



NDSU STAFF SENATE

NORTH DAKOTA STATE UNIVERSITY STAFF SENATE MEETING: MAY 11, 2005 MINUTES

Approved by the Executive Committee on May 25, 2005

Approved by the Staff Senate on June 15, 2005

Visit the Staff Senate Web Site at:

www.ndsu.nodak.edu/staff_senate

Full Staff Senate meetings are held the second Wednesday of each month from 9:30-10:30 a.m.
The Executive Committee meets on the fourth Wednesday of each month from 9:30-11:00 a.m.

Upcoming Staff Senate Meetings:

June 15, 2005	9:30-10:30 a.m.	Prairie Rose Room, Memorial Union
July 13, 2005*	9:30-10:30 a.m.	Prairie Rose Room, Memorial Union
August 10, 2005*	9:30-10:30 a.m.	Prairie Rose Room, Memorial Union

**These times are set aside for committees wishing to meet. There will be no full Senate meeting in July or August.*

Upcoming Executive Committee Meetings:

May 25, 2005	9:30-11:00 a.m.	Badlands (365), Memorial Union
June 22, 2005	9:30-11:00 a.m.	Atrium Conference Room, Memorial Union
July 27, 2005	9:30-11:00 a.m.	Badlands (365), Memorial Union
August 24, 2005	9:30-11:00 a.m.	Badlands (365), Memorial Union

All broadbanded staff are encouraged to attend.

1. Meeting was called to order by President Susan Bornsen.

Membership: (Cindy Kozojed). All new senators were welcomed and senators whose term ends today were thanked. Remember to check in at the back table. For today's meeting there was quorum with 69 senators present, 16 senators absent. Attendance record includes all senators past, present, and new.

Substitutions

Margaret Skolnes for Paula Larsen

Marie Peterson for Carolyn Flink

Announcements from Susan: Valerie Larson needs volunteer help with the Special Olympics. If you're interested, please email Val at Valerie.larson@ndsu.edu. Mark your calendars for the 2006 Health Fair which will be held on April 11, 2006.

2. Review and approval of the April 2005 Staff Senate minutes: Pam Hommen made a motion to approve the April Staff Senate meeting minutes. Paul Macintosh **seconded the motion**. The **motion carried** with a voice vote. The **minutes were approved**.

The outgoing senators were thanked for their service and left at this time. Let Susan Bornsen know if you haven't received a Staff Senate pin and she will get one to you.

Treasurer's Report: (Gina Haugen):

Fund # 30746.....\$2772.57

Fund #18725.....\$5762.23

Before committing funds, please consult with the Treasurer (1-7321, d.haney@ndsu.edu) or the President (1-7315, Janinne.Trowbridge@ndsu.edu)

Program for today's meeting: Pam Hommen proceeded with the election process.

Cindy Kozojed made a motion to ratify the election results of the newly elected senators. **Janine Trowbridge seconded the motion**. **Motion carried** with a voice vote.

Janine Trowbridge made a motion to destroy ballots from the April 2005 election. **Sue Geising seconded the motion**. **Motion carried** with a voice vote.

As nominations for the offices were made, the nominees introduced themselves.

Nominations were taken for 2005-2006 President-Elect. **Sharon Morgan made a motion** to cease nominations. **Jeff Schwartz seconded the motion**. **Motion carried** with a voice vote. Votes were cast, **President-Elect - Steve Bergeson**.

Nominations were taken for 2005-2006 Secretary. **Barb Geeslin made motion** nominations cease. **Janine Trowbridge seconded the motion**. **Motion carried** with a voice vote. **Cindy Kozojed made a motion** a unanimous vote be cast for Lois Christianson. **Jill Spacek seconded the motion**. **Motion carried** with a voice vote. **Secretary – Lois Christianson**.

Nominations for 2005-2006 Treasurer were taken. **Janine Trowbridge made a motion** nominations cease. **Jodie Filpus seconded the motion**. **Jackie Schluchter made a motion** a unanimous vote be cast for Deb Haney. **Paul Macintosh seconded the motion**. The **motion carried** with a voice vote. **Treasurer – Deb Haney**

Nominations were taken for 2005-2006 Membership Officer. **Janine Trowbridge moved** that nominations cease. **Bob Peterson seconded the motion**. The **motion carried** with a voice vote. **Janine Trowbridge made a motion** that a unanimous vote be cast for Heather Hager. **Rian Nostrum seconded the motion**. **Motion carried** with a voice vote. **Membership officer – Heather Heger**.

Nominations were taken for 2005-2006 Members-At-Large. **Paul Froeschle made a motion** nominations cease. **David Barth seconded the motion**. **Motion carried** with a voice vote. Ballots were cast. **Members-At-Large (3) Barb Geeslin, Pam Hommen and Cindy Kozojed**.

Nominations were taken for University Senate Members-At-Large. **Beryl Lonski made a motion** nominations cease. **Jill Spacek seconded the motion**. **Motion carried** with a voice vote. Ballots were cast. **University Senate Members-At-Large: Irene Askelson, Jody Filpus and Kim Koch**.

Nominations were taken for the Campus Space & Facilities Committee. **Sue Geising made a motion** nominations cease. **Janine Trowbridge seconded the motion**. **Motion carried** with a voice vote. Ballots were cast. **Campus Space & Facilities Committee - Bob Peterson**.

