

# University Senate Minutes

Fargo, ND 58105

North Dakota State University

November 13, 2006

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The University Senate met at 3:30 p.m. in Dakota Ballroom with Dr. E. Berry presiding and the following senators present: D. Andersen, E. Ash, B. Bahrami, S. Beck, S. Bergeson, M. Boetel, U. Burghaus, X. Cai, M. Christoffers, D. Comez, G. Cook, J. Coykendall, W. Dai, B. Duncan, D. Eiler, T. Esslinger, B. Fier, J. Garden-Robinson, J. Glower, C. Gross, H. Hatterman-Valenti, A. Hirani, T. Knoepfle, K. Koch, L. Langley, A. Little, M. Mallett, S. Mallik, J. Martin, K. McCaul, M. Meister, F. Michael, D. Miller, S. Neate, R. O'Connor, V. Olson, S. Panigrahi, L. Peterson, R. Petrich, R. Pieri, B. Randall, J. Ransom, R. Rathge, D. Redmer, D. Rider, T. Riley, N. Rogers, R.C. Schnell, D. Scott, D. Sperl, W. Teder-Salejarvi, D. Terbizan, and J. Wageman

Substitutions: C. Friesen for R. Gordon, R. Harrold for K. Grafton, B. Strand for V. Clark Johnson, S. Gajan for K. Katti, C. Weber for D. Klenow, W. Law for E.J. Miller, K.V. Halbur for C. Peterson, and D. Wadholm for C. Skauge

## **Previous Minutes**

MOTION (Cook/Comez): to approve the minutes of the October 9, 2006, meeting. MOTION PASSED WITH UNANIMOUS CONSENT.

## **Consent Agenda**

- A. Academic Affairs ([Attachment 1](#))
- B. General Education ([Attachment 2](#))

MOTION (Miller/Hatterman-Valenti): to approve Consent Agenda as posted. MOTION PASSED WITH UNANIMOUS CONSENT.

## **General Announcements**

- A. Provost Schnell reported the following:
  - An Honorary Doctorate degree has been approved for Russell Freeman for the fall commencement ceremony. Freeman, who is a local attorney, has served as ambassador to Belize and has contributed a significant level of service to the University.
  - Schnell recently served as a consultant evaluator for an on site accreditation visit for well-known institution. Based on his findings and experiences, NDSU is further along in many areas, and the campus community should be proud of our accomplishments and status.

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B. Senate President Berry reminded the Senate of an upcoming Race and Judicial System

Panel scheduled for November 20, 7 p.m., in Century Theatre. It will be the first in a three-part series. Email messages to the student, faculty and staff lists will be sent announcing this event.

C. NCAA Certification Process

On behalf of NDSU Athletics, Berry reported that various task forces are meeting to gather data so that a self-study report document may be drafted by early-mid spring semester.

## **Committee Reports**

- *Academic Affairs:*

MOTION (Pieri/Halbur): to add new course, NURS 710-Health Promotion and Disease Prevention (2 credits) to the Academic Affairs agenda for consideration. MOTION PASSED WITH UNANIMOUS CONSENT.

## **Unfinished Business**

A. *Policy 151.1: External Activities and Conflict of Interest – Updated policy ([Attachment 3](#))*

Schnell reported that this policy was approved by the University Senate last year. However, the attached version subsequently has gone through reformatting, removal of duplications, editing, and the addition of hot links.

MOTION (Schnell/Rathge): to approve this policy as amended. Brief discussion ensued on definitions and references to monetary percentages, intellectual property, and part-time employment. In addition, minor edits were suggested.

MOTION PASSED WITH A VOTE OF 54-2. The following senators or their substitutes for aye: Andersen, Ash, Bahrami, Beck, Bergeson, Burghaus, Cai, Cristoffers, Clark Johnson, Comez, Cook, Coykendall, Dai, Duncan, Eiler, Esslinger, Fier, Franklin, Gordon, Grafton, Gross, Hatterman-Valenti, Hirani, Katti, Klenow, Knoepfle, Koch, Langley, Little, Martin, McCaul, D. Miller, E.J. Miller, Montgomery, Neate, Olson, C. Peterson, L. Peterson, Petrich, Pieri, Randall, Ransom, Rathge, Redmer, Rider, Riley, Rogers, Schnell, Scott, Skauge, Sperl, Teder-Salejarvi, Terbizan and Wageman. The following senators or their substitutes voted no: Mallet and Meister.

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## B. *Policy 326: Academic Misconduct (Attachment 4)*

Schnell reported that this policy has been completely rewritten since originally presented (spring 2006). Additional changes were suggested so that it is ready for routing to the Policy Coordinating Committee (PCC) to begin the formal review/approval process. Schnell presented changes to the policy, discussed the various phases, and reported that the policy is now applicable to both employees and students.

He discussed the notification process after an allegation is made and the factors used to determine if an allegation should be moved on to investigation: definition, credibility and specificity. If the committee decides an allegation is not worthy of an investigation, the accuser may ask for an appeal to the Committee on Academic Integrity. If an allegation is supported, appropriate sanctions will be determined. Along with this, a tentative filing/document retention period of three to seven years was discussed.

Applicable federal policies will be followed in investigations. Confidentiality and sensitivity will be maintained as best possible with consideration to both parties, even though North Dakota open records laws subjects these to public access. Misconduct associated with false accusations will be dealt with, and suspension of research activity to protect the interests of involved parties may be considered.

Inquiry committees will be ad hoc and unique to each investigation. An investigation committee will be an appointed committee with members elected by their representation units annually. Additional discussion ensued on the handling of frivolous allegations, a process for withdrawal of allegation, and the period over which records will be retained.

## C. *Faculty Service Survey Results (Attachment 5):*

J. Council, past Senate president, presented the results of the faculty service survey he conducted last year. Some of his findings based on academic administrator feedback include inconsistencies in: 1) how service is defined, 2) sentiment regarding burden on female committee involvement, 3) sentiment on whether assistant professors are sheltered from or overburdened with service obligations. Also, he found there is no formal means to reward service and committee involvement on campus. Council asked that these findings serve as a springboard for future discussion, and welcomed further comments and questions.

## D. *Ad Hoc Smoking Committee:*

An ad hoc committee has been formed to complete the work of last year's group that began studying the feasibility of establishing a smoking policy on campus. The committee is comprised of students, faculty and staff.

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E. *Policy 352- PTE:*

Berry is finalizing the formation of this committee, which will be chaired by J. Council. He asked that any questions, comments or concerns regarding the PTE policy be directed to either him or Council.

F. *Tri-College Credit/Enrollment Update:*

Beginning with spring 2007, NDSU will require students to register for at least one credit at NDSU in order to register and maintain enrollment in Tri-College courses (summer session excluded).

## **New Business**

- *Library Update*

J. Council, library dean, reported that three working groups for the library have been established: building, web design, and constituency. The goal of these groups is to increase the quality of service and accountability of the Library. Reorganization of Library management and some new action plans already have been identified.

MS&R architectural firm (which also redesigned the Fargo Public Library) is conducting a feasibility study, which will include interviews and focus groups with students and faculty. Students also are taking a leadership role in identifying needs for a newly designed library. In addition, the Library's web developer is seeking volunteers to review updates to the Library web page.

Council asked that any feedback be directed to a member of the University Senate's standing Library Committee.

## **Adjournment**

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The meeting adjourned at 4:35 p.m.

