarify the use of study aids/tutors.

f. Assure that the evaluation of students' performance reflects their true achievement, is done without bias, and uses criteria appropriate to the field of study and consistent with university, campus and unit grading policies

Old text (6D). [The teacher makes every effort] to assure that the evaluation of students' scholastic performance reflects their true achievement, with reference to criteria appropriate to the field of study.

Changes: Added reference to unit grading policies

g. Meet class regularly as scheduled,

Old text: 19B. A teacher ... will meet classes regularly.

Changes: None

(and) notify students of class cancellations reasonably in advance, and make up cancelled classes in

ways that accommodate students who cannot attend a make-up class scheduled for a time other than the regular time for the class.

Old text: None

Changes (85). Added policy about cancelling and making up classes.

h. Plan and regulate class time to cover the material assigned and minimize discussion of irrelevant matters.

Old text (19A, 22B). A teacher will plan and regulate class time with an awareness of its value for every student. At the same time, a teacher will emphasize high standards and strive to protect students from irrelevant and trivial interruptions or diversions.

Changes: None

i. Be available to students prior to the first day of class to discuss the course and for a reasonable amount of time after the end of a course to review a students' grades and performance.

j. Announce and keep adequate office hours at times convenient to students, and have a procedure for students to contact the instructor outside of office hours.

k. Academic appointees offering remote or online classes shall clearly state class participation expectations and how office hours will be available.

Old text (20). A teacher will remain available to students and will announce and keep liberal office hours at hours convenient to students.

Changes (86). Added obligation to explain how online classes will work.

l. Refrain from making irrelevant adverse comments about colleagues, other courses, or other units.

Old text (32): While in the classroom, academic personnel should refrain from adverse personal comments about their colleagues. At all times, academic personnel should exercise restraint and discretion in comments about other courses or divisions in the University.

Changes: None

6. Academic appointees have a responsibility to foster the intellectual honesty of students, especially in connection with examinations and other graded exercises. Should an appointee determine that cheating, fabrication of data or information, or intentional plagiarism has occurred, the instructor should take appropriate action with respect to grades, and report significant dishonesty to the student affairs officer of the campus.

Old text (6C, 23). The teacher makes every effort to foster honest academic conduct. The teacher has a responsibility to foster the intellectual honesty of students. This obligation is particularly serious in connection with examinations and class exercises. Should a teacher determine that cheating or intentional plagiarism has occurred, the teacher should take appropriate action with respect to grades, and report the dishonesty to the student affairs officer of the campus.

Changes: None

7. An academic appointee with responsibility for libraries, collections and information resources shall collect, preserve, make available, and disseminate those resources in support of the teaching, research and general learning functions of the University.

Old text (25-29). A librarian will strive to care for and preserve library information resources. A librarian accepts the responsibility for the care and preservation of library materials. A librarian will cooperate with the teaching and research faculty to develop library collections in support of the curricular offerings of the academic community. A librarian will continually develop,

maintain, and make improvements to standard and specialized information resources and library services in support of the teaching, research and general learning functions of the University. A librarian will strive to generate a proper respect for academic intellectual freedom in the discharge of the librarian's professional obligations to the patron, the University, and the community at large.

Changes (87): Expanded to those managing other information resources.

D. Academic Schedule

1. Academic appointees are entitled to a reasonable work schedules. They have an expectation that classes, faculty meetings, and other activities within their areas of responsibility will be scheduled during the normal business hours of the unit to the extent practicable.
2. At the same time, many units have responsibilities to conduct classes and programs, offer clinical services, and perform other functions at off-campus locations and/or on evenings, weekends, and holidays. Such obligations should be equitably distributed among all faculty in the unit, and all appointees are expected to accept a fair share of them if able to do so.
3. The assignment of academic appointees to teach classes or perform other academic duties in the evenings, on weekends, or at off-campus locations, must be based on curriculum or program needs that have been approved by the faculty governance organization of the unit.

Old text: None

Changes (88): Added section on work-life balance that discourages involuntary evening/weekend assignments.