Nominations were taken for Computing & Information Technologies Planning and Goals Representative. **Janine Trowbridge moved** nominations cease. **Deb Hegdahl seconded the motion**. **Motion carried** with a

voice vote. **Computing & Information Technologies Planning & Goals Committee - Brian Miller (Paul Froeschle alternate).**

Nominations were taken for the Library Committee. **Beryl Lonski moved** nominations close. **Bob Peterson seconded the motion. Motion carried** with a voice vote. **Janine Trowbridge moved** that a unanimous voice ballot be cast for Melissa Evensen. **Deb Hegdahl seconded the motion. Motion carried. Library Committee – Melissa Evensen.**

Nominations were taken for the University Athletics Committee. **Cindy Kozojed made a motion** that nominations cease. **Irene Askelson seconded the motion. Motion carried.** Ballots were cast. **University Athletics Committee - Bill Frazier.**

Nominations were taken for University Senate Faculty Personnel Committee. **Candy Kozojed made a motion** nominations cease. **Janine Trowbridge seconded the motion. Motion carried** with a voice vote. **Janine Trowbridge made a motion** a unanimous ballot be cast for Paul Macintosh. **Beryl Lonski seconded the motion. Motion carried. University Senate Faculty Personnel Committee - Paul Macintosh.**

Nominations were taken for the Arboretum Committee. **Janine Trowbridge made a motion** nominations cease. **Jeff Schwartz seconded the motion. Motion carried** with a voice vote. Ballots were cast. **Arboretum Committee - Beryl Lonski.**

Cindy Kozojed made motion to destroy today's ballots. **Irene Askelson seconded** the motion. **Motion carried** with a voice vote.

3. **Committee Reports:**

By-Laws (Linda Krogen-Brandt/Bob Peterson) No.

Election (Pam Hommen/Cindy Kozojed) See attached report.

Legislative (Jane Lessard/Tara Cuypers) No.

Program (Dolly Wadholm/Jackie Schluchter) See attached report.

Public Relations (Tammy Helweg/Heather Heger) See attached report.

Scholarship (Diana Wangler/Peggy Cossette) Peggy read thank-you notes from two of the scholarship recipients.

Staff Development/Small Grant (Janet Krom/Paula Larsen) See attached report. Teresa McMullen said a survey for ideas for next year will be sent out. The Spring Health and Fitness Program information has been sent, and is showing a lot of interest.

Policy Coordination Committee (Janine Trowbridge) Janine went over the Policy changes/explanations.

Janine Trowbridge asked for a motion to accept Policy 231. **Paul Macintosh made a motion. Melanie Milan seconded the motion. Motion carried** with a voice vote.

State-Wide Committee (Pam Hommen) Inactive until future date.

University Senate (Candy Skauge/Jennifer Krueger, Barb Welk) President Chapman presented a report on the outcome of the State Legislature. Provost Schnell spoke about the NDSU student input and how proud he was of their professionalism and prestations.

Campus Space and Facilities (Bob Peterson) See attached report.

CITPG (Teresa Sonsthagen/Brian Miller) No.

University Athletics (Theresa McMullen) See attached report.

Library (Irene Askelson) No.

Arboretum (Gretchen Bromley) No.

COSE (Cindy Kozojed, Sharon Morgan) See attached report. FISH Awards were presented to: Paul Froeschle, Dolly Wadholm, Brenda Jacobson, Jill Spacek, and Irene Askelson. Staff Senate was thanked for agreeing to pay for the printing of the COSE newsletter for the 6000 and 7000 band employees. Cindy explained how to nominate someone for FISH Award – go to the web site (information included in the attached report).

Health and Wellness (Barb Geeslin/Deb Hegdahl) See attached report.

Personnel (Candy Skauge) No.

Susan received an email asking if anyone is interested in “adopting a campus parking lot”. Either designing a sign and/or keeping your parking lot clean. Please speak to someone on the Public Relations Committee if you are interested. Heather Heger is Chair of that Committee. You may contact Susan Bornsen if you wish more information.

At this time Janine Trowbridge was introduced as the Staff Senate President for 2005-2006. Janine asked the senators to please leave their committee choices on the table and they will be picked up at end of meeting. Janine thanked Susan for her hard work and service to Staff Senate during her reign as President. Susan was presented with an engraved plaque and gavel.

The meeting on June 15th in the Prairie Rose Room in the Memorial Union is a full Staff Senate meeting – please plan on attending.

4. **Adjourn:** Paul Macintosh made a motion to adjourn, Ryan Nostrum **seconded the motion**. The **motion carried**, and the meeting was adjourned.

