

Agenda  
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, October 12, 2009  
Memorial Union, Arikara Room*

I. Substitutions - K. Wold-McCormick

II. Approval of September 14, 2009, Minutes

III. Consent Agenda

A. Academic Affairs ([Attachment 1](#))

B. Policy Coordinating Committee

For Information only:

1. [Policy 202 - Procedure for Filling Broadbanded Positions](#)
2. [Policy 212 - Overtime](#)
3. [Policy 515 - Travel – Employees](#)
4. [Policy 800 - Authorized Representatives](#)
5. [Policy 801 - Grant and Contract Accounting-General Provisions](#)
6. [Policy 802 - State Supported Agreements](#)
7. [Policy 803 - Gifts vs Grant Policy](#)

*Any member can request that an item on the consent agenda be placed on the regular agenda.*

IV. General Announcements

A. President Chapman

B. Provost/VPAA Schnell

C. M. Meister, President of University Senate

D. A. Rupiper Taggart, President Elect of University Senate

E. V. Olson, Staff Senate President

F. A. Altstadt, Student Senate President

G. Other

V. Committee Reports

A. Academic Affairs - A. Brundt

B. General Education - L. Peterson, Ad Hoc Undergraduate Curriculum Review Committee  
([Attachment 2](#))

C. Council of College Faculties - V. Hinsz

D. Policy Coordinating Committee - A. Rupiper Taggart

For discussion only:

1. Policy 155 - Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees ([Attachment 3](#))
2. Policy 156 - Equal Opportunity Grievance Procedures ([Attachment 4](#))

For discussion and vote:

1. Policy 162 - Sexual Harassment Policy ([Attachment 5](#))
2. Policy 700 - Services and Facilities Usage ([Attachment 6](#))

E. Other Committee Reports

VI. Unfinished Business

VII. New Business

VIII. Discussion

IX. Adjournment

## Academic Affairs Committee Report For University Senate – October 12, 2009

### Curricular Recommendations

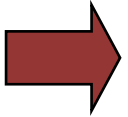
<b>New Prefix</b>							
<b>STEM (STEM Education)</b>							
<b>New Courses</b>							
<b>Subject</b>	<b>No.</b>	<b>Title</b>				<b>Crs.</b>	
ENGL	455/655	International Technical Writing				3	
ENGL	751	Multi-Disciplinary Academic Writing				3	
ME	733	Polymer Nanocomposites				3	
MUSC	714	Advanced Elementary Music Methods				3	
<b>Course Changes</b>							
<b>From:</b>				<b>To:</b>			
<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>	<b>Subject</b>	<b>No.</b>	<b>Title</b>	<b>Crs.</b>
ME	473/ 673	Polymer Engineering	3	ME	473/ 673	<i>Engineering with Polymeric Material</i>	3
<b>For Information Only: Change in Prerequisite</b>							
<b>Dept.</b>	<b>No.</b>	<b>Title</b>	<b>Change in Prerequisite</b>				
BUSN	730	Legal Aspects of Business	Remove prerequisite: BUSN 430/630				

## Ad Hoc Undergraduate Curriculum Review Committee

1. Membership shall consist of one faculty member (preferably tenured) from each college (including University Studies), two students, one representative each from the University Assessment Committee, the Division of Student Affairs, and the NDSU Libraries. The Provost's office will solicit nominations from the campus and members will be selected by the Provost in consultation with the team NDSU sent to the 2009 AACU General Education Institute.
2. The committee will have two faculty co-chairs.
3. The committee's responsibilities will be to:
  - a. Design and implement a process to promote campus-wide discussion and examination of the knowledge and skills our graduates should have when they complete their baccalaureate degrees.
  - b. Engage in a comprehensive review of the learning outcomes of undergraduate curriculum to identify the knowledge, skills, and abilities that graduates of NDSU should have.
  - c. Examine whether the learning outcomes of the existing curriculum (including both general education and the major) ensure the desired outcomes.
  - d. Examine current best practices nationally, relevant evidence about the performance of recent graduates, and models of recent curriculum revisions at peer institutions.
  - e. Seek input and feedback from faculty, staff, students, employers, and alumni.
  - f. Consult regularly with other appropriate University Senate Committees-- Academic Affairs, Program Review, Assessment, and General Education.
  - g. Based on the previous steps, propose appropriate revisions to the undergraduate curriculum (both face-to-face and distance education) to the campus and the University Senate.
4. The committee will provide regular updates to meetings of the University Senate and will provide a yearly summary of its activities to the Senate.

## Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in red, including the header, must be completed, if not it will be sent back to you for completion.



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

### SECTION: *NDSU Policy 155: Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

*Added to paragraph 3 the dangers of drug and/or alcohol use in the workplace to be in compliance with 2 CFR § 182.215. Updated department name changes and locations. Updated student sanction information.*

2. This policy was originated by (individual, office or committee/organization):  
*General Counsel 07/08/09*

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

*This portion will be complete by Kim Matzke-Ternes*

#### Policy

Committee: 08/19/09 presented;

#### University

Senate: 09/04/09 Input;

#### Staff Senate:

09/04/09 Input;

#### President's

Council: 09/04/09 Input;

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu*



NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

## POLICY MANUAL

For any questions please send e-mail to: [NDSU.Policy.Manual@ndsu.edu](mailto:NDSU.Policy.Manual@ndsu.edu)

### SECTION 155: ALCOHOL AND OTHER DRUGS: UNLAWFUL AND UNAUTHORIZED USE BY STUDENTS AND EMPLOYEES

#### SOURCE:

NDSU President

SBHE Policy Manual, Section 918

1. NDSU complies with and supports the North Dakota State Board of Higher Education policy governing alcohol use on campus, the [Drug Free Workplace Act of 1988](#), Public law 100-690, ~~and the~~ [Drug-Free Schools and Communities Act Amendments of 1989](#), Public Law 101-226-, ~~and~~ [2 CFR § 182.215](#).
2. The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the Board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President's residence, and other special exceptions as granted by the President or the President's designee. For the complete ~~State Board of Higher Education~~ policy see [www.ndus.nodak.edu/policies-procedures-policy-number-918-Alcoholic-Beverages](http://www.ndus.nodak.edu/policies-procedures-policy-number-918-Alcoholic-Beverages)". ~~SBHE Policy 918: Alcoholic Beverages~~. [this has link to URL, but it does not show in review format]

The University prohibits the *unlawful or unauthorized* use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities). For NDSU employees, compliance with this policy is a term and condition of employment. For NDSU students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational registration.

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and that there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students and employees to [the NDSU Counseling Center and Disability Services](#)<sup>[L1]</sup>, [Center Ceres 212](#), or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the Employee Assistance Program provided by the Village (1-800-627-8220) or in the Fargo area (701) ~~235-6433451-4900~~. Employees may refer students in need of services to [Counseling Center and Disability Services-Center](#) at (701) 231-7671. ~~While evaluation for alcohol, drug abuse and/or addiction is not available on campus~~<sup>[L3]</sup>, [Counseling Center and Disability Services-Center](#) staff will work with the students to find appropriate community services. Referral information from [Counseling and Disability Services-Center](#) is also available to those wishing to refer individuals to ~~off campus~~ agencies. [Faculty, staff and students can access information on available drug and alcohol](#)

prevention programs the university offers by going to the Alcohol and Other Drug Prevention Programs website. [this has link to URL, but it does not show in review format]

3.1 University employees and students should be aware of the dangers of drug and/or alcohol use in the workplace. These dangers can include:

- a. Death and injury due to accidents, dereliction of duty, poor judgment, overdose, and carelessness.<sup>[L6]</sup>
- b. Lost productivity.
- c. Reduced efficiency.
- d. Increased absenteeism.
- e. Interference with other employee job performance or student education of those who do not use drugs and/or alcohol.
- f. Employment sanctions, including termination.

3.2 Specific health risks of alcohol and drug abuse include:

a. Alcohol:

- i. Impaired judgment and coordination, increasing the risk of accidents.
- ii. Impaired ability to learn and remember information.
- iii. Respiratory depression.
- iv. In severe cases – death.

b. Drugs:

- i. Irregular or rapid heartbeat.
- ii. Tremors.
- iii. Loss of coordination and control.
- iv. Collapse.
- v. Reduced short-term memory and comprehension.
- vi. Altered sense of time.
- vii. Reduced coordination and energy level.
- viii. Lowered immune system.
- ix. Increased risk of lung cancer.
- x. Elevated blood pressure, heart rate, respiratory rate, and body temperature.
- xi. Depression.
- xii. Delerium, hallucinations, and blurred vision.
- xiii. Severe chest pains and muscle spasms.
- xiv. Panic, confusion, suspicion, and anxiety.
- xv. Coma or death due to respiratory failure or cardiovascular collapse.