E. Consensual Relations with Students (from 2021 Task Force Report)

1. Because academic appointees exercise power over students when giving them praise or criticism, evaluating them, making recommendations for their further studies or employment, or conferring any other benefits on them, all amorous or sexual relationships between academic appointees and students are unacceptable when the appointee has any professional responsibility for the student unless properly disclosed and managed. Such situations increase the chances that the faculty member could abuse their power and exploit the student. As a result of the power imbalance, the faculty may explicitly or implicitly make receiving benefits contingent on amorous, or sexual favors. [Link to UA-03].

Task force text (11A, 11B): Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them. All amorous or sexual relationships between faculty members and students are unacceptable when the faculty member has any professional responsibility for the student unless properly disclosed and managed. Such situations increase the chances that the faculty member could abuse their power and exploit the student. As a result of the power imbalance, the faculty may explicitly or implicitly make receiving benefits contingent on amorous, or sexual favors.

Changes: (1) Changed “faculty member” to “academic appointee” throughout section. (2) First two sentences merged.

2. Moreover, other people may be affected by such relationships because they place the academic appointee in a position to favor or advance one student’s interest at the expense of others. At a minimum, faculty-student relationships can raise questions about potential favoritism.

Task force text (11C): Moreover, other people may be affected by such relationships because

they place the faculty member in a position to favor or advance one student's interest at the expense of others. At a minimum, faculty-student relationships can raise questions about potential favoritism, which may disadvantage the student.

Changes: Dropped phrase "which may disadvantage the student" as ambiguous and unnecessary.

3. Therefore, unless properly disclosed and managed, the University will view it as a violation of this policy if an academic appointee engages in an amorous or sexual relationship with a student for whom they have a professional responsibility, including but not limited to instructional, supervisory, evaluative, advisory, counseling or coaching relationships, even when both parties have consented or appear to have consented to the relationship. The violation applies in both instructional and non-instructional contexts.

Task force text (12): Therefore, unless properly disclosed and managed, the University will view it as a violation of this Code of Academic Ethics if faculty members, engage in amorous or sexual relations with students for whom they have professional responsibility, including but not limited to supervisory, evaluative, or advisory relationships, even when both parties have consented or appear to have consented to the relationship. The violation applies whether such supervisory, evaluative, and advisory relationships occur in instructional or non-instructional contexts.

Changes: (1) Changed "Code of Academic Ethics" to "this policy." (2) Added instructional, counseling and coaching to list of responsibilities.

4. All academic appointee-student relationships of an amorous or sexual nature where the appointee has or foreseeably could have a professional responsibility regarding the student must be disclosed according to the procedures outlined below. Failure to disclose an amorous or sexual relationship and/or to comply with the management plan shall be considered a violation of this policy.

Task force text (13A): All faculty-student relationships of an amorous or sexual nature where the faculty member has or foreseeably could have a professional responsibility regarding the student must be disclosed according to the procedures outlined below. Failure to disclose an amorous or sexual relationship(s) and/or to comply with the management plan shall be considered a violation of this policy.

Changes: None

5. The presumption of this policy is that all relationships covered by this policy require disclosure to the respective designee by the appointee. If there is doubt about the potential need for disclosure, the academic appointee should assume that there is an obligation to disclose.

Task force text (13B): The presumption of this policy is that all relationships covered by this policy require disclosure to the respective designee by the faculty member. If there is doubt about the potential need for disclosure, the faculty should presume that there is an obligation to disclose.

Changes: None

6. If an academic appointee becomes aware that an individual with whom they had an amorous or sexual relationship is or has become a student, the appointee should disclose that information even if the relationship is no longer on-going.

Task force text (13C): If a faculty member becomes aware that an individual with whom they had an amorous or sexual relationship is a student, the faculty member should disclose that

information even if the relationship is no longer on-going.

Changes: Added “or has become” a student.

7. Required disclosure procedures

- a. Academic appointee-student relationships must be disclosed to the principal administrator of the appointee’s unit. The responsibility to disclose rests with the academic appointee. The appointee must make this disclosure in written form and it will be placed in their personnel files. If the appointee is the principal administrator, the relationship must be disclosed to the next higher-level administrator.
- b. The person to whom the disclosure is made is responsible for developing a specific plan that resolves the conflict and potential for abuse of power and must maintain confidentiality to the fullest extent possible.
- c. At a minimum, the plan must remove the appointee from all future professional responsibility toward the student.

Task force text (13D): Required disclosure procedures.

