

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

DAVID MCDONALD,	)	
JAMES SCHEURICH,	)	
	)	
Plaintiffs,	)	1:24-cv-01575
	)	
v.	)	
	)	
TRUSTEES OF INDIANA	)	
UNIVERSITY, in their official	)	
capacities,	)	
	)	
Defendants.	)	

**Complaint for Declaratory and Injunctive Relief / Notice of Claim of  
Unconstitutionality of an Indiana Statute**

**Introduction**

1. Indiana Code § 21-39.5 *et seq.*, part of Senate Enrolled Act 202 (“S.E.A. 202” or “the Act”), imposes a variety of requirements and restrictions on faculty members at Indiana’s public colleges and universities. It does so by requiring that those institutions’ boards of trustees enact specific policies—the contents of which are dictated by the statute—regarding faculty members’ in and out-of-classroom activities, including their instructional activities and interactions with students.

2. The Act mandates that the boards of trustees enact policies requiring that faculty members be denied tenure or promotion, and that they be subjected to discipline through and including termination, if they are deemed “unlikely” to “foster a culture of free

inquiry, free expression, and intellectual diversity” within their institution, or if they are deemed to have failed to foster such cultures in the past. It also requires the boards to enact policies imposing the same consequences if faculty are deemed unlikely to or to have failed to “expose students to scholarly works from a variety of political or ideological frameworks that may exist within and are applicable to the faculty member’s academic discipline.” The Act also mandates that the boards implement policies requiring that tenured faculty members be formally reevaluated every five years for compliance with these mandates.

3. The plaintiffs, tenured faculty members at Indiana University, previously filed a lawsuit in this Court challenging the constitutionality of this Act. *Carr et al. v. Trustees of Purdue University, et al.* 1:24-cv-772-SEB-MJD (S.D. Ind.). That complaint was dismissed without prejudice for lack of subject-matter jurisdiction, because at the time the plaintiffs filed their complaint, Indiana University had not yet promulgated the policies mandated by the Act. Those policies have now been adopted and require the plaintiffs to comply with the Act. Those policies and the Act violate the First and Fourteenth Amendments to the United States Constitution, and the plaintiffs are entitled to a declaration that they are unconstitutional and to an injunction preventing their enforcement.

**Jurisdiction, venue, cause of action**

4. This Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

6. Declaratory relief is authorized by 28 U.S.C. §§ 2201, 2202 and by Rule 57 of the Federal Rules of Civil Procedure.

7. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the Constitution of the United States.

### **Parties**

8. David McDonald is an adult resident of Monroe County, Indiana. He is a tenured faculty member at Indiana University Bloomington and will be teaching there in the 2024-2025 school year.

9. James Scheurich is an adult resident of Marion County, Indiana. He is a tenured faculty member at Indiana University Indianapolis and will be teaching there in the 2024-2025 school year.

10. The Trustees of Indiana University are the University's governing body and are charged with control of Indiana University. Ind. Code § 21-27 *et seq.*

### **The challenged statute**

11. Senate Enrolled Act 202 amends the Indiana Code concerning higher education.

12. Section 11 of the Act creates a new statutory article, codified at Indiana Code § 21-39.5 *et seq.*, entitled "State Educational Institutions: The Protection of Free Inquiry, Free Expression, and Intellectual Diversity."

13. The statutory prohibitions and requirements imposed by this article apply to state higher educational institutions (referred to in the Act as “institutions”), including Indiana University and its Board of Trustees. Ind. Code § 21-39.5-1 *et seq.*

14. The portion of the Act codified at Indiana Code § 21-39.5-2-1(b) provides in relevant part as follows:

[E]ach board of trustees of an institution shall establish a policy that provides that a faculty member may not be granted tenure or a promotion by the institution if, based on past performance or other determination by the board of trustees, the faculty member is:

- (1) unlikely to foster a culture of free inquiry, free expression, and intellectual diversity within the institution; [or]
- (2) unlikely to expose students to scholarly works from a variety of political or ideological frameworks that may exist within and are applicable to the faculty member’s academic discipline.

15. The statutory terms “free inquiry” and “free expression” are not defined, either in this statutory provision or elsewhere in the Code, but the term “intellectual diversity” is defined as “multiple, divergent, and varied scholarly perspectives on an extensive range of public policy issues.” Ind. Code § 21-39.5-1-5.

16. S.E.A. 202 further provides, in relevant part:

Not later than five (5) years after the date that a faculty member is granted tenure by an institution and not later than every five (5) years thereafter, the board of trustees of an institution shall review and determine whether the faculty member has met the following criteria:

- (1) Helped the institution foster a culture of free inquiry, free expression, and intellectual diversity within the institution.

(2) Introduced students to scholarly works from a variety of political or ideological frameworks that may exist within the curricula established by the:

(A) board of trustees of the institution under IC 21-41-2-1(b);  
or

(B) faculty of the institution acting under authority delegated by the board of trustees of the institution.

(3) While performing teaching duties within the scope of the faculty member's employment, refrained from subjecting student to views and opinions concerning matters not related to the faculty member's academic discipline or assigned course of instruction.

(4) Adequately performed academic duties and obligations.

(5) Met any other criteria established by the board of trustees.

Ind. Code § 21-39.5-2-2(a).

17. The Act requires each institution to "adopt a policy that establishes disciplinary actions, including (1) termination; (2) demotion; (3) salary reduction; (4) other disciplinary action as determined by the institution; or (5) any combination of subdivisions (1) through (4)" that "the institution will take if the board of trustees determines in a review conducted under subsection (a) that a tenured faculty member has failed to meet one (1) or more of the criteria described in [Indiana Code § 21-39.5-2-2] (a)(1) through (a)(5)." Ind. Code § 21-39.5-2-2(d).

18. An institution is also required, before "renew[ing] an employment agreement with," "mak[ing] a bonus decision regarding," or "complet[ing] a review or performance assessment" of a faculty member, to "give substantial consideration to the faculty

member's...performance regarding the criteria described in section [Indiana Code § 21-39.5-2-2] (a)(1) through [(a)(5) of this chapter." Ind. Code § 21-39.5-2-3(b).

19. Each institution is required to establish and communicate a procedure by which students and employees may submit complaints that any faculty member "is not meeting the criteria described in [Indiana Code § 21-39.5-2-2] (a)(1) through [(a)(5)." Ind. Code § 21-39.5-2-4(a)(1), (2). If any complaints are received, the Act requires the institution to refer them to "appropriate human resource professionals and supervisors for consideration in employee reviews and tenure and promotion decisions." Ind. Code § 21-39.5-2-4(a)(3).

#### **Policies adopted by Indiana University**

20. S.E.A. 202 requires Indiana University to adopt policies to implement the Act's substantive requirements, described above.

21. Following the enactment of S.E.A. 202, Indiana University amended its faculty tenure policy (ACA-37) to include as an additional criterion for tenure that "[g]rants of tenure shall comply with the requirements of IC 21-39.5-2-1." (Exhibit 1).

22. Following the enactment of S.E.A. 202, Indiana University amended its faculty promotion policy (ACA-38) to include as an additional criterion for promotion that "[a]ll faculty promotions must comply with the requirements of I.C. 21-39.5-2-1." (Exhibit 2).

23. Following the enactment of S.E.A. 202, Indiana University amended its academic appointee responsibilities and conduct policy (ACA-33), applying to the conduct of non-tenured and tenured faculty, and it cross-references the amended ACA-38. (Exhibit 3).

