

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 22, 2007

The University Senate met at 3:30 p.m. in Century Theatre, Memorial Union, with Dr. E. Berry presiding and the following senators present: D. Andersen, E. Ash, B. Bahrami, U. Burghaus, X. Cai, J. Chapman, M. Christoffers, V. Clark Johnson, D. Comez, G. Cook, J. Coykendall, B. Duncan, D. Eiler, T. Esslinger, B. Fier, J. Garden-Robinson, J. Glower, R. Gordon, K. Grafton, C. Gross, M. Harvey, H. Hatterman-Valenti, D. Hauck, R. Johnson, D. Klenow, T. Knoepfle, K. Koch, L. Langley, M. Mallett, S. Mallik, J. Martin, K. McCaul, M. Meister, E.J. Miller, A. Montgomery, S. Neate, R. O'Connor, V. Olson, C. Peterson, L. Peterson, R. Pieri, B. Randall, J. Ransom, R. Rathge, D. Redmer, D. Rider, T. Riley, R.C. Schnell, D. Scott, C. Skauge, G. Smith, D. Sperl, and D. Terbizan

Substitutions: B. Geeslin for S. Bergeson, J. Hwang for A. Hirani, A. Bezbaruah for K. Katti, D. Anderson for R. Petrich, A. Grazul-Bilska for D. Redmer, and C. Friesen for W. Teder-Salejarvi

Approval of Minutes

MOTION (Peterson/Cook): to approve the minutes of the December 11, 2006, meeting as posted. MOTION PASSED WITH UNANIMOUS CONSENT.

Consent Agenda

- A. Academic Affairs ([Attachment 1](#))
- B. Policy Coordinating Committee
 - 1) Policy 101 - Personnel Definitions ([Attachment 2](#))
 - 2) Policy 143 - Sick/Dependent Leave ([Attachment 3](#))
 - 3) Policy 148 - Payroll Deduction Services ([Attachment 4](#))
 - 4) Policy 169 - Employee Responsibility and Activities: Theft and Fraud ([Attachment 5](#))
 - 5) Policy 169.1 - Employee Misuse of Property Reports - Protections ([Attachment 5](#))

MOTION (Peterson/Cook): to approve the Consent Agenda. A request was made to remove Policy 101 from the Consent Agenda to discuss the definition of student employees as it relates to this policy. It was moved to Committee Reports, Section B. MOTION PASSED WITH UNANIMOUS CONSENT.

General Announcements

- A. *President Chapman provided the following updates:*

Legislative:

- The overall tenor of this legislative session has been very positive to date.
- *An Expanded Support for Deferred Maintenance Bill* focuses on one-time money for deferred maintenance.

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- Salary packages are staying together at 5% and 5% (salary and tuition). A group of legislators recently requested how much a 5% tuition increase would be (approximately \$21.7 million). They are considering including this amount in base adjustments to help keep tuition down.
- NDSU students have done a terrific job, and NDSU agencies are getting well-deserved attention in the legislature.

Chancellor Search:

- The pool of candidates for the ND University System chancellor position has been narrowed to five. The committee, on which President Chapman serves, is charged with bringing three or four candidates to the SBHE. It is anticipated that a new chancellor will be named by February 24.

Downtown Projects:

- Fundraising efforts for these projects are going strong.
- The two new downtown building renovations should begin on schedule in April with both buildings ready for occupancy by Fall Semester 2008.
- A Logistics Committee will look at classroom space, transportation, parking, etc. The City is committed to making this downtown expansion work, and is considering bike trails, walking paths, etc.

Enrollment

- Spring enrollment numbers are strong.
- Most of the enrollment growth is in three key areas: graduate students, students from Minnesota and other states, and international students. Enrollment growth in ND students remains steady.

B. *E. Berry, President of University Senate reported the following:*

Smoking Policy

An ad hoc committee has developed a draft smoking policy, which recommends that NDSU become a smoke free campus by July 2008. The policy proposes that smoking be allowed only in parking lots at least 50 feet from buildings. A phase-in plan is being discussed. More feedback will be provided and sought at future meetings.

NCAA Certification Process

Drafts of subcommittee reports are going to the Athletics Department for review. By mid-February, draft reports will be sent to Dave Wahlberg, lead writer, for editing and assembly into a master document. In March or April, open forums will be held for the campus and community review and feedback. The on-campus visit is scheduled for early fall semester.

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Committee Reports

A. *Academic Affairs:* R. Pieri – no report

B. *Policy Coordinating Committee:*

D. Terbizan presented the following reports for input:

- **Policy 139 - Leave With Pay** ([Attachment 6](#))

-Language was added regarding eligibility for storm pay. MOTION (Terbizan/Cook): to approve the policy as presented. Concern was raised that the policy may be unfair to staff who have requested leave time in advance. It was reported that Staff Senate is planning to propose different policy language. MOTION (Rathge/Sperl): to postpone a vote on this policy until a final report is provided by Staff Senate. MOTION PASSED WITH UNANIMOUS CONSENT.