(1) Faculty-student relationships must be disclosed to the faculty member's unit head(s) (e.g., department chair, dean, dean’s designee). The responsibility to disclose rests with the faculty member. The faculty member must have this disclosure in written form placed in their personnel files. If the relationship involves the department chair or unit head, the relationship must be disclosed to the next higher-level administrator, typically a dean or associate dean.

(2) The person to whom the disclosure is made is responsible for developing a specific plan that resolves the conflict and potential for abuse of power and must maintain confidentiality to the fullest extent possible. At a minimum, the faculty member must recuse themselves from all future evaluative actions involving the student.

Changes: (1) Changed “faculty member's unit head(s) (e.g., department chair, dean, dean’s designee): to “principal administrator of the unit” to make it consistent with term used in other policies. (2) Added omitted words “and it will be” before “placed in their personnel file.” (3) Deleted “typically a dean or associate dean” as unnecessary and potentially in conflict with the actual policy. (3) Changed the phrasing of the last sentence.

F. Personal Misconduct

1. The university may discipline an academic appointee for personal misconduct that occurs on university property, in connection with university activities, involves university resources, disrupts university functions, or has a significant adverse effect on the university.

Old text (42): The university may discipline a student for the following acts of personal misconduct that occur on university property, including, but not limited to, academic and administration buildings, residence halls, athletic and recreational facilities, and other university-serviced property, such as sororities and fraternities.

Changes (89): (1) Rewrites policy to apply to faculty (throughout this section). (2) Expands to apply to all university-related activities. (3) Student misconduct section transferred verbatim to STU-00.

2. The following acts constitute personal misconduct by an academic appointee:
- a. Persistent, repeated or egregious failure to fulfill the responsibilities that go with the appointment classification and other responsibilities assigned by the unit, school or campus.
Old text: None
Changes (90): Added a general statement that persistent failure to perform academic duties is misconduct.
 - b. Violation of university or campus policies.
Old text (67A, 47N). Violation of other disseminated university regulations, policies, or rules; conduct that is ... in violation of the Sexual Misconduct Policy, UA-03
Changes: Simplified.
 - c. Intentional refusal to comply with the directions of public safety, fire, or public health officials.
Old text (50A): Failure to comply with the directions of authorized university officials in the performance of their duties, including failure to identify oneself when requested to do so... or refusal to vacate a university facility when directed to do so.
Changes: (1) Simplified, (2) Dropped “failure to identify oneself” as inconsistent with constitutional law as applied to faculty.
 - d. Intentional and persistent refusal to follow university health and safety requirements.
Old text: None
Changes: Added this section as result of Covid issues.
 - e. Intentionally interfering with, disrupting, or blocking access to, university activities, facilities, and programs.
Old text (66, 48B). Intentionally obstructing or blocking access to university facilities, property, or programs [or] obstructive and disruptive behavior that interferes with teaching, research, administration or other university or university-authorized activity.
Changes: Simplified
 - f. Possession or use of a firearm or other weapon except in compliance with university public safety policy [[link to PS-03, Possession of firearms and weapons](#)].
Old text (56, 57): Possession of any weapon or potential weapon on any university property contrary to law or university policy; possession or display of any firearm on university property, except in the course of an authorized activity [or] Sale of any firearms from university property or using university facilities, including through computer and telephone accounts; intentional possession of a dangerous article or substance as a potential weapon.
Changes: Simplified and linked to PS-03 to avoid conflicts in policies.
 - g. Acting, threatening to act, or encouraging others to act with violence that is likely to cause harm to oneself or others, or is intended to interfere with an individual’s academic efforts, employment, or participation in a university-related activity.
Old text (49, 58, 34B, 62B, 63A): Actions that endanger one’s self, others in the university

community, or the academic process. Acting with violence. Among means deemed inappropriate are: acts of physical violence against members or guests of the University community. It is equally inappropriate to advise others to commit such acts. Physical abuse of any person, including the following: Physical behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur; or physical behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur. An express or implied threat to ... i. Interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored activities and under the circumstances causes the person to have a reasonable apprehension that such harm is about to occur
Changes: Combined all language prohibiting violence or the threat of violence into one simple statement.

h. Engaging in bullying, threatening, humiliating or intimidating behavior toward, or verbal abuse of, any member of the university community.

Old text: None.