24. Following the enactment of S.E.A. 202, Indiana University amended its faculty annual review policy (ACA-21) to include as an additional criterion for evaluation that “the procedure used in annual reviews shall...[c]omply with the requirements of IC 21-39.5.” (Exhibit 4).

25. These policies, adopted to implement S.E.A. 202, are binding on Indiana University’s faculty, including the plaintiffs.

26. Professor McDonald was informed during a meeting of the Bloomington Faculty Council that in determining promotions, in compliance with S.E.A. 202, the University will consider the number of complaints lodged against a faculty member for alleged violation of S.E.A. 202. The number of complaints will be considered regardless of whether any complaint was ultimately determined to have merit.

27. In that same meeting, faculty were also informed that the University will process and investigate anonymous complaints.

28. Indiana University has amended its complaint process, managed University-wide via a management platform called “Ethics Point” to include complaints made on the basis that a faculty member has failed “to foster intellectual diversity in the university learning

environment.” See <https://audit.iu.edu/anonymous-report/index.html#report>, last accessed September 9, 2024. A snapshot of the relevant homepage of that online form is below:

### Submit an online report

EthicsPoint is not a 911 or emergency service. Reports submitted through EthicsPoint may not receive an immediate response. If you require emergency assistance, please call 911.

Choose the most relevant category to make a report.

### Call the hotline

Would you prefer to make a report over the phone? You can call the anonymous reporting hotline at 888-236-7542.

#### Athletics

Report NCAA compliance or rules violations.

#### Classroom Climate

Report failures to foster intellectual diversity in the university learning environment.

### Prior challenge to the statute

29. The plaintiffs previously filed a lawsuit in this Court challenging the constitutionality of the Act. See *Carr et al. v. Trustees of Purdue University, et al.* 1:24-cv-772-SEB-MJD (S.D. Ind.).

30. That complaint was dismissed without prejudice pursuant to motions filed under Federal Rule of Civil Procedure 12(b)(1), as the Court concluded that ripeness and standing depended on the University having enacted the policies required by the Act. As Indiana University had not yet done so at the time the plaintiffs filed suit, the Court determined that it lacked subject-matter jurisdiction.



**Factual allegations regarding the plaintiffs**

31. Professor David McDonald is an associate professor in the Department of Folklore and Ethnomusicology at Indiana University Bloomington. His second term as Chair of that department concluded in August of 2024.

32. He was awarded tenure in 2014 and is working for promotion to full professor during this academic year. He will submit his full promotion package in August 2025.

33. His research and coursework focus on the ethnomusicology of violence, war, and social movements. He has a specific focus on issues relating to Israel and Palestine.

34. He will teach 4 courses in the 2024-2025 academic year, and he will supervise ten graduate students this academic year.

35. Professor James Scheurich is a Chancellor's Professor in the School of Education at Indiana University Indianapolis.

36. Professor Scheurich was awarded tenure in approximately 1999, while a professor at the University of Texas, Austin.

37. He was hired by Indiana University Indianapolis (then IUPUI) as a full professor in 2012.

38. He was named a Chancellor's Professor, Indiana University Indianapolis, in 2024.

39. He is also the Coordinator of the Urban Education Studies program, where he oversees the program's more than 70 doctoral students.

40. His research and coursework focus on many issues of diversity, equity, and inclusion in the educational system and the surrounding society, including issues of systemic racism and anti-LGBTQ prejudice.

41. He will teach 3 courses during the 2024-2025 academic year.

42. The requirements imposed by the policies adopted by Indiana University, and by S.E.A. 202 described above, apply to Professors McDonald and Scheurich as they are “faculty members” of Indiana University as defined by the statute: they are employees of a state educational institution “whose employment duties include teaching students of the institution.” Ind. Code § 21-39.5-1-3.

43. Because of Indiana Code § 21-39.5-2-1(b)(1), Indiana University’s Board of Trustees is required to adopt policies that result in the denial of promotions, loss of tenure, or discipline including, but not limited to, termination, demotion, and salary reduction to the plaintiffs if they are deemed unlikely to “foster a culture of free inquiry, free expression, and intellectual diversity within the institution.” Ind. Code § 21-39.5-2-1(b)(1). The policy adopted by the University enacts this requirement.

44. The plaintiffs do not know what it means to “foster a culture of free inquiry, free expression, and intellectual diversity within the institution.” The plaintiffs therefore cannot discern what they are required to do or refrain from doing to avoid being deemed to have failed to “foster” these “cultures” under the University’s policies and the Act.

They are therefore currently changing the content and pedagogies of their courses, as well as their out-of-class interactions with students.

45. In trying to determine what this requires of them, the plaintiffs understand that, in order to “foster” cultures of free inquiry and free expression, there is no requirement that this fostering take place solely in the context of the classroom, or in any manner limited to what is “scholarly” or “academic.”

46. Given the vagueness of the policies and the Act, the plaintiffs are being compelled to speak and are prohibited from speaking in violation of their First Amendment rights. The alternative to compelled speech and self-censorship is to risk adverse employment actions, through and including termination. They are therefore currently changing the content and pedagogies of their courses, as well as their out-of-class interactions with students.

47. Moreover, even if they could discern a meaning, the plaintiffs cannot discern in advance how they are to determine what, and to what degree, speech activities will be deemed to “foster a culture of free inquiry, free expression, and intellectual diversity within the institution.” The plaintiffs cannot discern, for example, what percentage of their time must be spent fostering “free inquiry” or “free expression” in order to be deemed to assist in fostering such “cultures.” They are therefore currently changing the content and pedagogies of their courses, as well as their out-of-class interactions with students.

48. Solely because of S.E.A. 202, the policies now in effect at Indiana University deny promotions to the plaintiffs if they are deemed “unlikely to expose students to scholarly works from a variety of political or ideological frameworks that may exist within and are applicable to the faculty member’s academic discipline,” Ind. Code § 21-39.5-2-1(b)(2), and it subjects them to discipline including termination, demotion, and salary reduction if they are deemed not to have “introduced students to scholarly works from a variety of political or ideological frameworks that may exist within the curricula.” Ind. Code § 21-39.5-2-2(a)(2).

49. The plaintiffs have no idea what this means and cannot discern what they are required to do or refrain from doing to avoid running afoul of the Act or these policies. As a result they are therefore now changing the content and pedagogies of their courses, as well as their out-of-class interactions with students, or alternatively risking violation of the policies and the Act in order to maintain their academic freedom and integrity.

50. The need to comply with the policies and the Act impacts nearly every aspect of Professor McDonald’s work. For example, he often teaches about Palestinian history, culture, and activism, as that is his area of expertise. To satisfy the requirement that he foster cultures of free inquiry and free expression, he believes he will be required to allow students to express and inquire about common, but non-academic, perspectives regarding Israel and Palestine. He does not want to do so, and he would not do so, absent the application of the policies and the Act.

51. He does not believe that he should be required to teach certain “divergent” scholarly perspectives regarding the Israeli-Palestinian conflict, including, for example, the once popular assertion that Palestinians do not exist and that their forcible dispossession in 1948 did not occur. But he believes that the requirements that he foster a culture of “intellectual diversity” — which is defined as “multiple, divergent, and varied scholarly perspectives on an extensive range of public policy issues,” Ind. Code § 21-39.5-1-5, and the requirement that he “expose students to scholarly works from a variety of political or ideological frameworks that may exist within and are applicable to the faculty member’s academic discipline” require him to do so or risk negative consequences.