NOTE: Senators who must be absent from a Staff Senate meeting are to send a substitute. Any regular broadbanded employee who is not a senator may be a substitute and will have all the rights and privileges as a Staff Senator at that meeting. Substitutes, please sign in on the attendance sheet listing by the Staff Senator's name for whom you are substituting. Please notify Membership/Attendance Officer Heather Heger prior to the meeting (1-8293 heather.heger@ndsu.edu)

Respectfully submitted,

Barbara Geeslin

2005 Staff Senate Election Committee Final Report

Committee members include Sharon Morgan, Irene Askelson, Dale Summers, Karen Brown Tara Cuypers, Jeff Schwartz, Cindy Kozojed, (Co-Chair) and Pam Hommen (Chair). Staff Senate membership for 2005-2006 increased to 65. Nominations for 35 vacant staff senate positions were accepted from March 1–28 on-line and by paper nomination forms, which were mailed to Pam Hommen. Elections were held from April 4–15 online and by paper ballot cast at four locations: Telecommunications in Thorson Maintenance, 302 Ceres Hall, 114 Ehly Hall, and 100 Old Main. 250 ballots were cast, 244 electronically and 6 paper ballots. The Election Committee tallied the ballots and verified the election results presented below. Positions for the five bands were filled, with the 5000 band electing 10 members, not 9 as previously reported. Special thanks to Carol Tschakert and Dale Summers from ITS for their help with the online nomination and voting system. The orientation/mentor meeting was on May 5, 2005. New senators are assigned a mentor, an experienced senator to guide them along through their first meeting in May, as well as to be a supportive senator throughout their first year in Staff Senate. Each new senator is presented a binder containing the Staff Senate bylaws, committee descriptions, minutes of the last meeting and an agenda for the May meeting.

Submitted by the Election Committee, 5-9-05

1000/3000 - Admin, Managerial & Prof (14 elected)

Olsen, Lorna J

Bergeson, Steven R

Parmer, Brent Jeffrey

***Bromley, Gretchen Mary**

Christianson, Lois Dahlsd

Puffe, Ellen M

Frazier, William Robert

***Koch, Kim B**

***Summers, Dale**

Fragodt, Luther Milton

Davidson-Harrington, Janet D

***Sellner, William James**

Underdahl, Sarah Rose

Evensen, Melissa

Alternates:

Torguson, Elizabeth Billiar

Bergstrom, Aaron Lee

Cooper, Bonnie Lynn

Freeman, Pierre Albert

Write-in: Mathew, Damien Cherian

Write-in: Mohs, Brad

4000 - Technical & Paraprof (4 elected)

Haney, Debra

Baumann, Robert R

***Helweg, Tammy Lynn**

Brandt, Janalee

Alternate:

Write-in: Steckler, Brittnee

Write-in: Silkey, Kathie

5000 - Office Support (10 elected)

***Hommen, Pamela Lynn**

***Wadholm, Diane L (Dolly)**

***Geslin, Barbara**

***Skauge, Candace Fay**

***Larsen, Paula J**

Erdmann, Hollis Kay

Briggs, Linda S

***Schmidt, Gail Lynn**

Schettler, Lacey Dawn

Milam, Melanie

Alternates:

Miller, Victoria Jolene

Dallmann, Laura Dawn

Hartsoch, Patricia J

Stokka, Tonya J

Write-in: Riley, Mary

6000 - Crafts & Trades (1 elected)

Lonski, Beryl T

7000 - Services (6 elected)

***Nelson, Teresa Ann**

Carstensen, Lila Jean

***Froeschle, Paul D**

***Kozojed, William J**

Barth, David Lowell

***Geising, Sue E**

Alternate:

Spiesz, Jason

Italics indicate a write-in candidate

** Indicates a returning senator*

COSE Board:

The COSE board met in Bismarck on April 21, 2005 at Bismarck State College. Jodi Link from the Governor's Office met with us the entire day. It was wonderful to have an interested representative from the Governor's Office at the COSE meeting.

The requested budget for printing the newsletter has not been approved yet. We are hopeful to see the newsletter in print again.

The Governor's award was discussed and there have been a couple of changes. First the decision was made to only accept nominees on the appropriate application and any submissions in a different format will be discarded. The second decision was to separate Executive/Administrative and Professional (1000/3000 bands), this will allow an easier and more appropriate selection process. The applications can be found on the COSE website at www.state.nd.us/cose/ just click on Governor's Award Information, then on the application. You can submit electronically on-line or print the application and mail to the Governor's Office. The deadline to submit nominees is Friday, August 12, 2005. Jodi indicated the eagles that hold the names of the Governor's award winners are full and asked the board about a new eagle or another. We presented our idea of the wall plaque that we have been trying to pursue for a long time and she seemed to be in favor of it. If she could get this accomplished that would be a great day for COSE.

There will be a spring clothing sale on denim shirts and sport t-shirts. See our website for information and order form. Sale ends June 30, 2005 so act fast.

There was 29 FISH award nominees submitted with 10 of those from NDSU. We have certificates to present at the next Staff Senate meeting to some of the nominees. It was wonderful to have so many from NDSU, thanks and we will be looking forward to taking more to our next meeting.

The next meeting of the COSE board will be held on Tuesday, July 26 in Valley City.

SERW service project May 7, 2005

A service project was held on May 7, 2005. Our local COSE subgroup (SERW) along with Modern Woodmen Junior Service Club 1580-1 directed by Cindy Kozojed held a spring picnic for special needs children at Oak Grove Park in Fargo. Food was donated from local businesses. The children all made a windsock and were presented with a jelly bean butterfly. They played and blew bubbles and had a great time.

Plans will soon be in full force for the SERW picnic and golf tournament during State Employee week in September.

The next SERW meeting is Thursday, May 19, 2005 at NDSU.