4. These guidelines apply to students, employees, as well as campus organizations, which include, but are not limited to registered student organizations under the Commission of Student Organizations. For information concerning applications of this policy, please consult the Dean of Student Life (for students), or the University Human Resources/Payroll Director (for employees).

4.1 Students and employees and their respective campus organizations may not use organizational or public funds (including general and special funds) for the purchase of alcoholic beverages.

- 4.2 Sale of alcoholic beverages by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sale such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.
- 4.3 Off-campus activity conducted by students, and employees and their respective campus organizations shall not encourage excessive and/or rapid consumption of alcoholic beverages. The use of alcohol at any such events is expected to be lawful and low risk. Registered student organizations planning off campus events at which alcohol may be available must complete and file with the Student Activities Office, Memorial Union ~~360120~~, on the NDSU Event Risk Management Planning Notification Form. When planning an off-campus work related event where alcohol will be present, employees with questions about low-risk guidelines should contact the Director of Human Resources/Payroll, ~~Old Main~~ 205SGC Building (StopNGo Center).
- 4.4 Alcoholic beverages shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off-campus.
- 4.5 The public display of advertising or promotion of the use of alcoholic beverages in University buildings or any other public campus area including all University owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, and large inflatable advertising, etc. (Entities that lease commercial or research property from the university may be excluded. However, the University may, in these leases, include provisions that will assist in its effort to promote legal and safe use of alcohol and to change the culture that perpetuates alcohol and other drug misuse and abuse.)
- 4.6 Alcohol promotional activities including advertising shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off-campus. This includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising.
- 4.7 Advertising of alcoholic beverages shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.\*

\* Student Newspaper (The Spectrum)

*The Spectrum* is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and State Board of Higher Education Policy 507. It is accountable to the Board of Student Publications for its standards of conduct. Because of the belief that advertising perpetuates the culture of high-risk and underage drinking, the Board of Student Publications may, if it chooses to accept advertising for alcoholic beverages, decide to adopt guidelines compatible with this policy.

- a. Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for ones, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.
- b. Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.
- c. Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.

d. Advertising of establishments that sell alcohol shall include a statement of low-risk such as "know when to say when" or "please use our products legally and in a responsible manner".

4.8 Unless otherwise authorized by the President of the University, the use of alcoholic beverages during all events held on the NDSU campus is strictly forbidden (including concerts, theatrical performances, athletics events, workshops, etc.).

5. When students, student organizations, or employees violate University alcohol policy they will be subject to campus resolution. Campus resolution of such acts may proceed before, during, or after any pending civil or criminal proceedings are concluded. Since the campus actions are educational and/or managerial in nature, and not criminal proceedings, such simultaneous actions do not constitute double jeopardy and differing judgments may result.

5.1 Sanctions-Students & Student Organizations: Individual students and student organizations (including fraternities, sororities, residence hall associations and registered student organizations) who are found in violation of the University policy on alcohol and other drugs are subject to one or more of the following sanctions, dependent upon the severity of the violation and the existence or absence of prior alcohol or other drug violations: (For a more complete description of these sanctions see the [Code of Student Behavior](#).) [this has link to URL, but it does not show in review format]at [http://studentlife.ndsu.nodak.edu/index.php?action=page\\_manager\\_view\\_single&page\\_id=45](http://studentlife.ndsu.nodak.edu/index.php?action=page_manager_view_single&page_id=45))

5.1.1 No action (if alleged conflicts prove to be unfounded).

~~5.1.2— Restitution.~~

~~5.1.3— Confiscation.~~

~~5.1.4— Restricted access to University facilities/removal from Residence Halls.~~

~~5.1.5— Loss of privileges (including status as a registered student organization).~~

~~5.1.6— Required participation in a specific program.~~

~~5.1.7— Educational sanction/project.~~

~~5.1.8— Warning (written or oral).~~

~~5.1.9— Probation.~~

~~5.1.10— Suspension.~~

~~5.1.11— Emergency suspension.~~

~~5.1.12— Expulsion.~~

~~5.1.13— Voluntary withdrawal.~~

~~5.1.14— Registration/graduation hold.~~

5.1.2 When a student has been found responsible for violating University policies, one or more of the following sanctions may be imposed:

- a. Warning (oral or written).
- b. Behavioral probation (with or without supervision).
- c. Suspension.
- d. Voluntary withdrawal.
- e. Expulsion.
- ~~f. Recommendation to the Provost to rescind degree~~<sup>[rdj10]</sup>.