52. Professor McDonald taught an intensive freshman seminar prior to the beginning of this academic year. As part of that program, he participated in a panel discussion where professors from multiple disciplines offered their perspectives on the topic of Politics, Thought, and Voice. Professor McDonald presented on using one’s voice as an instrument of political agency, and to illustrate the concept, played a one-minute clip of protesters opposing the war in Gaza using chants to express their political message. Four complaints were filed against Professor McDonald for allegedly violating the university’s policies and S.E.A. 202. It took him multiple days of conferring with University administrators to resolve the complaints, which were all ultimately dismissed.

53. In one of the classes he is teaching this semester, Palestinian history of activism is a core case study that Professor McDonald would typically rely upon. However, given

the issues presented by the University's policies and the Act, Professor McDonald still does not know how to remain compliant while also maintaining his research specialization and academic freedom. This is especially the case given that he has already had four complaints filed against him for precisely the type of teaching he would normally do. He has not yet decided how he will attempt to resolve this impossible position.

54. The need to comply with the policies and the Act impacts nearly every aspect of Professor Scheurich's work as well. To satisfy the requirement that he foster cultures of free inquiry and free expression, he believes he will be required to allow students to express and inquire about common, but non-academic, perspectives regarding his area of expertise—inequities in the educational system. He does not want to do so, and he would not do so, absent the application of the policies and the Act.

55. As part of a doctoral seminar on historical inequities and injustices in education and the surrounding city/society, Professor Scheurich leads seminar discussions on the genocide of Native Americans and its continuing effects, the slavery of Black people and the continuing effects, and Jim Crow laws and effects, all of which is based on extensive research. He believes and indicates to his students that there is no legitimate opposing side to be represented. He does not believe that he should be required to present "divergent" scholarly perspectives regarding the existence or scope of these events and their effects. But he believes that the requirements that he foster a culture of "intellectual

diversity” — which is defined as “multiple, divergent, and varied scholarly perspectives on an extensive range of public policy issues,” Ind. Code § 21-39.5-1-5, and the requirement that he “expose students to scholarly works from a variety of political or ideological frameworks that may exist within and are applicable to the faculty member’s academic discipline” require him to do so or risk negative consequences.

56. Therefore, in order to attempt to comply with the policies and the statute, Professor Scheurich intends to assign readings that he and other education scholars believe are infected by racism, classism, and bias but that present the types of “divergent” or “varied” scholarly perspectives that are now required.

57. Although the plaintiffs already seek to foster their own conceptions of cultures of free inquiry and free expression in their classrooms, they have no idea what the policies and the Act require, or what may expose them to complaints by students, which will ultimately be considered in employment decisions regardless of whether any such complaints have merit.

58. The professors exercise their judgment and academic freedom to determine when further inquiry on a subject is no longer desirable or appropriate, and they have no way of knowing whether this type of in-the-moment decision-making will subject them to discipline or other employment consequences.

59. Professor McDonald fears, for example, that his decision not to teach some political and historical narratives regarding the establishment of the Israeli state, and the

dispossession of Palestinians, will subject him to claims of violation of this provision. Solely because of the policies and the Act, Professor McDonald will heavily curtail classroom discussion, as he has no ability to ascertain in advance what will be deemed to run afoul of the policies and the Act.

60. Professor Scheurich will create specific space in his courses to discuss “divergent” views, although he will only do so because of the existence of the policies and the Act and even though doing so runs counter to his pedagogical purposes and undermines the educational value of his instruction. He will also attempt to comply by adding content to his courses that he would not otherwise include, because he believes it to be contrary to the educational objectives of the course or the scholarship that he views as appropriate, and he will have to remove what he considers to be high-quality content in order to accommodate that.

61. Given the statute’s uncertainty, imported into the University policies, to avoid running afoul of the policies, the plaintiffs are compelled to speak and are prohibited from speaking in violation of their First Amendment rights or risk adverse employment actions, through and including termination.

62. The speech activities of the plaintiffs are protected by the First Amendment, as they retain the academic freedom to determine the content of their instruction, their pedagogies, and their interactions with students free from interference by the State.



63. Given the breadth and vagueness of the policies and Indiana Code § 21-39.5-2-2(a)(1) and (a)(2), the plaintiffs are subject to serious consequences if they continue to teach as they have for years. As a result, they are changing the content and pedagogies of their courses, as well as their out-of-class interactions with students. This compulsion to speak, or not to speak, or alternatively, to face the penalties imposed, violates the First Amendment.

64. All of these harms will continue throughout the academic year.

65. The speech in which the plaintiffs seek to engage is in no way antithetical to the interests of their employer.

66. The plaintiffs' desire to refrain from certain speech is in no way antithetical to the interests of their employer.

67. The interests of the plaintiffs in engaging in and refraining from protected speech greatly outweighs any countervailing interest by the State.

68. At all times defendants have acted and have failed to act under color of state law.

69. Plaintiffs are being threatened with and are being caused irreparable harm for which there is no adequate remedy at law.

### **Legal claims**

70. Indiana Code §§ 21-39.5-2-1(b)(1), (2) and Indiana Code §§ 21-39.5-2-2(a)(1), (2), and the policies that the University adopted as directed by these statutes, violate the First Amendment to the extent that they infringe the plaintiffs' academic freedom.

71. Indiana Code §§ 21-39.5-2-1(b)(1), (2) and Indiana Code §§ 21-39.5-2-2(a)(1), (2) and the policies that the University adopted as directed by these statutes, violate the First Amendment and the Due Process Clause of the Fourteenth Amendment in that they are impermissibly vague.

**Request for relief**

WHEREFORE, plaintiffs request that this Court:

- a. accept jurisdiction of this case and set it for hearing at the earliest opportunity;
- b. declare that the defendants' policies and Indiana Codes §§ 21-39.5-2-1(b)(1), (2), 21-39.5-2-2(a)(1), (2) are unconstitutional for the reasons noted above;
- c. enter a preliminary injunction, later to be made permanent, enjoining the defendants' policies and Indiana Codes §§ 21-39.5-2-1(b)(1), (2), 21-39.5-2-2(a)(1), (2);
- d. award plaintiffs their costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988;
- e. award all other proper relief.

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[University Policies](#)

**Faculty and Librarian Tenure**

ACA-37



History

## About This Policy

**Effective Date:**

12-03-1968

**Date of Last Review/Update:**

06-14-2024

**Responsible University Office:**

University Faculty Council

**Responsible University Administrator:**

Board of Trustees, Indiana University

**Policy Contact:**

Campus Academic Affairs Office

**Policy Feedback:**

If you have comments or questions about this policy, let us know with the [policy feedback form](#) [</contact/index.html>](#).

## Policy Statement

### The Principle of Tenure

The principle of tenure imposes reciprocal responsibilities on the University as a body politic and on the faculty member and librarian. In order to meet its responsibilities to its students and to society, the University must attract and retain faculty and librarians of outstanding quality. To that end the University provides academic freedom and economic security, which are implicit in the principle of faculty and librarian tenure. The faculty members, on their part, are obligated to maintain high standards of teaching, research, service, and professional conduct. Librarians, on their part, are obligated to maintain high standards of performance in librarianship, professional development/research/creative activities, service, and professional conduct.