- **Policy 335 - Code of Academic Responsibility and Conduct** ([Attachment 7](#))

-Language was added to clarify the definition of ‘substantial evidence.’ MOTION (Terbizan/Cook): to approve the policy as presented. Discussion ensued on substantial evidence, and the relevance of leaving legal language in the policy. MOTION TO AMEND (Bahrami/E.J. Miller) as follows: Section 2.a., omit remaining text after the word ‘occurred.’ In Section 2.a.(3), add language so it reads ‘...make a fair and reasonable judgment...’ In subsequent discussion, it was determined that who makes fair and reasonable judgment could be appealed to the Grade Appeals Board (or other appropriate committee). MOTION TO AMEND THE PROPOSED POLICY PASSED WITH UNANIMOUS CONSENT. THE ORIGINAL MOTION AS AMENDED PASSED WITH UNANIMOUS CONSENT.

- **Policy 805 - Allowable Cost Policies - Compensation for Personal Services** ([Attachment 8](#))

-In regard to work performed on sponsored agreements, language was changed to redefine faculty and exempt staff overload pay to not exceed 20% of base salary on an annualized basis. MOTION (Terbizan/Harvey): to approve the policy changes as presented. MOTION PASSED WITH UNANIMOUS CONSENT.

- **Policy 101- Personnel Definitions** ([Attachment 2](#))

-MOTION (Terbizan/Sperl): to approve the policy as presented. MOTION (Sperl/Terbizan): to postpone definitely for further clarification from Human Resources and/or the Policy Coordinating Committee on the definition of student employees.

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C. *General Education*: L. Peterson – no report

D. *Council of College Faculties (CCF)*:

H. Hatterman-Valenti provided the following updates:

- CCF requested that the 5% salary increases not be used for promotion increases.
- There will be the opportunity to extend FlexComp benefits for 2 ½ months into following year beginning with the 2007 plan year. This benefit had been available in the past, but not put into place by the ND University System.
- A HERI report is being put together to look at faculty accountability and how faculty time is spent at the NDUS campuses.
- CCF is looking at the reporting lines between the council and the SBHE.
- Questions may be directed to Harlene Hatterman-Valenti, Tom Barnhardt, or Neil Mueller.

Unfinished Business

- *Suspended Students policy* – found on page 30 of the 2006-2008 NDSU Bulletin. Provost Schnell presented the following change to the existing policy regarding suspended students at NDSU:

NDSU honors suspensions of other institutions. Further, students suspended from NDSU or any other institution may not transfer course work into NDSU that was completed during the suspension period unless prior approval, through an appeal process, has been granted. Transfer and returning students who fail to report all previous college work are subject to dismissal or loss of credit or both.

Repeated Coursework

Courses previously completed at NDSU may only be repeated at NDSU, with the exception that Tri-College courses may be taken to repeat NDSU coursework (See Repeated Courses Policy Section Bulletin pg. 29 for more details).

MOTION (Schnell/Cook): to approve the policy change as presented. Schnell briefly discussed different philosophies in the state on this subject. MOTION PASSED WITH UNANIMOUS CONSENT.

New Business

- *F-M Chamber of Commerce*:

Dori Reich, Marketing Coordinator, F-M Chamber of Commerce, visited with the Senate about leadership and involvement opportunities available to NDSU employees. She reported that the Chamber of Commerce has opportunities in advocacy, regional collaboration, education and connectivity. Specific committees and professional opportunities include: Regional Issues, Membership Services, Business Training,

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Fargo Moorhead Leadership (nine leadership capacities studied over nine month period), Young Professionals Network (21-30 year olds), Ambassadors, Youth Leadership and Operation Thank You.

NDSU is a community builder and the Chamber recognizes NDSU for this status. *Building Bridges* and *Get Involved: Rising to a New Day* brochures were distributed and are available from Berry.

Adjournment

The Senate adjourned at 4:30 p.m.