5.1.3 In addition to the above mentioned sanctions, other restorative or educational actions may also be imposed:

- a. Restitution.
- b. Confiscation.
- c. Restricted access to University facilities and grounds.
- d. Loss of privileges.
- e. Participation in a specific program (i.e., counseling, drug and/or alcohol education).
- f. Educational projects (i.e., reflection paper or research).
- g. Alcohol or other drug testing and/or evaluation.

*NOTE: These sanctions and/or conditions need not necessarily be applied in numerical sequence. Any sanction may be chosen from this list for any violation, dependent upon its severity.*

Individual student behavioral actions will be adjudicated through the Department of Residence Life or the Dean of Student Life's Office depending on the student's place of residence. Student organization behavioral actions will be adjudicated through the Memorial Union.

*Parental Notification:* Parents or guardians of students under 21 may be contacted without student consent by an NDSU student affairs administrator following alcohol and/or drug related incidents depending on the severity of the offense, number of offenses, threat to others or the community or life concerns of the student involved. See <http://studentlife.ndsu.nodak.edu> for the full policy and rationale.

*Financial Aid Eligibility:* A student who has been convicted of any offense under Federal or State law involving the possession or sale of a controlled substance will not be eligible to receive certain grant, loans or work assistance from the time of conviction through a period of ineligibility. Eligibility may resume prior to the end of the ineligibility period if rehabilitation requirements are completed as outlined in the ~~Higher Education Amendments of 1998~~ Higher Education Opportunity Act of 2008, § 485(a)(7)(C) and (a)(9). <sup>[this has link to URL, but it does not show in review format]</sup>

## 5.2 Notice and Sanctions - Employees

Individual employees who are found in violation of the University policy on alcohol and other drugs by their supervisors will be reported to the Director of Human Resources/Payroll for consultation prior to action.

Any employee arrested under circumstances involving an alleged violation of a criminal drug or alcohol beverage related statute while in his or her workplace, whether on or off campus; in a University vehicle; or as part of any activity the University initiates or takes part in must notify his or her immediate supervisor within five days of the arrest. An arrest, depending on the circumstances may be grounds for actions or sanctions. The status of the criminal proceeding is a factor the supervisor will take into consideration. It is important that the supervisor seek advice from the Human Resources/Payroll Director or the NDSU General Counsel before taking action in arrest situations.

Any employee convicted of violating any federal, state, or local criminal drug or alcohol beverage related statute in his or her workplace, whether on or off campus; in a University vehicle; or as part of any activity the University initiates or takes part in must notify the University Human Resources/Payroll Director no later than five days after such conviction. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal, state or local court. North Dakota State University is required by law to inform the federal contracting officer within 10 days of receiving notice of a conviction of violating a criminal drug statute from an employee or otherwise receiving notice of such conviction.

If an employee is convicted of violating any criminal drug or alcohol beverage related statute while in the workplace, as described above, University actions may include:

- 5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;
- 5.2.2 Disciplinary action for a violation of university alcohol or drug policy up to and including termination of employment. Disciplinary action may include one or more of the following:

- a. ~~(1)~~ Warning, reprimand, or probationary status;
- b. ~~(2)~~ Ineligibility to receive the next available annual salary increase;
- c. ~~(3)~~ Suspension without pay for up to 5 days;
- d. ~~(4)~~ Termination of employment; or
- e. ~~(5)~~ Any combination of the above sanctions.

*NOTE: These sanctions need not necessarily be applied in numerical sequence. Any sanction may be chosen from this list for any offense, dependent upon its severity. Referral for prosecution may also be a result of any criminal violations.*

For more information on the health and legal risks of alcohol and drug abuse, refer to the University's brochure "Alcohol and Other Drugs: risks, policies and the law for students and employees" available from the Human Resources/Payroll Office, ~~Old Main 205~~ [SGC Building](#).

HISTORY: March 18, 1989, Amended December 1992; October 1999, April 2003, October 2003, January 2004 (renumbered)

## POLICY CHANGE COVER SHEET

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

**Section:** *NDSU Policy 156: Equal Opportunity Grievance Procedures*

This policy is being updated to clarify the [equal opportunity grievance](#) process and make it more effective and efficient.