Submitted,

Kristi Wold-McCormick, Ph.D.  
Secretary

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Attachment 1

## Academic Affairs Committee

### Approved Curricular Recommendations

New Courses							
Dept.	No.	Title				Crs.	
ARSC/ZOO	463L/663L	Physiology of Reproduction Laboratory				1	
ME	433/633	Composite Materials Science and Engineering				3	
MNT	735	Optoelectronics Materials and Processing				3	
NURS	710	Health Promotion and Disease Prevention				2	
PHRM	351L	Pharmaceutical Care Laboratory I				1	
PHRM	352L	Introductory Pharmacy Practice Experience II				1	
PHRM	451L	Introductory Pharmacy Practice Experience III				1	
PHRM	452L	Pharmaceutical Care Laboratory IV				1	
PHRM	551L	Pharmaceutical Care Laboratory V				1	
PHRM	552L	Pharmaceutical Care Laboratory VI				1	
Changes in Course Title and Credits							
Dept.	No.	From	Crs.	Dept.	No.	To	Crs.
ARSC/ ZOO	463/ 663	Physiology of Reproduction	4	ARSC/ ZOO	463/ 663	Physiology of Reproduction	3
ME	473/ 673	Engineering Plastics for Design	3	ME	473/ 673	<i>Polymer Engineering</i>	3
PHRM	351	Pharmaceutical Care I	2	PHRM	351	Pharmaceutical Care I	1
PHRM	352	Pharmaceutical Care II	2	PHRM	352	Pharmaceutical Care II	1
PHRM	451	Pharmaceutical Care III	2	PHRM	451	Pharmaceutical Care III	1
PHRM	452	Pharmaceutical Care IV	2	PHRM	452	Pharmaceutical Care IV	1
PHRM	551	Pharmaceutical Care V	2	PHRM	551	Pharmaceutical Care V	1
PHRM	552	Pharmaceutical Care VI	2	PHRM	552	Pharmaceutical Care VI	1

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Attachment 2

## Five Year Review of General Education Courses

Approved General Education Recommendations.

<b>Outcomes Key:</b>				
1. Communicate effectively in a variety of contexts and formats.		5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.		
2. Locate and use information for making appropriate personal and professional decisions.		6. Integrate knowledge and ideas in a coherent and meaningful manner.		
3. Comprehend the concepts and perspectives needed to function in national and international societies.		7. Comprehend the need for lifelong learning.		
4. Comprehend intrapersonal and interpersonal dynamics.				
<b>Approval for New General Education with Outcomes</b>				
<b>Course No.</b>	<b>Course Title</b>	<b>Categories</b>	<b>Recommended Outcomes</b>	
ENGL 323	Creative Writing II	C	1, 6	
<b>Continued Approval for General Education with No Changes</b>				
<b>Course No.</b>	<b>Course Title</b>	<b>Categories</b>	<b>Previous Outcomes</b>	<b>Recommended Outcomes</b>
BIOL 150	General Biology I	S	2, 5	2,5
BIOL 150L	General Biology I Lab	S	2, 5	2, 5

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## **POLICY CHANGE COVER SHEET**

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

### **Section**

151.1 External Activities and Conflicts of Interest

2. This policy has been reviewed/passed by the following (include dates of official action):

Policy Coordination Committee - 2/24/05; 3/17/05; 11/17/05; 12/15/05; 1/27/06; 4/21/06;  
6/27/06; 9/22/06

Staff Senate -

University Senate – 2/13/06; 3/20/06; 4/10/06

President's Council -

3. This policy revision was originated by (individual, office or committee/organization):

Provost and Vice President for Academic Affairs (2/24/05)

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v. 11-2-06

## SECTION 151.1: EXTERNAL ACTIVITIES AND CONFLICTS OF INTEREST

**SOURCE: SBHE Policy Manual, Section 611.4**  
**NDSU President**  
**NDSU University Senate**

### 1. PHILOSOPHY AND NEED

- 1.1. Beyond the traditional academic responsibilities of teaching, research, and service, and in response to the rapidly changing external realities, universities and their employees are increasingly involved in external activities\*, including economic development, technology transfer\*, consulting\*, and other types of public service.
- 1.2. North Dakota State University recognizes the need, and actively encourages its employees, to participate in sponsored activities\* and external activities as an important component of its land-grant mission. NDSU also recognizes that this may create conflicts of interest and/or commitment with the traditional academic responsibilities. An investigator's\* engagement in sponsored and external activities is subject to the principles that:
  - 1.2.1. Full-time employees have as their primary responsibility their professional obligation to NDSU.
  - 1.2.2. Employee conduct must conform to the highest standards of professional integrity and ethics, thereby avoiding even the appearance of impropriety.

*\* These and other terms marked with an asterisk are defined in Section XII – Definitions. [hot link to definitions section] See especially Conflict of Interest and Conflict of Commitment. [Hot link each of these terms to their definition in Section XII.]*

### 2. APPLICABILITY

- 2.1. This policy applies at all times to all full and part-time NDSU employees. *(Exceptions to the application of this policy should be negotiated with the administrative head, appropriate Vice Presidents, and the Provost/VPAA at the time of hire.)*

### 3. GUIDING PRINCIPLES AND MAJOR CONSIDERATIONS: INSTITUTIONAL

- 3.1. **Institutional Approval.** Institutional approval must be obtained prior to engaging in any external activity in which there is a potential or actual conflict. Full-time NDSU employees owe their primary loyalty and professional commitment to the institution during the terms of their employment. They must not neglect their university responsibilities to seek financial interest or advantage for themselves, their immediate

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families, their close associates, or a business over which they or their families have a direct or indirect financial interest. Any commitment of time and effort to serve another institution, agency, or industrial organization other than NDSU, therefore, should be made only after satisfying an employee's primary commitment to NDSU and after appropriate disclosure and approvals.

3.1.1. Where potential for conflict exists, it must be disclosed, analyzed and dealt with immediately and directly. Although not all conflicts can be prevented or avoided, failure to disclose, properly supervise, or manage an identified conflict will constitute a violation.

3.1.2. Conflict of interest is categorized as

3.1.2.1 Clearly allowable;

3.1.2.1 Allowable after disclosure, review, approval and oversight;

3.1.2.1 Not allowable or prohibited.

3.1.3. Upon receipt of the disclosure, the process should be completed within 20 working days unless there are circumstances which can be documented to indicate reasons for exceeding this 20 working day period.

3.2. **Institutional Encouragement.** When a relationship enhances the professional skills of NDSU employees or constitutes public service, interactions involving service, consulting, and research activities between institutional employees and external entities for reasonable periods of time and for personal remuneration are acceptable and encouraged.

*(The reasonableness of time allowable will vary among individuals, discipline, activity, and will be affected by specific departmental or unit needs).*

3.3. **Institutional Benefit.** Participation by NDSU employees in the activities that serve the interests of NDSU is encouraged, where such participation affords experience and exposure to the individual, and accrues standing to NDSU. Donation of professional services to external organizations and professional societies, and serving as officers of such societies for reasonable periods of time without substantial allocation of NDSU resources is encouraged.

3.4. **Institutional Resources.** Subject to law and policy, NDSU permits some use of its facilities, space, equipment, or support staff for external activities. If a substantial allocation of NDSU resources is required to support an external activity, there must be a prior written financial arrangement has been agreed upon that adequately compensates NDSU for their use.

3.5. **Confidentiality of Disclosure Information.** NDSU will assure the confidentiality of individual disclosure information to the extent possible under applicable state and federal requirements and/or the North Dakota Open Records Act. Whenever requests

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for such information are requested by any external entity, the individual will be notified.

## 4. GUIDING PRINCIPLES AND MAJOR CONSIDERATIONS: EMPLOYEE

- 4.1. **Employee Disclosure.** As a public institution, NDSU must possess sufficient information and control to discharge its obligations of public accountability responsibility. NDSU employees have the responsibility to report promptly and in sufficient detail, all activities that may involve actual or potential conflicts. Regular, timely, and full disclosure is a key element in this policy and is necessary to identify, resolve, or manage any actual or potential conflict of interest situation. The requirement of disclosure cannot be waived by any university employee.
- 4.2. **Employee Obligations.** When arranging relationships with external agencies, NDSU employees are expected to make known their NDSU obligations. Where appropriate, they should provide copies of relevant NDSU policies to their contracted entities and inform the external agencies that their work is contracted in their individual capacity and does not in any way represent NDSU. Listing of an employee's institutional affiliation in public or commercial documents needs to comply with Policies 152- External Professional Activities and 700.1-Use of University Name.
- 4.3. **Academic Freedom.** Subject to University policies and requirements, NDSU employees are free to choose the subject matter and strategies of their individual teaching and research activities on the basis of scientific or scholarly criteria, insofar as they are unencumbered by external commitments.
- 4.4. **Freedom to Publish.** Subject to limited delays to permit filing of document(s) to protect intellectual property\*, or findings as in a patent application, NDSU will vigorously ensure its employees' free and open dissemination of information including the right to publish.