Submitted,

Kristi Wold-McCormick, Ph.D.
Secretary

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Attachment 1

Academic Affairs Committee

Approved Curricular Recommendations

Program Termination							
Termination of Nutrition minor							
Department Name Change							
From: Department of Sociology/Anthropology				To: <i>Department of Sociology, Anthropology, and Emergency Management</i>			
New Courses							
Dept.	No.	Title					Crs.
HNES	116	Billiards					1
HNES	123	Yoga					1
HNES	124	Tai Chi					1
HNES	127	Self Defense					1
HNES	128	Golf					1
HNES	130	Rock Climbing					1
HNES	131	Pilates					1
HNES	132	Ultimate Frisbee					1
HNES	133	Volleyball					1
HNES	134	Basketball					1
HNES	135	Badminton					1
HNES	136	Hockey					1
HNES	137	Tennis					1
HNES	138	Flag Football					1
HNES	139	Dodgeball					1
HNES	140	Strength Training					1
HUM	357	Medieval Philosophy					3
SPAN	332	Introduction to Hispanic Cinema					3
Changes in Course Prefix, Number, Title, and Credits							
Dept.	No.	From	Crs.	Dept.	No.	To	Crs.
ATHL	223	Spring Semester Second-Year Intercollegiate Sports	1	ATHL	223	<i>Intercollegiate Sports Participation</i>	1
ATHL	323	Spring Semester Third-Year Intercollegiate Sports	1	ATHL	323	<i>Intercollegiate Sports Participation</i>	1
CSCI	235	Theoretical Computer Science I	3	CSCI	335	Theoretical Computer Science I	3
CSCI	236	Theoretical Computer Science II	3	CSCI	336	Theoretical Computer Science II	3
PSYC	733	Judgment and Decision Making	3	PSYC	733	<i>Social Judgment</i>	3

Department of Health, Nutrition and Exercise Sciences is reinstating the Physical Education Non-Teaching option, under a new title of Physical Education Community Sports option.

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

Section 101 – Personnel Definitions

Language changes made in section 2.2 to make it more clear when to use the seventeen and one-half rule and when to use twenty-week rule regarding temporary status.

Additionally, changes were made repealing section 2.2.2, based on NDUS Human Resource policy, subsection 2.4. The board felt that the policy is confusing because it does not include guidelines concerning how prior credit is determined, or whether it should be tied to number of hours worked, in addition to number of years and months of temporary employment. This resulted in different interpretations among the campus. Further, because temporary employees are not entitled to leave accrual, some HR officers question whether a provision granting entitlement to service credit made sense. HRC Council voted to recommend repeal of section 2.4. Chancellor's cabinet considered and concurred.

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

Policy Coordination Committee – 6/27/06; 9/22/06; 12/20/06

President's Council – 8/28/06

University Senate – 8/14/06

Staff Senate – 8/14/06

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

Office of Human Resources

SECTION 101: PERSONNEL DEFINITIONS

CLASSIFICATION STATUS

1.1

Staff Employee

A person in a position covered by the North Dakota University System Broadbanding System.

1.2

Non-Banded Employee

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1.2.1

Academic Staff

Faculty (instructors, assistant, associate or full professors), lecturers, and graduate assistants.

1.2.2

Other Non-Banded

Staff excluded from broadbanding by Board rule: president, executive deans, vice presidents and officers of the institution or staff holding positions the institution president has excluded by designation, including coaches, extension and experiment station professionals, and others in 2000 job categories not included in 1.2.1 above.

EMPLOYMENT STATUS

2.1

Regular Employee

A staff employee, who satisfactorily completes a probationary period, or a non-banded employee, who is employed at least seventeen and one-half hours per week if hired before August 1, 2003 or twenty hours per week if hired on or after August 1, 2003, and at least twenty weeks each year.

2.1.1

Full-Time Employee

A person employed on a regular basis for a minimum of 40 hours per week.

2.1.2

Part-time Employee

A person employed on a regular basis for less than 40 hours per week.

A part-time lecturer is generally considered to be a regular employee if she/he teaches 6 or more credits for two or more consecutive semesters in the same department. Credits taught through Continuing Education are not applicable for purposes of this definition.

2.2

Temporary Employee

A person employed in a position of intermittent or limited duration not to exceed one year, a seasonal position, or in a position working less than seventeen and one-half hours per week, or less than five months per year, if hired before August 1, 2003, or twenty hours per week ~~or less than five months per year~~ or less than 20 weeks per year if hired on or after August 1, 2003 (this includes graduate assistants and student employees whose employment is incidental to their student status).

2.2.1

A seasonal position is one in which a person works less than eight months per year during an institutionally designated "season", such as the agricultural growing season. A seasonal employee must be terminated at the end of the institutionally recognized season, but may be rehired for a future season although there is no guarantee of re-employment.

~~2.2.2~~

~~When a temporary employee (excluding graduate assistants and student employees) is changed to regular status, credit will be given for the employee's prior length of service for the purpose of determining annual leave accrual rates.~~

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OVERTIME ELIGIBILITY STATUS

3.1

Nonexempt Employee

Those employees serving in positions covered by the Fair Labor Standards Act who are eligible for overtime pay or compensatory time off. Generally those employees in bands 4000 through 7999 are included in this group.

3.2

Exempt Employee

Those employees serving in positions exempt from the overtime pay and compensatory time off provisions of the Fair Labor Standards Act because their administrative, professional or managerial responsibilities meet the exemption requirements of the Act. Generally this includes employees in bands 1000 through 3999.

HISTORY: July 1990; Amended April 1996; August 1997; August 1998; July 1999; December 1999; December 2000; February 2001, October 2001, April 2005.

