

NORTH DAKOTA STATE UNIVERSITY  
**STAFF SENATE MEETING MINUTES**

November 14, 2007

Visit the Staff Senate website at  
[www.ndsu.nodak.edu/staff\\_senate](http://www.ndsu.nodak.edu/staff_senate)

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

**Upcoming Staff Senate Meetings:**

|                   |               |                           |
|-------------------|---------------|---------------------------|
| December 12, 2007 | 9:30-10:30 am | Memorial Union Great Room |
| January 9, 2007   | 9:30-10:30 am | Memorial Union Great Room |
| February 13, 2008 | 9:30-10:30 am | Memorial Union Great Room |

**Upcoming Executive Committee Meetings:**

|                   |               |                           |
|-------------------|---------------|---------------------------|
| November 28, 2007 | 9:30-11:00 am | Memorial Union Crest Room |
| December 26, 2007 | 9:30-11:00 am | Memorial Union Crest Room |
| January 23, 2008  | 9:30-11:00 am | Memorial Union Crest Room |

***All broadbanded staff members are encouraged to attend.***

Before the meeting, a display of children's books in honor of National Children's Book Week was provided by Carl Wichman, NDSU Bookstore. Barb Geeslin thanked him for the exhibit.

**I. Meeting was called to order by President Barb Geeslin at 9:30 am.**

**II. Attendance and Substitutions.**

Heather Heger. For today's meeting, there was a quorum with 56 senators present and 13 absent.

Substitutions:

|                                  |
|----------------------------------|
| Teresa Nelson for Chris Anderson |
| Renee Galster for Susan Galster  |
| Bill Frazier for Bradley Mohs    |
| Emily Frazier for Anna Peterson  |

Guest: Jennifer Erickson

**III. Approval of Agenda.**

A motion was made by Vicki Miller, seconded by Josh Boschee, to approve the meeting agenda. Approval was unanimous.

**IV. Program.**

**A. Guest Speaker – Dr. R. Craig Schnell, Provost & Vice President for Academic Affairs.**

Vance Olson introduced Provost R. Craig Schnell as guest speaker. Dr. Schnell began by thanking staff senators for the work they do each day as frontliners. He reported that the goals set by President Chapman when he first came to NDSU have been met. Dr. Schnell predicts that we will be the largest institution in the state soon. Research expenditures are over \$100 million for the third year in a row. Additional academic programs are being added steadily. NDSU's stature has improved markedly, and we are really being noticed nationally. Agriculture, energy, and NDSU are the three factors that are driving the state's thriving economy, according to Moody's. With regard to campus infrastructure, the campus receives many comments about how beautiful it is. There is currently much work in progress on buildings – with the most noticeable being the Memorial Union. Classrooms remain a need. The downtown campus will be impressive, and the Business college will most likely grow to approximately 3,000 students with added faculty and staff. Enhanced NDSU enrollment is expected to a level of 16,000, and planning is in place for that. Faculty positions are being added, as well as academic advisers and other staff. Lack of women faculty on campus is an issue, and information is being gathered to determine what needs to be done to address this. Climate surveys, focus groups, and consultants have been used to gather information to address making a supportive environment for everyone. Several colleges are being reorganized. There will be a new Natural Resource Sciences department; and the Food Sciences school will be new. Equine Sciences may be expanded to the therapeutic area. Records retention is being addressed to meet state law, and this is important. The last item is salaries. The President's salary is first to be raised and that is important; then others will follow. In the state legislature, administrators have been advised that expected excess state money may be used for one time expenditures. NDSU's highest priority is classrooms; then salaries. Finally, Dr. Schnell reported that NDSU is moving at warp speed on many fronts, and it is a great time to be at NDSU.

**B. Guest Speaker – Dr. Dennis Cooley, on Robert’s Rules of Order.**

Vance Olson introduced Dr. Dennis Cooley, Philosophy and Ethics, who provided a brief overview of Robert’s Rules of Order for the conduct of business meetings.

**V. Approval of the October 10, 2007, meeting minutes.**

Laura Dallmann made a motion to approve the October 10 meeting minutes, and Deb Hegdahl seconded the motion. Bonnie Cooper offered several suggestions for needed corrections. The minutes were then approved. Staff Senate minutes are available at [http://www.ndsu.nodak.edu/staff\\_senate/meetings.shtml](http://www.ndsu.nodak.edu/staff_senate/meetings.shtml).