(See also NDSU Policy regarding Classified Research, Policy 344) [\[hot link\]](#)

- 4.5. **Accountability for Review.** NDSU expects that responsible individuals will exercise their duty and responsibility, at all levels of review and action, to evaluate carefully all potential conflict situations disclosed or known to them before acting to approve or disapprove the same.
- 4.6. **Time Commitment.** NDSU will allow an average of up to one day per week (40 days for academic year and 52 days for calendar year appointments) within the contract period for acceptable and approved external professional activities (Policy 152). This released time, subject to unit needs, is not an automatic entitlement but is approved at the administrative head's discretion. Such released time is not available for:

4.6.1. Activities or businesses that are purely personal in nature.

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- 4.6.2. Activities that are neither related nor contribute to the advancement of the employee's professional skills.
- 4.6.3. Activities, which do not provide an opportunity for professional growth.

## 5. SPECIFIC RESPONSIBILITIES

- 5.1. **NDSU employees** are required and expected to take the initiative to report promptly and in detail to the administrative head of their units, for prior written approval, all activities or situations which may involve, or appear to involve, a conflict of commitment, a conflict of interest, or an incompatible obligation\* or commitment, and to respond to inquiries from the administrative head in connection with any such report. The mere existence of a conflict, real or potential, however, will not necessarily preclude a particular activity.

*(See also NDSU Policies 151 – Conflict of Interest and 152 – External Professional Activities.)* [HOT LINK to these policies]

- 5.2. **Administrative heads of units\*** have the duty and responsibility to evaluate carefully all potential conflict situations reported or known to them before acting to approve or disapprove the same. As a public institution, NDSU is expected to possess sufficient information and control to discharge its obligations of public accountability.

- 5.2.1. In a specific conflict situation, it may be appropriate for the administrative head to inquire into a number of factors, including:

- 5.2.1.1 The extent of time commitment to external entities by academic staff member from consulting activities;
- 5.2.1.2 The extent of financial or other interest the academic staff member or staff member's family have in external entities;
- 5.2.1.3 The extent to which such financial or other interests may influence or affect the entities' general policy or specific decision.

- 5.2.2. Careful scrutiny is called for when:

- 5.2.2.1 The employee's acquisition of financial interests or assumptions of external executive or administrative responsibilities appear to be in conflict with the employee's duties and obligations to NDSU;
- 5.2.2.2 Activities may influence research or business decisions in ways that could lead to the employee's direct or indirect personal financial gain, or give improper advantage to the employee's immediate family, associates, or others.

- 5.2.3. In such circumstances, if the proposed activities are to be approved, appropriate control mechanisms must be established and reduced to writing, and be subject to continuous review and monitoring. Such monitoring may include, among other requirements appropriate to the circumstances, higher administrative level

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review of expenditures (including those for travel), periodic detailed reviews of programmatic objectives and/or progress, removal of the affected employee from decision making authority, granting a leave of absence without pay when the external commitment is inappropriate to the employee's University duties or responsibilities.

- 5.2.4. Provision might be made for consulting authorization request approval process, whereby if the duration of the activity is longer than one year, or is indefinite, indeterminate, occasional or ongoing for a period longer than one year, for the authorization to be renewed annually through electronic correspondence, provided there are no material changes to the original activity. Substantial changes to the activity would require formal reauthorization.
- 5.3. Research agreements with external sponsors must maintain basic academic values and must not promote a secrecy that will harm the development of knowledge, impair the educational experience of students or postdoctoral fellows, diminish the role of NDSU as a credible and impartial resource, interfere with the choice by employees of the scientific or scholarly subjects they pursue, or divert an employee's energies or NDSU resources from primary educational and research missions.
- 5.4. Those situations are to be avoided or remedied in which academic staff members, through use of their University positions or by their conduct, may be tempted to disregard the interests of the University and its students, or to dilute or divert their attention from their NDSU responsibilities in order to seek direct or indirect advantage for themselves, their families, or close associates, or exert sufficient influence over a business to be able to affect its general policy or specific decision.

## 6. DISCLOSURE

- 6.1. The policy on disclosure is the key mechanism to identify potential conflict(s) of interest and commitment for further evaluation, oversight, and remediation. Usually, and most importantly, this will involve financial disclosure\*. For situations subject to review and approval, an NDSU employee shall submit a request in writing, explaining all pertinent circumstances, to the administrative head of the unit in which he or she is employed. Items that need consideration in the written request may include:
  - 6.1.1. Listing any consulting relationship, managerial role, or a significant financial interest\* in a company that does business with the University;
  - 6.1.2. Disclosing a company that is involved with or sponsors activities related to the field of research and or service;
  - 6.1.3. Listing any non-University income-producing activities that involve NDSU students or other staff.

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- 6.1.4. Employees of NDSU authorized (including delegated authority) by NDSU Policy 712 [\[hot link\]](#) to enter into contracts on behalf of the University must sign the North Dakota State University Conflict of Interest Disclosure Statement. All other employees will be provided notice about this Policy but need only sign the statement if they have a conflict. Notices and collection of statements shall be administered by the Purchasing Office.
- 6.2. If an actual or potential conflict of interest is not believed to exist, the reviewing authority will complete the Administrative Review Form. [\[hot link\]](#) One copy each will be returned to the individual submitting the form, forwarded to the respective Vice President, and retained on file with the Administrative Head. The action requested may be approved, provided it is in compliance with all other University policies and procedures.
- 6.3. If an actual or potential conflict of interest is determined to exist, there are three options. These include:
  - 6.3.1. Permitting the requested action or activity.
  - 6.3.2. Attaching conditions to the approval.
  - 6.3.3. Prohibiting the activity.
- 6.4. If the administrative head believes that an actual or potential conflict of interest situation exists, he or she shall refer the matter to the appropriate Vice President. The Vice President shall exercise his or her authority to approve, disapprove, or approve with conditions any actual or potential conflict of interest, or refer the matter to the Conflict of Interest Advisory Committee (CIAC; see Section IX) for recommendation. Where special arrangements to accommodate an actual or potential conflict of interest are desired, they shall be reduced to writing, on the basis of which the Vice President may appoint an individual to monitor the approved arrangement.
- 6.5. The Vice President shall indicate his or her decision on the Administrative Review Form, [\[hot link\]](#) a copy each of which will be forwarded to the individual submitting the request, the initial reviewing authority, and filed with the office of the Vice President.
- 6.6. Upon receipt of the disclosure, the process should be completed within 20 working days unless circumstances which can be documented to indicate reasons for exceeding this 20 working day period.

## 7. CONFLICTS INVOLVING ADMINISTRATORS

- 7.1. In the case of potential conflicts of interest and/or commitment involving administrators at the level of dean, director, or higher, initial disclosure shall be made with the appropriate Vice President, who shall then make a recommendation consistent with policy, and who may exercise the option to make the final decision. Disclosures

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for Vice Presidents shall be filed with the President, who shall have the final approval authority, but who may also consult with CIAC for its recommendation.

## **8. UNIVERSITY REVIEW OF SPONSORED ACTIVITIES**

- 8.1. Any sponsored program agreement between the University and external sponsor(s) must be authorized in advanced through established University review procedures to ensure conformity of the proposed activity to the academic, administrative, fiscal, space utilization, and other policies of the University. In addition, such an agreement must not conflict with the rights of other University scholars, with other University commitments, or with the basic academic values of the institution.

## **9. REVIEW AND APPEALS**

- 9.1. A Conflict of Interest Advisory Committee (CIAC) shall be established, comprised of five members recommended by the University Senate Executive Committee and appointed by the President of the University Senate. The Committee shall serve as an advisory body to the University administration on conflict of interest issues, and shall also hear appeals of decisions in conflict of interest cases.
- 9.2. If an activity is subject to restrictions or prohibited, the employee concerned may request a hearing by the CIAC. After the written request is received by the President of the University Senate, the CIAC should meet with the appellant within 15 working days. If a member of the CIAC has any personal or working relationship with the appellant, that member should recuse him or herself and be replaced by another member appointed by the President of the University Senate. More than one meeting may be scheduled to decide the case, if necessary.
- 9.3. The appellant has the right to call any witnesses and produce any evidence that could bear on a recommendation to allow the activity, as well as to have an advisor accompany him/her to any committee deliberations. The committee, however, will come to its conclusions and write its final recommendations in private. The recommendation to either uphold or change the original decision shall be sent to the appropriate Vice President. If the committee finds that the original decision should be upheld, then a final appeal may be made to the President of the University. If the recommendation is to change the original decision, the Vice President shall take appropriate action as he or she deems fit. All records of the proceedings shall be maintained on file in the office of the appropriate Vice President for three years. A copy of the final recommendations shall be provided to the appellant.