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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 143: SICK/DEPENDENT LEAVE

A request was made by Staff Senate Executive Committee to give clarification to section 10.4 of this policy. They felt it would be helpful to explain what type of leave is available once the 40 hours of sick leave for dependent care has been exhausted.

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

Policy Coordination Committee – 12/20/06

President's Council -

University Senate -

Staff Senate -

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

Office of Human Resources/Payroll

SECTION 143: SICK/DEPENDENT LEAVE

SOURCE: SBHE Human Resource Policy Manual

1. Sick leave is a benefit granted by the University to eligible employees and is not a benefit considered to be earned by the employee such as annual leave. It is an insurance benefit allowing employees to build a reserve of days they can use for their extended illnesses. Abuse of this benefit may be grounds for disciplinary action or termination. Employees are responsible for informing their supervisors prior to the start of their work schedule of their sickness.

1.1

The employing department may require satisfactory medical verification as deemed necessary by the department head prior to the payment of sick leave.

1.2

The employee is responsible for furnishing their supervisor or department head with a completed "Notification of Employee Leave" card upon returning to work.

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2. Sick leave is granted on the basis of continuous service from date of employment for benefited staff employees, and benefited 12-month academic staff and other non-banded staff. Sick leave for full-time eligible employees accrues based on rate per hour at a rate equivalent to 12 days per year.
3. Sick leave for eligible part-time employees working 20 hours or more per week is granted on a prorated basis. Sick leave accumulation is unlimited.
4. Sick leave may be granted to employees who become ill while on vacation provided satisfactory medical proof of such illness is submitted.
5. When a holiday occurs during a paid sick leave, the holiday is not considered a day of sick leave.
6. Upon termination, employees with ten years of continuous state service will receive a payment equivalent to 10% of the dollar value of their accrued sick leave. The amount is computed on the basis of the employee's salary at the time of termination and shall be in the form of a lump-sum payment.
7. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll, an employee may be granted sick leave in advance of the accumulation thereof. Any sick leave taken in advance of accumulation shall be deducted from the employee's last paycheck.
8. *Unless an approved leave of absence has been granted, an employee who is off the payroll for one year shall lose unused sick leave.*
9. Accrued sick leave is transferable from any state agency to the employing institution if employment with the institution occurs within one calendar year of separation of service with the state agency. In the event of a Reduction in Force, sick leave is transferable if reemployment occurs within two calendar years.
10. Sick leave may be used by the employee when:
 - 10.1 The employee is ill or injured and is unable to work.
 - 10.2 The employee has an appointment for the diagnosis or treatment of a medically related condition.
 - 10.3 The employee wishes to attend to the needs of an eligible family member who is ill or to assist them in obtaining other services related to their health or well-being. Eligible family members include the employee's spouse, parent(natural, adoptive, foster, and step-parent); child (natural, adoptive, foster, and step-child); or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.
 - 10.4 Sick leave used for the purposes described in 10.3 shall not exceed forty (40) hours per calendar year. Once the forty (40) hours have been exhausted, the employee must then use annual leave for situations outlined in 10.3.

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11. *The accrual of sick leave shall be prorated for the pay period in which employment begins or ends.*
12. *Sick leave is not accrued during developmental leaves or leaves of absence without pay.*
13. *Accumulated sick leave may be used for any period(s) of actual disability caused or contributed to by pregnancy. Beyond the period of disability, an employee may request use of annual leave, family leave, and/or leave without pay to provide for an extended post-delivery period away from work.*
14. *"Notification of Employee Leave" cards are processed on an on-going basis. Each department is responsible for verifying the Departmental Leave Report. Late leave cards and errors must be submitted to the Office of Human Resources/Payroll for entry and/or corrections.*

HISTORY: July 1990; Amended April 1992; July 1997, April 2002, January 2004; November 2005

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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 148: Payroll Deduction Services (Insurance)

The removal of the word “insurance” in the title is to help clarify that these deductions are just that, and not a form of insurance. The changes to #6 reflect the change in administrators of Provident Dental, as well as the criteria that no longer is in effect. #8 & #9 are deductions that are currently available, but were not indicated anywhere within the policy manual.

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

Policy Coordination Committee – 12/20/2006

University Senate -

Staff Senate -

President’s Council -

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

Office of HR/Payroll

SECTION 148: PAYROLL DEDUCTION SERVICES ~~(INSURANCE)~~

SOURCE: NDSU President

1. The University provides payroll deduction service for certain types of voluntary group insurance. Detailed information is not available on campus but is available through the providers named.

2. **Supplemental Life Insurance (ReliaStar Life Insurance Co.-TriTerm Policy)**

This optional life insurance program provides term insurance for employees. Coverage is also available for spouse and children. Basic amounts of coverage are \$10,000 or \$20,000 or \$30,000 for the employee, with additional amounts available for spouse and children. Options are also available to increase employee coverage to a maximum of \$250,000. Insurance may be continued by direct billing or the policy may be converted to a whole-life policy at the employee's option upon termination of employment.