*(Faculty Council, December 3, 1968; University Faculty Council, April 28, 2009; Board of Trustees, July 25-29, 1969, June 30, 1972, June 12, 2009)*

## **Tenure Status for Non-Citizens**

It is the policy of Indiana University that only individuals who are U.S. citizens or permanent residents may be granted tenure. Non-U.S. citizens who are not permanent residents, in tenure-track positions, may continue to progress in tenure probationary status, but may not be granted tenure until permanent residence in the U.S. has been obtained. When appointments to positions with tenure are offered to non-U.S. citizens who are not permanent residents, they will be temporarily appointed to tenure-probationary positions until permanent residence in the U.S. has been obtained at which time the appointment will be converted to a tenured position as originally offered.

*(Administrative Practice)*

## **Tenure-Probationary Period**

Subject to the provisions which follow, an individual appointed to the faculty (as defined in Article I, Section 1 of the Faculty Constitution) or as a librarian for full-time service shall have tenure after a probationary period. At the time of initial appointment, a probationary period shall be stated. During the probationary period, appointments are usually for a period of one to three years. The total probationary period may not exceed seven years. This period may include full-time service with faculty or library rank at other institutions, if similar service in Indiana University would have been countable toward tenure. In the case of persons with three or more years of countable service in other institutions, a probationary period of not more than four years may be required, if agreed upon in writing at the time of appointment. Since the acquisition of tenure represents a major change in a faculty member's or librarian's status, the faculty member or librarian to whom tenure is being granted shall be so informed in writing.

The faculty of a campus of Indiana University, acting through applicable shared governance mechanisms, may adopt policies which permit schools on that campus to request the Board of Trustees to extend the tenure-probationary period for all eligible faculty members in that school. The Board of Trustees may approve such requests if the school has followed the applicable campus policy and demonstrated a compelling justification for the extension. Before being presented to the Board of Trustees, any request for extension must be approved by the dean and the faculty of the school, by the Provost or Chancellor of the campus, and by the President of the University. Extensions for core schools require adoption of a policy and approvals by both campuses in which the core school resides.

Tenure may be conferred at the time of initial appointment or after a shorter period than specified above. When a probationary period expires during an academic year, the probationary period will be extended to the end of that year.

Under administrative policies and practices at Indiana University, where such a written agreement reduces a faculty member's or librarian's probationary period to less than seven years, this agreement is binding on both parties. The length of the probationary period resulting from any such reduction cannot at a later date be extended to suit the convenience of a faculty member or librarian or the academic unit.

Tenure at the University requires explicit action. The review leading to a recommendation of tenure or non-reappointment is to take place no later than the sixth year of probationary service. Failure to give notice of non-reappointment prior to the beginning of the seventh year of probationary service will not result automatically in an award of tenure. In such a case, the review leading to a tenure or termination decision should be conducted at the earliest possible time and, if necessary, the probationary period shall be extended until the review is complete.

A faculty member or librarian who has not received a notice of recommendation for non-reappointment may request consideration of the tenure decision at any time after the initial appointment. However, if the tenure decision is negative, the faculty member's or librarian's appointment shall terminate at the end of the academic year following the year in which the negative tenure decision was made. A faculty member or librarian who applies for early tenure should be forewarned that a candidate for tenure should expect only one full review. A faculty member or librarian who requests early tenure shall be notified of any negative recommendation concerning his or her request at any time prior to a final decision by the President. A faculty member or librarian may withdraw his/her request for early tenure at any time prior to a final decision by the President.

*(Faculty Council, December 3, 1968; University Faculty Council, April 23, 1991, April 28, 2009; Board of Trustees, July 25-29, 1969; June 30, 1972; June 20, 1991, June 12, 2009; University Faculty Council, May 28, 2010)*

## **Procedures for Faculty**

Recommendations for advancement to tenured status are prepared by chairpersons or other appropriate administrative officers. Such recommendations are prepared early in the academic year which counts as the sixth year for purposes of reckoning years of service towards tenure. (The actual determination of the appropriate year includes credit for service at other institutions which may have been negotiated at the time of the first appointment.)

Recommendations shall be submitted through the academic administration of each campus with the advice of faculty committees and appropriate professional peers. Administrative structure varies somewhat from campus to campus. For specific information on the routing of such recommendations, see campus-specific documents. Campus vice presidents, chancellors/provosts,



and academic deans, with the advice of faculty committees, are responsible for submitting tenure recommendations to the President. It shall be the responsibility of the President to submit to the Board of Trustees the names of those recommended for advancement to the tenured status.

The dossier constructed in consultation with the candidate provides the evidence upon which the tenure decision is to be made. If additional information is sought or received during the review of the dossier at any level, the candidate and all previous committees and reviewers must be notified and given the opportunity to respond to the additional information. The information and the responses shall then become part of the dossier.

*(University Faculty Council, April 23, 1991; Board of Trustees, June 20, 1991)*

### **Procedures for Librarians**

Subject to the provisions which follow, a person appointed as a professional librarian in the Indiana University Library system shall have Library tenure after the same probationary period that is applicable to the faculty.

Recommendations for advancement to tenured status for librarians are prepared by team leaders, supervisors or other appropriate administrative officers. Such recommendations are prepared early in the academic year which counts as the sixth year for purposes of reckoning years of service towards tenure. (The actual determination of the appropriate year includes credit for service at other institutions which may have been negotiated at the time of the first appointment.) For specific information on the process of preparing such recommendations, see campus-specific documents.

Recommendations shall be submitted through the academic administration of each campus with the advice of librarian committees and appropriate professional peers. Administrative structure varies somewhat from campus to campus and among library units on each campus. For specific information on the routing of such recommendations, see campus-specific documents. Campus vice presidents, chancellors, and library deans, with the advice of librarian committees, are responsible for submitting tenure recommendations to the President. It shall be the responsibility of the President to submit to the Board of Trustees the names of those recommended for advancement to tenured status.

The dossier constructed in consultation with the candidate provides the evidence upon which the tenure decision is to be made. If additional information is sought or received during the review of the dossier at any level, the candidate and all previous committees and reviewers must be notified and given the opportunity to respond to the additional information. The information and responses shall then become part of the dossier.

*(Board of Trustees, June 30, 1972; June 12, 2009; University Faculty Council, April 28, 2009)*



Appointments and reappointments during a probationary period shall be limited to one year for Affiliate Librarians. Other tenure-probationary faculty may be appointed for not more than three years within the probationary period.

*(Faculty Council, December 3, 1968; Board of Trustees, July 27, 1969; June 30, 1972)*

### **Geographic Limitation of Tenure**

All of the foregoing principles, policies, and procedures relating to tenure are applicable in all University schools, departments, and library units on all campuses. The tenure of any faculty member, however, is specific to the campus unit in which he/she is serving at the time of acquisition of tenure. Consequently, it is the responsibility of each unit of the University to develop appropriate structures and administer the necessary procedures for the implementation of general University tenure policies.

In any case in which the position of a faculty member or librarian with tenure has been eliminated or has been removed from the jurisdiction of the University, the University will make every reasonable effort to place the faculty member or librarian in a comparable position elsewhere in the University. If no such comparable position is available, the University will make every reasonable effort to assist the faculty member in securing a comparable position at another institution.