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## 10. VIOLATIONS

10.1. Violation of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at the University. In addition, any NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded research and management of NDSU facilities and other property. Such enforcement measures may include, but not be limited to:

- 10.1.1. Freezing research funds or accounts.
- 10.1.2. Rescinding contracts entered in violation of this policy or state law.
- 10.1.3. Bringing legal action for restitution to the appropriate entity or entities of the amount of financial benefit received by the NDSU employee as a result of the employee's violation of this policy.

## 11. EXAMPLES OF CONFLICT OF INTEREST SITUATIONS

11.1. Conflict of Interest situations are not always easy to identify. This section categorizes and identifies activities that have differing potentials for presenting a risk. The list below represents examples of possible conflict situations that may be of some concern and is not meant to be exhaustive. Each situation, therefore, calls for an analysis of the potential benefits and risks. The administrative head or the CIAC must decide if the benefit is worth the risk.

11.2. Potential conflict situations/activities may also be categorized as:

- 11.2.1. Adverse effects on educational programs;
- 11.2.2. Bias/subversion of research agendas;
- 11.2.3. Unreasonable impairment of the flow of information/knowledge;
- 11.2.4. Misuse of NDSU resources and facilities for private gain; and
- 11.2.5. Theft and/or misuse of NDSU intellectual property.

11.3. Potential conflict situations/activities may also be categorized as:

- 11.3.1. Clearly allowable;
- 11.3.2. Allowable after disclosure, review, approval, and oversight;
- 11.3.3. Not allowable or prohibited.

11.4. Activities that are clearly allowable:

- 11.4.1. Activities in this category have very low potential for conflict of interest. Participation does not require disclosure and is allowable if it is consistent with other NDSU policies such as those regarding time commitment and employee's

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ability to meet job obligations. Examples of such activities include, but are not exclusive to:

- 11.4.1.1. Acceptance of royalties and honoraria for published scholarly works and intellectual property (if disclosed to and managed by NDSU or the NDSU Research Foundation), occasional lectures, commissioned papers, and creative works;
- 11.4.1.2. Acceptance of honoraria or payment for service as a special reviewer or service on a review panel for academic, government, and not-for-profit entities;
- 11.4.1.3. Acceptance of royalties under NDSU or another academic institution's royalty policies insofar as the employee does not have any other relationship with the royalty-granting entities.

*(See NDSU Policies 323, 323.3.1, and 152.4.3 [\[hot link\]](#) for exceptions and exclusions to receiving honoraria and royalties.)*

- 11.4.2. In such cases, the use of NDSU property or facilities is acceptable, if the use of such property or facilities has a legitimate relationship to the University employee's responsibilities, provided such use is not significant. No disclosure or approval is required in these situations by this policy, although individual administrative units may have their own approval or scheduling procedures. Examples include using institutional resources to author a book, host a meeting, conduct research related to one's disciplinary field(s), or to serve a professional organization as an officer.
- 11.4.3. In such cases, it is acceptable to utilize institutional employees (e.g., research assistants, secretaries, work study students) to provide assistance, provided the work activity is in keeping with the responsibilities of both parties, does not interfere with the performance of their primary activities, and does not result in significant additional costs to the University. This policy does not require any disclosure, other than intellectual property disclosures as required by policy, or approval process, although individual administrative units may require reporting and approval.
- 11.4.4. In such cases, it is acceptable for employees to acknowledge an affiliation with NDSU, provided this identification is accurate, is not used as part of any endorsement or promotional activities for business or personal gain, and is in keeping with the actual roles and responsibilities at the University (Policy 700.1). University personnel may use University stationery for activities that are related to their assigned University responsibilities. Such identification does not imply, however, that the employee is acting in anything other than in his or her individual capacity.

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## 11.5. Activities that may be allowable after disclosure, review, oversight, and approval:

11.5.1. Activities in this category have minimal-to-moderate potential for conflict of interest. These activities may be allowable after disclosure and appropriate review, provided prior administrative approval is obtained. Where appropriate or necessary, conditions or provisions for oversight may be imposed. Examples of such activities include, but are not limited to:

11.5.1.1. Any ownership or majority control in a commercial enterprise that conducts activities closely related to the employee's area of academic work;

11.5.1.2. Holding an executive position in a commercial (private or public) enterprise or participation in the day-to-day operation of an enterprise directly related to one's University responsibilities;

11.5.1.3. Assuming a "key" continuing consulting role in an enterprise (including serving as a director of a company);

11.5.1.4. Consulting for additional compensation (e.g., providing services to individuals or firms, presenting educational programs sponsored by private firms or independently by faculty members) through approval (*see Policy 152, Request for Approval*);

11.5.1.5. Situations in which the time or creative energy devoted to external activities appear substantial enough so as to compromise the amount or quality of the employee's participation in the instructional, scholarly, or administrative work of the University;

11.5.1.6. Situations in which a faculty member directs students in a research area from which the faculty member may realize a financial gain, thereby diminishing the faculty member's ability to render objective, independent judgment on the student's efforts.

11.5.1.7. Conducting research for any commercial entity.

11.5.2. In such cases, approval is required for use of University resources and facilities that lie outside usual work responsibilities that result in clearly identifiable additional costs to the University. Approval of such situations will generally be conditioned on reimbursement of costs. The executive head of the administrative unit in which the activity occurs must approve exceptions to the requirement for reimbursement. Examples include writing a book for outside compensation, hosting a conference, giving private lessons, performing research utilizing University research instruments for an external entity, or serving as an editor for a journal.

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- 11.5.3. In such cases where an activity will personally benefit the recipient approval is required for the use of services of other University employees. If the costs are more than trivial, approval shall only be granted if the requested services are in keeping with the usual University activities of both employees, and the activity is in keeping with the mission of the University.
  - 11.5.4. Approval must be granted for student involvement in research activities that have the potential to substantially benefit a business entity in which a University employee has a significant financial interest.
  - 11.5.5. Restrictions on publication rights that may adversely impact the fulfillment of degree requirements are permitted only to the extent reasonably necessary to obtain protection of intellectual property rights if they do not prevent publication of student research in a timely manner. In such instances, the student must be informed of the limitations prior to commencing the work and must agree in writing to those limitations.
- 11.6. Activities that are clearly prohibited:
- 11.6.1. Activities in this category pose such serious conflicts with University policy and such high potential for abuse that they cannot be allowed under any circumstances, and are subject to disciplinary action in accordance with NDSU Policies and Procedures. Examples include, but are not limited to:
    - 11.6.1.1. Any circumstances in which a substantial body of research or services that could and ordinarily would be carried on within the University are conducted elsewhere to the detriment of the University and its legitimate interests;
    - 11.6.1.2. Any activity outside the purview of the University:
      - 11.6.1.2.1. Involves or appears to involve the University significantly through the use of its resources, facilities, or the participation of academic colleagues, students, and staff, except in those cases where prior approval has been granted;
      - 11.6.1.2.2. Involves the use of the University's name or implied endorsement; or,
      - 11.6.1.2.3. Violates any of the principles set forth in the University Research Policy (805) (for example, giving the outside organization the right to censor or prohibit publication rights for research any part of which is performed under University auspices);