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Applications must be made within the first 60 days of employment in order for the employee's basic coverage to be obtained without health questions. Spouse and dependent insurance will require the medical questions to be answered and approval through ReliaStar.

3. Accident Insurance (Reliance Standard Life Insurance Co.)

An optional group accidental death and dismemberment program is available to all employees with a minimum coverage of \$10,000 and additional increments of \$5,000 to a maximum of \$300,000 coverage. Family coverage is also available.

4. Cancer Indemnity Insurance (AFLAC-American Family Life Assurance Co. of Columbus)

This optional supplemental health insurance plan provides for benefits when hospitalized for definitive cancer treatment. This includes both inpatient and outpatient services. The benefits are paid directly to the insured to assist with out-of-pocket expenses.

5. Hospital Intensive Care Insurance (AFLAC-American Family Life Assurance Co. of Columbus)

An optional insurance plan which provides benefits for confinement in a hospital intensive care unit. The benefits are paid directly to the insured to assist with out-of-pocket expenses.

6. ~~Provident Dental Plan (closed to new hires; currently enrolled participants only)(Total Dental Administrators, Inc.)~~

~~This optional dental maintenance program is available at the employee's expense. The plan requires the choice of a participating dentist in the program. Therefore, enrollment is contingent on the availability of participating dentists. The plan covers bitewing X rays and an annual cleaning at no cost beyond the monthly subscriber's fee. Other treatments, including office visits and oral exams, involve co payments.~~

7. Group Long-Term Care Insurance (CNA Insurance Company)

An optional insurance plan to cover specific expenses for home health care, community-based services, and/or nursing home care. New employees and their spouses may enroll within 30 days of employment. Rates are determined by age at time of enrollment. Premiums are paid through payroll deduction.

8. UnumProvident Longer Term Care Insurance

An optional insurance plan to cover specific expenses for home health care, community-based services, and/or nursing home care. Anytime enrollment, however, during first 30 days of employment, there is no medical underwriting for policies under \$6000. Rates are determined by age at time of enrollment.

9. Savings Bonds

EE or I bonds can be purchased using payroll deduction.

HISTORY: July 1, 1990; Amended April 1992; January 1995; April 1996; August 1996; May 1997; December 1999; October 2000; November 2000; June 2001, March 2002; November 2005.

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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):

**Sections: 169: Employee Responsibility and Activities: Theft and Fraud; and
169.1: Employee Misuse of Property Reports - Protections**

At its September 21, 2006, meeting, the State Board of Higher Education approved a new policy (611.10) which outlines employee responsibilities regarding theft and fraud. The Office of State Auditor recommended the University System review its procedures, policies, and practices and provide a minimum level of assurance that the University System personnel are required to review and report any potential or actual fraud.

This new policy will be NDSU's Policy 169. NDSU's current Policy 169 has been renumbered to 169.1 as a subset to the new Policy 169 (SBHE Policy 611.10).

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

Policy Coordination Committee - 12/20/06

University Senate –

Staff Senate –

President's Council –

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

General Counsel

SECTION 169: EMPLOYEE RESPONSIBILITY AND ACTIVITIES: THEFT AND FRAUD

SOURCE: SBHE Policy Manual, Section 611.10

1. Each employee, as a basic condition of employment, assumes responsibility for safeguarding and preserving the assets and resources of the state and university system and its institutions, particularly those for which the employee is responsible.
2. Each institution and the system office shall develop and implement controls designed to minimize opportunities for theft, fraud or unlawful or improper use of public resources, including funds, supplies and property. The controls must include a process for reporting of suspected theft, fraud or unlawful or improper use of public resources, designation of an officer with responsibility for receiving and investigating such reports, a process for investigation, audit or referral to law

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enforcement officials if there is reasonable basis to suspect theft, fraud, or unlawful or improper use of public resources and a report summarizing findings, disposition and, if appropriate, recommendations for additional controls to prevent recurrence.

3. Each employee is expected to report suspected theft, fraud or unlawful or improper use of public resources to a supervisor, department head, chief fiscal officer or other institution or system officer designated with responsibility for receiving and investigating such reports.
4. An employee found to have engaged in theft, fraud or unlawful or improper use of public resources, or an employee with knowledge of such acts by another who unreasonably fails to report such information as required by this policy, is subject to discipline, up to and including dismissal.
5. As used in this policy, "theft, fraud or unlawful or improper use of public funds or property" includes:
 - a. stealing, larceny or embezzlement;
 - b. making or altering documents or files with the intent to defraud;
 - c. purposely inaccurate accounting or financial reporting at any level;
 - d. fraudulent conversion or misappropriation of public resources, including funds, supplies or other property;
 - e. improper handling or reporting of financial transactions;
 - f. authorizing or receiving compensation for goods not received, services not performed or hours not worked, including payment or receipt of a bribe, kickback or other unlawful or unauthorized payment.

