

# University Senate Minutes

Fargo, ND 58105

North Dakota State University

May 11, 2009

The University Senate met at 3:30 p.m. in the Plains Room of the Memorial Union with Dr. D. Cómez presiding and the following senators present: D. Andersen, M. Boetel, W. Bowlin, U. Burghaus, T. Carlson, J. Chapman, V. Clark Johnson, G. Cook, L. del Rio Mendoza, B. Duncan, J. Glower, A. Grazul-Bilska, P. Hansen, D. Hauck, R. Hearne, A. Hirani, M. Hoag, R. Johnson, K. Katti, M. Khan, D. Li, S. Mallik, S. May, K. McCaul, S. Meinhardt, M. Meister, P. Nelson, R. O'Connor, V. Olson, C. Peterson, L. Peterson, R. Pieri, R. Rathge, M. Reid, T. Riley, S. Sather-Wagstaff, J.W. Schroeder, G. Smith, K. Vonnahme, J. Wageman, D. Wittrock, and J. Wu

Note: New student senators replaced outgoing senators at the May meeting. Incoming student senators on University Senate are: Amber Altstadt (student body president), Shawn Affolter, Andrew Brown, Nick Cilz, Megan Decock, Paul Gunderson, Joseph Henning, Jon Okstad, John Rowe, Justin Sherlock, and Brent Woodward.

Substitutions: M. Nagel for S. Affolter, S. Krishnan for C. Bilen-Green, K. Gordon for R. Gordon, R. Harrold for K. Grafton, J. Knodel for B. Johnson, R. Sylvester for M. Kelsch, S. Gajan for E. Khan, K. Rue for D. Li, R.S. Krishnan for R.C. Schnell, J. Council for W. Teder-Salejarvi, B. Law for A. Werremeyer, Y. Suzen for M. Ziejewski,

## **Approval of Minutes**

MOTION (Andersen/Woodward): to approve the minutes of the April 20, 2009, meeting as posted.

Glower requested an amendment to the minutes, page 6, by changing the first sentence to read, "Senator Glower asked if we should make our mission and vision statement more concrete and specific."

MOTION TO APPROVE MINUTES AS AMENDED CARRIED WITH UNANIMOUS CONSENT.

## **Consent Agenda**

- *Academic Affairs report* ([Attachment 1](#))
- *General Education* ([Attachment 2](#))

MOTION (L. Peterson/Rowe): to approve the consent agenda as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

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## **General Announcements**

### *A. President Chapman-*

President Chapman provided the following legislative updates:

1. **Salaries** - Campuses should prepare their 2009-2010 payroll budget consistent with their campus approved salary administration plan, and within the following guidelines:
  - a. Campus-wide average salary increases by a minimum of 5% per year for permanent employees beginning with the month of July 2009, unless an exception is provided by the SBHE. All employees whose documented performance levels meet standards are eligible for a salary increase of no less than \$100 per month. Probationary employees are not eligible for the standard July 1 increase.
  - b. Campuses may also use other salary administration tools including one-time pay adjustments.
  - c. Campuses are authorized to adjust full-time equivalent positions as needed, subject to the availability of funds.
2. **Benefits** – Health insurance premiums are increasing 25% over the current year, from \$658.08 per month to \$825.66 per month. This is covered by the employer, and there will be no difference in premium costs for single, family, etc.
3. **Tuition** – The 4-year campuses have the flexibility to increase tuition rates for all tuition categories (resident, nonresident, graduate, etc.) up to 4% for 2009-2010. Two-year campus tuition rates will be frozen at the 2008-2009 level. Any campus requesting an increase of more than 4% must first receive approval from the SBHE before proceeding with a request for approval of an increase greater than 4% from the Budget Section, per Section 30 of SB2003. In addition, campuses requesting any changes in the tuition model, such as per credit hour and/or rate categories (e.g., resident, nonresident, etc.), must provide documentation, including student feedback, for these requests which require specific SBHE approval. NDSU has set its tuition increase at 3.5%.
4. **Infra-Structure** – Infrastructure requests were allocated, and include \$5.4 million in deferred maintenance as well as full or partial funding for the following projects: Minard Hall, greenhouses, Niskanen Apartments, West Dining Center, Wellness Center, Ceres Hall, and other projects. A walking tour of campus will take place this

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summer to evaluate classrooms and teaching labs to determine where improvements are needed.

*B. D. Cömez, University Senate President-*

1. Council of College Faculties - Bahman Bahrami, College of Business, was elected for a 3-year term to the vacant CCF position.
2. Faculty Caucus- Issues that were raised and discussed by faculty at the caucus include plus/minus grading, Policy 190, and how to handle repeat cheaters.

*C. V. Olson, Staff Senate President –*

1. NDUS Staff Senate updated and will ratify its constitution and bylaws.
2. Staff Senate is holding election of new officers.
3. The annual Valentine’s Day Ball raised \$1000 for student scholarships.

*D. A. Altstadt, Student Senate President –*

1. Student Body President Amber Altstadt introduced the new student senators and executive team.
2. A flood appreciation event was held to thank the NDSU community for its help in the flood-fighting efforts.
3. Student Government completed a total smoking ban ballot measure and 3,800 students voted (2,400 in support of a ban and 1,400 not in favor of a ban). This issue will be discussed further in the coming year.
  - i. Herd Hauler – An expanded contract with Doyle Taxi Service is being reviewed to provide shuttle service for students in the evenings between 4-11 p.m.
  - ii. President Altstadt and Vice President Schliksup (Andy) plan to begin work this summer on next year’s agenda. More information is available at [www.amber-andy.com](http://www.amber-andy.com).

## **Committee Reports**

*A. Academic Affairs-*

1. Posthumous Degree ([Attachment 3](#)) –

A. Brunt presented the proposed Posthumous Degree policy for input/approval. MOTION (Sather-Wagstaff/Pieri): to approve the proposed policy.

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MOTION TO AMEND (Duncan/Werk): to incorporate minor grammatical edits.  
MOTION TO AMEND CARRIED WITH UNANIMOUS CONSENT.

MOTION TO AMEND (Wittrock/Nelson): to clarify language in Requirements for Nomination section, #5 from “department/college” to “department/program and college.”  
MOTION TO AMEND CARRIED WITH UNANIMOUS CONSENT.

Discussion ensued on whether or not this becomes official university policy. The 400-series was suggested. MOTION TO APPROVE POLICY AS AMENDED CARRIED WITH UNANIMOUS CONSENT.

2. Graduation Honors ([Attachment 4](#)) -

Proposed changes to the qualifications for graduation with honors were presented for feedback. The Senate discussed pros and cons related to the three core issues: transfer credits, repeated courses, and residency requirements. The Academic Affairs and Academic Standards Committee will review this policy further and plan to bring it back to Senate for a vote in the fall. Additional suggestions and feedback should be submitted to [k.wold-mccormick@ndsu.edu](mailto:k.wold-mccormick@ndsu.edu).

3. Addendum to Academic Affairs Report ([Attachment 9](#)) –

Additional courses were reviewed and approved by Academic Affairs after the University Senate agenda was posted. An addendum with additional course/program proposals was distributed at the meeting. MOTION (Pieri/Duncan): to approve the addendum to the Academic Affairs report included in the consent agenda. MOTION CARRIED WITH A VOTE OF 53-2-3.

The following senators or their substitutes voted aye: Affolter, Altstadt, Andersen, Bilen-Green, Boetel, Bowlin, Brown, Burghaus, Carlson, Cilz, Clark Johnson, Cömez, Cook, Duncan, Glower, Gordon, Grafton, Grazul-Bilska, Gunderson, Hansen, Hauck, Hoag, B. Johnson, Katti, E. Khan, M. Khan, Lee, Li, Mallik, Manthey, May, Meinhardt, Meister, O’Connor, Okstad, Olson, C. Peterson, L. Peterson, Pieri, Rathge, Reid, Rowe, Sather-Wagstaff, Schroeder, Sherlock, Smith, Teder-Salejarvi, Vonnahme, Wageman, Werremeyer, Wittrock, Woodward, and Ziejewski. The following senators or their substitutes voted no: R. Johnson and Nelson. The following senators or their substitutes abstained: Hearne, Hirani and del Rio Mendoza.