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- 11.6.1.3. Any use for personal profit, unpublished information or data emanating from sponsored agreements or confidential University sources, or assisting an outside organization by giving it exclusive access to such information.
- 11.6.1.4. Consulting with outside organizations that impose obligations upon the faculty member or the University that conflict with the faculty member's or University Intellectual Property Policy or with the University's obligations under sponsored activity.
- 11.6.1.5. Any use of the University's name in connection with private activities in a manner that inappropriately suggests that the University endorses, sponsors, promotes, advertises, or approves the activities or views of the faculty or staff member.
- 11.6.1.6. Any evaluation of junior faculty, staff, or students based on participation in (or refusal to participate in) outside activities involving business entities in which the evaluating faculty member has a significant financial interest.
- 11.6.1.7. Any assignment of students to research and or creative activities that involve secrecy or confidentiality requirements beyond best institutional practice.
- 11.6.1.8. Any use of uncompensated student labor for research or creative activity outside of the University that will result in personal gain for the supervising University employee.
- 11.6.1.9. Any use of the services of University employees for personal gain such as answering telephones for a private business, typing reports, or conducting research activities or accepting personal compensation for work performed by University employees for external activities.
- 11.6.1.10. Any conduct of library research by librarians on a product/technology for personal gain or any use of University facilities or resources for personal financial gain or conducting a private business and using University supplies for non-university activities.
- 11.6.1.11. Any use of University employees and students, on University time and without reimbursement, for work motivated primarily by commercial concerns or intended to benefit a business entity in which the University employee has a significant financial interest;
- 11.6.1.12. Any soliciting or receiving, either by the University employee or a member of his or her immediate family a gift, compensation, loan of money, or a non-pecuniary gift, the value of which exceeds the amount

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permitted by state law; any soliciting or receiving of remuneration from a person or business entity that is an actual or potential provider of goods or services to the University, in connection with any transaction between the University and any persons or business entity, or under circumstances where it would tend to influence the University employee's performance of his or her University duties;

- 11.6.1.13. Any use of university resources (databases, subscriptions, tools, software, etc.) for personal gain or for the gain of a business in which the employee has an interest, except in those cases where prior approval has been granted.

## 12. DEFINITIONS

- 12.1. **Administrative Head of a Unit** is defined as a department chair or head, dean, director, vice president, president, or equivalent officer who has primary authority for administering an administrative unit.

*(In case a conflict exists for an administrative head of a unit, the matter shall be referred to the next level of administrative authority in the normal reporting lines.)*

- 12.2. **Conflicts of Commitment** primarily relate to the employee's distribution of effort between obligations to an academic appointment and commitments to external activities. Conflicts of commitment may also occur or exist when professionally related external activities of the employee are so substantial or demanding of the employee's time and attention as to interfere or appear to interfere with the employee's responsibilities to NDSU, to his/her work unit, or to students.

- 12.3. **Conflict of Interest** is said to occur or exist when:

12.3.1. An NDSU employee is involved in an activity, commitment, or interest that may adversely affect, compromise, or otherwise be incompatible with the obligations that the employee has to NDSU; or,

12.3.2. The University is influenced in such a way as to lead to improper financial gain for either the University, its employee, the employee's immediate family\* or for others; or,

12.3.3. The employee's involvement in and/or commitment to external activities interferes with the employee's primary obligations to his or her students, colleagues, and the institutional mission.

- 12.4. **Consulting** is defined as a professional activity related to the University employee's academic field or discipline that involves a fee-for-service or equivalent relationship with a third party [See Policy 152].

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12.5. **External Activities** are defined as activities (e.g., consulting) in which an outside organization or entity provides remuneration directly to the faculty member who, in turn, provides a service directly to the entity. There is no direct university involvement except the employment of the faculty/staff member.

12.6. **Financial Disclosure** is defined as the formal filing of information with a designated NDSU administrator, disclosing any direct and indirect financial interests that the employee, or spouse, or any dependent(s) has in the sponsor of a sponsored activity for which the person filing the disclosure is serving or will serve as an investigator.

12.7. **Immediate Family** is defined as the spouse, parents, siblings, and children. (*see also under Investigator*).

12.8. **Incompatible Obligation** is defined as any agreement:

12.8.1. Between an NDSU employee and an external entity which is incompatible with the employee's obligations to NDSU;

12.8.2. Which unduly restricts or impairs the employee's ability to perform research or other activities at NDSU;

12.8.3. Which results in the transfer or compromise of existing or potential NDSU rights in intellectual property; or

12.8.4. Which utilizes NDSU resources without prior written approval of the appropriate University official or designee.

12.9. **Intellectual Property** is defined as any ideas, inventions, technology, biological organisms, software, creative expression (and derivatives thereof), in which a proprietary interest may be claimed including, but not limited to, patents, patent applications, copyrights, trademarks, data sets, know-how, show-how, and biological materials. [See Policy 190).

12.10. **Investigator** is defined as the principal investigator, co-investigator, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by an external sponsor.

*(As it relates to financial interests, "Investigator" also includes the investigator's immediate family.)*

12.11. **Significant Financial Interest** is defined as:

12.11.1. Anything of monetary value, including, but not limited to, salary or other payment for services (e.g., consulting fees or honoraria);

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- 12.11.2. Equity interests (e.g., stocks, stock options, or other ownership interests);
- 12.11.3. Intellectual property rights (e.g., copyrights, trademarks, patents, PVP, and royalties for such rights).
- 12.11.4. The term does not include:
  - 12.11.4.1. Salary, royalties, or other remuneration from North Dakota State University the NDSU Research Foundation if such payments have not originated with the sponsoring agency;
  - 12.11.4.2. Income for seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
  - 12.11.4.3. Income from service on advisory committees or review panels for public or nonprofit entities; or,
  - 12.11.4.4. Financial interests in business enterprises or entities if the value of such interests (industry equity interests, salary, fees, or other continuing payments) does not exceed \$10,000 per annum or represents more than 5% ownership interest for any one enterprise or entity when aggregated for the investigator, the investigator's spouse, and children.

12.12. **Sponsored Activity** is defined as research, training, instruction, construction, and service projects involving funds, materials, or other compensation from outside sources (sponsor) under agreements that contain any of the following:

- 12.12.1. The agreement binds NDSU to a line of scholarly or scientific inquiry or service that is specified to a substantial level of detail;
- 12.12.2. A line-item budget is involved which details expenses by activity, function, or project period;  
*(The designation of overhead [indirect costs] qualifies for inclusion in a budget as "line-item.")*
- 12.12.3. Financial reports are required, as also progress, technical, and other reports as appropriate;
- 12.12.4. The award is subject to external audit;
- 12.12.5. Unexpended funds must be returned to the sponsor at the conclusion of the agreement;

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12.12.6. The agreement provides for the disposition of either tangible (buildings, equipment, records, technical reports, theses, or dissertations) or intangible (rights in data, software copyrights, or inventions), or patent, patent applications, or other intellectual property that may result from activity.

12.13. **Technology Transfer** is defined as (and includes) any license, assignment, or conveyance of any legal or equitable interest in intellectual property that is owned by NDSU, or the NDSU Research Foundation including but not limited to, the right to make, market, copy, sell, or use such property in any way.

## SECTION 326: ACADEMIC MISCONDUCT

### SOURCE: NDSU President & NDSU University Senate Policy

#### 1. PHILOSOPHY & PURPOSE

- 1.1 North Dakota State University is committed to upholding the highest standards of integrity of its endeavors in the pursuit of academic activities including research, instruction, and service. The University will promote an open and honest atmosphere in reviewing and reporting possible academic misconduct.
- 1.2 Scholarly inquiry creates the expectation for strict integrity in its pursuit. Integrity is defined to mean that the results reported are honest and accurate and in keeping with generally accepted research practices of the discipline.<sup>1</sup> Because misconduct in scholarly inquiry, including the proper expenditure of funds, threatens the confidence in the academic endeavor, it is the responsibility of the University to foster an academic environment that discourages misconduct in all endeavors of scholarly activity and to develop policies and procedures to deal forthrightly with possible misconduct associated with scholarly activity.
- 1.3 These policies and procedures deal with academic misconduct and define a process to report, review, investigate, and resolve, allegations of academic misconduct. They are directed toward governing behaviors to maintain integrity in the pursuit of scholarly, academic activities, and they are consistent with the principle of self-regulation in maintaining integrity in scholarly inquiry.<sup>2</sup>

#### 2. APPLICABILITY

- 2.1 These policies are applicable to all persons employed at NDSU and associated with NDSU through academic activities. This would include, but is not limited to faculty, adjunct faculty, research professors, lecturers, collaborators, staff, technicians, post-doctoral fellows and volunteer assistants. Allegations against graduate and undergraduate students are handled under NDSU Policy 335: Code of Academic Responsibility and Conduct.
- 2.2 While this policy deals with internal allegations, any NDSU employee wanting to charge misconduct against an individual(s) outside the University must have discussed the allegations with the Department Chair, Dean, and Provost before proceeding with such allegations.