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SECTION 169.1: EMPLOYEE MISUSE OF PROPERTY REPORTS - PROTECTIONS

SOURCE: NDSU President

1. State law protects an employee from negative job reprisals for, in good faith, reporting violations of law or misuse of public resources. N.D.C.C. 34-11.1-04. An employee can report such violations, without fear of reprisal, to the President, Directors of Human Resources/Payroll or Internal Audit, the employee's supervisor, to any other appropriate personnel at the University, to the local state's attorney, or to any employee organization.
2. A supervisor or other appropriate University employee who receives a report of violations of law or misuse of public resources must take action on such reports. He/she is responsible for referring the issue to the department head or appropriate Vice President for follow-up. The determination made by the department head or Vice President as to the accuracy of the report of the violation of law or misuse of public property, and any subsequent disciplinary action taken, will be documented.
3. Employees who make such reports cannot be dismissed from employment, have salary increases or employment-related benefits withheld, be transferred or reassigned, be denied a promotion which they otherwise would have received, be demoted, or be discriminated against in any other term or condition of employment on the basis that they made such report. However, an employee who intentionally furnishes false information is subject to disciplinary action, including suspension or dismissal.
4. It is the policy of NDSU to encourage employees to come forward with such reports of misuse and to attempt to see that they are resolved initially with their supervisor or other appropriate personnel at the University.

HISTORY: November 1, 1999, October, 2001.

Last Updated: Wednesday, September 7, 2005, 5:49 PM

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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 139 – Leave with Pay

The HR council recommended two changes to subsection 139.4: 1) insertion of the word “regular” in front of the word “employees” to clarify that only regular employees (and not temporary and part-time employees) are entitled to storm day benefits; and 2) language providing that an employee who had previously scheduled annual or other leave on a day the institution is closed due to severe weather is not entitled to “storm pay.” This was approved by the SBHE.

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

Policy Coordination Committee – 9/22/06; 12/20/06

University Senate –

Staff Senate –

President’s Council -

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

Office of HR/Payroll

SECTION 139: LEAVE WITH PAY

SOURCE: NDUS Human Resource Policy Manual, Section 20

1. Funeral Leave - An approved absence from work, with pay, of up to twenty-four working hours, may be provided to an employee to attend or make arrangements for a funeral, as a result of a death in the employee's family, or in the family of an employee's spouse.

1.1 Family means husband, wife, son, daughter, father, mother, stepparents, brother, sister, grandparents, grandchildren, stepchildren, foster parents, foster children, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.

1.2 Funeral leave for employees working less than 40 hours per week will be prorated.

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2. Jury Duty - An employee shall be allowed leave with pay for jury or other legal duty when subpoenaed for such service. Any compensation received for such duty may be retained by the employee.
 - 2.1 Where an employee is called as a witness on behalf of the state, and the University reimburses the employee for mileage, sustenance and room (which it may do), no witness fee or mileage may be claimed by said employee and no time shall be deducted from the absence of such employee and such employee shall be deemed to be performing duties or services for the State.
 - 2.2 Where an employee is called as a witness when the University is not a party to the action and the University does not reimburse such employee for mileage, sustenance and room, the employee may collect witness fees and mileage from the proper party and retain same without loss of time or pay.
 - 2.3 An employee who is personally interested in or a party to a criminal or civil action or who voluntarily appears as a witness may charge his/her absence against earned annual leave or request leave without pay.
3. Conference or Convention Leave - Two days per year shall be allowed for conference/convention leave. Attendance is limited to three institutional officers, any state officers on campus, one delegate at large, and one delegate for each 50 members. If the conference/convention is held on a working day, the delegates will be paid as usual. If it is not a working day there will be no reimbursement. Leave may be denied if the employee's absence would unduly disrupt the operations or services of the institution.
4. Storm Days - All regular employees properly authorized to work (see Section 164 - Emergency Procedures) shall receive additional pay at straight time rates for hours worked during the official closing (see Section 212-Overtime). If an employee is not scheduled to work because of a previous arrangement, including annual or sick leave, and the university is closed as a result of a storm, the employee must use either annual leave or sick leave.

HISTORY: July 1990; Amended April 1996; August 1997; September 2001

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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

335: Code of Academic Responsibility and Conduct

Language has been added to clarify the definition of “substantial evidence” as used in subsection 2.a.

A change is made in section 2.b. to manage the situations in which a student would simply withdraw from a course to avoid an academic misconduct issue being raised against him/her. In order for the student to drop the course in question, permission from the instructor would be required.

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

Policy Coordination Committee - 12/20/06

Staff Senate -

University Senate -

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

General Counsel (2.a.)