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

Policy Committee: 10/15/08; 11/12/08; 12/10/08; [3/11/09](#); [05/09](#)

University Senate: [05/29/2009](#)

Staff Senate: [05/29/2009](#)

Student Senate/Executive Board:

President's Council: [05/29/2009](#)

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

General Counsel  
Equity and Diversity

## SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

### SOURCE: NDSU President

#### 1. INTRODUCTION

##### 1.1

The purpose of these grievance procedures is to provide a fair and orderly system for review at North Dakota State University of alleged violations, of equal opportunity laws, regulations, and policies that prohibit discrimination based on race, color, religion, national origin, sex, disability, age, veteran's status or sexual orientation ~~any federal, state or local protected class~~. ~~These procedures have been approved by the University President, following review by the Presiding Officer of the University Senate, the President of the Staff Senate, the Student Body President, and the President's Council.~~

##### 1.2

Any individual or group filing a grievance under this procedure is entitled to protection from harassment, reprisals or retaliation as a result of having filed ~~the grievance~~. ~~Any violation of the protection~~ Retaliation may, in itself, constitute grounds for a grievance.

##### 1.3

Parties ~~(the grievant and party whose action is the subject of the grievance)~~ to a grievance filed under this procedure will make every effort to comply with the established timelines for giving notices and completing actions related to the grievance. In extenuating circumstances, these timelines may be extended by the NDSU ~~Director~~ Vice President of ~~for~~ Equity, ~~and~~ Diversity ~~and Global Outreach~~ ("Diversity Officer") in consultation with the parties.

#### 2. ~~Step 1--~~ADMINISTRATIVE REVIEW OF GRIEVANCE

##### 2.1

Any student, employee of the University, or any group of such persons ~~who feels is~~ substantively affected by an apparent violation of equal opportunity laws, regulations, or policies shall be ~~initially~~ entitled to an administrative review of the grievance.

##### 2.1.1

The review is initiated by completing the NDSU Formal Equal Opportunity Grievance Form (available from the NDSU ~~Office of for the Vice President for~~ Equity, ~~and~~ Diversity ~~and Global Outreach~~ Office) and filing it with the Diversity Officer, ~~in the Office of the Vice President for Equity, and Diversity and Global Outreach~~. Unless the ~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~ stipulates otherwise, the grievance form must be submitted within six months of the alleged violation.

## 2.1.2

This review shall include: (1) an administrative inquiry into the facts of the case; (2) a discussion of the case by the ~~administrator~~ Diversity Officer with the grievant and, the party whose action is the subject of grievance, ~~and the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~; (3) a conclusion by the ~~administrator~~ Diversity Officer regarding whether or not the case involves a violation of equal opportunity rights; (4) an attempt to achieve a mutually acceptable resolution of the grievance; and (5) a written communication of that conclusion to the grievant and the party whose action is the subject of the grievance. Unless there are extenuating circumstances, the administrative review will be completed within 30 working calendar days after the date of the filing.

## 2.1.3

As an alternative to this review, a grievant ~~may, of course,~~ pursue any channel of review applicable under another University policy (such as the Grade Appeals Board policy for students [Section 337], the Grievance Procedure for Conditions of Employment or Appeal Procedure for Disciplinary and Reduction In Force Actions [Sections 230 and 231, respectively], or the Board Regulations on Nonrenewal, Termination or Dismissal of Academic Staff, the Board Regulations on Hearings and Appeals, or Grievances - Faculty [Sections 350.3, 350.4 and 353 respectively]).

### ~~3. Step 2--NEGOTIATION~~ 3. VOLUNTARY MEDIATION

4. 3.1. If the grievant and party whose action is subject to of the grievance both agree to mediate, the provisions of Policy 350.5-Mediation shall apply ~~RDJ8~~ for all employees.

3.2 If voluntary mediation is unsuccessful, the grievant may request a hearing of the grievance pursuant to section 4.1.

#### ~~3.1~~

~~If a grievance is unresolved after Step 1, either the grievant or the party whose action is the subject of the grievance may, within 10 working days of the issuance of the administrative determination, make a written appeal to the University's Executive Director, Chief Diversity Officer in the Office of Equity and Diversity for negotiation of the case by a representative of the grievant, a representative of the party whose action is the subject of grievance, and the Director of Equity and Diversity. Within 5 working days of the appeal for negotiation, the two parties should provide the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity with the name of the person who will serve as their representative for this process.~~

#### ~~3.1.1~~

~~The negotiators' responsibilities shall be to (1) determine the facts relevant to the grievance, (2) discuss the application of equal opportunity laws, regulations and policies, (3) attempt to resolve the grievance through further discussion and negotiation and, if that is unsuccessful, (4) refer the case to the hearing committee below or to another duly constituted University hearing committee such as the Grade Appeals Board or a Faculty~~