#### 3. DEFINITIONS

- 3.1 **Academic or scientific misconduct** shall mean fabrication, falsification, plagiarism, misrepresentation of sources, breach of confidentiality, or other practices, including fiscal impropriety, that seriously deviate from those that are commonly accepted within the scientific community for proposing, for conducting, or reporting research; or material failure to comply with a sponsor's requirements that uniquely relate to the conduct of the research. It does not include honest error, or honest differences in interpretations or judgments of data.
- 3.2 **Allegations** shall mean any written or oral accusation by any University official or other Complainant, from inside or outside of NDSU, of possible misconduct that is forwarded to the Office of the Provost/Vice President for Academic Affairs

- 3.3 **Complainant** means any person who makes a formal allegation of research or scholarly misconduct under this Policy.
- 3.4 **Fabrication** is making up data or results and recording or reporting them.
- 3.5 **Falsification** is manipulation of research materials, equipment, processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- 3.6 **Inquiry** shall mean informal information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- 3.7 **Investigation** shall mean the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.
- 3.8 **Plagiarism** shall mean taking over ideas, methods, or written words of another without acknowledgment of and with the intention that they be credited as the work of the deceiver. Different academic disciplines may have their own separate definition which may add additional elements that need to be taken into consideration in an allegation of plagiarism.
- 3.9 **Respondent** shall refer to the accused or the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.
- 3.10 **Scholarly inquiry, creative activity, and research** shall be considered synonymous terms.

#### 4. PRINCIPLES

- 4.1 Due to the wide variety of endeavors of scholarly activity, no one set of guidelines can cover all situations. Also, because of the seriousness of the nature of this subject, several basic principles must be used to guide the processes.
- 4.2 Allegation(s) must receive immediate, appropriate, thorough, and impartial consideration.
- 4.3 The ComplainantComplainant who in good faith reports apparent academic misconduct shall be protected from recrimination. Good faith allegations are those that are made with the honest belief in the truth of the allegation based on the information the Complainant had reasonable access to at the time of the allegation.
- 4.4 The RespondentRespondent, ComplainantComplainant, and committee members must be afforded confidential treatment during the entire process to the extent reasonably possible. Disclosure of the charges and evidence under this policy will be made only as specified in the regulations of the sponsoring agency or as required by the North Dakota Open Records Act. Any violation of this rule is also considered a matter for disciplinary action. Further, the Respondent must be afforded confidential treatment to the extent reasonably possible while being given an opportunity to respond to the allegations and provide a defense during the Inquiry or Investigation phases.
- 4.5 From receipt of the initial allegation to the completion of the investigation, every effort will be made to obtain and secure evidence that will be directly applicable to the case. All evidence must be carefully weighed to determine whether an allegation has been made in good faith or malice.

- 4.6 In order to determine misconduct, NDSU must find (1) that there was a significant departure from accepted practices of the relevant academic or professional community; (2) it was committed intentionally, knowingly, or recklessly; and (3) the allegation must be proven beyond a preponderance of the evidence.
- 4.7 If allegations of apparent academic misconduct are shown to be unfounded and have been made with the malicious intent of destroying a career and reputation, the evidence of this fabrication is to be presented to the Provost/Vice President for Academic Affairs or, if the Complainant is a student, the Vice President for Student Affairs or Graduate Dean for appropriate examination and possible disciplinary action.
- 4.7.1. Malicious allegations to harm or harass other individuals will not be tolerated by the University, nor will retaliation against the Respondent, Complainant, or inquiry or investigative committee members. Further actions against Complainants who have acted in bad faith, may be taken under NDSU policies that apply to employment and termination procedures. Actions that may be taken by NDSU could include, but are not limited to, termination of employment or expulsion.
- 4.8 Any University action in imposing sanctions must comply with the procedural requirements of the applicable personnel or student policies (see Policies 220, 335, 350.3, or 601).

## **5. ACADEMIC MISCONDUCT PROCEDURES**

In dealing with academic misconduct allegations, NDSU will follow a three phase process: (1) Phase I - receipt of the allegation; (2) Phase II - an immediate inquiry of the allegation; and (3) Phase III – if warranted, an investigation of the allegation which may lead, where applicable, to recommendations for appropriate sanctions and reporting. Actual sanctions and appeals will be considered separately and will be handled through other administrative processes.

## **6. PHASE I: RECEIPT OF ALLEGATION**

- 6.1 Initially, the Complainant should report the allegation and provide evidence to the university official who is the immediate supervisor of the Respondent. The person receiving the allegation is hereafter referred to as the receiver of the allegation.
- 6.1.1 Any National or Federal agency involved could also be notified by the Provost. Most agencies will not investigate initially and will allow NDSU to proceed as the primary investigating body. The funding agency will review the submitted reports to determine if further actions need to be taken. Federal agencies expect each institution to handle these proceedings and will only take charge if there is an immediate need to handle the case themselves.
- 6.2 Upon receipt of an allegation, the receiver of the allegation must immediately inform the Provost/Vice President for Academic Affairs (or specified designee) formally, in writing of the nature of the allegation. The Provost will inform the President.
- 6.3 Allegations of academic misconduct by a Complainant (other than the University acting through its administration) must normally be received within six years from the time when alleged academic misconduct occurred. Other exceptions include: (1) the Respondent continues or renews any incident of alleged research misconduct that occurred outside the six-year limit through the citation, republication or other use for the

potential benefit of the Respondent of the research record that is the subject of the allegation; (2) NDSU, following consultation with appropriate agencies, determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public; or (3) there is an allegation of fraud which prevented the discovery of the alleged misconduct. Allegations older than six years will normally not be accepted.

## **7. PHASE II: INQUIRY**

- 7.1 Upon receipt of an allegation, the Provost will prepare a statement of allegation which identifies the Complainant, and notifies the Respondent, the appropriate department chair(s), and academic dean(s) of the allegation with available evidence.
- 7.2 The Respondent and Complainant will be offered initial consultation at the time of the receipt of the allegation to assist all parties in understanding the extent of this policy on procedures, and the potential and real consequences.
- 7.3 The Provost shall appoint an inquiry committee of one to three persons consisting of non-administrative, tenured faculty with the rank of professor (emeritus and emerita professors are eligible). Members of the committee may be external to the University and non-faculty members may be appointed if a specific case warrants their inclusion to review the allegation(s).
  - 7.3.1 The inquiry committee will determine if there is sufficient basis to conduct an investigation based on whether (1) the allegation falls within the definition of academic misconduct as defined above; (2) the allegation is sufficiently, credible; and (3) the allegation is specific enough so that potential evidence of academic misconduct may be identified. "Sufficient basis" means that there is enough evidence that could be adequate to establish a violation if proven.
  - 7.3.2 Interviews must be conducted with both the Respondent and the Complainant and any other persons who may have information relevant to the allegation and purpose of the inquiry. The Complainant and the Respondent must comply with appropriate requests by the inquiry committee for documents and other relevant evidence.
  - 7.3.3 The committee may seek an opinion by a recognized authority in the Respondent's field.
  - 7.3.4 Upon completion of the inquiry, the committee will prepare a report which shall include: (1) the name and position of the Respondent(s); (2) a description of the allegation of misconduct; (3) list of persons interviewed; (4) a summary of the evidence; (5) the conclusions of the inquiry; and (6) a rationale for the recommendation that the alleged misconduct did or did not warrant an investigation.
- 7.4 The Complainant and Respondent shall be given a complete copy of the report. Each will be given 10 working days to respond to the report and their comments will become part of the record.
- 7.5 The inquiry report will be completed and submitted to the Office of the Provost within 60 calendar days from the receipt of the initial allegation, unless circumstances which can be documented indicate reasons for exceeding this 60 day period.