Provost and Vice President for Academic Affairs (2.b.)

SECTION 335: CODE OF ACADEMIC RESPONSIBILITY AND CONDUCT

SOURCE: NDSU University Senate Policy

The academic community is operated on the basis of honesty, integrity, and fair play. Occasionally, this trust is violated when cheating occurs, either inadvertently or deliberately. This Code will serve as the guideline for cases where cheating, plagiarism, or other academic improprieties have occurred and an established procedure has not been approved by the faculty of a college such as the Honor System of the College of Agriculture.

1. The primary responsibility of the students, faculty, and administration is to create an atmosphere where the honesty of individuals will not be questioned.
 - a. Faculty members are responsible for providing guidelines concerning cheating and plagiarism at the beginning of each course, and should use precautionary measures and security in cases where cheating is likely to occur.

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- b. Students are responsible for submitting their own work. Students who cooperate on oral or written examinations or work without authorization share the responsibility for violation of academic principles and the students are subject to disciplinary action even when one of the students is not enrolled in the course where the violation occurred.
2. The faculty member and the administration are responsible for procedural fairness to the accused student or students in accordance with the following procedure:
 - a. Faculty members who suspect that prohibited academic conduct has occurred in their class have an initial responsibility to: 1) for informing the student or students involved of their suspicion and the grounds; thereof, of 2) allowing a fair opportunity to ~~refute them respond;~~ and 3 of make ing an impartial a fair judgment as to whether or not any prohibited academic conduct occurred. only upon the basis of substantial evidence. The faculty member's decision shall be based upon substantial evidence. "Substantial evidence" means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. It is something less than the greater weight of the evidence and, in other words, is something less than a preponderance of the evidence.

[A QUESTION I HAVE IS FIRST, WHETHER WE WANT TO STATE A BURDEN OF PROOF HERE AT ALL, AND SECONDLY, WHETHER WE WANT ONE (SUBSTANTIAL EVIDENCE) WHICH IS DIFFERENT, IT'S LESS, THAN WHAT THE NEW 337 ON THE GRADE APPEALS BOARD PROVIDES, WHICH IS A PREPONDERANCE OF THE EVIDENCE, WHICH IS THE STUDENT'S BURDEN? WE CAN DO IT THIS WAY, THAT IS, REQUIRE THE FACULTY MEMBER TO HAVE SUBSTANTIAL EVIDENCE, WHICH IS LESS THAN A PREPONDERANCE, BUT IS NOT ARBITRARY AND IS MORE THAN JUST A LITTLE BIT OF EVIDENCE, SO TO SPEAK, AND STILL LOGICALLY REQUIRE THE STUDENT, BEFORE THE GAB, TO MEET A HIGHER STANDARD. RDJ]
 - b. Faculty members have the prerogative of determining the penalty for prohibited academic conduct in their classes. Faculty members may including but not limited to, among other sanctions, fail the student for the particular assignment, test, or course involved. ~~, or they may recommend that the student drop the course in question, or these.~~ Penalties may be varied with the gravity of the offense and the circumstances of the particular case. In this situation, the student may not drop the course in question without the permission of the instructor. Faculty members will provide a written statement of the action to the department chair, dean, and vice-president for academic affairs. In the case of graduate students, the graduate dean will also be notified.
 - c. In addition to the prerogative above, or if the student is not enrolled in his or her course, the faculty member may recommend a disciplinary sanction to the dean of

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the college in which the infraction occurred. If the student is not enrolled in this college, the dean will forward the charge to the dean of the student's home college. That dean may impose academic warning or probation in the college, or the dean may recommend suspension or expulsion to the Academic Standards Committee as outlined in Section 4 [of this policy]. If the student is not enrolled in the college where the infraction occurred, the dean of the college for the student must be informed before the disciplinary sanction is imposed and may impose a disciplinary sanction for that college, also.

Accusations involving academic misconduct of graduate students will follow the procedure described with the following exception. The dean of the home academic college will recommend a sanction (including academic warning, academic probation, suspension, or expulsion) to the graduate dean, not the Academic Standards Committee. The graduate dean will provide the student with written notice of the action, describe the graduate student appeal process, and indicate to the student the date by which an appeal must be filed. Failure to file an appeal will result in implementation of the specified action. If an appeal is filed, the graduate dean will notify the student of the result following the completion of the appeal process.