B. *General Education* – No report

C. *Policy Coordinating Committee* – No report due to the flood. The meeting will be made up in May.

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## D. *Faculty Caucus* –

M. Meister reported on the faculty caucus that was held in early May. Approximately 50 faculty/instructors were in attendance. Discussion items included:

- Plus/minus grading system - Meister will appoint a committee to consider it for NDSU;
- Policy 190 implications and impacts;
- Establishing a registry of students who have repeatedly cheated and/or plagiarized in their NDSU classes (brought forward by the College of Science and Mathematics).

## E. *By-Laws Committee* ([Attachment 5](#)) –

Çömez presented proposed by-laws updates for feedback. The proposed changes include:

- Creating a mechanism for replacing the president of University Senate;
- Arranging a mechanism that would allow appointments to positions vacated through unforeseen circumstances;
- Changing how members are appointed to the Research and Consulting Committee (multiple options presented);
- Changing time of year of annual faculty caucus (provision to call additional caucuses at any time)

## **Unfinished Business**

- *Policy 190: Employee Responsibility and Activities: Intellectual Property* ([Attachment 6](#))

V. Kettner presented proposed policy changes for feedback, and clarified that SBHE Policy 611.2 state policy is the basis for the NDSU policy (italicized text is NDSU's implementation of the SBHE policy). A consulting committee reviewed this policy and NDSU's intellectual property processes and found them to be neither progressive nor conservative. Significant work has been done on language related to plant variety protection. The policy review committee currently is seeking feedback from the Senate.

Discussion took place on the rationale in section 3.2. Kettner explained that the committee is seeking clarification and asking similar questions of the SBHE. Concern was expressed on how and by whom reviews and decisions are made. RCC members who represent the colleges have been involved in the review process and faculty should share their points of view with those individuals. Concern also was raised with Section 7.A on the SBHE language regarding student work.

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## **New Business**

### A. *Senate President-Elect Election (Attachment 7)* –

Amy Rupiper Taggart, English Department, was nominated to serve as president-elect (vita attached). MOTION (Sather-Wagstaff/Duncan): to cease nominations. MOTION CARRIED WITH UNANIMOUS CONSENT.

MOTION (Sather-Wagstaff/Duncan): to accept nomination. MOTION CARRIED WITH A VOTE OF 42-3-3.

The following senators or their substitutes voted aye: Andersen, Bilen-Green, Boetel, Bowlin, Cilz, Cómez, Cook, Duncan, Glower, Gordon, Grafton, Grazul-Bilska, Gunderson, Hansen, Hearne, Hirani, Hoag, R. Johnson, Katti, E. Khan, Lee, Mallik, Manthey, May, Meinhardt, Meister, Okstad, Olson, C. Peterson, L. Peterson, Rathge, Reid, Rowe, Sather-Wagstaff, Schnell, Schroeder, Sherlock, Teder-Salejarvi, Wageman, Werremeyer, and Ziejewski. The following senators or their substitutes voted no: Clark Johnson, del Rio Mendoza, and Smith. The following senators or their substitutes abstained: Affolter, and Wittrock, and Woodward.

### B. *Flood of 2009 Resolution (Attachment 8)* –

A Senate resolution was presented acknowledging the flood-fighting efforts of the NDSU community. MOTION (Sather-Wagstaff/Duncan): to approve the resolution as presented. MOTION CARRIED WITH UNANIMOUS CONSENT.

## **Passing of the Gavel**

- Past President Cómez thanked the Senate for the opportunities he was provided and thanked numerous individuals as well as the other senates for their service and support.
- President Meister thanked Cómez for his leadership.
- Krishan presented Cómez with a plaque to recognize him for his leadership efforts this past year.

## **Adjournment**

President Meister adjourned the meeting at 5:13 p.m.

Submitted,

Kristi Wold-McCormick, Ph.D.  
Secretary

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## Academic Affairs Committee Report

### Approved Curricular Recommendations

<b>New Graduate Degree/Program</b>							
Master of Engineering Degree in Electrical and Computer Engineering (M.Engr.)							
<b>Program Title Change</b>							
<i>From:</i> Sport & Recreation Studies				<i>To:</i> <b><i>Sport and Recreation Leadership</i></b>			
<i>From:</i> Women's Studies				<i>To:</i> <b><i>Women and Gender Studies</i></b>			
<b>New Courses</b>							
Subject	No.	Title	Crs.				
ADHM	162	Interior Graphics II: Commercial	3				
ADHM	485	Global Consumer Analysis	3				
STAT	477/677	Introductory Survival and Risk Analysis I	3				
STAT	478-678	Introductory Survival and Risk Analysis II	3				
<b>Course Deletions</b>							
Subject	No.	Title	Crs.				
ADHM	263	Construction Methods and Technology	3				
CDFS	371	Guidance & Curriculum in Preschool Programs	4				
CDFS	471	Program Administration and Professional Relations	3				
CDFS	480/680	Learning and Cognition in Children	3				
CDFS	486/686	Children in Social Contexts	3				
CM&E	455	Formwork Design	2				
CM&E	782	Public Infrastructure Management and Construction	3				
ENGR	320	Technical Communication	3				
LA	132	Introduction to Landscape Architecture Studio	2				
LA	242	Elements of Surveying	2				
LA	331	Introduction to Planting Design	2-3				
LA	344	Site Development & Detailing Laboratory	2				
LA	351	Landscape Design	3				
ME	463	Plastics Design Project I	3				
ME	464	Plastics Design Project II	3				
NURS	343	Professional Nursing Theories and Concepts	2				
NURS	625	Advanced Parish Nursing	3				
NURS	626	Ethical Considerations of Parish Nursing	3				
PHRM	436	Drugs of Abuse Potential	2				
SAFE	762	Advanced Pathogenic Bacteriology	3				
<b>Course Changes</b>							
<i>From:</i>				<i>To:</i>			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
ADHM	161	Interior Graphics I	3	ADHM	161	<b><i>Interior Graphics I: Residential</i></b>	3
ADHM	261	Interior Design Graphics II	3	ADHM	261	<b><i>Interior Graphics III</i></b>	3
CDFS	462/ 662	Risk, Resilience and Competence in Families	3	CDFS	462/ 662	<b><i>Methods of Family Life Education: Models of Family Crisis and Wellness</i></b>	3
HNES	429	Recreation Internship	12	HNES	429	<b><i>Sport &amp; Recreation Internship</i></b>	12

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Attachment 1

LA	231	Landscape Architecture Graphics	1	LA	231	Landscape Architecture Graphics	3
LA/ARCH	232	Design Technology	2	LA	232	Design Technology	3
LA	271	Landscape Architecture I	4	LA	271	<i>Introduction to Landscape Architecture Studio</i>	6
LA	272	Landscape Architecture II	4	LA	272	<i>Parks and Open Spaces Studio</i>	6
LA	342	Site Development & Detailing II	3	LA	342	Site Development & Detailing II	4
LA	371	Landscape Architecture III	4	LA	371	<i>Site Planning &amp; Design Studio</i>	6
LA	372	Landscape Architecture IV	4	LA	372	<i>Community Planning &amp; Design Studio</i>	6
LA	441	Site Development & Detailing III	3	LA	441	Site Development & Detailing III	4
LA	471	Advanced Landscape Architecture I	6	LA	471	<i>Urban Design Studio</i>	6
LA	472	Advanced Landscape Architecture II	6	LA	472	<i>Remediation &amp; Planting Design Studio</i>	6
LA	571	Advanced Landscape Architecture Design III	6	LA	571	<i>Environmental Planning Studio</i>	6
NRM	431/ 631	NEPA & Environmental Impact Assessment	2	NRM	431/ 631	NEPA & Environmental Impact Assessment	3
PHRM	451L	Introductory Pharmacy Practice Experience II	1	PHRM	451L	Introductory Pharmacy Practice Experience II	4
SOC	412/ 612	Sociology of Sex Roles	3	SOC	412/ 612	<i>Sociology of Gender</i>	3
SPAN	442	Introduction to Chicano Literature	3	SPAN	442/ <b>642</b>	Introduction to Chicano Literature	3
<b>Delete Cross Listing</b>							
<b>From:</b> ARCH 663/ LA 563		Programming & Thesis Preparation	3	<b>To:</b> ARCH 663		Programming & Thesis Preparation	3
				LA 563	Programming & Thesis Preparation	3	
<b>For Information Only</b>							
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Prerequisite/Corequisite Change</b>				
MIS	470	Information Systems	Add prerequisite: MIS 375; Add corequisite: MIS 376 Remove prerequisite: MIS 376; Remove corequisite: MIS 375				
PHRM	451	Pharmaceutical Care III	Remove corequisite: PHRM 451L				
PHYS	252	University Physics II	Prerequisites: PHYS 251 and PHYS 251L or ME 221 and ME 222				
Sport and Recreation Leadership			Restricting admission to professional program (2.5 CGPA)				