*(Faculty Council, December 3, 1968; University Faculty Council, April 23, 1991; Board of Trustees, July 27, 1969; June 30, 1972; June 20, 1991)*

### **Criteria for Tenure**

1. After the appropriate probationary period, tenure shall be granted to those faculty members and librarians whose professional characteristics indicate that they will continue to serve with distinction in their appointed roles. The criteria for tenure and the criteria for promotion are similar, but not identical. (See above for Reappointment and Non-Reappointment during the Probationary Appointment Period.)
2. Each campus on which tenure is held (and other units as appropriate, e.g., school, college, department) shall have a document that states with reasonable specificity the standards that will be used to evaluate whether candidates meet the criteria for tenure. The document(s) must comply with the standards of the University and should make their application more specific. The chief academic officer on each campus is charged with the responsibilities of (a) reviewing such documents with respect to whether they are consistent with such documents at higher levels, and (b) maintaining a current file of such documents. Each campus (or other unit) shall provide each

probationary faculty member with a copy of the document at the beginning of the probationary service.

3. Because numerical summaries in student course evaluations may reflect cultural biases, and low participation rates may skew results, numerical ratings should not be used as the primary source of data for evaluating teaching. Each campus faculty governance organization shall have a policy for evaluating teaching that provides for qualitative student feedback and other other sources of information.
4. If the document changes during the faculty member or librarian's probationary period, the faculty member or librarian may choose to be evaluated for tenure under the written standards in effect at the time of appointment.
5. Tenure considerations must recognize the diversity of the missions and the contexts of the campuses of the University and must not ignore the mission of the particular unit as defined in its statement of criteria and procedures and the individual's contribution to that mission.
6. Tenure will generally not be conferred unless the faculty member or librarian achieves, or gives strong promise of achieving, promotion in rank within the University.
7. Grants of tenure shall comply with the requirements of IC 21-39.5-2-1.

*(Faculty Council, December 3, 1968; University Faculty Council, February 10, 1976; November 30, 1976; April 23, 1991; Board of Trustees, July 27, 1969; June 20, 1991)*

### **Monitoring of Existing Policies and Practices**

The University, through actions of its administration and the University Faculty Council, shall keep under constant review all existing policies relating to reappointment, tenure, and administration of these policies to ensure that all persons are accorded equal opportunity.

*(Board of Trustees, June 29, 1974)*

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## **History**

*Updated July 26, 2016, to align reworded section covering Tenure Status for Non-Citizens with ACA-77. Revised by the UFC April 22, 2022.*

*Revisions to this policy to comply with Indiana law IC 21-39.5-2-1 were approved by the UFC Executive Committee on May 21, 2024 and were reviewed and approved by the Board of Trustees on June 14, 2024.*

Previous Versions:

Effective Dates: 05/28/2010 - 02/23/2016 </policies/aca-37-faculty-librarian-tenure/archived-05282010-02232016.html>

Effective Dates: 07/26/2016 - 04/26/2022 </policies/aca-37-faculty-librarian-tenure/archived-04262022.html>

Effective Dates: 04/26/2022 - 06/14/2024 </policies/aca-37-faculty-librarian-tenure/archived-06142024.html>

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**Faculty and Librarian Promotions**

ACA-38



Policy Statement

History

## About This Policy

**Effective Date:**

04-01-1952

**Date of Last Review/Update:**

06-14-2024

**Responsible University Office:**

University Faculty Council  
Office of the President

**Responsible University Administrator:**

Board of Trustees, Indiana University

**Policy Contact:**

Campus Academic Affairs Office

**Policy Feedback:**

If you have comments or questions about this policy, let us know with the [policy feedback form](#) [</contact/index.html>](#).

## Scope

All tenure-track academic appointments.

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## Policy Statement

### Faculty Promotions

### Procedures for Recommendations

Before any decision is made within a department, school, program, or division about whether to recommend promotion, the appointee shall be notified that he or she is under such consideration and that within a properly specified and reasonable period of time, such as two to four weeks, he or she

may submit materials which it is believed will be relevant to a consideration of his or her professional qualifications.

*(University Faculty Council, April 29, 1976)*

The departmental chairperson or director of an academic unit shall have the responsibility of submitting the names of those members of the department who are deemed worthy of promotion on the basis of the established criteria.

It shall be the privilege of any faculty member or librarian to submit a recommendation for the promotion of any faculty member or librarian, including himself or herself. These recommendations shall be properly documented.

Recommendations, whether submitted by individual faculty members or librarians or coming from chairpersons or directors, shall be submitted through the academic administration of each campus. For specific information on the promotion process, see campus-specific documents.

Academic administrators and Chancellors/Provosts, advised by faculty and librarian committees, are responsible for submitting promotion recommendations to the President.

It shall be the responsibility of the President to submit to the Board of Trustees the names of those recommended for promotion. The President shall state in writing to the relevant Chancellor/Provost or Vice President the reasons for any changes made in the Chancellor's/Provost's or Vice President's recommendations.

Where a candidate is not promoted, it shall be the obligation of the chairperson or dean to review with the candidate the reasons for the failure to promote, if such a request is made by the faculty member involved.

*(Faculty Council, April 1, 1952)*

### **Criteria for Promotion**

Teaching, research and creative work, and services which may be administrative, professional, or public are long-standing University promotion criteria. Promotion considerations must take into account, however, differences in mission between campuses, and between schools within some campuses, as well as the individual's contribution to the school/campus mission. The relative weight attached to the criteria above should and must vary accordingly. A candidate for promotion [or tenure] should normally excel in at least one of the above categories and be at least satisfactory (research/creative activity; service) or effective (teaching) in the others. In exceptional cases, a candidate may present evidence of balanced strengths that promise excellent overall performance of comparable benefit to the university. In all cases the candidate's total record should be assessed by



comprehensive and rigorous peer review. Promotion to any rank is a recognition of past achievement and a sign of confidence that the individual is capable of greater responsibilities and accomplishments. All faculty promotions must comply with the requirements of IC 21-39.5-2-1.

### ***Teaching.***

1. The prime requisites of any effective teacher are intellectual competence, integrity, independence, a willingness to consider suggestions and to cooperate in teaching activities, a spirit of scholarly inquiry which leads the teacher to develop and strengthen course content in the light of developments in the field as well as to improve methods of presenting material, a vital interest in teaching and working with students, and, above all, the ability to stimulate their intellectual interest and enthusiasm.
2. The quality of teaching is admittedly difficult to evaluate. This evaluation is so important, however, that recommendations for an individual's promotion should include evidence drawn from such sources as the collective judgment of students, of student counselors, and of colleagues who have visited other classes or who have been closely associated with his or her teaching as supervisor or in some other capacity, or who have taught the same students in subsequent courses. Because numerical summaries in student course evaluations may reflect cultural biases, and low participation rates may skew results, numerical ratings should not be used as the primary source of data for evaluating teaching. Each campus and unit faculty governance organization shall have a policy for evaluating teaching that provides for qualitative student feedback and other sources of information.

***Research and Creative Activities.*** In most of the fields represented in the program of the University, publications in media of quality are expected as evidence of scholarly interest pursued independently of supervision or direction. An original contribution of a creative nature is as significant or as deserving as the publication of a scholarly book or article. Quality of production is considered more important than mere quantity. Significant evidence of scholarly merit may be either a single work of considerable importance or a series of studies constituting a general program of worthwhile research. The candidate should possess a definite continuing program of studies, investigations, or creative works.