- d. If a person not currently enrolled at NDSU is involved in prohibited academic conduct, the Vice President for Academic Affairs, Vice President for Student Affairs, and the Director of Admission shall be informed of the violation.
3. A student who has received a penalty or a disciplinary sanction for prohibited academic conduct may appeal the decision.
 - a. The student must consult with the instructor, the department chair, and the Dean, in sequence, to resolve the conflict.
 - b. Then, the student may request a hearing by the Student Progress Committee in the college where the violation occurred. In addition, the student may request that two students be appointed to the Student Progress Committee for the hearing; one student shall be a member of the Student Court appointed by the Chief Justice of the Student Court, and the other student shall be a student senator for that college appointed by the student body president.
 4. A student may be suspended or expelled for prohibited academic conduct by the Academic Standards Committee in accordance with the following procedure:
 - a. The dean must notify the student that they will recommend suspension or expulsion to the Academic Standards Committee, but the student must be given two school days to file a written notice of appeal with the Student Progress

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Fargo, ND 58105

North Dakota State University

January 22, 2007

Attachment 7

Committee before the recommendation is presented to the Academic Standards Committee.

b.

The student may appeal the recommendation of suspension or expulsion to the Student Progress Committee as outlined in section 3.b. above.

c.

The Academic Standards Committee may impose suspension or expulsion, if an appeal with the Student Progress Committee is not in progress.

HISTORY: December 10, 1973; Amended May 12, 1975; April 1992

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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

805: Allowable Cost Policies – Compensation For Personal Services

In regards to work performed on sponsored agreements, changes are made to section 2.3. to redefine faculty and exempt staff overload pay to not exceed 20% of base salary on an annualized basis.

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

Policy Coordination Committee - 12/20/06

Staff Senate -

University Senate -

President's Council

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

Provost and Vice President for Academic Affairs

SECTION 805: ALLOWABLE COST POLICIES - COMPENSATION FOR PERSONAL SERVICES

SOURCE:NDSU President

1. Activities under a grant or contract, participation in a training or leadership program, or similar academic activities are normally considered a part of the regular work load for faculty or staff members. Also, cost policies for sponsored agreements determine that a faculty or staff member's sponsored activities are normally part of the institutional base contract.
2. SALARY CHARGES TO SPONSORED AGREEMENTS: Charges for work performed on sponsored agreements by faculty or staff members will be based on the individual's regular compensation for the continuous period which constitutes the basis of the individual's salary. Charges for work performed on sponsored agreements during all or any portion of such period are allowable at the base salary rate. Charges to the sponsored agreement, irrespective of the basis of computation, cannot exceed the proportionate share of the base salary for that period.

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2.1

The reallocation of salary charges to sponsored agreements should be completed on a Payroll 101 form. Payments for approved overload compensation arrangements should be made by submission of a Payroll ~~103~~ 101 form.

2.2

Under federal programs clerical salaries may be treated as direct costs only if they are "identifiable to a particular cost objective" and are explicitly budgeted for such services.

2.3

In exceptional cases, where work on sponsored agreements is more appropriately performed on an overload basis, extra compensation may be authorized by ~~the faculty or staff member's Department Head, the Dean (if applicable), and~~ the appropriate Vice President, subject to the following:

A.

Recommendation and justification by the department head/chair and dean (if applicable).

AB.

The compensation generally comes from grant/contract funds, and the grant/contract budget must include an authorization for the salary to be paid on an overload basis;

~~B.~~

~~For faculty members employed on a nine month basis the total annual contract period overload pay authorized shall not exceed ten percent of their base salary for the current contract period. (Also see Section 806)~~

~~C.~~

~~Faculty members and exempt staff employed on a twelve month basis may receive additional compensation up to 17.27% of their base salary. (Also see Sections 212 and 807 for non-exempt staff.)~~

DC.

The Sponsor's policy will specifically allow such activity.

(Also see Section 807 for non-exempt personnel)

NOTE: Federal Circular A-21 guidelines prohibit extra compensation on federal projects.

D. For faculty members and exempt staff, the total annual overload pay authorized shall not exceed twenty percent of their base salary on an annualized basis (i.e., employees on nine month contracts would be annualized to eleven months. Employees on twelve month contracts would also be annualized to eleven months). (Also see Section 806)

3. CONSULTATION PAYMENTS: Intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary. This principle also applies to faculty members who function as consultants or otherwise

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contribute to a sponsored agreement conducted by another faculty member of the same institution.

3.1

In non-recurring, unusual situations, payment may be made if all of the following conditions are met:

- a. consulting is across department lines or at a separate or remote location;
- b. work performed is in addition to the regular departmental workload; and
- c. university employee consultants are specifically listed in the agreement budget or approved by the sponsoring agency in a separate document.
- d. The total annual additional compensation from all agreements does not exceed the overload limits specified in 2.2 above.

NOTE: The definition of the "regular departmental workload" will be defined by the respective Dean and Department Head of the faculty/staff member involved. Specifically, the sponsored activity cannot be met with a corresponding reduction in the faculty/staff member's departmental responsibilities to qualify as work in addition to the regular departmental workload.

4. The Office of Restricted Fund Accounting will review all additional compensation payments on sponsored agreements for allowability under the guidelines stated above.

HISTORY: July 1990; Amended April 1992; May 1996; April 2000; February 2001; August 2002.