Program Committee:

Program Ideas Submitted by listserv: 1) Discussion about new Research buildings and what goes on there; 2) Division 1 Athletics; 3) Self Defense; 4) Wellness Center; 5) University Accreditation Process

Staff Senate Speakers and Programs 2004-2005:

September-President Chapman spoke to the Staff Senate about the upcoming projects on campus.

October-Michael Harwood from Residence Life addressed the issue of overflow housing at NDSU.

November-Rhonda Kitch and Kara Stack discussed the Strategic Plan for Diversity, Equity and Community.

December-Peggy Gaynor from the Counseling and Disability Dept. spoke to the group about avoiding Holiday stress. Holiday treats were shared.

January-Dick Shaw from the Center for Writers described how this department is available to Faculty, Staff, and Students to assist with their writings.

February-Lisa Nordrick from Distance and Continuing Education spoke about on-line classes, study abroad and the attempt to get continuing education classes included in the Staff tuition waiver.

March-Jane Lessard from the Legislative Committee brought the Staff Senate up to date on the current issues the Legislature was discussing.

April-Dr. Carolyn Schnell and Tammie Reger brought this group information about the Learning Community Program on campus.

May-Elections

Staff Development Committee:

The Staff Development Committee will be presenting a survey to all NDSU staff on campus in the near future (probably the week of May 16, 2005). The purpose of the survey is to gather ideas for next year regarding the projects sponsored by our committee: (1) the motivational seminar, (2) personal improvement programs such as the 10K exercise program, and (3) other personal improvement and development programs that the staff would like to see implemented.

We are working with the NDSU Group Decision Center to do the survey on the web. A paper form on the survey will also be delivered to employees who do not have web access such as Residence Life, the Varsity Mart cashiers, and Dining Services staff.

Public Relations Committee:

Looking into a display board for Staff Senate. The Public Relations Committee will bring the information to the Executive Committee for review.

We had 3 Campus Kudos winners this month, Lincoln Bathie & George Norton from ITS and Peggy Cossette from Human Development & Education. Keep submitting your nominations during the summer!

The next newsletter will be coming out in the fall, if you have any articles or information that you would like to include that happened during the summer, please contact Heather Heger at 1-8293 or email Heather.Heger@ndsu.edu

Campus Space and Facilities Committee Year-End Report 2004-2005

The agendas and minutes of the two meetings, October 18, 2004 and April 22, 2005 can be found at www.ndsu.edu/ndsu/gihaugen/campuspace.

April's meeting dealt with:

1. Proposed changes to the Parking Regulations Brochure for 2005-2006 with the biggest change in operation from the Campus Police Department to the new Campus Parking Office.
2. The Co-Op House will for the most part be used for office space.
3. New bus stop shelters.

University Athletic Committee

Tentative Athletic Schedule for 2005-2006 is out. Several women's basketball games will be played against teams that made it to the women's final 64 tournament. Scholarships will continue to grow in all sports next year. Marketing last year was geared towards football, this year 2005-2006, with more home games, other sports will be marketed.

Athletic Director Gene Taylor felt the biggest reason we did not get invited to join the Big Sky Conference was our location. The department continues their discussions with the Big Sky and also there is talk of an independent league.

The Student Athletic Committee is selling GoBison wristbands for \$2.00 as a fundraiser. Please support the students and purchase one if you have not already.

Renovation of the Bison Sports Arena will become a hot topic within the next few months.

Staff Development Health and Fitness Program

Over 100 entrants have been received for the "Spring Training" health and fitness program. It is scheduled to start on May 23, 2005 and run through June 17th.

Prizes will be awarded during the program and cookbooks will be given to all entrants at the end of the program. Cookies and punch will be served on June 22nd.

POLICY CHANGE COVER SHEET

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

Section

714: Policy Coordination Committee

Language added per change to SBHE Policy 305.1, which allows the University President to adopt an interim policy or procedure subject to review within six months.

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

Policy Coordination Committee - 4/21/05

University Senate –

Staff Senate –

President's Council -

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

President Chapman (4/21/05)

General Counsel (4/21/05)

For any questions
please send e-mail to:
NDSU.Policy.Manual@ndsu.nodak.edu
<mailto:NDSU.Policy.Manual@ndsu.nodak.edu>

SECTION 714: POLICY COORDINATION COMMITTEE

SOURCE: NDSU President
SBHE Policy 305.1

1. A Policy Coordination Committee is established as a permanent, advisory committee to the President to coordinate the adoption of policies for their placement into the NDSU Policy Manual.
 2. The membership of the Policy Coordination Committee is made up of the following individuals or their designees:
 1. Controller
 2. Director, Equal Opportunity
 3. Director, Human Resources
 4. General Counsel
 5. President Elect, Staff Senate
 6. Presiding Officer Elect, University Senate
 7. Vice President for Business and Finance
 8. Vice President for Academic Affairs
 9. Vice President for Student Affairs
 10. Vice President for Agriculture Affairs
 11. Vice President for Research, Creative Activities and Technology Transfer
 12. Vice President for University Relations
 13. Chief Information Officer, ITS
- The Vice President for Business and Finance shall appoint the committee chair.
3. All policies of a permanent nature affecting the University as a whole should be published in the electronic NDSU Policy Manual. Before approval by the President and placement into the policy manual, such policies must be presented to the Policy Coordination Committee for review. Failure to present a policy to the Policy Coordination Committee will not invalidate a policy, but may result in unnecessary delay in its implementation or having a policy resubmitted to the proposing body or department for potential revisions. The Policy Coordination Committee does not approve or disapprove policies but advises the President on their placement in the manual and potential conflicts or problems created by the proposed policy, if any.
 4. After a policy is reviewed by the Policy Coordination Committee and placed in policy manual format, it will be submitted to the President for approval. Following such approval the policy will be returned to the Policy Coordination Committee for distribution and publication in the manual (available on the NDSU web site at