- 7.6 If it is determined that there is no basis to conduct an investigation, a copy of the inquiry report shall be maintained for a period of three years in the Office of the Provost/Vice President for Academic Affairs. This is to permit a later, independent assessment of the reasons for determining that an investigation was not warranted should this be requested by an appropriate agency.
- 7.7 Three years after the completion of the inquiry, all documentation shall be destroyed.
- 7.8 If, at any time, the documentation is requested by any party, the Respondent shall be notified.
- 7.9 All work of those involved should, to the extent possible, remain confidential. Breaches of confidentiality may be subject to appropriate sanctions.
- 7.10 The Complainant can appeal a decision not to conduct an inquiry to the Committee on Academic Integrity within five (5) working days of receiving notice that an inquiry is not warranted.

## **8. PHASE III: INVESTIGATION**

- 8.1 If the findings from the inquiry provide sufficient basis for conducting an investigation, the investigation must be initiated within a thirty (calendar) day period after written notification to the Respondent. At the initiation of the investigation, NDSU will notify all applicable agencies.
- 8.2 The investigation will be conducted by the standing committee of the University Senate, the Committee on Academic Integrity [http://www.ndsu.edu/ndsu/deott/univ\\_senate/constitution.pdf](http://www.ndsu.edu/ndsu/deott/univ_senate/constitution.pdf).
- 8.3 The Provost shall forward the inquiry report to the Committee on Academic Integrity (Investigation Committee) which shall investigate the allegations.
- 8.4 The Investigation Committee shall comply with the following guidelines:
- 8.4.1 Respondent must be notified in writing that an investigation is being conducted, must be interviewed by the Investigation Committee, and has the right to call any witnesses or produce any evidence in defense. In addition, the Respondent has the right to have an attorney accompany him/her/them to the interview. If an attorney for the Respondent is present, the Investigation Committee may request that the University provide legal counsel to assist it as well.
- 8.4.2 The Investigation Committee may request any evidence considered necessary to conduct a complete investigation of the allegation. Whenever possible, interviews should be conducted of all individuals involved including the Respondent and the Complainant as well as other individuals who might have information regarding key aspects of the allegations. Because of the possible specialized nature of the evidence to be investigated, the Committee may seek advice from experts within or from outside the University. Complete summaries of these interviews should be prepared and provided to the interviewed person(s) for comment and shall be included as part of the investigation file and furnished to the Respondent.

- 8.4.3 The Investigation Committee will deliberate and reach its conclusions and write its final report in executive session. Further, the Investigation Committee must prepare and maintain all documentation to substantiate its findings.
- 8.4.4 The investigation by the Investigation Committee is to remain confidential unless disclosure is required by the North Dakota Open Records Act or by the sponsor's guidelines.
- 8.5 If it is determined that the allegations of misconduct are groundless, a report with supporting documentation shall be forwarded to the Office of the Provost to be retained appropriately for a period of three years.
- 8.6 If the allegations are substantiated by a preponderance of the evidence, the Investigation Committee shall forward the report to the Provost/Vice President for Academic Affairs and the President with recommendations for appropriate disciplinary action (sanctions).
- 8.7 All persons and agencies involved in the investigation shall be notified of the conclusion. A copy of all documents shall be furnished to the Respondent and the Complainant. If the documents are requested by any party, the Respondent shall be notified.
- 8.8 In the case of a federal grant, a final report prepared by the Provost describing policies and procedures under which the investigation was conducted, the nature of the allegations, how information was obtained, all persons interviewed with text or summary of interviews, the findings, the basis for the final decision, and a description of disciplinary action taken by the institution, must be sent to the appropriate agency.<sup>3</sup>
- 8.9 It shall be the responsibility of the Provost to communicate the results of the investigation to collaborators, journals, publishers, professional societies, and sponsoring agencies with whom the accused has had professional contact.
- 8.10 The investigation should ordinarily be completed within 120 calendar days of its initiation. If it cannot be completed within that time, then documentation for the reasons for exceeding this period must be made available in the report.

## **9. SPECIAL REPORTING REQUIREMENTS**

- 9.1 Normally, the inquiry or investigation will be conducted in such a manner as to protect the privacy/confidentiality of all involved.
- 9.2 However, if at any stage of the inquiry or investigation, any of the following conditions exist, there must be immediate notification to the sponsoring agency or other affected parties:
- 9.2.1 there is an immediate health hazard involved;
  - 9.2.2 research activities should be suspended;
  - 9.2.3 there is an immediate need to protect agency funds or equipment;
  - 9.2.4 there is an immediate need to protect the interests of the person(s) making the allegation or the individuals who are subject to the allegations as well as his/her co-investigators and associates;
  - 9.2.5 it is probable that the alleged incident is going to be reported publicly;
  - 9.2.6 there is reasonable indication of possible criminal violation. In this instance, the institution must inform the appropriate sponsoring agency, if necessary, within 24 hours of obtaining that information; or

9.2.7 there is a reasonable belief that the research community or public should be informed.

## 10. SANCTIONS

- 10.1 NDSU administration may implement specific sanctions congruent with the misconduct.
- 10.2 Sanctions resulting from academic misconduct may include, but are not limited to, termination of employment or student status, termination of current research activity, special prior review of future research activities, written reprimand, probation for a specific period of time, and/or suspension of rights and responsibilities.
- 10.3 In cases of students, recommendations for sanction or disciplinary actions will be forwarded to the VP for Student Affairs or the Graduate Dean to determine appropriate administration of any sanctions.
- 10.4 In deciding what final actions are appropriate when misconduct is found, NDSU officials should consider:
  - 10.4.1 the seriousness of the misconduct;
  - 10.4.2 the degree to which the misconduct was knowing, intentional, or reckless;
  - 10.4.3 whether the misconduct was an isolated event or part of a pattern of behavior;
  - 10.4.4 whether it had a significant impact on the research record, research subjects, other researchers, institutions, or the public welfare; and
  - 10.4.5 other relevant circumstances.

## 11. APPEALS

- 11.1 Appeals of the Committee on Academic Integrity finding of misconduct will be handled through federal agencies of oversight where applicable or through NDSU's President's Office.
- 11.2 NDSU appeals must be made directly in writing to the President of NDSU within 30 days of the notice of determination by the Committee on Academic Integrity.
- 11.3 Review of the appeal is by the President. The President has the option to appoint a technical review committee for advice.
- 11.4 NDSU may suspend an internal appeal until further determination by the agencies.
- 11.5 NDSU appeals will be restricted to the evidence presented and will be limited to the University's failure to follow published procedures or arbitrary or capricious decision making.
- 11.6 Upon review of the appeal, the determination made by the President of the University is final.
- 11.7 Grievances and appeals to sanctions and disciplinary actions will be handled accordingly to the applicable policies. Faculty (policy 157, 305.3, 353); Staff/employee (policy 157, 230, 231); and Students (policy 601 and 335).

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- <sup>1</sup> The Responsible Conduct of Research in Health Sciences, Institute of Medicine, National Research Council, (1989).
- <sup>2</sup> See Office of Science and Technology's Research Misconduct Policy (2000) [http://www.ostp.gov/html/001207\\_3.html](http://www.ostp.gov/html/001207_3.html) In addition, these policies and procedures are necessary since the federal government requires that each entity applying for research grants or agreements under the Public Health Service must establish explicit, uniform policies and procedures for investigating and reporting instances of alleged or apparent misconduct involving research activities that are supported with funds made available under the Public Health Service Act. The appropriate acts providing authority are: 42 CFR Part 50, Section 493, Public Health Service Act, as amended, 99 Stat. 874-875, (42 u.s.c. 289b); Section 501(f), Public Health Service Act, as amended, 102 Stat. 4213(42 u.s.c. 290aa(f)).
- <sup>3</sup> For example, the Office of Scientific Inquiry, in the Office of the Director of the National Institutes of Health.

HISTORY: May 14, 1990; Amended April 1992; June 1995, December 2002, October 2003.

**Survey on Faculty Service**  
*Expectations, Evaluations, and Remunerations*

James R. Council and Darya Zabelina

We conducted a telephone survey to determine how faculty service is assigned, evaluated, and rewarded at NDSU. Service was broken down to three main areas: service to NDSU, to the profession and to the community. Within each category, we assessed how service is weighted in promotion/ tenure, annual pay increases, and awards for service. We also assessed whether a faculty member's gender might play a role in service assignments.