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Attachment 2

## Approved General Education Recommendations

<b>Outcomes Key:</b> <ol style="list-style-type: none"><li>1. Communicate effectively in a variety of contexts and formats.</li><li>2. Locate and use information for making appropriate personal and professional decisions.</li><li>3. Comprehend the concepts and perspectives needed to function in national and international societies.</li><li>4. Comprehend intrapersonal and interpersonal dynamics.</li><li>5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.</li><li>6. Integrate knowledge and ideas in a coherent and meaningful manner.</li><li>7. Comprehend the need for lifelong learning.</li></ol>
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### **Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes**

<b>Course No.</b>	<b>Course Title</b>	<b>Categories</b>	<b>Outcomes</b>
ANTH 111	Introduction to Anthropology	B, D	3, 6

## **Posthumous Degree Policy Proposal North Dakota State University**

### **Rationale:**

Currently, NDSU has no formal policy or set of guidelines for the proposal, approval and awarding of degrees posthumously. When a current or former student's untimely death occurs, having a process in place will guide not only those considering nominating such an individual for a posthumous degree, but will ensure consistency in approving and awarding such a degree.

### **Policy Proposal:**

A deceased student may be considered a candidate for a posthumous degree when nominated by the dean of the college in which the student was enrolled at or prior to his or her death, and when minimum academic degree requirements have been verified. Posthumous degrees may be awarded at any career level (UGRD, GRAD or PROF).

### **Requirements for Nomination:**

1. A student must have been in good academic standing with the institution at the time of death. Good standing is defined as not being academically deficient for their classification (academic probation, continued probation, suspension or expulsion).
2. University requirements for earned credits in residence must have been satisfied.
3. Student must have been enrolled at time of death (summer excluded), or their continuous enrollment was interrupted by their injury, illness, deployment, etc.
4. An undergraduate or professional student must have been within two semesters (30 credits or 75% of degree requirements complete) to be nominated for a posthumous degree.
5. A graduate student must have completed an adequate amount of research/work toward a thesis, paper, dissertation or comprehensive project as determined by the department/program and college in which the student was enrolled. A graduate student who was not required to complete a disquisition as part of his/her plan of study must have been within 75% of degree completion to be nominated for a posthumous degree.
6. The college in which the student was enrolled recommends the awarding of a posthumous degree.

### **Nomination/Approval Process:**

1. Anybody may identify a candidate for a posthumous degree, but such a suggestion must be made to the dean of the appropriate college for consideration and to begin the formal process.
2. The student's degree audit file shall be obtained from Registration and Records (undergraduate and professional students) or the Graduate School (graduate students) to verify program/plan and progress toward degree completion.
3. The dean of the college in which the student was enrolled will recommend the candidate for a posthumous degree in the form of a formal written request to the Provost/Vice

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President for Academic Affairs. The request must include the name and ID of the student, the degree/program/plan to be awarded, and the recommended semester for degree conferral. The provost may choose to present this to the college deans council for review/discussion.

4. If supported by the provost, the provost will submit the recommendation to the university president for formal approval. If approved by the president,
  - a. The provost or dean will notify the registrar to begin the process for degree posting and commencement proceedings, if applicable.
  - b. The dean will inform the immediate family of the university's decision and desire to recognize their student with this honor (this process should be kept confidential until and unless approved at all levels). If the family desires to represent the student and receive the diploma at a commencement ceremony, this must be relayed to the registrar for planning.

## **Miscellaneous Details/Considerations:**

1. A posthumous degree will be printed in commencement programs within the appropriate college section. If the family chooses not to participate, this award may still be read during the ceremony (unless explicitly requested otherwise by the family).
2. If the student had financial debt to the university, this debt will be waived.
3. Exceptions to the aforementioned minimum requirements may be considered in special cases, with support of the dean and provost and approval of the president.
4. The statement 'awarded posthumously' will be printed on the student's academic record, but not on the diploma.

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## Proposed Changes: Graduation Honors Qualifications

### Proposed changes to Graduation with Honor policy:

*Graduation with honor applies only to the baccalaureate and Pharm.D. degrees. Graduate students are not included in the computation. Candidates who entered NDSU as freshmen and have earned a minimum of 60 credits in residence at NDSU and who have earned a minimum institutional grade point average of 3.50 will graduate with honor. Candidates with transfer credits must meet the minimum institutional grade point average of 3.50 for all credits earned at NDSU, as well as a cumulative grade point average of 3.50 for all credits earned including those from transfer work. All final grades and all attempts of repeated courses on the NDSU academic record will be included in grade point average calculations for graduating with honor. Students who meet the above academic criteria will graduate according to one of the following honor levels:*

- *Cum Laude – equal to or greater than 3.50 and less than 3.70*
- *Magna Cum Laude – equal to or greater than 3.70 and less than 3.90*
- *Summa Cum Laude – equal to or greater than 3.90*

### Proposed Changes:

- Remove transfer credits from the cumulative GPA calculation for Graduation with Honor
- Remove prior attempts of repeated courses from cumulative GPA calculation for Graduation with Honor
- Require a minimum of 60 credits to be earned in residence at NDSU to qualify for Graduation with Honor (Current policy states that last 30 credits must be earned in residence; For transfers, 36 credits must be NDSU resident credits and 60 credits must be earned from a four-year institution)

### Rationale

- Transfer grades are not computed in the NDSU cumulative GPA, which serves as the academic basis for all institutional academic policies except graduation with honors.
- Manual calculations of transferable coursework introduce a risk of human error, especially when converting quarter to semester hours, considering transfer repeat attempts, using various grading scales in calculations, removing non-degree credit honor points from totals (ie: remedial), etc.
- Approximately 50% of NDSU students have prior credit accepted in transfer to NDSU (includes transfers and freshmen with PSEO/dual credit). The volume of manual recalculations is large and time-intensive with more than 2,000 undergraduate candidates for graduation each academic year.

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## Benefits and Drawbacks

### The benefits for consideration:

- NDSU would consistently apply its institutional GPA to all academic policies and processes.
- Honor status would be achieved from course work performed only at NDSU.
- Reduces the risk of human error in determining 'with honor' status.
- NDSU's GPA would be applied at a face value without manual recalculation of repeat attempts.
- The NDSU GPA displayed on the record would match our graduation honor policy.

### The drawbacks for consideration:

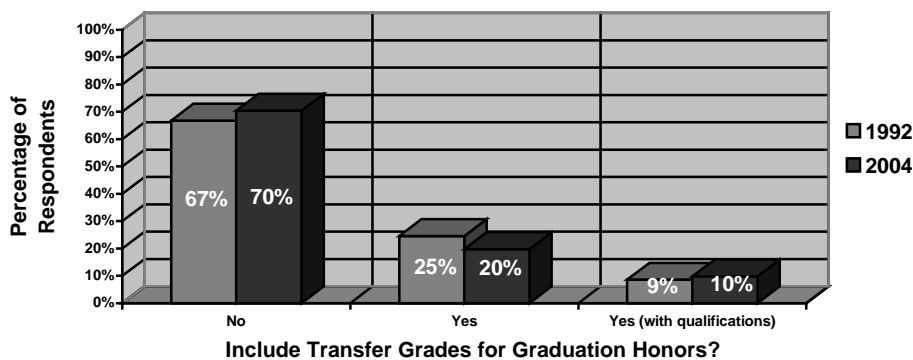
- The 'with honor' status would no longer include the cumulative GPA of all course work a student has completed throughout their undergraduate career (transfer and NDSU).
- While not a frequent occurrence, it is possible for students to transfer to NDSU and meet only the minimum of 36 credits before a degree is granted and 'with honor' is achieved.

## Implementation Timeline

If approved, the proposed implementation of the policy change is Fall 2009.