Changes (92). Added policy against bullying.

i. Engaging in or encouraging retaliation or any behavior or activity that threatens or intimidates any potential participant in a judicial process.

Old text (69A): Identical

Changes: No change.

j. Knowingly allowing unauthorized individuals to gain access to university computing resources, databases, records, secure facilities and similar property, including through the sharing or dissemination of access codes, passwords, or swipe cards.

Old text (46, 51). Unauthorized release or use of any university access codes for computer systems, duplicating systems and other university equipment; unauthorized entry, use, or occupancy of university facilities.

Changes: Updated.

k. Using university electronic mail for personal commercial purposes or to send mass emails to individuals that are not reasonably related to the overall mission of the university. It is not a violation to use university e-mail for ordinary personal communication or for academic-related consulting activities for which the appointee is compensated. This provision supersedes any inconsistent language in IT-21 [link]. The use of e-mail for political purposes is covered by GR-01 [link],

Old text: None in ACA-33

Changes: Clarified language in IT-21 on misuse of email to apply to faculty, and linked policy on using email for political purposes to GR-01.

l. Unauthorized taking, possession, use or destruction of university property or services. Incidental and occasional use for personal purposes of generally available resources such as paper, pens, computers, and email, is not a violation.

Old text (52A, 53A, 34D, 54). Unauthorized taking, possession or use of university property or services. Damage to or destruction of university property. Among means deemed inappropriate are ... acts of destruction of University property. It is equally inappropriate to advise others to commit such acts. Unauthorized setting of fires on university property; unauthorized use of or interference with fire equipment and emergency personnel.

Changes: (1) Combined all misuse of property policies into one. (2) Expanded to services as well as property. (3) Created *de minimis* rule.

m. Forgery or unauthorized alteration of university documents, records, or databases, or knowingly submitting false information for an official university purpose.

Old text (43): Dishonest conduct including, but not limited to, false accusation of misconduct, forgery, alteration or misuse of any university document, record or identification; and giving to a university official information known to be false.

Changes: Simplified as narrowed as applied to faculty.

n. Failure to comply with the terms of a disciplinary sanction.

Old text (50B). Identical

Changes: None.

o. Appearing in class or at a university function or activity in an intoxicated condition from alcohol and/or drugs.

Old text (64A, 65B): Public intoxication... on university property [or] being under the influence of illegal drugs or unauthorized controlled substances.

Changes: (1) simplified. (2) limited context to classes and university functions.

p. Violating any criminal law.

Old text (68, 44, 45, 48A, 52B, 53B, 55, 59, 62A, 65A): A violation of any Indiana or federal criminal law [including] Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, e-mail address, signature, or other indications of another person or group without proper authorization or authority. Knowingly initiating, transmitting, filing, or circulating a false report or warning concerning an impending bombing, fire, or other emergency or catastrophe; or transmitting such a report to an official or an official agency. Disorderly conduct. Unauthorized taking, possession or use of ... the property or services of others. Damage to or destruction of ... property belonging to others. Unauthorized possession, use, manufacture, distribution, or sale of illegal fireworks, incendiary devices, or other dangerous explosives. Aiding, encouraging, or participating in a riot. The use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person. Unauthorized possession, use, or supplying alcoholic beverages to others contrary to law. Providing alcohol contrary to law.

Unauthorized possession, manufacture, sale, distribution or use of illegal drugs, any controlled substance, or drug paraphernalia.

Changes: Gathered all provisions relating to crimes and simplified it as violating any criminal law rather.

REASON FOR POLICY

The Constitution § 2.2(L) gives responsibility for enacting standards and procedures for faculty conduct and discipline to the faculty. This policy is an exercise of that responsibility. It applies to all campuses and units because all academic appointees are employed by Indiana University and should be held to the same standards of responsibility and conduct.

Old text: None

Changes (94). Added; section is part of university policy template.

PROCEDURES

1. Any member of the university community may initiate a complaint against an academic appointee for an alleged violation of this policy. Such complaints shall be in writing and made to the principal administrator of the respondent's unit or to the chief academic affairs officer of the respondent's campus.