5. The President has the authority to adopt interim policies and procedures concerning matters for which legislative authority is delegated by the State Board of Higher Education to campus legislative bodies. Any adoption of an interim policy or procedure must include notice to the University Senate prior to or at the time the policy or procedure takes effect. Not later than six months of its effective date, the President shall present the interim policy or procedure to the University Senate for review and its decision, subject to the President's approval or veto, concerning whether the policy or procedure should be continued, revised or discontinued.

HISTORY: November 1992; Amended May 1996; January 1998; March 2002; February 2003, October 2004.

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Aubrey Ketterling <<mailto:Web.Master@ndsu.nodak.edu>>
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POLICY CHANGE COVER SHEET

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

Section 231: Appeal Procedure for Disciplinary and Reduction in Force Actions

Language has been added to assist in the appointments of a Staff Personnel Board. Procedures would include having a pool of individuals from which the President would select and appoint for a grievance hearing. Having this new procedure should help to expedite the process of forming a Staff Personnel Board.

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

Policy Coordination Committee - 2/24/05; 3/17/05; 4/21/05
Staff Senate - 4/13/05 (Exec.); 5/11/05
University Senate –
President's Council -

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

General Counsel (2/24/05)
Human Resources (2/24/05)

For any questions
please send e-mail to:
NDSU.Policy.Manual@ndsu.nodak.edu
<mailto:NDSU.Policy.Manual@ndsu.nodak.edu>

SECTION 231: APPEAL PROCEDURE FOR DISCIPLINARY AND REDUCTION IN
FORCE ACTIONS

SOURCE: NDUS Human Resource Policy Manual, Section 27

1. A Staff Personnel Board shall be appointed by the President to hear employee appeals and employee grievances pursuant to NDSU policy 230. This Board shall consist of three appointed members. The three members shall appoint a chairperson who shall conduct the hearing, unless the Staff Personnel Board appoints a hearing officer pursuant to Section 231.3.

1.1 The Staff Senate Executive Committee shall recommend to the President, on an annual basis, a pool of ~~nine employees~~, for potential appointment to the Board for a specific hearing.
Members should be must have a minimum of 5 years of employment at NDSU and generally representative of the different banded categories. Pool members can serve a maximum of three consecutive years. Vacancies in the 9 member pool do not have to be filled during the year, but may be at the discretion of the Executive Committee.

~~1.2~~ Mem.
1.2 The President shall assign three members from the pool to be on Staff Personnel Board for a specific grievance hearing. If a conflict arises and less than three members of the pool are available for a grievance hearing, the Executive Committee shall recommend a replacement for that hearing to the President for approval.

2. Any regular staff employee who has been suspended without pay, dismissed for cause, changed to a lower pay rate, or dismissed due to a reduction in force may request a hearing with the Staff Personnel by filing a written notice, accompanied by a specification of the reasons or the grounds upon which the appeal is based and the remedy being sought with the Director of Human Resources. Such appeal must be filed with the Director of Human Resources within five (5) working days following such action. The Staff Personnel Board shall hear both sides of the appeal and, after weighing all evidence presented to the Board, consider whether adequate cause for the institution's action existed, reporting its decision to the President.

3. The Staff Personnel Board may appoint a qualified, institutionally recognized person as a hearing officer with authority to conduct pre-hearing meetings, supervise discovery, advise the Staff Personnel Board or preside over the hearing.

- 3.1 The Staff Personnel Board may hold join pre-hearing meetings with the parties in order to (a) simplify issues, (b) effect

Deleted: for appointment

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Deleted: members

Deleted: each appointed for three year terms, staggered so two terms expire and two new members are recommended each year to the President for appointment.

Deleted: ¶

Deleted: For the initial appointment to the pool, two members will be appointed to one year terms, two for two year terms, and two for three year terms. Thereafter, the terms shall be for three years. The number of consecutive three year terms a Board member can serve is two. If any member does not complete a term, a replacement shall be appointed to complete the term. ¶

Deleted: President of Staff Senate

stipulations of facts, (c) provide for the exchange of documentary or other information, or (d) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective and expeditious. The employee, NDSU and their representatives shall participate in pre-hearing meetings upon request and comply with the directives of the Staff Personnel Board or its representative.

3.2

The Staff Personnel Board shall serve written notice of hearing on the employee, the department head and the President, or their representatives, at least twenty calendar days prior to the hearing.

3.3

The employee and NDSU may stipulate to a decision on the basis of the written statements, in which case the Staff Personnel Board shall make its decision on that basis.