***Service.*** Educated talent, technical competence, and professional skills are indispensable in coping with the complexities of modern civilization. Because most technical assistance is carried on by professional persons, and a high proportion of them have university connection, the University must provide people to fill this need. The performance of services for the University or for external organizations may retard accumulation of evidence for proficiency in research or teaching even while contributing to the value of the individual as a member of the University community. In such cases effective service should be given the same consideration in determining promotion as proficiency in

teaching or research. The evaluation of the service should be in terms of the effectiveness with which the service is performed, its relation to the general welfare of the University, and its effect on the development of the individual.

*(Faculty Council, April 14, 1960; University Faculty Council, February 10, 1976; "Balanced Case" language approved by University Faculty Council, March 8, 1994; Modified by UFC Agenda Committee and reported to the UFC, April 12, 1994; Adopted by Board of Trustees, May 6, 1994)*

## **Promotion in Rank**

When considered for promotion, the individual should be assessed in regard to all three criteria from the preceding section. Favorable action should result when the individual has demonstrated a level of competence or distinction appropriate to the proposed rank in one area of endeavor. Failure to promote may arise from unsatisfactory or ineffective performance in the other areas.

***From Assistant Professor to Associate Professor.*** This advancement is based on continued improvement, whether in quality of teaching, in scholarship, or in the performance of service roles.

If teaching is the primary criterion, it should be distinctly superior to that of effective teachers at this and other major institutions. If research or other creative work is the primary criterion, the candidate should have demonstrated a broad grasp of his or her own and related fields and should be establishing a national reputation as a scholar. A definite and comprehensive plan of future research covering a number of years and a beginning thereon which extends well beyond the limits of the doctoral dissertation should be evident. If service to the University, profession, or community is the primary criterion, it should be discharged with merit and should reflect favorably on the University and on the individual's academic status.

***From Associate Professor to Professor.*** This promotion is based upon achievement beyond the level required for the associate professorship.

If teaching is the primary criterion, the candidate must have demonstrated an extraordinary ability to stimulate in students, either undergraduate or graduate, a genuine desire for scholarly work. Wherever feasible he or she should have demonstrated the ability to direct the research of advanced students.

If research or other creative work is the primary criterion, the candidate should have shown a continued growth in scholarship which has brought a national reputation as a first-class productive scholar. If administrative, professional, or academic service is the primary criterion, distinguished contributions must be evident.

*(Faculty Council, April 14, 1960)*



## **Librarian Promotions**

### **Criteria for Promotion**

Performance of Librarianship duties, professional development/research/creative activities, and service to the profession, university, and community are long standing University promotion criteria for librarians. Promotion considerations must take into account, however, differences in mission among campuses, and among library units within some campuses, as well as the individual librarian's contribution to the library/campus mission. The relative weight attached to the criteria above should and must vary accordingly. In all cases the candidate's total record should be assessed by comprehensive and rigorous peer review. Promotion to any rank is a recognition of past achievement and a sign of confidence that the individual is capable of greater responsibilities and accomplishments. For specific procedures and criteria for promotion, see campus-specific documents.

### **Performance**

The prime requisites of an effective librarian are intellectual competence, integrity, proficiency and a willingness to cooperate with others in carrying out the responsibilities of his/her position in the library. Evidence must show that the librarian uses professional experience, knowledge of appropriate research and creativity to solve problems, improve services, innovate, and lead. Recommendations for an individual's promotion should include evidence drawn from such sources as the collective judgment of peers, faculty and colleagues, who have been closely associated with or have some knowledge of the candidate's work.

### **Professional Development/Research/Creative Activities**

A librarian who is responsive to the demands of the profession keeps abreast of the latest developments in Librarianship and makes original contributions through professional development/research/creative activities. Assessment of the quality of professional development/research/creative activities is based on evidence of the impact of such work on the development of the librarian and the advancement of the profession, among other factors.

### **Service**

Service is the application of a librarian's knowledge, skills, and expertise to benefit the institution, the discipline, the profession, or the community in a manner consistent with the missions of the university and the specific campus. Assessment of the quality of service is based on evidence of its impact on furthering the goals of the library, the specific campus, the university, the community and the advancement of the profession, and its effect on the development of the individual, among other factors.

## **Promotion in Rank**

When considered for promotion, the librarian should be assessed in regard to all three criteria from the preceding section. Favorable action should result when the individual has demonstrated a level of excellent performance of Librarianship duties and a level of competence or distinction appropriate to the proposed rank in one of the other areas of endeavor. In exceptional cases, a candidate may be promoted based on excellent performance and evidence of balanced strengths across the other two areas of professional development/research/creative activities and service that when considered together show a level of distinction appropriate to the rank under review. Failure to promote may arise from an assessment of unsatisfactory contributions in one of the three criteria areas. For details on the criteria and procedures, see campus-specific documents.

***From Assistant Librarian to Associate Librarian.*** Excellent performance of Librarianship duties is the primary criterion. Professional development/research/creative activities and service are secondary criteria. The candidate must demonstrate continued improvement beyond the satisfactory level in one and be satisfactory in the other. If professional development is the secondary criterion, the librarian demonstrates a definite continuing program of relevant professional contributions and activities. If service is the secondary criterion, the librarian demonstrates a definite continuing commitment to service that reflects favorably on the university and the libraries, marked by increased levels of responsibility.

***From Associate Librarian to Librarian.*** Promotion is based upon achievement beyond the level required for Associate Librarian. The librarian must have demonstrated an extraordinary ability and level of Librarianship which stimulates/ inspires others. Wherever feasible he or she should have demonstrated the ability to direct the work of others, mentor students or train staff and colleagues. If professional development/research/creative activities is the secondary criterion, the candidate should have shown a continued growth in professional contributions which has enhanced the reputation of the university. If professional service is the secondary criterion, distinguished contributions must be evident.

*(University Faculty Council, November 30, 1976; April 28, 2009; Board of Trustees, June 12, 2009)*

## **Librarian Appointments**

***“Librarian”*** is the rank for librarians whose performance as Associate Librarians has been superior and whose professional development, research and/or creativity, and service have resulted in the attainment of state, regional, or national recognition in the library profession. Tenure normally accompanies this title.

**“Associate Librarian”** is the title for librarians who have excelled in performance as Assistant Librarians and whose professional development, research and/or creativity, and service show continued improvement. Tenure is normally attained in this appointment; however, promotions to this title may be made before the sixth year without granting tenure.

**“Assistant Librarian”** is the title for librarians who have had at least two years of appropriate experience; whose performance has met and fulfills the requirements of operational standards; whose professional development, research and/or creativity, and service have been satisfactory; and who show potential for meeting the criteria for promotion to Associate Librarian. Time spent as assistant librarian is counted toward tenure. In exceptional cases, librarians may be tenured in this appointment.

**“Affiliate Librarian”** is the title for librarians who have (1) a master’s degree from an American Library Association accredited library school or the equivalent professional credentials or a graduate degree in other professional or scholarly fields where appropriate and (2) less than two years of appropriate experience. This title shall not be held longer than three years. The second evaluation must be followed by a recommendation resulting in (1) promotion, (2) a one-year terminal appointment, or (3) continuation as affiliate librarian based on extenuating circumstances (e.g., illness) which shall be explained to justify such continuation. Time spent as affiliate librarian is counted toward tenure.