**National Trend: AACRAO. (2004). Current Trends in Grades & Grading Practices in Higher Education (Results of the 2004 AACRAO Survey). Washington, DC: Cody Brumfield**

### Do you include transfer grades when calculating the grade average that determines graduation honors?



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Attachment 4

## Peer Review

The following are how our peer institutions apply transfer grades, repeat attempts and residency for graduation honors:

Institution	Residency Requirement for Graduation	Explanation
MN State University Moorhead	60	Repeats are counted if a course is attempted more than 2x's.
University of MN -Twin Cities	60	Varies between academic colleges
Utah State	40	Varies between academic colleges
Kansas State	60	
Clemson	37 of the last 43 credits	Student may repeat "D" & "F" grades only to a total of 9 hours.
Oregon State University	45 of the last 75 credits	
New Mexico/Main Campus	60	Discretion of the department
University of Arkansas/Fayetteville	1/2 of degree at U of A.	
University of Wyoming	48	
University of Alaska/Fairbanks	48	
South Dakota State University	64	All repeats are included unless the student informs the Registrars Office to remove previous attempts.
University of North Dakota	30	

\*Repeat policies vary greatly among institutions. Variations include limiting the number of repeat attempts, to whether the retake or the highest grade gets calculated in cumulative totals, to limiting repeats to only courses in which certain grades were earned.

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## PROPOSAL of CHANGES and LANGUAGE in the BY-LAWS

1. *Create a mechanism for replacing a President.*
  - a. Part VII.1.3
    - i. In the event that the President is removed from office for whatever reason, the President-elect shall become the President and serve both the former President's remaining term and the one additional year for which the President-elect was elected.
  - b. Part VII.1.4
    - i. Given the gravity of such an action, removal of the President should only be undertaken on the grounds of malfeasance or inability to fulfil the duties of the Presidency.
    - ii. A motion to remove the President must be made and seconded at any Senate meeting in which a quorum is in attendance. The motion then shall be deferred until the next Senate meeting in which a quorum has been met.
    - iii. In the second meeting, the motion shall be brought back to the floor as unfinished business for a vote after appropriate discussion.
    - iv. The President may be removed from office only by a two-thirds majority vote of the entire senate's membership in favour of removal.
2. *Arrange a mechanism that would allow appointments to positions vacated through unforeseen circumstances.*
  - a. Part IX.3.4.d
    - i. Provided that there are no other procedures in place to appoint or otherwise fill empty offices or positions that fall under the prerogative of the Senate, the Executive Committee shall appoint the first-runner up from the immediately preceding election for the vacated position to serve the remainder of the term.
    - ii. If such election results do not exist, then the Executive Committee shall recruit a replacement who will act as an interim office or position holder by whatever procedure the Executive Committee deems appropriate. On confirmation by a simple majority vote in a regularly convened meeting of the full Senate, the appointee will serve the remainder of the term.
3. *Changes to how members are appointed to RCC*
  - a. Part IX.7.1

### Suggested Policy

#### Section 7. Research and Consulting Committee

1. Membership shall consist of appointed and permanent members. Each dean, except those of the Colleges of University Studies and Graduate and Interdisciplinary Studies, shall nominate three research active faculty members of his or her unit to be candidates for RCC. The Vice President for Research, Creative Activities, and Technology Transfer shall make one appointment for a three-year term from each of the lists.
2. Alternate Language: The Vice President for Research, Creative Activities, and Technology Transfer shall make one research active faculty appointment from each representative unit, except those of the Colleges of University Studies and Graduate and Interdisciplinary Studies, for a three-year term, after consultation with the relevant dean.

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3. Alternate Language: In consultation with the Vice President for Research, Creative Activities, and Technology Transfer, each dean, except those of the Colleges of University Studies and Graduate and Interdisciplinary Studies, shall make one research active faculty appointment from his or her college to serve a three-year term.
4. In consultation with the Dean of the College of Graduate and Interdisciplinary Studies and Vice President of Student Affairs, two students shall be appointed by the Vice President of Research, Creative Activities & Technology Transfer to act as ex-officio (non-voting) members. The two student nominees shall be actively engaged in a research project.
5. Approximately one third of appointed membership will rotate each year, beginning September 1. Permanent members include several voting and several ex-officio (non-voting) representatives. Permanent voting members shall include the Assistant/Associate Vice President for Sponsored Programs Administration, who will act as Chair, the Director of the Agricultural Experiment Station, and the Director of Technology Transfer and Research Foundation. Ex-officio (non-voting) members include the Vice President for Research, Creative Activities, and Technology Transfer; the Director of Restricted Fund Accounting; a staff member from Sponsored Programs Administration (who acts as program coordinator); the Dean of Graduate and Interdisciplinary Studies; two students; and the Senate liaison. This totals 10 voting members and 7 ex-officio (non-voting) members.

2. Committee responsibilities are the following:

- a. Review policies related to University research and consulting issues and make recommendations for consideration by the University Senate.
- b. Review periodically and recommend revision of the research and consulting sections of the Faculty Handbook containing all current directives of the University and all directives of the North Dakota State Board of Higher Education.

3. The Committee shall provide a yearly summary of its activities to the Senate.

## Current Policy

### Section 7. Research and Consulting Committee

1. Membership shall consist of appointed and permanent members. The Vice President for Research, Creative Activities, & Technology Transfer will make one appointment for a three-year term from each of the representation units except the College of University Studies. Approximately one third of appointed membership will rotate each year, beginning September 1. Permanent members include several voting and several ex-officio (non-voting) representatives. Permanent voting members shall include the Assistant/Associate Vice President for Sponsored Programs Administration, who will act as Chair, the Director of the Agricultural Experiment Station, and the Director of Technology Transfer and Research Foundation. Ex-officio (non-voting) members include the Vice President for Research, Creative Activities, and Technology Transfer; the Director of Restricted Fund Accounting; a staff member from Sponsored Programs Administration (who acts as program coordinator); the Dean of Graduate and Interdisciplinary Studies; and the Senate liaison. This totals 10 voting members and 5 ex-officio (non-voting) members.
2. Committee responsibilities are the following:

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- a. Review policies related to University research and consulting issues and make recommendations for consideration by the University Senate.
  - b. Review research development programs and provide technical and funding reviews for faculty proposals submitted to the development programs.
  - c. Review periodically and recommend revision of the research and consulting sections of the Faculty Handbook containing all current directives of the University and all directives of the North Dakota State Board of Higher Education.
3. The Committee shall provide a yearly summary of its activities to the Senate.
4. *Change to faculty caucus.*
- a. Part XIII.1
    - i. In January of each year, a faculty caucus shall be held to discuss issues concerning the faculty.

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## **SECTION 190: EMPLOYEE RESPONSIBILITY AND ACTIVITIES: INTELLECTUAL PROPERTY**

### **SOURCE: SBHE Policy Manual, Section 611.2**

#### 1. General Principles.

The primary purposes of this policy are to encourage and promote research and scholarship based on the traditional principles of the academic profession. These products may constitute Intellectual Property that could be of financial benefit to the individuals involved and the Institution. This policy establishes guidelines to support faculty, staff, and students, in identifying, protecting and administering Intellectual Property and defining the rights and responsibilities of all involved. This policy governs unless a policy on specific Intellectual Property provides a different rule.

#### 2. Definitions.

a. "Author(s)": Person who creates a Copyrightable Work.

b. "Copyrightable Work or Work": An original Work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, such as books, journals, software, computer programs, musical work, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works, etc. A Work may be the product of a single Author or a group of Authors who have collaborated on a project. A Work is created by an Author.

c. "Creator": Either an Inventor(s) in the context of an Invention, or an Author(s) in the context of a Copyrightable Work.

d. "Institution": The individual colleges and universities and the North Dakota University System.

e. "Inventor(s)": Person(s) who creates an Invention. *The term "Inventor(s)" includes "Breeder(s)" or "Plant Breeder(s)" as defined by the PVPA, 7 U.S.C. § 2401(a)(2).*

*(1) In regards to plant variety protection, a "Breeder" is the person(s) who directs the final breeding creating a variety and/or the person(s) who discovers and develops the variety. 7 U.S.C. § 2401(a)(2). Like patent law, persons whose work is directed by the Inventor are not considered the Breeder as they do not direct the breeding process.*

f. "Intellectual Property": Collectively, all forms of property created by the mind including, but not limited to, Inventions, Copyrightable Work, Trademarks, and Tangible Research Property.

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g. "Invention": A process, method, discovery, device, plant, composition of matter, or other Invention that reasonably appears to qualify for protection under the United States patent law (including, but not limited to, utility patent, plant patent, design patent, certificate of Plant Variety Protection, etc.), whether or not actually patentable. An Invention may be the product of a single Invantor or a group of Invantors who have collaborated on a project.