~~Special Review Committee. Unless there are extenuating circumstances, the negotiators will complete their work within 30 working days.~~

#### ~~5.~~ 4. Step 3-- GRIEVANCE HEARING COMMITTEE GRIEVANCE

##### 4.1

~~Upon referral from the negotiators, A grievant~~ Either party of the grievance will have ten (10) calendar working days to appeal the written conclusion in section 2.1.2 or from the termination of an unsuccessful mediation under section 3. ~~A~~ A grievance shall be heard by a five member ~~e~~Equal ~~e~~Opportunity ~~h~~Hearing ~~e~~Committee. ~~The negotiators~~ Student Body President, Presiding Officer, President ~~University Senate President and the Staff Senate President~~ shall designate the chair and other members of this committee from among the University Equal Opportunity Hearing Panel, which shall consist of the following 18 members:

- o 6 NDSU students appointed by the Student Body President,
- o 6 NDSU tenured faculty members appointed by the Presiding Officer of the University Senate, and
- o 6 NDSU broadbanded employees appointed by the Staff Senate President.

##### 4.1.1

~~For Each~~ For ~~Each~~ group of panel appointees, those responsible for designating the panel shall strive to include members of both sexes and ethnic/racial diversity. Part-time students and regular employees are eligible for appointment.

##### 4.1.2

Committee members shall disclose any conflict of interest they may have to the committee ~~committee's regarding committee member status.~~ The parties can also challenge a committee member for a conflict of interest ~~address as a conflict of interest disclosure made by a committee member.~~ If multiple challenges deplete the committee to two or less fewer members, ~~The Student Body President, President of University Senate, and the Staff Senate President shall assist in deciding~~ decide, by majority vote, whether the challenges have merit. Members disclosing a conflict or being challenged for a conflict may vote on the motion. Replacements shall be appointed in the same manner as original appointments ~~[rdj 12].~~

##### 4.2

An Equal Opportunity hearing committee shall conduct its hearing in accordance with the following requirements: The committee can may appoint a hearing officer with authority to conduct the pre-hearing meetings, supervise discovery, advise the committee or preside over the hearing. for the chair. The responsibilities for conducting the hearing are then assumed by the hearing officer, subject to decisions by the committee.

##### 4.2.1

Any grievant requesting a hearing must file a written statement with the hearing committee indicating the grounds upon which a violation of equal opportunity is alleged

to exist. Upon receipt of this statement, the committee chairperson shall schedule a date for an initial hearing.

#### 4.2.2

The committee shall attempt to schedule hearing sessions only when all of its members are able to be present. If the committee decides, however, that the parties interests are best served by scheduling a session even when one or more of the committee members are not able to be present, then the absent members shall be responsible for reviewing the tape recordings of that session to familiarize themselves with the evidence presented at that time.

#### 4.2.3

Attendance at any hearing shall be limited to the committee members, the parties, and their attorneys or other representatives unless both the parties shall agree to offer an express invitation for a particular hearing or session to the public or representatives of the press.

#### 4.2.4

The committee chairperson shall preside at all sessions ~~\_, and a~~Any party or representative wishing to present evidence, examine witnesses, summarize evidence, or present arguments shall do so only with the consent of the chairperson. The committee shall tape-record sessions (and/or hire a court reporter) at which testimony is heard and shall allow controlled access to the tape for review or transcription by any party as defined in subsection 1.3 directly involved in the proceedings. The committee shall also keep summary minutes of its proceedings.

#### 4.2.5

At the beginning of a hearing, the committee shall provide an opportunity for opening statements to be made, first by the grievant, then by the party whose action is subject of the grievance. defending the action in question. The committee shall then rely upon the opposing parties to call the necessary witnesses and present relevant evidence. The committee shall reserve the right, however, to call its own witnesses and to act in an investigative capacity itself, should the need arise.

#### 4.2.6

The committee shall consider both oral testimony and written evidence. Upon receipt of any written statement or evidence provided by any party to the committee, the committee shall promptly provide the other party with a copy of such material. The committee can set its own rules for notice deadlines for disclosure of exhibits and witnesses. Any person offering testimony before the committee shall be subject to questioning by the committee members or either party with specific consent of the committee chairperson. The committee shall reserve the right to exclude redundant evidence as determined by a majority committee vote. The committee ~~has shall exercise the limit of its~~ authority to secure the testimony of essential witnesses or other relevant evidence. At the conclusion of a hearing, the committee shall provide an opportunity for either party to submit a written summary of its position.