3.4

During the proceedings, NDSU is entitled to have counsel or a representative and the employee is entitled to have counsel or a representative of their choice at their own expense. Proceedings concerning the appointment or removal of an employee shall be closed, unless the employee requests that the proceedings be open. Either party of the Staff Personnel Board may invite up to two observers each to attend the proceedings.

3.5

A record of the hearing or hearings shall be made at NDSU's expense and shall be accessible to both parties. The record shall be made by a reporter or a stenographer, or by the use of an electronic recording device. A party shall be provided a copy of the record, or part of the record, at the requesting party's expense.

3.6

The findings of fact, conclusions and the decision shall be based solely on the evidence received by the Staff Personnel Board. The burden of proof that grounds for NDSU's actions exist shall rest with NDSU and be satisfied by a preponderance of the evidence in the record considered as a whole.

3.7

The Staff Personnel Board may admit any evidence which is of probative value in determining the issues or if the interests of justice will best be served by admitting the evidence. Every reasonable effort shall be made to obtain the most reliable evidence available. The Staff Personnel Board shall grant adjournments to enable either party to investigate evidence as to which valid claim of surprise is made.

3.8

The employee shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The institution shall cooperate with the Staff Personnel Board in securing witnesses and making available documentary and other evidence. The employee and the institution shall have the right to confront and cross-examine all witnesses. Testimony may be taken by deposition, including deposition by telephone

or witnesses may testify by telephone, facsimile, video or other electronic means, as long as such use does not substantially prejudice the rights of any party. Affidavits may be received into evidence upon stipulation of the parties.

3.9

The Staff Personnel Board's findings of fact, conclusions, and recommendations with supporting reasons, shall be reported, in writing, to the President, the department head, the employee or their representative. If the institution's action was a notice of dismissal and if the Staff Personnel Board concludes that adequate cause for dismissal has been established, but that a lesser penalty would be more appropriate, it may so recommend with supporting reasons. The President shall make a final decision and provide written notice of the decision to the Staff Personnel Board, the department head and the employee within fifteen calendar days of receiving the report.

HISTORY: April 1992; Amended September 1994; August 1997; February 1998; October 1999

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POLICY CHANGE COVER SHEET

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

Section 350.3: Board Regulations on Nonrenewal; Termination or Dismissal of Faculty

Changes to NDSU Policy 350.3 are based on changes to SBHE Policy 605.3. Notice timelines have changed in Section 1. In Section 9, "sanction" now has a more narrow definition. Less severe sanctions, such as a letter of reprimand, can no longer be appealed to the Standing Committee on Faculty Rights.

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

Policy Coordination Committee - 4/21/05
Staff Senate -
University Senate –
President's Council -

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

General Counsel (4/21/05)

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SECTION 350.3 BOARD REGULATIONS ON NONRENEWAL; TERMINATION OR
DISMISSAL OF ACADEMIC STAFF FACULTY

SOURCE: SBHE Policy Manual, Section 605.1, 605.2, 605.3, 605.4

1. A probationary appointment may be terminated, without cause, with notice to the faculty member that the appointment will not be renewed.

a.
Notice shall be given:

(1)

~~Not later than March 1 of the first academic year of service if the appointment expires at the end of that academic year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its~~ At least 90 days prior to termination during the first year of probationary employment at the institution.

(2)

~~Not later than December 15 of the second academic year of service if the appointment expires at the end of that academic year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its~~ At least 180 days prior to termination during the second year of probationary employment at the institution.

(3)

At least one year prior to termination ~~twelve months before the~~ appointment after two or more ~~academic~~ years of service probationary employment at the institution. *If a faculty member is appointed during the academic year, then the initial contract shall indicate when the first academic year of service at the institution begins. For the purpose of this section, "academic year of service" means on a probationary appointment. The twelve months notice may be given at any point during the calendar year and the appointment terminates twelve months thereafter. (This NDSU language clarifies the interpretation that has been applied to this NDUS language throughout the University System.)*

b.

A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the policy section pursuant to which the action is taken. The faculty member may within ten calendar days after receipt of the notice request a reconsideration by the deciding body or individual. The faculty member may incorporate a request for mediation in the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

Nonrenewal decisions shall be made in every instance by the University President. Recommendations for nonrenewal shall be initiated within the academic unit in accordance with Policy 352. Colleges shall have specific procedures for nonrenewal recommendations prior to the sixth year in accordance with Policy 352 and 350.3.2. (See below.) A department chair may initiate a review for nonrenewal at any time.

2. An institution may terminate a probationary appointment, effective at the end of any contract term, with no less than 90 days notice of nonrenewal, based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.
4. A faculty member on probationary or special appointment may, within twenty calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and hearing by Standing Committee on Faculty Rights by filing written notice with the deciding body or individual and the chair or senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.
5. A faculty member may terminate an appointment effective at the end of the term of the appointment by giving notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty governance structure at an institution may recommend procedures permitting a faculty member to request a waiver of this deadline in case of hardship or for other good cause defined by those procedures. An institution may provide that failure without reasonable cause by a faculty member to return a contract by the time set forth in the contract shall constitute a resignation. Any return time so established by the contract shall

be reasonable.