Old text (72A, 73A). Any concerned person may initiate complaints about alleged violations of the Code of Academic Ethics. Such complaints should be brought to the attention of an appropriate chairperson or dean, or to the appropriate Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs or his or her deputy; the Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs shall provide for confidential representations regarding such violations. The line of administrative action in cases of alleged violation of academic ethics shall be the chairperson; the academic dean; the appropriate Vice Provost for Faculty and Academic Affairs/Vice Chancellor for Academic Affairs; the appropriate Chancellor/Provost; a Vice President, where appropriate; and the President.

Changes: (1) Limited who can initiate a complaint to members of the university community in light of the prevalence of internet trolls. (2) Simplified who receives the complaint for investigation purposes.

2. Before initiating formal proceedings, the administrator who received the complaint may confer with the complainant and the respondent, either separately or together, and seek an informal resolution. The identity of the complainant may be withheld during these discussions.

Old text: None

Changes (96). Added an option for informal resolution (current practice).

3. If the complaint is not resolved informally, the principal administrator of the respondent's unit or the campus chief academic affairs officer may conduct a formal investigation, make findings of fact, determine responsibility, and impose an appropriate sanction if the respondent is found responsible for a

violation of this policy, pursuant to these guidelines:

- a. The respondent must be provided with a copy of the complaint and be given an opportunity to provide a written response.
- b. The complaint may include information from student course evaluations but may not otherwise be based solely on anonymous information or allegations from individuals whose identities are not disclosed to the respondent.
- c. The investigating official may interview witnesses, view documents, and collect written statement but is not required to conduct a formal hearing.
- d. The investigating official shall make a determination based on a preponderance of evidence whether the respondent is responsible for a violation of this policy and, if so, impose an appropriate sanction.
- e. Findings of responsibility and sanctions must be in writing, summarize the evidence, and be communicated to the complainant and respondent.

Old text: None

Changes (95): Added a procedure section that parallels other misconduct policies, and provides for investigations, findings and imposing sanctions, hearing before a faculty board of review, and a final decision by chancellor/provost.

4. If the investigating official determines at any point that no further investigation is warranted, they shall inform the complainant.

Old text: None

Changes (97). Added that administrator may terminate the process if complaint unwarranted.

5. Sanctions

- a. Upon a finding of responsibility, either a common sanction or a severe sanction may be imposed as appropriate to the circumstances. All sanctions shall include a prohibition against harassing or retaliating against the complainant.
- b. Common sanctions may be imposed by either the principal administrator of the unit or the campus chief academic affairs officer. They include reprimand, reassignment, reduction of course load and commensurate salary reduction, referral to university resources for training, referral to health providers or counselors, a probationary period, and similar actions designed to ameliorate the violation and reduce the likelihood it will recur.
- c. Severe sanctions may be imposed only by the campus chief academic affairs officer and include suspension with or without pay, salary reduction, loss of privileges, prohibition against participation in certain classes or activities, or involuntary termination. Termination is subject to ACA-52, Permanent Separations for Academic Appointees [link].
- d. Severe sanctions are appropriate for intentional refusal to comply with prior sanctions, repeated violations of the same policy for which a respondent was previously sanctioned, harassment of or retaliation against a complainant, the commission of any act that constitutes a felony under criminal law, or any act that endangers the safety of members of the university community.

Old text (73B). Subject to the substantive standards of University tenure policy... sanctions appropriate to the offense should be applied by the academic administrators. Possible sanctions include the following: reprimand, consideration in establishing annual salary, consideration in

promotion decisions, consideration in tenure decisions, retention of salary, termination of employment, and immediate dismissal.

Changes: (1) Clarified to be more accurate and be as consistent as possible with other university and campus misconduct policies. (2). Added that power to dismiss is constrained by ACA-37 (Tenure) and ACA-52 (dismissal).

e. A campus faculty governance organization may have a policy that includes the involvement of a faculty advisory body in the decision to impose severe sanctions.

Old text (73B): [Imposing sanctions subject to] the procedural safeguards of the faculty institutions.

Changes: Clarify that a campus may require a faculty committee to be involved prior to (as opposed to just after-the-fact review) imposing a severe sanction.

f. A finding of misconduct also may be taken into account in the regular course of annual reviews, salary adjustment, reappointment, and tenure decisions.

Old text: None.

Changes: Added to be consistent with other misconduct policies.

g. If a situation involves an imminent threat of harm to the complainant, respondent, or the university community, the chief academic affairs officer of the campus may suspend the respondent with pay, ban the respondent from campus, or reassign the individual during the investigation proceedings.