#### 4.2.7

The committee shall vote by secret ballot, and the committee chairperson shall vote on all questions. In order for the committee to find a violation of equal opportunity, the grievant must show by the greater weight of the evidence that such a violation did, in fact, occur.

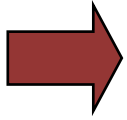
Draft #~~72-34567-12/210/081/23/093/5/09\_3/11/09\_4/30/09-05/20/2009~~

If an alleged harasser in a sexual harassment case claims consent as a defense and the person was in a position of power or control over the grievant, the burden of proof on the issue of consent is on the alleged harasser. The vote required for committee action will be a simple majority of total number of votes eligible to be cast. ~~Without disclosing actual tallies, a~~All voting results and any recommendations of the committee shall be promptly made available in writing to all of the parties involved in the case and the University President. ~~If the committee has found an equal opportunity violation, t~~The President shall be responsible for determining an appropriate administrative response to the findings, conclusions and recommendations. ~~The decision of the President is final.~~

HISTORY: December 20, 1977; Amended September 1993; Amended January 1996; June 2000, October 2007.

# Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in red, including the header, must be completed, if not it will be sent back to you for completion.



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

## SECTION: 162: Sexual Harassment Policy

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

*Added that under the definition of sexual harassment, conduct must be "severe or pervasive."*

2. This policy was originated by (individual, office or committee/organization):  
*Office of the General Counsel*

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

*This portion will be complete by Kim Matzke-Ternes*

Policy

Committee: 09/17/09 Presented to PCC

University

Senate:

Staff Senate:

President's

Council:

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu*

## SECTION 162: SEXUAL HARASSMENT POLICY

### SOURCE: NDSU President

As part of its commitment to equal opportunity, North Dakota State University prohibits sexual harassment of its employees and students, including student-to-student and other peer sexual harassment.

This policy is in compliance with federal regulations implementing Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Sexual harassment is defined as:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or
- (3) such conduct is severe or pervasive and has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment."

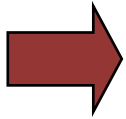
Please note that sexual harassment in electronic forms is also prohibited under NDSU Policy 710 – Computer Facilities.

Individuals concerned about violations of this policy should request assistance from the University's Vice President for Equity, Diversity and Global Outreach, the University's General Counsel, the Counseling Center Office, the Associate Director for Student Rights and Responsibilities, or an appropriate administrator. When administrators or supervisors become aware of occurrences of sexual harassment in their areas, they are responsible for stopping the behavior or reporting it to the Vice President for Equity, Diversity and Global Outreach. In addition, the University's equal opportunity grievance procedure shall be available for any person who wishes to file a complaint alleging a violation of this policy.

HISTORY: September 29, 1980; Amended October 7, 1987; June 28, 1991; April 1992; October 1997; August 1999; September 2000, September 2007, January 2008, February 2009.

# Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in red, including the header, must be completed, if not it will be sent back to you for completion.



*If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.*

## SECTION: *Policy 700 Services and Facilities Usage*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

*Language is being added to prohibit pets (with few exceptions such as service animals) and bike in buildings. Language prohibiting students from bringing pets and bikes in buildings already exist in NDSU Policy 601, the Code of Student Behavior.*

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

*VPFA*

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

*This portion will be complete by Kim Matzke-Ternes*

Policy Brought to PCC 06/18/09;  
Committee:

University Sent for Input 06/25/09;  
Senate:

Staff Senate: Sent for Input 06/25/09;

President's Sent for Input 06/25/09;  
Council:

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu*

## SECTION 700: SERVICES AND FACILITIES USAGE

### *SOURCE:*

#### *NDSU President*

1. As a general rule, campus services may be used only by: 1) University employees for purposes related to their official responsibilities, or 2) off-campus organizations for non-profit, nonpolitical purposes, provided that the specific use of a campus service is sponsored by a University department or University-related organization as a part of its official function.

#### ~~1.1~~

1.1 The administrator directly in charge of any such service shall have the authority to allow an exception to this general rule in any case involving unusual circumstances and appropriate justification.

#### ~~1.2~~

1.2 This policy is specifically applicable to the University Copy Centers, the campus mail system, and mailing labels, or employee lists maintained by any other University office.

2. Computer generated name and address lists or labels of higher education employees may only be prepared for individuals and organizations directly affiliated with the University to assist in performing a bonafide University activity. Such individuals and organizations must request lists or labels from the Office of Human Resources/Payroll.