Resignation or Retirement

Generally accepted standards of professional ethics (see AAUP Statement on Recruitment and Resignation of Faculty Members) require faculty members who plan to resign or retire to give prompt notice in writing to their chair or supervisor. This includes prompt notice when employment is accepted elsewhere. Only in personal emergencies or for other compelling reasons, should faculty members leave during the academic year, except when this coincides with the expiration of their contractual obligations.

6. An institution may terminate an appointment of a tenured faculty member following a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses. In such cases, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area, curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity. A tenured faculty member terminated pursuant to this subsection shall be given written notice of termination, including the reason(s) for the action, at least twelve months prior to the date of termination. Each institution shall establish procedures for implementing this policy.
 - a. A tenured faculty member given notice of termination under this section may request that the institution circulate his or her vita to other academic units or program areas within the institution. In addition, the institution shall ensure that fair consideration is given to the faculty member, during the period of the terminal appointment, for vacant academic positions in the employing institution for which the faculty member is qualified. The faculty within any academic unit or program area shall have the major responsibility in determining qualifications for appointment therein. If a tenured faculty member accepts an appointment in a different academic unit or program area, the faculty member shall retain his or her tenure status, subject to approval of the Board.
 - b. A position terminated under this section shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within which to accept or decline it.
 - c. The provisions of section 605.4 (NDSU 350.4) do not apply when a tenured faculty member is terminated under this subsection. The faculty member may, however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.
7. In accordance with section 305.1 of these policies, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of

termination is given any tenured faculty member pursuant to subsection 6. Faculty participation shall be solicited concerning:

- a. The extent to which there are grounds for termination of tenured appointments;
- b. Judgments determining where within the overall academic program termination of appointments may occur; and
- c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.

(1) *An administrative decision to terminate a tenured faculty member within the university shall be preceded by the following steps:*

- (a) *Consultation with the Executive Committee of the University Senate regarding the extent to which there are grounds for termination of tenured appointments.*
- (b) *Consultation with the Academic Affairs committee of the University Senate regarding the justification for terminating tenured appointments, if that is a consequence of the decisions; and*
- (c) *Consultation with the Academic Affairs committee, or the equivalent, of the college or equivalent unit involved regarding the justification for terminating tenured appointments.*
- (d) *Consultation with the faculty in an academic unit or program regarding the consequences of the decision.*

(2) *Once the administration decision is finalized following these consultations, the identification of faculty members for termination shall be made by the University president following recommendations by the dean.*

8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f) significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide

specifically for dismissal as a sanction.

a.

An authorized institution officer shall give written notice of intent to dismiss and specify the reasons for the action. The officer may, in the officer's discretion, also schedule a meeting with the faculty member to discuss the action. The notice shall state that the officer will forward to the institution president a recommendation to dismiss unless the faculty member, within twenty calendar days of receipt of the notice, requests a hearing before the Standing Committee on Faculty Rights. If the faculty member does not make a timely request for a hearing, the president, upon receipt of a recommendation to dismiss, shall make a decision and provide written notice and reasons for the action to the faculty member ~~and the chair or senior member of the Standing Committee~~ within ten business days of receipt of the recommendation.

(1)

Written notice of the intent to terminate or dismiss shall be given to the faculty member.

(2)

Appropriate administrative officers include the academic unit or program chair and the dean of the college or equivalent unit.

The written notice of termination or dismissal ~~to~~ from the President must in any event be given within 60 days of the initial written notice of intent to terminate or dismiss.

b.

A faculty member may, within twenty calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request for a formal hearing before the Standing Committee on Faculty Rights, pursuant to section 605.4. (NDSU 350.4)

c.

Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the institution's president, or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the institution to do so. The faculty member's salary and fringe benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the institution president to dismiss the faculty member following conclusion of proceedings at the institution.

9. If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means ~~any punishment, detriment, loss of reward, restriction of privileges or other coercive measure~~ demotion, suspension (but not including suspension pending a dismissal or termination decision), salary reduction or loss of salary, or restriction or loss of privileges disciplinary measure. A sanction does not include implementation of an improvement plan or performance action plan or

imposed as a formal

negative comments in a performance review, letter of reprimand or other document placed in a personnel file; rights to respond to a performance review or a letter of reprimand or other document placed in a personnel file are set forth in N.D.C.C. § 54-06-21 and institution grievance procedures adopted under SBHE Policy 612.

If the sanction is imposed following a hearing by the Standing Committee on Faculty Rights and based on the hearing record, there is no further review.

If the sanction is imposed without a hearing, the faculty member may request review upon filing with the institution's president and chair or senior member of the Standing Committee on Faculty Rights a request for review and specifications of reasons within twenty calendar days of receipt of notice of imposition of a sanction. The institution shall have twenty calendar days following receipt of the request for review to file a response. The Standing Committee on Faculty Rights shall review the matter according to procedures established at the institution for that purpose and issue a written report within twenty calendar days of receipt of the institution's response and may make a recommendation to resolve the dispute, stating its reasons. The institution shall make its final decision upon reconsideration and provide written notice of that decision to the faculty member within ten days of receipt of the report and recommendation of the Standing Committee on Faculty Rights. Upon filing of a request for review pursuant to this subsection, imposition of the sanction shall be suspended pending a final decision of the institution's president following conclusion of those proceedings.