*(University Faculty Council, April 11, 1978)*

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## **History**

*Updated July 26, 2016, to remove outdated references to the Indiana University Library Faculty Handbook.*

*Revisions approved by the Univeristy Faculty Council on April 26, 2022.*

*On February 10, 2023, the Responsible University Office was updated to reflect organizational restructuring.*

*Revisions to this policy to comply with Indiana law IC 21-39.5-2-1 were approved by the UFC Executive Committee on May 21, 2024 and were reviewed and approved by the Board of Trustees on June 14, 2024.*

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# Academic Appointee Responsibilities and Conduct

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[policies.iu.edu/policies/aca-33-code-academic-ethics/index.html](https://policies.iu.edu/policies/aca-33-code-academic-ethics/index.html)

ACA-33

- Scope
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## About This Policy

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**Effective Date:**

11-03-1970

**Date of Last Review/Update:**

07-29-2024

**Responsible University Office:**

University Faculty Council

**Responsible University Administrator:**

University Faculty Council,  
Board of Trustees, Indiana University

**Policy Contact:**

[ufcoff@indiana.edu](mailto:ufcoff@indiana.edu)

**Policy Feedback:**

If you have comments or questions about this policy, let us know with the policy feedback form.

## Scope

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1. This policy applies to all academic appointees 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.
2. University policies are governed by UA-08, Establishing University Policies as they relate to relationships with local policies.
3. This policy does not govern conduct that falls under ACA-30, Research Misconduct, or UA-03, Sexual Misconduct, Discrimination and Harassment.
4. 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.

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## Policy Statement

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Exhibit 3

## 1. 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's principles can be undermined.

## 2. TERM OF APPOINTMENT

1. Unless the written terms of an academic appointment provide otherwise, academic appointments are made subject to these guidelines:
  1. 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.
  2. 12-month appointments begin on July 1 and end on June 30 unless the terms of the appointment specify different dates.
  3. 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.
  4. 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.
  5. 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.
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.
3. 10-month appointees may engage in compensated activities during the three 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. See, UA-03, Sexual Misconduct, Discrimination and Harassment, ACA-30, Research Misconduct, and UA-17, Conflicts of Interest and Commitment.

### 3. RESPONSIBILITIES OF ACADEMIC APPOINTEES

1. Academic appointees shall:
  1. Be familiar with and abide by the Indiana University Principles of Ethical Conduct.
  2. Be familiar with the Code of Student Rights, Responsibilities and Conduct, abide by the same standards of behavior that we expect of our students, and cooperate with student affairs officials in enforcing that Code.
  3. Show due respect for colleagues and other members of the university community and be fair and objective in their evaluations of them.
  4. Strive to be effective in their areas of responsibilities that include teaching, research and creative activity, librarianship and/or service.
  5. 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.
  6. Protect academic freedom.
  7. Ensure that outside commitments do not interfere in terms of time, energy, or conflict of interest with obligations to the University.
  8. Keep abreast of knowledge and developments in their disciplines.
  9. Make their time available to students, provide students with fair and candid feedback in their evaluations, and prepare fair letters of recommendation as appropriate.
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.
3. Academic appointees shall treat all faculty, 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.
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.

5. Academic appointees with instructional responsibilities shall:

1. Protect students' freedom to openly discuss ideas and opinions germane to the class topic and consistent with the class format.
  2. Be familiar with and abide by UA-22, Employee Relationships Involving Students.
  3. Treat students with respect and fairness, adhere to university non-discrimination and accessibility policies, and strive to develop among students respect for each other.
  4. 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.
  5. 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.
  6. Clearly explain to students which outside resources or other assistance may or may not be used on any examination, assignment, curricular or academic-related activity.
  7. 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.
  8. 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.
  9. Plan and regulate class time to cover the material assigned and minimize discussion of irrelevant matters.
  10. 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.
  11. 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.
  12. Academic appointees offering remote or online classes shall clearly state class participation expectations and how office hours will be available.
  13. Refrain from making irrelevant adverse comments about colleagues, other courses, or other units.
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 academic dishonesty to the student affairs officer of the campus.
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.

**4. ACADEMIC SCHEDULE**

1. Academic appointees are entitled to 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.



## 5. 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.
2. The following acts constitute personal misconduct by an academic appointee:
  1. 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.
  2. Violation of university or campus policies.
  3. Intentional refusal to comply with the directions of public safety, fire, or public health officials.
  4. Intentional and persistent refusal to follow university health and safety requirements.
  5. Intentionally interfering with, disrupting, or blocking access to, university activities, facilities, and programs.
  6. Possession or use of a firearm or other weapon except in compliance with university public safety policy. See, PS-03, Possession of Firearms and Weapons.
  7. Acting, threatening to act, or encouraging others to act with physical 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.
  8. Engaging in bullying, threatening, humiliating or intimidating behavior toward, or verbal abuse of, any member of the university community.
  9. Engaging in or encouraging retaliation or any behavior or activity that threatens or intimidates any potential participant in a judicial process.
  10. 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.
  11. 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. The use of e-mail for political purposes is covered by GR-01.
  12. 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.
  13. Forgery or unauthorized alteration of university documents, records, or databases, or knowingly submitting false information for an official university purpose.
  14. Failure to comply with the terms of a disciplinary sanction.
  15. Appearing in class or at a university function or activity in an intoxicated condition from alcohol and/or drugs.
  16. Violating any criminal law.

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## Reason for Policy

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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.

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## Procedures

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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.
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.
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:
  1. The respondent must be provided with a copy of the complaint and be given an opportunity to provide a written response.
  2. 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.
  3. The investigating official may interview witnesses, view documents, and collect written statement but is not required to conduct a formal hearing.
  4. 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.
  5. Findings of responsibility and sanctions must be in writing, summarize the evidence, and be communicated to the complainant and respondent.
4. If the investigating official determines at any point that no further investigation is warranted, they shall inform the complainant.

## 5. Sanctions

1. 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.
  2. Common sanctions may be imposed by either the principal administrator of the unit or the campus chief academic affairs officer. Common sanctions are sanctions intended as proportional, corrective disciplinary responses to discrete policy violations. Their primary aim should be to clarify the real or potential costs to the university community of non-compliance with the policy that was violated and to disincentivize future violations of it.
  3. 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.
  4. Severe sanctions may be imposed only by the campus chief academic affairs officer. The decision to impose a severe sanction may involve taking into consideration prior complaints, findings of responsibility, and sanctions that were issued by the campus of the respondent. If a sanction significantly alters the terms or conditions of a respondent's employment or infringes upon their ability to conduct forms of work previously assigned and entrusted to them by virtue of their position classification, it is considered a severe sanction. Termination is subject to ACA-52, Permanent Separations for Academic Appointees.
  5. 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. In cases where a campus has a policy that indicates involvement with a faculty advisory body prior to the severe sanction being imposed, the local policy will apply and notification of that process will be included in the written notification.
  6. Respondents have a right to be notified in writing that a finding of fact has been made and sanction is being levied against them. Such notifications must explicitly state whether the sanction is intended as a common or severe one, per the characterizations of common and severe sanctions provided in sections (5.b) –(5.d) above.
  7. A finding of misconduct also may be taken into account in the regular course of annual reviews, salary adjustment, reappointment, and tenure decisions.
  8. 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.
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.

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## Definitions

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**Academic appointee:** an individual 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.

**Academic Unit:** A school, department, program, division or similar entity in which one or more academic appointees hold their primary appointment.