(1) In regards to plant variety protection, "discover" means finding a natural plant which results in breeding a variety, or finding a new variety by performing experiments on results of cross-breeding and realizing that the resulting plant is different and closer in characteristics to a desired variety.

(2) In regards to plant variety protection, "develop" means to make additional selections for (a) cross-breeding and/or (b) developing pure lines. This may lead up to the variety for which protection is sought or may eliminate variance and convert a non-uniform variety to a uniform variety using the desired characteristics.

h. "Mediated Courseware": Teaching aids created and/or deployed electronically. Mediated Courseware may incorporate text, graphics, video, and audio elements. Examples of such materials include, but are not limited to, hypertext modules, simulation software, web sites, and databases containing numbers, images, or text.

i. "Significant Use of University System or Institution Resources": Significant Use of Institution Resources means an Author's use of other employees' time or Institution facilities or equipment that appreciably increases the Institution's costs beyond those normally incurred in support of an employee in the Institution. Significant Use does not include the normal use of Institution employees, facilities, or equipment commonly available to faculty, staff, or the public, such as libraries, Internet access, office space, office equipment, computers, and/or office supplies. Unless otherwise agreed, Significant Use also does not include the use of Institutional developmental leave time, so long as it does not appreciably increase the Institution's costs beyond those normally incurred in support of an employee of the Institution.

j. "Tangible Research Property": Tangible items produced in the course of research including, but not limited to, such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of Tangible Research Property may be associated with one or more intangible properties, such as Inventions, Copyrightable Work, and Trademarks. An item of Tangible Research Property may be the product of a single Creator or a group of individuals who have collaborated on the project.

k. "Trademark" (including Service Mark): A distinctive word, design, or graphic symbol, or combination word and design, that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs, or the Institutional names, logos, or derivatives thereof.

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l. "Work For Hire": Defined pursuant to Federal Copyright Law which includes a Work prepared by an employee within the scope of employment or a Work created pursuant to a written agreement identifying the Work as a Work for Hire.

### 3. General Patent Policy.

a. The North Dakota State Board of Higher Education encourages the faculty, staff, and others associated with the Institutions under its jurisdiction to seek patents on Inventions as a method of bringing recognition and remuneration to all parties involved. Each Institution shall establish a "patent review procedure" to define the Institution's processing of such Inventions or discoveries, consistent with Board policy. The inventor(s) shall submit to the Institution the conception and/or reduction to practice of all potentially patentable discoveries prior to public "enabling" disclosure.

b. A patentable discovery may arise from the development of a new and useful process, device or apparatus, article of manufacture, composition of matter (including chemical compounds, microorganisms, and the like), plant, or related improvement, or a new use for a known material or device. A public "enabling" disclosure is one which will enable others in the same or a related field to fully understand and practice the Invention. The Institutional "patent review procedure" shall assure provision of guidelines to the inventor(s) in defining what may constitute a public "enabling" disclosure. NDSU's guidelines are found in the Invention Record Application for Patent Screening Form.

c. The Institution shall have the right of first refusal to the title of all patentable discoveries derived with the use of facilities, gifts, grants, or contract funds through the university, subject to restrictions arising from the overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations. The inventor(s) shall provide all necessary declarations, assignments, or other documents as may be necessary in the course of Invention evaluation, patent prosecution, or protection of patent rights to assure that title in such Inventions shall be held by the Institution or other parties as may be appropriate under the circumstances.

d. The Institution shall have six months in which to assess the technical and commercial viability and patentability of the discovery in accordance with Institutional procedures. ~~This evaluation period may be extended beyond six months if further research and development activity is required to ensure patentability and/or market or commercial feasibility.~~ If the Institution judges the discovery not to be patentable, or decides not to pursue a patent, and, in the absence of overriding obligations to outside sponsors of the discovery and subject to NDSU procedures (see 3.3(c)), all rights will revert to the inventor. In no instance, and regardless of ownership of the patent, may the Institution's name be used in connection with the marketing of the Invention.

(1) Subject to restrictions arising from overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations, the Institution agrees, for and in consideration of the assignment of patent rights, to pay annually to the named inventor(s), or to the inventor(s)' heirs, successors, or assigns, a minimum of 30 percent of the net royalties and

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fees received by the Institution. Net royalties are defined as gross royalties and fees less the expenses incurred by the Institution in conducting the research and in procuring, protecting, preserving, maintaining, and licensing the patent and related property rights, and such other costs, taxes, or reimbursements as may be necessary or required by law.

(2) When there are two or more inventors, each inventor shall share equally in the inventor's share of royalties, unless all inventors have agreed in writing to a different distribution of such share. The Institution will have final authority over any agreement purporting to share rights and/or royalties between participating parties.

(3) In addition to the inventor's(s') share, the net royalties shall be disbursed by negotiated agreement with allocations to the originating department, the originating college/school, and the Institution. In the disposition of any net royalty income accruing to Institutional parties, other than the inventor(s), support of research shall receive first consideration. The "patent review procedure" shall outline the negotiation and distribution mechanism at each Institution.

(4) The provisions of this section apply to plant variety protection unless inconsistent with Institution policy.

### *3.1 Plant Variety Protection Policy*

*a. NDSU Policy 190 on patents and patent procedure shall apply to the plant variety protection inventorship and proceed distribution process except to the extent it is inconsistent with the terms of this Policy. The term "variety" includes germplasm, natural selections, cultivar, inbred lines, or hybrids. The term "inventor" or "breeder" includes the plural as well.*

*b. It is the position of the North Dakota Agricultural Experiment Station ("NDAES") that Intellectual property protection may be obtained on all varieties developed by the NDAES. This protection provides a mechanism to identify ownership of the variety which will be required for subsequent transfer or licensing. A secondary reason for obtaining plant variety protection is to allow the option to collect and to enforce royalties (research fees) from the sale or utilization of these varieties.*

*c. The NDAES recognizes the NDSU Research Foundation ("NDSU/RF") as the recipient of assignments of patents, trademarked cultivars, and plant variety protection for NDSU. At the time of release or before plant variety protection is filed, ownership of the varieties is transferred from NDSU on behalf of the NDAES to NDSU/RF. NDSU/RF files for the appropriate intellectual property protection and is responsible for subsequent enforcement.*

*d. In any intellectual property development there is an inventor of the discovery. In the case of plant variety development, this inventor is the plant "breeder" as defined by the PVPA, 7 U.S.C. § 2401(a)(2). Per North Dakota law, N.D.C.C. § 15-10-17(9) and NDUS Policy 611.2, the percentage of the net proceeds due the inventor is established pursuant to rules of the State Board of Higher Education and NDSU (See f(1)).*

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e.

~~(1) An inventor or "breeder" is: (1) the person(s) who directs the final breeding creating a variety and/or (2) the person(s) who discovers and develops the variety. 7 U.S.C. § 2401(a)(2). "Discover" means finding a natural plant which results in breeding a variety, or finding a new variety by performing experiments on results of cross breeding and realizing that the resulting plant is different and closer in characteristics to a desired variety. "Develop" means to make additional selections for (1) cross breeding and/or (2) developing pure lines. This may lead up to the variety for which protection is sought or may eliminate variance and convert a non uniform variety to a uniform variety using the desired characteristics.~~

~~(2) Like patent law, persons whose work is directed by the inventor are not considered the breeder as they do not direct the breeding process.~~

~~(3) Should a scientist(s) believes he/she is a breeder or inventor entitled to a portion of the inventor share and has not been so identified as stated in this section, the scientist must notify the Director, NDAES, in writing of their alleged inventorship before the release of the variety.~~

f.

~~(1) The NDAES supports the following internal distribution of royalties generated from the utilization of plant varieties developed by the NDAES. The NDSU/RF will be reimbursed for expenses. Then, net proceeds (as defined in NDSU Policy 190) will be distributed as follows: 20% to the NDSU/RF, 30% to the inventor(s), and the remaining 50% to be distributed as directed by NDAES to the contributing departments or units as determined in paragraph 7. The NDAES and the NDSU/RF can negotiate to change the NDAES and NDSU/RF percentages on a case by case basis.~~

~~(2) The breeder or his/her immediate supervisor will identify, before a variety release, other scientists who provided inventive activity towards the development of the variety. The breeder and scientists will decide how to divide the inventor share among themselves and will recommend this distribution to the department chairs and Director, NDAES. Any unresolved dispute shall be handled by the Director, NDAES, in consultation with the relevant chairs. The Vice president for Agriculture will serve as final arbiter of any disputes.~~

g.