Old text: None

Changes (99): Added. Current practice, required for public safety reasons.

6. Academic appointees adversely affected by administrative action taken against them for violating this policy, or whose rights under this policy have been denied, have the right to a campus Faculty Board of Review.

Old text (74). Academic appointees affected by administrative action taken against them on grounds of violation of the Code of Ethics, whether or not the action resulted from proceedings provided in this Code, shall have such rights as are provided by the rules governing appeals to the Faculty Board of Review ... of the appropriate campus. Appointees also have the rights of hearing and appeal provided by any other procedure of the University for the review of administrative action.

Changes: Simplified.

DEFINITIONS (None in current policy)

Academic appointee: an individuals covered by ACA-14, Classification of Academic Appointments, including visiting, adjunct and acting faculty; academic specialists; and emeritus faculty. It does not include Student Academic Appointees covered by ACA-16.

Added. See ACA-27

Academic Unit: A school, department, program, division or similar entity in which one or more

academic appointees hold their primary appointment.

Added. See ACA-21.

Chief academic affairs officer: the Vice-Provost or Vice-Chancellor for Academic Affairs on each campus.

Added. See ACA-27.

Intentionally interfering with university activities, and violating any criminal law means engaging in conduct not protected by the First Amendment.

Added for clarification.

Member of the Indiana University Community: Any individual who is a student, staff, faculty member, university official, or any other individual employed by, or acting on behalf of, the university; other individuals while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors.

Added. See UA-03.

Chancellor, Provost, Dean, and chief academic affairs officer: includes that person's designee.

Added. See ACA-17

Principal Administrator: The dean, department chair, program director, or other administrative head of an academic unit.

Added. See ACA-21

Semester: The spring and fall terms as defined by the common calendar, including grading periods.

Added. See ACA-47

Year: A calendar year.

Added. See ACA-66.

Academic year: The time from the start of the fall semester until the end of the spring semester as defined by the common calendar, including grading periods.

Added. See ACA-19.

Part D. Provisions to be moved or copied to another policy/

A. Personal Misconduct on University Property transferred from ACA-33 to STU-00.

The university may discipline a student for the following **acts of personal misconduct that occur on university property**, including, but not limited to, academic and administration buildings, residence halls, athletic and recreational facilities, and other university-serviced property, such as sororities and fraternities:

1. Dishonest conduct including, but not limited to, false accusation of misconduct, forgery, alteration or misuse of any university document, record or identification; and giving to a university official information known to be false.
2. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, e-mail address, signature, or other indications of another person or group without proper authorization or authority.
3. Knowingly initiating, transmitting, filing, or circulating a false report or warning concerning an impending bombing, fire, or other emergency or catastrophe; or transmitting such a report to an official or an official agency.
4. Unauthorized release or use of any university access codes for computer systems, duplicating systems and other university equipment.
5. Conduct that is lewd, indecent, or obscene and/or is in violation of the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03.
6. Disorderly conduct, including obstructive and disruptive behavior that interferes with teaching, research, administration or other university or university-authorized activity. (See Guidelines for Dealing with Disruptive Students in Academic Settings, University Faculty Council, April 12, 2005).
7. Actions that endanger one's self, others in the university community, or the academic process.
8. Failure to comply with the directions of authorized university officials in the performance of their duties, including failure to identify oneself when requested to do so; failure to comply with the terms of a disciplinary sanction; or refusal to vacate a university facility when directed to do so.
9. Unauthorized entry, use, or occupancy of university facilities.
10. Unauthorized taking, possession or use of university property or services or the property or services of others.
11. Damage to or destruction of university property or the property belonging to others.
12. Unauthorized setting of fires on university property; unauthorized use of or interference with fire equipment and emergency personnel.
13. Unauthorized possession, use, manufacture, distribution, or sale of illegal fireworks, incendiary devices, or other dangerous explosives.
14. Possession of any weapon or potential weapon on any university property contrary to law or university policy; possession or display of any firearm on university property, except in the course of an authorized activity.