The interview was conducted with Academic deans, and department/division chairs and heads. We developed separate structured telephone interviews (attached) for deans and chairs/heads. There was a great degree of overlap, but some questions were unique to each sample. The emphasis for Deans was on University and College Service, and the emphasis for Chairs and Heads was on Department Service.

Since we felt that there was some potential to publish or present the results of this survey, we had the protocol approved by the NDSU Institutional Review Board before collecting data. This study was funded by the NDSU Office of the Provost and Vice President for Academic Affairs.

Our goal was to get complete participation for this survey, and we were able to interview 29 Chairs and Heads, and 7 Deans participated. No individuals, departments, or colleges are identified in this presentation of the results. However, some specific responses and comments that are particularly cogent are presented to illustrate the data.

What is Meaningful Service?

We began with the question, "How do you define "meaningful service" at each of the following faculty ranks (Assistant/Associate/Full Professor)? *In your definition, be sure to address aspects of service specific to your college and the university.*"

There was a wide range of variability in the responses. In some cases, the respondent seemed to include aspects of teaching and research in his or her definition of "meaningful service." To a large degree, the particular field of the respondent influenced the definitions – for example, departments that emphasize service courses would stress the importance of service to students. Many of the responses also focused on quantity rather than quality of service (e.g., "2 or 3 committees at the associate professor level," vs. leadership, importance to mission, etc.).

### Assistant Professors

Despite the common belief that Assistant Professors are sheltered from service obligations, there was only one department in which assistant professors had no service obligations. Sixty-two percent reported that assistant professors had minimal service obligations of 1-2 committee assignments, while 33% reported that faculty at this rank had no shelter from service at all. Most definitions at this level (57%) did not emphasize quality or importance of service, just that faculty were expected to serve on some number of committees. Examples of responses at this level were:

1. "Try not to put too much pressure. Do want to see some service. At dept. level: 1-2 committees. Perhaps 1 college or university committee."
2. "Primary focus is department, college, undergrads. Number one service is to students: Effective student learning. In addition to that, should serve on two to three department or college committees, any capacity from member to chair. Service to the discipline is research/presentation-one article per year. Again, primary focus is still the students-meeting their needs."

### Associate Professors

Definitions were more specific at the associate level, although some responses confused service with research and teaching obligations (e.g., dissertation advising). Most responses at this level (75%) defined specific service activities and quality or importance of service. An emphasis on leadership appeared that was missing at the assistant level. About 2/3 of the responses stated that expectations were greater than at the assistant level. Some typical responses included:

1. "Larger regional influence, participatory leadership, collaborative efforts, invited participation."
2. "Start service on PT&E committees, upper university committees, expect a little more service at higher level committees."

We found one particularly thoughtful response that seemed to capture the nature of expectations at this level:

"Meaningful service for a tenured person at this rank would mean actual work on the curriculum committee or graduate committee in the department or significant service for the college (for example, PTE committee, curriculum committee, appeals committee). Service on the university senate or any graduate school, or university committee (if they actually did more than attend meetings) would be perceived as meaningful

service. Faculty would be expected to serve in professional organizations and on review boards for publications. Research and publication trump any service activity.”

### Full Professors

At this level, almost 2/3 of the responses indicated still greater service expectations than at the associate level. Most definitions (2/3) were qualitative and emphasized specific and prominent activities. Some aspect of leadership appeared in many definitions. Examples include:

1. “National and international activities, focused on nationally recognized activities. High levels of leadership, respected authority, applying expertise to issues of national interest.”
2. “Demonstrates leadership, serves on policy making bodies, evaluates other faculty, provides leadership within department, chairs committees on college and university levels, holds chairs on professional organizations, and assumes leadership in community organizations.”

Again, one definition seemed particularly well thought-out:

“Meaningful service at the full professor level would include chairing and providing leadership in committees in the department and the college, especially the “heavy duty” committees. They would also be expected to serve on more college and university committees, at least sometimes in leadership positions. Service on some university committees like the university curriculum committee and the assessment committee would merit the university equivalent of the military “purple heart” award for pain and suffering. Full professors should be highly active in the profession either as leaders in associations or, better yet, as reviewers for professional journals. Full professors would get some positive attention also for community involvement, especially where that involvement might enhance town-gown relationships.”

### Importance of Service and Estimated Participation

Mean ratings indicated that Department Chairs and Heads ranked service at the Assistant Professor level “somewhat to moderately important, at the Associate level as “moderately important” and at the Full Professor level as moderately to very important. Estimated participation ranged from 83% for Associate Professors to 86% for Full Professors.

Deans ranked service at the Assistant Professor level as “somewhat to moderately important,” at the Associate level as “moderately to very important” and at the Full Professor level as “moderately to very important.” Estimated

participation ranged from 96% for Associate Professors to 98% for Full Professors.

### Method of Committee Assignment

Chairs and Heads did not report differentiating between ranks when assigning faculty to service. Twelve percent of Chairs and Heads reported that committee assignments were voluntary, 71% reported using voluntary assignment plus encouragement, and 17% assigned service duties.

Deans indicated that Assistant and Associate Professors are recruited by voluntary assignment plus encouragement. Full professors were assigned voluntarily by 17% of the Deans, and through voluntary plus encouragement by 83%.

### Gender Effects

Since there seems to be a common belief that female faculty bear a greater service burden than male faculty, we addressed this issue with specific questions for each rank.

Chairs and Heads believed that at all ranks no undue service burden on has been placed on women. (Does gender affect service load?: Yes – 26%; No – 74%). Overall, male faculty were believed to have slightly more committee assignments.

Deans felt that there was an equal burden on Assistant and Full Professors, however, female Associate professors were reported to be on twice as many committees (3.3 vs. 1.6) as men. (Does gender affect service load?: Yes – 33%; No – 67%.)

Again, we have picked out a particularly cogent remark to quote for this section:

“Yes, I have been a teacher and administrator for 40 years. I observe that women are more likely to want to serve. They often agree while men sometimes refuse. Also, they are more likely to conform to authority when a full-professor male (usually the chair) “requests” that they “volunteer” for some task. The women in our department do considerably more service and are asked to do so more often than the men. They are often asked to do the thankless tasks (library liaison, plan the annual conference, etc.) while males more often like and strive for positions like chair of an important committee. Women do tend to do a better job of planning conferences, collaborating and cooperating, but those assets do not count much in the larger scheme of things. As in the rest of our culture we devalue what women like to do. Service is third in the lineup and it is more

like pass-fail than graded activity. Has anyone not been tenured because of a weak service load?"

#### Weight Assigned to Service in Hiring, Promotion, and Compensation, and Relative Weights of Areas of Service by Rank

According to Chairs and Heads, service is somewhat to moderately important in hiring, promotion, and compensation decisions for Assistant professors, and moderately important for Associate and Full professors. Deans agreed for assistant and associate professors, but ranked service as having moderate to very much importance for Full professors.

Regarding specific areas of service, Chairs and Heads felt that departmental service is more important at the assistant level, that College service is more important for Associates, and professional service is more important for Full professors. Deans viewed college service as more important for Assistants and Associates, that professional service as more important for Full professors. Community service was valued least overall.

#### Evaluation and Awards

In evaluations of service activities, Chairs, Heads, and Deans place qualitative factors (e.g., importance, visibility) over quantitative factors (e.g., number of committee assignments).

Recognizing service activities through formal awards is relatively rare at NDSU. Only two departments (17%) reported having service awards, although one department has ten awards. At the college level, half reported having two service awards, and half have none. There are no university awards solely for service.

#### Conclusions and Recommendations

No one denies that faculty service is essential to the governance of the university and conduct of its business. However, the administrators we surveyed showed a meaningful lack of consistency in the ways that they defined meaningful service. Despite beliefs to the contrary, Assistant professors do not seem to be sheltered from service in most units, and female faculty are not reported as having an undue service burden. As expected, service is weighted less heavily than teaching and research in hiring, promotion, and compensation decisions. College and professional service, as well as leadership, becomes increasingly important with seniority. There are few formal awards in place at NDSU to recognize outstanding service.

Certainly, the issue of assigning, recognizing, and reward service at NDSU is important and deserves further study. A faculty survey will be important to determine whether faculty perceptions match those of administrators.