~~(1) The distribution of the percentage to the NDAES will be among units with collaborators and inventor(s) that contributed to the development of the variety. This distribution might not be in the same proportion as the inventor share(s). Collaborators may encompass more faculty or other staff than are considered the breeder under the PVPA. Following prerelease, but in no event later than the release, the collaborating departments/units will be identified and the scientists and his/her immediate supervisor involved in the breeding effort will meet and make a recommendation for a fair allocation of the royalty distribution. Based on that recommendation, or, if they are unable to come to an agreement, the respective department chairs will then recommend a fair royalty distribution. The final decision on royalty distribution will be made by the Director, NDAES.~~

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~~(2) The collaborators contributing to the variety development may vary from commodity to commodity and variety to variety. The formula for distribution will be reached at the time of release and before any royalties are generated. The formula developed should remain in place for distribution of all future royalties generated from the named variety. The Director, NDAES, the respective department heads/directors, and the NDSU/RF can decide to place the NDAES and/or contributing departments or units share into an endowment with the NDSU/RF to be distributed pursuant to the agreed upon terms of the endowment.~~

~~h. Disputes on inventorship or department/unit distributions shall be handled as set forth in 3.3.d.3 of this policy except the decision panel shall be the Vice President for Research, Creative Activities, and Technology Transfer, the Vice President for Agriculture, Director of the Experiment Station, and the Department Chair(s) involved, in consultation with the General Counsel. The Vice President of Agriculture may include an advisory panel of faculty with expertise in the area to advise the decision panel.~~

~~i. Upon termination of employment, an employee must identify to his/her immediate supervisor and the Director of the NDAES any advanced genotype(s) in which s/he claims inventorship. The University and the employee shall negotiate rights in the varieties. If the employee fails to make this disclosure prior to or at the time of termination of employment, employee shall be deemed to have waived any rights to royalties on nondisclosed varieties. Royalties may be paid only for a set term pursuant to the agreement on advanced genotypes released as varieties.~~

~~j. The inventor/breeder shall elect at the time of release of the variety to receive or permanently waive some or all of that share that such employee(s) is/are entitled to receive from net revenue, if any, from the variety.~~

## 3.23.1 NDSU Procedures:

a. Any Invention developed by faculty, students, employees and associates using NDSU facilities, time or materials, must be reported to the NDSU Technology Transfer Office (TTO). Adjunct faculty are subject to this policy if working on NDSU projects or using NDSU facilities unless expressly exempted by the Vice President for Research, Creative Activities & Technology Transfer. The TTO shall be responsible for determining the procedure to be followed in securing patent protection and the assignment of rights to be made.

b. Ownership of such patent rights normally will be assigned to NDSU except in the following cases:

(1) When NDSU, in turn, elects not to pursue a patent, ownership reverts to the Inventor(s). As a condition of its release of the right to ownership, NDSU may elect to receive up to 30% of any net income (gross income less legal and licensing expenses) received, by the Inventor(s) from the Invention or Work. NDSU may negotiate an equity position in a start-up business. Inventor(s) shall not assign, transfer, or license such intellectual property as a result of a consulting contract or other means so as to avoid payment to NDSU of its share under this section.

(2) When prior agreement between NDSU and an external agency assigned all rights to the agency, usually as a condition of a contract or grant.

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*c. The Vice President for Research, Creative Activities, & Technology Transfer must approve the conditions of any contract or grant in which*

- (1) the disposition of patents is specified as being other than to NDSU and/or*
- (2) in which specific licensing agreements are specified.*

*d. Profits from patented Inventions and discoveries shall be shared by the Inventor(s), and NDSU. Inventor(s) shall receive a minimum of 30 percent of the net proceeds with the remainder being distributed as per agreement between NDSU or the NDSU Research Foundation and the contributing colleges(s) and department(s).*

*e. All proceeds received by NDSU shall be devoted to the support of NDSU research program.*

*f. In no instance, and regardless of the ownership of the patent, may the name of NDSU be used in any connection with the marketing of an Invention.*

## *g. Plant Variety Protection*

*(1) Unless otherwise provided for below, the general provisions of NDSU Policy 190 shall apply to plant variety protection. The term "variety" includes germplasm, natural selections, cultivar, inbred lines, or hybrids. It is the position of the North Dakota Agricultural Experiment Station ("NDAES") that Intellectual property protection may be obtained on all varieties. ~~defined in 3.1.g(1). This protection provides a mechanism to identify ownership of the variety which will be required for subsequent transfer or licensing. A secondary reason for obtaining plant variety protection is to allow the option to collect and to enforce royalties (research fees) from the sale or utilization of these varieties.~~*

*(2) At the time of release or before plant variety protection is filed, ownership of the varieties is assigned transferred from NDSU on behalf of the NDAES to NDSU/RF.*

*(3) Per North Dakota law, N.D.C.C. § 15-10-17(9) and NDUS Policy 611.2, the percentage of the net proceeds due the Inventor is established pursuant to rules of the State Board of Higher Education and NDSU (See ~~3.1f(1)~~ 3.2.e).*

*(4) The NDAES supports the following internal distribution of royalties generated from the utilization of plant varieties developed by the NDAES. The NDSU/RF will be reimbursed for expenses. Then, net proceeds (as defined in NDSU Policy 190) will be distributed as follows: 20% to the NDSU/RF, (from in state licensing royalties) (32.5% from out of state licensing royalties and 35% from foreign licensing royalties), 30% to the Inventor(s), and the remaining 50% (from in-state collected royalties) (37.5% from out of state licensing royalties and 35% from foreign licensing royalties) to be distributed as directed by NDAES to the contributing departments or units. ~~as determined in paragraph 7. The NDAES and the NDSU/RF can negotiate to change the NDAES and NDSU/RF percentages on a case by case basis.~~*

*(5) The Breeder or his/her immediate supervisor will identify, before a variety release, other scientists who provided inventive activity towards the development of the variety.*

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Following pre-release, but in no event later than the release, the Breeder and scientists will decide how to divide the Inventor share among themselves and will recommend this distribution to the department chairs and Director, NDAES, in consultation with the relevant chairs. Final dispute resolution shall be handled by the procedure in 3.1(h) 3.1(g)6. Any unresolved dispute shall be handled by the Director, NDAES, in consultation with the relevant chairs. The Vice president for Agriculture will serve as final arbiter of any disputes.

(g)

(1) The distribution of the percentage to the NDAES will be among units with collaborators and inventor(s) that contributed to the development of the variety. This distribution might not be in the same proportion as the inventor share(s). Collaborators may encompass more faculty or other staff than are considered the breeder under the PVPA. Following prerelease, but in no event later than the release, the collaborating departments/units will be identified and the scientists and his/her immediate supervisor involved in the breeding effort will meet and make a recommendation for a fair allocation of the royalty distribution. Based on that recommendation, or, if they are unable to come to an agreement, the respective department chairs will then recommend a fair royalty distribution. The final decision on royalty distribution will be made by the Director, NDAES.

(2) The collaborators contributing to the variety development may vary from commodity to commodity and variety to variety. The formula for distribution will be reached at the time of release and before any royalties are generated. The formula developed should remain in place for distribution of all future royalties generated from the named variety. The Director, NDAES, the respective department heads/directors, and the NDSU/RF can decide to place the NDAES and/or contributing departments or units share into an endowment with the NDSU/RF to be distributed pursuant to the agreed upon terms of the endowment.

(6) Disputes on inventorship or department/unit distributions shall be handled as set forth in 3.e 3.3.d.3 (i.e., cite Patent Review Procedures—Distribution of Proceeds) of this policy except the decision panel shall be the Vice President for Research, Creative Activities, and Technology Transfer, the Vice President for Agriculture, Director of the Experiment Station, and the Department Chair(s) involved, in consultation with the General Counsel. The Vice President of Agriculture may include an advisory panel of faculty with expertise in the area to advise the decision panel.

(7)-i. Upon termination of employment, an Inventor or Breeder employee must identify to his/her immediate supervisor and the Director of the NDAES any advanced genotype(s) in which s/he claims inventorship. The Institution University and the Inventor employee shall negotiate rights in the varieties. If the Inventor employee fails to make this disclosure prior to or at the time of termination of employment, Inventor employee shall be deemed to have waived any rights to royalties on nondisclosed varieties. Royalties may be paid only for a set term pursuant to the agreement on advanced genotypes released as varieties.