15. Sale of any firearms from university property or using university facilities, including through computer and telephone accounts; intentional possession of a dangerous article or substance as a potential weapon.
16. Acting with violence.
17. Aiding, encouraging, or participating in a riot.
18. Harassment, including sexual harassment, as defined in Part I (c) of the Code
19. Stalking or hazing of any kind whether the behavior is carried out verbally, physically, electronically or in written form.
 - a. All forms of stalking, including as defined in the Discrimination, Harassment, and Sexual Misconduct Policy.
 - b. Hazing is defined as any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.
20. Physical abuse of any person, including the following:
 - a. The use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person;
 - b. Physical behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur; or
 - c. Physical behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur.
 - d. Sexual assault, as defined in the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03.
 - e. Physical abuse that constitutes dating or domestic violence as defined in the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03.
21. Verbal abuse of another person, including the following:
 - a. An express or implied threat to
 - i. Interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored activities and under the circumstances causes the person to have a reasonable apprehension that such harm is about to occur; or
 - ii. Injure that person, or damage his or her property; or
 - b. "Fighting words" that are spoken face-to-face as a personal insult to the listener or listeners in personally abusive language inherently likely to provoke a violent reaction by the listener or listeners to the speaker.
 - c. Verbal abuse that constitutes dating or domestic violence as defined in the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03.
22. Unauthorized possession, use, or supplying alcoholic beverages to others contrary to law or university policy.
 - a. Indiana University prohibits:
 - i. Public intoxication, use or possession of alcoholic beverages on university property (including any undergraduate residence supervised by the university, including fraternity and sorority houses) except as otherwise noted in Part II, Section H (22) b, and Part II, Section H(22) c.

- ii. Providing alcohol contrary to law.
- b. The dean of students, or equivalent role on of each campus, has discretion to allow exceptions to Part II, Section H (22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:
 - i. Use or possession of alcoholic beverages by persons who are of lawful drinking age may be generally permitted in residences supervised by the university, including fraternity and sorority houses, when specifically approved by the campus dean of students. Such use or possession may be allowed in residence rooms, apartments, and certain common areas as specifically approved by the dean of students. However, use or possession under this section shall be permitted only in residences supervised by a live-in employee specifically charged with policy enforcement.
 - ii. Use or possession of alcoholic beverages may be permitted on an event-by-event basis in designated undergraduate residences (including fraternity and sorority houses) supervised by a live-in employee specifically charged with policy enforcement, when temporary permission is granted by the dean of students for events at which persons of lawful drinking age may lawfully possess and use alcoholic beverages.
- c. The chancellor/provost of each campus has discretion to allow exceptions to Part II, Section H (22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:
 - i. Use or possession of alcoholic beverages may be permitted in facilities such as student unions or on-campus hotels, including guest rooms and other areas, specifically approved by the campus chancellor/provost.
 - ii. Use or possession of alcoholic beverages may be permitted in other areas, such as private offices and faculty lounges, not accessible to the public.
 - iii. Use or possession of alcoholic beverages may be permitted in areas accessible to the public, if specifically approved by the campus chancellor/provost.
- d. Indiana University also permits the non-conspicuous possession of alcoholic beverages on university property when in transit to areas where they may be possessed or used under the provisions above.
- e. Student organizations that serve or permit possession of alcoholic beverages at student organization functions, on or off campus, may be disciplined if violations of alcoholic beverage laws or of university regulations occur. Individual students who plan, sponsor, or direct such functions also may be subject to discipline.
- f. The chancellor/provost or dean of students may make rules covering these uses. Those rules shall be enforceable as provisions of this Code.

23. Unauthorized possession, manufacture, sale, distribution or use of illegal drugs, any controlled substance, or drug paraphernalia. Being under the influence of illegal drugs or unauthorized controlled substances.

24. Intentionally obstructing or blocking access to university facilities, property, or programs.

25. Violation of other disseminated university regulations, policies, or rules. Examples of such regulations include but are not limited to university computing policies, residence hall policies, and recreational sports facility policies.

26. A violation of any Indiana or federal criminal law.

27. Engaging in or encouraging retaliation or any behavior or activity that threatens or intimidates any potential participant in a judicial process, and/or that is in violation of the Discrimination, Harassment, and Sexual

Misconduct Policy, UA-03.

28. Engaging in conduct in violation of the Discrimination, Harassment, and Sexual Misconduct Policy, UA-03, and not otherwise covered in H1 through H27 of this section.