~~A sanction is defined as any disciplinary action or restriction, limitation, suspension or termination of normal faculty privilege. These may include, but are not necessarily limited to, salary reduction, reassignment of duties, or letter of reprimand. A failure to give a discretionary salary raise is not normally a sanction. Actions related to salary raises are subject to the grievance policy, Section 353.~~

HISTORY: Replaces portions of Policy 605, SBHE Minutes April 25, 1995, pg 6554. Amended April 25, 1995; July 1, 1996; January 1997; October 1998; February 2001, June 2003, August 2003, March 2004.

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POLICY CHANGE COVER SHEET

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

Section 703: Bison Card Terms and Conditions (formerly “ID Card Terms and Conditions”)

The term “ID Card” has been replaced with “Bison Card” throughout the policy. Policy change language reflects what is currently in practice. A privacy statement is added, and FERPA guidelines are addressed.

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

Policy Coordination Committee – 10/16/03; 2/24/05; 3/17/05; 4/21/05
Staff Senate - 10/8/03; 12/8/04; 1/12/05
University Senate – 11/29/04 (Exec.); 1/10/05 (Exec.); 1/24/05
President’s Council – 12/10/04
Routed to President’s Cabinet – 3/22/05

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

Bison Card Advisory Group, Wendy Clarin, Support Service Manager, Chair (10/16/03)

SECTION 703: BISON CARD TERMS AND CONDITIONS

SOURCE: NDSU President

A. BISON CARD. The NDSU **Bison Card** is the official North Dakota State University identification card. All faculty, staff, and students are required to have a Bison Card for identification, security, and access to University buildings and services. The card must be carried at all times while on the NDSU campus. Cardholder must present card for identification if requested by a University official. The card is valuable and should be treated like cash, a credit card, or a key. (See Policy 707: Card/Key Access and Building Security.)

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North Dakota State University issues an all-campus card subject to the following terms and conditions:

1. To obtain a Bison Card, an individual must first be assigned a University generated identification number.
2. The **Bison Card** is intended for campus use only and must be returned upon request.
3. The **Bison Card** is non-transferable and will be confiscated and returned to the Bison Card Center if found in the possession of another person.
4. The **Bison Card** must be presented upon any request for campus services.
5. The cardholder will not damage or alter the card in any manner. This includes, but is not limited to, punching holes in or affixing unapproved stickers to the card.
6. The **Bison Card**, transactions and activities related to the use of the card, and any account balances, are the responsibility of the individual cardholder.
7. IMMEDIATELY report lost, found, or stolen cards to the NDSU Police (701-231-8998).
8. A replacement **Bison Card** can be obtained at the **Bison Card Center** (Memorial Union). A photo ID is required at the time of replacement.
9. The Bison Card is valid for as long as the person retains their faculty, staff, or student status at NDSU.
10. A fee is charged for all new cards and a replacement fee is charged for any lost, stolen, invalid card.
11. Associate Status for any individual/group must have prior approval by the NDSU President or Vice President for Student Affairs. Associate Status is granted to groups or individuals who may work on campus, but are not faculty, staff or students of the University.
- 11.1 Associate Status does not guarantee access to all NDSU activities, events, and facilities.
12. The Card Department Director, Campus Police or Facilities Management may revoke a Bison Card if it is determined that abuse of the privileges associated with the Bison Card has occurred. Students who misuse their Bison Cards may also be referred to the Dean of Student Life Office for possible disciplinary actions. Faculty or staff misuse will be reported to the faculty or staff members' supervisor.

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B. BISON BUCKS ACCOUNT. Bison Bucks is a debit card service that is linked to the NDSU Bison Card. This benefit is free to ALL students, faculty, and staff. There are NO hidden charges, expenses, or interest.

1. A \$5 minimum is required for opening a Bison Bucks account and for additional deposits.
2. No minimum balance must be maintained.
3. Cash refunds are not given for any Bison Bucks purchases at any participating merchants. Credit is returned to the Bison Bucks account.

4. Bison Bucks balances carry over from semester to semester. Refunds on any balance above \$15 at the end of the academic year are available by submitting a Dining Services Refund Form on or before June 30th. Refunds on any balance above \$15 during the academic year will be given upon graduation or official withdrawal from the University if requested by the customer. For balances \$15 or below, the customer is required to spend out this amount.

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5. A \$15 fee will be imposed for accounts that are inactive for more than one year.
6. Customers with checks returned for insufficient funds will have accounts frozen until payment is received.
7. Funds are non-transferable.
8. IMMEDIATELY report lost or stolen cards to the NDSU Police (701-231-8998). Once the card has been reported lost, the cardholder is not responsible for any additional purchases. Per federal regulations, the card holder is responsible for up to \$50 if the lost or stolen card is reported within two business days. If the lost or stolen card is not reported within two business days, the card holder can be liable up to \$500 or the total account balance, whichever is lower.

Privacy Statement: Through the Family Educational Rights and Privacy Act, also known as FERPA or the Buckley Amendment, images captured for the Bison Card will only be used for university purposes within FERPA guidelines. Data collected on the use of the university facilities and services by an individual cardholder will be treated as same. Information regarding a cardholder's account will not be provided to third parties unless required by applicable laws or with written permission of the cardholder.