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~~(8) j-~~The Inventor/Breeder shall elect at the time of release of the variety to receive or permanently waive some or all of that share that such Inventor(s) ~~employee(s)~~ is/are entitled to receive from net revenue, if any, from the variety.

## 3.33.2 Patent Review Procedures:

a. North Dakota State University patent policy provides that discoveries or Inventions developed by faculty, staff, students, and associates using NDSU facilities, time, or materials shall be vested in NDSU and must be offered to NDSU through the Office of Sponsored Program Administration or its designee.

b. Faculty, staff, students, and associates with discoveries or Inventions will supply the appropriate materials and descriptions to the Director - Technology Transfer using the Application for Patent Screening form or software disclosure form for processing prior to any public disclosure to prevent loss of patent rights.

c. The NDSU Research Foundation ("NDSU/RF") is the recipient of assignments of patents, trademarked cultivars, and plant variety protection for NDSU. NDSU/RF files for the appropriate Intellectual Property protection and is responsible for subsequent enforcement.

d. North Dakota State University will have a period of six (6) months from full and complete disclosure to evaluate the commercial viability and patentability of the ~~discovery~~ invention. ~~This evaluation may be extended~~ If further research or development activity is required to ensure patentability and/or market or commercial feasibility, this evaluation period may be extended ~~beyond six months~~ for a period not to exceed six (6) months, upon mutual written agreement between the parties. If the discovery is patentable, NDSU will find a mechanism to obtain patents and arrange licenses. If NDSU, in writing, decides not to pursue institutional rights on the discovery, the Inventor will retain ownership and may proceed to file a patent application on his/her own behalf with NDSU waiving all rights with the exception of being reimbursed for all costs incurred, if any, and may elect to retain up to 30% of any net income under (b)(1) above, by NDSU or its assignee.

### e. Distribution of Proceeds

(1) Any proceeds received from such patents will first be used to cover the expenses incurred in patenting and licensing.

(2) The remaining net proceeds will be divided so that at least 30% of the net proceeds shall be paid to those responsible for the Invention.

(3) If more than one individual is responsible for the discovery, the appropriate ownership rights among the participating parties shall be determined prior to submission for a patent. If disputes occur, resolution will be made by the Academic Dean(s) involved, the Vice President for Research, Creative Activities, & Technology Transfer in

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~~consultation with the university attorney. Such agreements shall be on file in the Office of Sponsored Program Administration and/or Technology Transfer Office.~~

~~(3) e. If more than one individual is responsible for an Invention the discovery, the appropriate ownership rights among the participating parties shall be determined prior to submission for a patent. If disputes regarding distribution of royalties occur, resolution will be made by the Academic Dean(s) involved and the Vice President for Research, Creative Activities, & Technology Transfer in consultation with the university attorney. Such agreements shall be on file in the Office of Sponsored Program Administration and/or Technology Transfer Office.~~

~~Should a scientist believe he/she is a Breeder or Inventor entitled to a portion of the Inventor share and has not been so identified as stated in this section, the scientist must notify the Director, NDAES, in writing of their alleged inventorship before the release of the variety.~~

~~(4) The remaining royalty proceeds shall be assigned to the NDSU Research Foundation to be distributed according to an agreement negotiated by the originating College Dean(s), Department Chair(s), and the Vice President for Research, Creative Activities, & Technology Transfer and the NDSU Research Foundation to support endeavors to enhance Research.~~

~~(5) NDSU may assign its rights and responsibilities under this subsection to the NDSU Research Foundation.~~

## 4. General Copyright Policy.

a. Except as otherwise explicitly provided under this policy or applicable law, an employee who creates a Work retains copyright ownership of the Work. If there has been Significant Use of University System or Institutional Resources, the provisions of section 4b of this policy shall apply.

b. If there has been Significant Use of Institutional Resources, as defined in section 2 of this policy, to create a Copyrightable Work, the ownership of which is vested in the individual employee, the Institution shall be reimbursed out of the royalties, in accord with an agreement between the employee and the Institution, up to that amount that constitutes the Institution's Significant Use. The Institution shall be reimbursed for the Significant Use of any facilities, personnel or resources, except those considered part of the normal academic environment including library facilities. This pertains to all Copyrightable Work except Copyrightable Software as described in section 6.

c. If employees are employed or commissioned by the Institution or agencies of the Institution for the creation of Work, or if by prior agreement they are assigned to produce or develop Work in the course of their regular duties, and if such Work is deemed appropriate for copyright, it must be reported to the NDSU Technology Transfer Office pursuant to its copyright review

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procedure. In such instances, the NDSU Technology Transfer Office shall have the first option to secure copyright in the name of the Institution. Should the committee decide, in writing, it would not be appropriate to secure copyright, the employee then may proceed to personally secure the copyright.

d. Royalties received as a result of copyright ownership by the Institution will be disbursed, with at least 30 percent to the employee(s). The remainder would be distributed according to NDSU Procedures.

## 5. Mediated Courseware.

a. Self-initiated Mediated Courseware. When employees develop Mediated Courseware without specific direction by the Institution, unless otherwise agreed, the ownership of the courseware shall remain with the employee. Normally, no royalty, rent or other consideration shall be paid to the employee when that Mediated Courseware is used for instruction at the Institution and such Mediated Courseware shall not be used or modified without the consent of the employee. While the Creator is under Institutional employment, the Mediated Courseware shall not be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of the employee's own Institution unless that transaction has received the approval of the chief academic officer of the Institution. The Institution shall have a perpetual, non-exclusive royalty-free right to use such courseware for archival research purposes. Should approval be granted to offer the course outside of the Institution, the provisions of section 4b of this policy shall apply.

b. Institution-directed Mediated Courseware. When the Institution directs in an employment contract the creation of a specific Mediated Courseware, the resulting Mediated Courseware belongs to the Institution and the Institution shall have the right to revise it and decide who will utilize the Mediated Courseware in instruction. The Institution may specifically agree to share revenues, pursuant to the General Patent Policy with the employee(s) receiving a minimum of 30 percent of the net royalties and fees, and control rights with the employee.

c. Development and use of Institution-directed Mediated Courseware shall be reported to the unit head and/or college administrator with a copy to the Technology Transfer Office at the Institution.

## 6. Copyrightable Software.

Unless a separate written agreement provides otherwise, software created by employees within the scope of their employment and not covered under Mediated Courseware in section 5 of this policy shall be treated as a Work for Hire, owned by the Institution and commercialized pursuant to the General Patent Policy, with the employee(s) getting a minimum of 30 percent of the net royalties and fees.

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## 7. Student Work.

### a. The ownership of copyrights in student Work is governed by the following:

(1) Copyright ownership of student Work that is performed in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.

(2) Copyright ownership of student Work generated by research performed in whole or in part utilizing equipment or facilities provided by the Institution under conditions that impose copyright restrictions shall be determined in accordance with such restrictions.

(3) Students will own the copyrights to their Work not within the provisions of (1) and (2) above; however, a student must, as a condition to a degree award, grant royalty-free permission to the Institution to reproduce and publicly distribute, including by electronic means, copies of the student's Work.

(4) Where there is Significant Use of Institution Resources, copyright ownership shall be determined under section 4b of this policy.

b. Ownership of student Inventions shall be governed by the Patent Policy in section 3 of this policy. *It is the policy of North Dakota State University that this grant of ownership and control extends to any Work products or written and electronic reports of employees that are essential for documentation of any invention or discovery resulting from research administered by the Institution. Graduate student employees who are performing services as teaching assistants or research assistants or who are using university resources shall therefore be required by the departmental administrator to submit the original form of any laboratory notebook, spectral information, electronic data, and other written documentation related to University administered research.*

(1) Inventions which are done on the student's own time and which do not involve significant use of University System's or Institution Resources shall belong to the student.

(2) Invention ownership of student Work that is performed in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.

(3) Invention ownership of student Work generated by research performed with significant use of Institution resources (utilizing equipment or facilities provided by the Institution under conditions that impose invention restrictions) shall be determined in accordance with such restrictions.

# University Senate Minutes

## 8. General Trademark Policy

NDSU may develop a Trademark policy that provides for the protection of NDSU Trademarks and Service Marks.