B. Provisions copied from ACA-33 and included in ACA-16 as responsibilities and misconduct by Student Academic Appointees

§ D. Instructional responsibilities

1. Student academic appointees with instructional responsibilities shall:

- a. Protect students' freedom to openly discuss ideas and opinions germane to the class topic and consistent with the class format.
- b. Treat students with respect and fairness, adhere to university non-discrimination policies, and strive to develop among students respect for each other.
- c. Maintain a clear connection between the advance description and the conduct and content of each course presented to ensure efficient subject selection by students.
- d. Clearly state the course goals and inform students of testing and grading procedures, which must be intellectually justifiable and consistent with the policies of the academic unit.
- e. Clearly state the extent to which study aids or assistance from other students or tutors is allowed in class preparation and assignments.
- f. Assure that the evaluation of students' performance reflects their true achievement, is done without bias, and uses criteria appropriate to the field of study and consistent with university, campus and unit grading policies.
- g. Meet class regularly as scheduled, notify students of class cancellations reasonably in advance, and make up cancelled classes in ways that accommodate students who cannot attend a make-up class scheduled for a time other than the regular time for the class.
- h. Plan and regulate class time to cover the material assigned and minimize discussion of irrelevant matters.
- i. Be available to students prior to the first day of class to discuss the course and for a reasonable amount of time after the end of a course to review a student's grades and performance.
- j. Announce and keep adequate office hours at times convenient to students, and have a procedure for students to contact the instructor outside of office hours.

k Refrain from making irrelevant adverse personal comments about colleagues, other courses, or other units.

1. SAAs offering remote or online classes shall clearly state class participation expectations and how office hours will be available.

2. SAAs have a responsibility to foster the intellectual honesty of students, especially in connection with examinations and other graded exercises. Should a SAA determine that cheating, fabrication of data or information, or intentional plagiarism has occurred, the SAA should take appropriate action with respect to grades, and report significant dishonesty to the unit and the student affairs officer of the campus.

§ E. CONSENSUAL RELATIONS BETWEEN STUDENT ACADEMIC APPOINTEES AND STUDENTS.

1. Because student academic appointees (SAAs) exercise power over students when giving them praise or criticism, evaluating them, making recommendations for their further studies or employment, or conferring any other benefits on them, all amorous or sexual relationships between SAAs and students are unacceptable when the SAA has any professional responsibility for the student unless properly disclosed and managed. Such situations increase the chances that the SAA could abuse their power and exploit the student. As a result of the power imbalance, the SAA may explicitly or implicitly make receiving benefits contingent on amorous or sexual favors. [Link to UA-03].

2. Moreover, other individuals may be affected by such relationships because they place the SAA in a position to favor or advance one student's interest at the expense of others. At a minimum, SAA-student relationships can raise questions about potential favoritism.

3. Therefore, unless properly disclosed and managed, it is a violation of this policy if a SAA engages in an amorous or sexual relationship with a student for whom they have a professional responsibility, including but not limited to instructional, supervisory, evaluative, advisory, counseling or coaching relationships, even when both parties have consented or appear to have consented to the relationship. The violation applies in both instructional and non-instructional contexts.

4. All SAA-student relationships of an amorous or sexual nature where the SAA has or foreseeably could have a professional responsibility regarding the student must be disclosed according to the procedures outlined below. Failure to disclose an amorous or sexual relationship and/or to comply with the management plan shall be considered a violation of this policy.

5. The presumption of this policy is that all relationships covered by this policy require disclosure to the respective designee by the SAA. If there is doubt about the potential need for disclosure, the SAA should assume that there is an obligation to disclose.

6. If a SAA becomes aware that an individual with whom they had an amorous or sexual relationship is or has become a student for whom they have professional responsibility, the SAA should disclose that

information even if the relationship is no longer on-going.

7. Required disclosure procedures

- a. SAA-student amorous or sexual relationships must be disclosed to the individual with responsibility for supervising graduate students in the SAA's unit. The responsibility to disclose rests with the SAA. The SAA must make this disclosure in written form and it will be placed in their personnel file.
- b. The person to whom the disclosure is made is responsible for developing a specific plan that resolves the conflict and potential for abuse of power and must maintain confidentiality to the fullest extent possible.
- c. At a minimum, the plan must remove the SAA from all future professional responsibility toward the student.