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

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

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

**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.

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

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

**Year:** A calendar year.

**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.

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## History

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1. Enacted by UFC, November 3, 1970 and approved by Trustees, December 19, 1970.
2. Section on relations with students amended by UFC, February 11, 1986.
3. Section on relations with students amended by UFC, February 11, 1992.
4. Section on librarianship responsibilities amended by UFC, April 28, 2009.
5. Sections on faculty responsibilities for using copyrighted materials (ACA-31) and student cheating (ACA-72) transferred into ACA-33, UFC, November 12, 2019.
6. Comprehensive revision by UFC, December 13, 2022. A copy of the policy that was in effect prior to this review can be accessed [here](#). The revisions were reviewed and approved by the University President on March 1, 2023.
7. Section on responsibilities of academic appointees amended by UFC, April 25, 2023, and approved by the University President.
8. Revisions approved by the UFC on February 27, 2024 and April 23, 2024. Approved and made effective by the Board of Trustees on July 29, 2024.

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**Faculty and Librarian Annual Reviews**

ACA-21



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## About This Policy

**Effective Date:**

04-29-1976

**Date of Last Review/Update:**

06-14-2024

**Responsible University Office:**

University Faculty Council

**Responsible University Administrator:**

University Faculty Council

Board of Trustees, Indiana University

**Policy Contact:**

[ufcoff@indiana.edu](mailto:ufcoff@indiana.edu)

**Policy Feedback:**

If you have comments or questions about this policy, let us know with the [policy feedback form](#) [</contact/index.html>](#).

## Scope

All academic appointees who hold tenure-track, lecturer, professor of practice, clinical or research appointments.

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## Policy Statement

A. All academic appointees shall receive annual merit and salary reviews.

- B. Academic appointees of less than full rank and probationary appointees shall also receive annual career progress reviews on their progress toward tenure and/or promotion. Career progress reviews may be conducted separately or at the same time as annual merit and salary reviews.
- C. The Board of Trustees has resolved that the procedures used in annual reviews shall:
1. Preserve academic freedom.
  2. Protect due process.
  3. Recognize situational differences of diverse faculty.
  4. Establish professional development as a goal.
  5. Define a mechanism for initiating the in-depth review process.
  6. Incorporate existing faculty review mechanisms.
  7. Include peer review.
  8. Comply with the requirements of IC 21-39.5.
- D. To assist the annual review process, academic appointees shall submit annual reports.
1. The Academic Leadership Council Executive Committee may develop an annual report form to be used on all campuses and units, and may determine the scope, content, routing, and timing of reports, in consultation with the University Faculty Council.
  2. It is the responsibility of the Provost/Chancellor of each campus to develop the format, content, routing, and timing of annual reports for all academic appointees not covered by a university-wide report form, in consultation with the campus faculty governance body.
  3. Annual report forms shall provide for individuals to report professional activities and accomplishments during the preceding year in the areas of instructional activity, scholarship and creative work, and university and public service.
  4. Annual report forms shall also include the opportunity for individuals to volunteer additional information beyond the areas required by the form.
  5. The annual report form also may be used for purposes other than annual reviews, subject to oversight by the appropriate faculty governance body.
- E. Annual merit and salary reviews shall be conducted by the principal administrator of an academic unit under procedures approved by the faculty governance body of that unit. Those procedures may include a requirement that salary adjustments be made in consultation with a faculty committee elected by the faculty or appointed by the unit's faculty governance body.
- F. Annual career progress reviews may be conducted by the principal administrator of the unit, the administrator's designee, or by a faculty promotion and tenure committee. At the time of the review, each appointee shall be informed of matters relevant to progress toward promotion and/or tenure. The principal administrator should provide the appointee with a written summary of the career progress review.

- G. Academic appointees and administrators are expected to cooperate in the review process to ensure that the files on which such reviews are based contain all relevant material and the process is conducted efficiently without undue burden being placed on the appointee.
- H. Each campus may adopt its own policy for reviewing and setting salaries consistent with these guidelines. Each academic unit may adopt its own salary policy consistent with these guidelines and campus policy.
1. Salaries shall be based on merit, inflation, recruitment, retention, and remedial equity, if appropriate. Merit has primacy among these.
  2. Because numerical summaries in student course evaluations may reflect cultural biases, and low participation rates may skew results, numerical ratings should not be used as the primary source of data for evaluating teaching. Each campus and unit faculty governance organization shall have a policy for evaluating teaching that provides for qualitative student feedback and other sources of information.
  3. The setting of salaries shall always balance two principles: rewarding comparable performance, distinction, and experience with comparable salary, and providing the support necessary to achieve the missions of the university.
  4. Salary resources may be used to remedy past inequities resulting from changing market conditions, inappropriate merit judgments, inadequate funding, discrimination, or other good cause.
  5. Annual salary increments may be made in percentages, fixed-dollar amounts, or a combination. However, salary decisions should avoid inappropriate widening of the disparities between low and high salaries that may result from the use of percentage increments.
  6. Salary policies at every level should be written and available for inspection and other appropriate uses. A unit shall report annually on salary policy implementation to the faculty in the unit.
- I. An academic appointee who takes an administrative position may receive a salary supplement for administrative service, but that supplement leaves the salary base when the administrator resumes full-time faculty status. The salary base may be adjusted so that it approximates what the appointee's salary would have been had the appointee not taken the administrative position. See ACA-08, Faculty Members Holding Administrative Positions </policies/aca-08-faculty-holding-admin-positions/archived-05152020.html> .
- J. An academic appointee who would otherwise terminate and begin receiving 18/20 plan payments may, with the approval of the Provost/Chancellor, be offered retention incentive pay in the form of a \$5,000 allocation for research and professional development at age 64, or 20% base salary supplement from age 65 to 70.
- K. A campus or unit may adopt salary minima, which must periodically be adjusted to account for inflation and overall unit salary raises.



## Reason for Policy

The quality and integrity of academic programs depend upon the performance of individual academic appointees. Annual reviews are important to both faculty and administrators to assess performance and progress and to provide for continued faculty development. Annual reviews also facilitate communication, openness, fairness, and faculty participation in merit-based salary decisions, and transparency concerning progress toward promotion and tenure.

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## Procedures

Procedures for implementing this policy shall be developed by each campus and each academic unit.

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## Definitions

**Principal Administrator:** The dean, department chair, program director, or other administrative head of an academic unit or that officer's designee.

**Academic Unit:** A school, department, program, division or similar entity in which one or more academic appointees hold their primary appointment.

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## History

*University Faculty Council, April 29, 1976; Oct. 9, 1979; April 21, 1989*

*University Faculty Council April 23, 1991; Board of Trustees, June 20, 1991*

*University Faculty Council February 9, 1999; Board of Trustees, March 26, 1999*

*University Faculty Council, November 12, 2019. As part of the 2019 revisions, ACA-21, ACA-25, ACA-28, and ACA-44 were updated and consolidated. ACA-25, Annual Reports for Faculty and Librarians, was rescinded; its content has been incorporated into ACA-21, § D. ACA-28, Faculty and Librarian Salary, was rescinded; its content has been incorporated into ACA-21, § H. ACA-44, Retention Incentive Pay for Academic Appointees, was rescinded; its content has been incorporated into ACA-21, § H-7.*

*University Faculty Council April 23, 2024; UFC Executive Committee May 21, 2024; Board of Trustees June 14, 2024.*



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