## 9. NDSU Procedures.

NDSU shall adopt procedures implementing this policy that include:

- a. Procedures for required disclosure of Intellectual Property;
- b. Procedures for review, evaluation, and protection of Intellectual Property;
- c. Rules governing distribution of net royalties or fees;
- d. A process for resolving disputes; and
- e. A process for informing faculty, staff, and students of the rights and responsibilities of Intellectual Property. Upon employment, all regular employees must sign the NDSU Intellectual Property Agreement. Temporary employees may be required to sign as well based on supervisor discretion. A failure to have the Agreement signed in no way changes or lessens the applicability of this Policy.

## 10. Transfer of Rights

- a. NDSU may assign or transfer ownership rights in Intellectual Property to independent foundations created for the purpose of obtaining or administering and marketing NDSU Intellectual Property, receiving gifts, or supporting or promoting NDSU or NDSU research.
- b. It is the responsibility of employees to ensure that the terms of their consulting agreements with third parties do not conflict with their commitments to the Institution. Each employee shall make the nature of the employee's obligations to NDSU clear to any third party for whom the employee expects to consult. Specifically, the scope of the consulting services must be distinguished from the scope of research commitments to NDSU.

HISTORY: New policy to reflect SBHE policy 611.2, incorporates NDSU policies 340, 341 and 342, May 2005.

# University Senate Minutes

Fargo, ND 58105

North Dakota State University

May 11, 2009

Attachment 7

## Amy Rupiper Taggart

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**369 Elmwood Ave.**  
**Fargo, ND 58103**  
**(701) 239-3400**  
**amy.rupipertaggart@ndsu.edu**

**Department 2320, PO Box 5060**  
**North Dakota State University**  
**Fargo, ND 58108-5060**  
**(701) 231-7148**

### EDUCATION

**Ph.D., English (Composition & Rhetoric)**, May 2002  
Texas Christian University Fort Worth, TX

**B.A., English and German**, May 1995  
University of St. Thomas St. Paul, MN  
Universität Trier Trier, Germany 1993-94

### PRESENT APPOINTMENT

Assistant Professor of English, Director of Lower Division Writing  
North Dakota State University Fargo, ND

### *Books*

*Research Matters*. McGraw-Hill. (In Development, estimated publication date of 2009 with Rebecca Moore Howard).

*A Guide to Composition Pedagogies*. New York: Oxford UP, 2001. (Co-edited with Gary Tate and Kurt Schick).

### *Editing*

Guest Edited a Special Issue on "Rewriting Community Writing and Rhetoric Courses." *Reflections: Writing, Service-Learning and Community Literacy* 5 (Spring 2006). (With H. Brooke Hessler).

### *Selected Peer Reviewed Journal Articles and Book Chapters*

"Tensions with Authorship and Evaluation in Community Writing." *Michigan Journal of Community Service Learning* 13 (Spring 2007): pages 53-64.

"*Stasis* and the Reflective Practitioner: Experienced Teacher-Scholars Sustain Community Pedagogy." *Reflections: Writing, Service-Learning, and Community Literacy* 5 (Spring 2006): 153-72. (With H. Brooke Hessler).

"Pentadic Critique for Assessing and Sustaining Service-Learning Programs." *Reflections: A Journal of Writing, Service-Learning, and Community Literacy*. Special Issue on Professional Writing and Service-Learning 4. Eds. Jim Dubinsky and Melody Bowdon. (Winter 2005). 78-102.

"Reciprocal Expertise: Community Service and the Writing Group." *By Any Other Name: Writing Groups Inside and Outside the Classroom*. Eds. Beverly J. Moss, Nels P. Highberg, and Melissa Nicolas. Mahwah, NJ: Lawrence Erlbaum, 2004. 95-112. (With H. Brooke Hessler).

“The Community Writing Sequence.” *Teaching Ideas for University English: What Really Works*. Eds. Patricia M. Gantt and Lynn Langer Meeks. Norwood, MA: Christopher Gordon, 2004. 55-68.

“What Are Styles and Why Are We Saying Such Terrific Things about Them?” *Teaching Writing: Landmarks and Horizons*. Eds. Christina McDonald and Rob McDonald. Carbondale: Southern Illinois UP, 2002. 214-227. (With Rebecca Moore Howard, et al.)

## **TEACHING EXPERIENCE**

**North Dakota State University** Fargo, ND  
Assistant Professor, August 2002 to Present

College Composition I; College Composition II; Honors Composition II; Introduction to Writing Studies; Writing in the Humanities and Social Sciences; Advanced Writing Workshop; Literacy, Culture, and Identity; Composition Studies; Composition and Rhetoric; Field Experience

**Texas Christian University** Fort Worth, TX  
Graduate Instructor, August 1997 to May 2002

Introductory Composition, Intermediate Composition, Advanced Composition: "Writing about Pop Culture" (with Gary Tate), Multi-ethnic Literature (with Australia Tarver)

## **SELECTED SERVICE**

- Board Member, *Reflections* journal. (Fall 2007-Present)
- *Member*, Vertical Writing Curriculum Committee. (Spring 2005-Present).
- *Member*. First-year English Committee. NDSU. Fargo, ND. (2002-Present)
- *Member* (2003-2004), *Chair* (2004-2005), Social Outreach and Recognition Committee. NDSU. Fargo, ND.
- *Co-founder and Advisory Board Member*, Write to Succeed, Inc. Fort Worth, TX. (1997-Present).
- *Board Member*, March of Dimes. Fargo, ND. (2004-Present), *Board Vice President* (2008-Present).

# University Senate Minutes

Fargo, ND 58105

North Dakota State University

May 11, 2009

Attachment 8

## **A Resolution of the NDSU University Senate Concerning the Flood of 2009**

**WHEREAS** the Fargo/Moorhead area faced considerable danger during the Spring of 2009 due to flooding.

**WHEREAS** the faculty, staff and students of NDSU rose to the extreme challenge of protecting the citizens and property of the Fargo/Moorhead area.

**WHEREAS** the faculty, staff and students volunteered their strength, energy and time to meet this challenge.

**THEREFORE, LET IT BE RESOLVED** that the NDSU University Senate recognizes the heroic efforts of the faculty, staff and students of NDSU in defense of the Fargo/Moorhead area during the flood of 2009.

**THEREFORE, LET IT BE FURTHER RESOLVED** that the NDSU University Senate appreciates the spirit of service and community displayed by the faculty, staff and students of NDSU during this trial.

# University Senate Minutes

## Addendum Academic Affairs Committee Report

### Approved Curricular Recommendations

<b>Agriculture Education Organizational Change</b>							
Pre-Agriculture Education students from College of Human Development & Education to College of Agriculture, Food Systems, and Natural Resources							
<b>Combine/Replace Program Options in HNES (M.S.)</b>							
<b>Current Options:</b> Exercise Science; Nutrition; Sport Pedagogy; Sport and Recreation Management				<b>Proposed:</b> <i>Exercise Science and Nutrition</i> <i>Sport Pedagogy and Leadership</i>			
<b>New Course</b>							
Subject	No.	Title	Crs.				
ART	389	Art Theory and Criticism	3				
<b>Course Deletions</b>							
Subject	No.	Title	Crs.				
ADHM	610	Dress in World Cultures	3				
ADHM	655	Advanced Apparel Assembly	3				
ADHM	686	Dress and Human Behavior	3				
ARCH	354	Environmental Control Systems II	3				
BIOC	485/685	Industrial Biotechnology	3				
CHEM	737	Gas Phase Ion Chemistry	2				
CJ	754	Criminal Investigations	3				
CJ	759	Security Management	3				
CPM	777	Water-Soluble Polymers	2				
CPM	785	Nanomaterials Chemistry	3				
LA	331	Introduction to Planting Design	2				
<b>Course Changes</b>							
<b>From:</b>				<b>To:</b>			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
MUSC	112	Varsity Band	1	MUSC	112	<i>University Band</i>	1
MUSC	303	Concert Band	1	MUSC	303	<i>Wind Symphony</i>	1
HNES	481	Didactic Capstone Course	2	HNES	481	<i>Dietetics: Capstone Course for DPD</i>	<i>1</i>
<b>Delete Cross Listing</b>							
<b>From:</b>				<b>To:</b>			
HUM/ COMM 702		Introduction to College Teaching	3	COMM	702	Introduction to College Teaching	3