#### ~~2.1~~

2.1 Other individuals and commercial or non-profit organizations may obtain employee names, addresses, and telephone numbers from the University directory, available for purchase at the NDSU Bookstore.

3. Unauthorized sales or solicitations are not allowed on campus. Unauthorized sales or solicitations at any time in the residence halls, University apartments, or in any other campus buildings, including academic and administrative buildings, are prohibited. For questions regarding sales in the Memorial Union, see the Memorial Union Director. For questions regarding sales in Residence Life facilities, see the Associate Director of Residence Life. For questions concerning sales in any other areas, contact the Dean of Student Life Office, Memorial Union.

See also NDSU Policy 601, subsection 4.19 and section 8, and Policy 150.

4. Animals are prohibited in campus buildings. Outdoors, animals must be on a leash or must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible to clean up after their animal(s) and for any health or safety issues that

may arise concerning the presence of these animals on University properties and at NDSU sponsored or supervised events.

4.1 “Animals” are defined under this policy as any vertebrate or invertebrate animal, including, but not limited to, any cat, dog, horse, bird, rabbit, rat, or other rodent, snake or other reptile, frog, or other amphibian, fish, and any scorpion, spider, or other stinging or biting insect.

4.2 Exceptions:

4.2.1 Service animals as defined in Policy 100.2 (link).

4.2.2 Animals used in University laboratories for official research, classroom, or observation purposes as allowed by Policy 346 (link).

4.2.3 Animals used in equine instruction at the Equine Science Center.

4.2.4 Fish in residence halls as defined in the NDSU Code of Student ConductBehavior. (link)

4.2.5 Animals approved in advance by the Vice President for Finance and Administration or designee for special events (e.g.: animal shows, pet wash).

4.2.6 Animals approved in advance by the Vice President for Agriculture and University Extension or designee at extension centers and farms.

4.2.7 Animals used in law enforcement.

4.3 Animals in the confined spaces of the interior of a building pose concerns for some individuals and groups.

4.3.1 Animals can pose a health threat for individuals that have sensitivities to being in animals’ proximity.

4.3.2 Animals have the potential to carry parasites which could be detrimental to health.

4.3.3 Some animals are considered offensive to some cultures and religions, and adherents are not allowed to have contact with such animals.

4.4 The owner of an animal that creates damage to University and other property is subject to making restitution to correct the damage.

5. Bicycles are not allowed inside campus buildings at any time. All bikes must be secured to the bike racks outside only, not to any railings or to anything inside campus buildings other appurtenances. Students may store rollerblades, skateboards, etc, in their rooms but they may not use them inside any campus buildings.

5.1 Bicycles, along with other human-powered modes of transportation, create a potential impediment to egress during an emergency and other times, as well as can create damage to and soiling of buildings.

5.1.1 The owner of a bicycle, or other human-powered mode of transportation, that creates damage to University and other property is subject to making restitution to correct the damage.

5.2 Bicycles not secured in accordance with this policy and/or that appear abandoned are subject to being tagged, removed and impounded.

5.2.1 The owner of an impounded bicycle shall be subject to paying a fee associated with reclaiming a their bicycle from impoundment.

5.2.2 Impounded bicycles, which are not claimed within thirty (30) days of impoundment, are subject to disposal.

See also NDSU Code of Student ~~Conduct~~Behavior and NDSU Parking Regulations.

4.6. Candidates for political or public office who wish to use campus facilities must comply with University rules and regulations. NDSU has adopted specific campaign procedures for local, state, and national elections. Copies of the policies can be obtained from the Office of the Vice President for Student Affairs. These policies govern canvassing, placement of brochures and materials, and use of the Student Union and University housing. Door to door campaigning or canvassing is not permitted in academic buildings. These buildings are restricted to educational purposes. For use of facilities by University employees, see Policy 160, number 13.

5.7. All filming, videotaping, and still photography on University property or at University sponsored events for commercial purposes (including political advertising) must be approved and coordinated by the Director of University News, Old Main 204. "Commercial purpose" does not include news media reporting or outside use of University property for personal use (like wedding pictures).

The request must be in writing and include: name of organization, contact person, location, requested dates and detailed description of project. A contract must be signed prior to any activity beginning on University property or at a University sponsored event. The project can't disrupt normal operations of the University. For restrictions on the use of state property for political activities see also, NDSU Policy 160.

HISTORY: April 15, 1976, March 14, 1986; Amended March 1993; November 1995; March 2005; March 2006, October 2007

---