**VI. Treasurer’s Report.**

Laura Dallmann. There are fund balances of \$575.06 in appropriated funds and \$2,683.11 in local funds.

**VII. Committee Reports.**

**A. Arboretum Committee – Jody Bohn. See Attachment 1.**

**B. By-laws Committee – Michael Robinson. See Attachment 2.**

A proposed By-laws amendment pertaining to the extension of terms for Secretary and Membership Officer was presented by Michael Robinson. Michael Robinson made a motion to accept the amendments, and Kris Mickelson seconded the motion. The motion was approved.

**C. COSE – Barb Geeslin. See Attachment 3.**

Barb Geeslin encouraged staff to make nominations for the state’s FISH awards. She also encouraged staff to shop the clothing line offered by COSE.

**D. Health & Wellness Center Advisory Board – Barb Geeslin. See Attachment 4.**

**E. Policy Coordination Committee – Gretchen Bromley. See Attachment 5.**

Gretchen Bromley presented policies from the Policy Coordination Committee. Several were provided for information only and several for Staff Senate input.

**For Information:**

- Policy 100 – Equal Opportunity Policy)
- Policy 104 – Recruitment Period for Position Announcements
- Policy 146 – Military Leave
- Policy 151.1 – Conflict of Interest
- Policy 326 – Academic Misconduct
- Policy 516 – Travel – Non-employees

**For Input:**

- Policy 112 – Pre-Employment and Current Employee Criminal Record Disclosure. Revisions require employees to notify their supervisor and the Director of Human Resources within five days of being arrested or charged with a crime. The timeline will be addressed yet. A question was raised about whether the policy defines “crime.” Crime is defined in Section 5.1.
- Policy 708 – Campus Maintenance and Service Requests – No comments.
- Policy 711 – Safety Office: Hazardous Materials and Chemical Management/Radiation Safety/Asbestos – No comments.

Gretchen made a motion to accept Staff Senate input. Laura Dallmann seconded the motion, and the motion was approved.

**F. Program Committee – Vance Olson.**

There will be seasonal music provided before the December meeting. Vice President John Adams will be guest speaker. There will also be special goodies and hot chocolate. For the January meeting, a movie on alcohol use will be shown. For the February meeting, Vice President Prakash Mathew will be guest speaker.

**G. Public Relations Committee - Bonnie Cooper.** See Attachment 6.

Bonnie Cooper thanked everyone for participating in a successful "Make a Difference Day" charity drive.

**VIII. Old Business.** None.

**IX. New Business.**

**A. Valentine's Ball – Barb Geeslin.**

Barb Geeslin asked interested senators to volunteer to serve on an ad hoc committee which Vance Olson will chair to plan the Valentine's Ball. Vance Olson reported that plans have already begun. The Ball will be for staff, faculty, alumni, and students. February 9 is the date, and the Memorial Union Great Room will be the location. A student band will provide live music, with catering by Dining Services. Tickets will be sold to attendees. President Chapman has agreed to provide financial support. Bison Arts and the Alumni Association will be involved as well. An athletics-led committee is promoting non-alcoholic events on campus, and this event will be in keeping with that.

**B. SERW Committee Holiday Tree Donations – Barb Geeslin.**

Barb Geeslin reminded senators that she is collecting money through November 28 (coins, dollars and checks will all be accepted) for the gift cards that are attached to the holiday tree that the State Employees Recognition Week Committee (a subcommittee of COSE) and NDSU Staff Senate decorate and donate to a needy family in the area. The gift cards are chosen age, gender and need specific for the family that will receive the tree.

**C. Campus Hours Change – Barb Geeslin.**

Barb Geeslin asked for senator volunteers to serve on an ad hoc committee to explore the possibility of changing official campus office hours. Broc Lietz suggested that the committee have members from all three campus bodies – University Senate, Staff Senate, and Student Senate. The possibility of a 4:00pm closing time will be considered, as is done at the University of North Dakota. All those interested should contact Barb Geeslin.

**X. Advisor Comments – Broc Lietz.** None.

**XI. Announcements.** None.

**XII. Adjournment.**

Vicki Miller made a motion for adjournment, and Laura Dallmann seconded the motion. The meeting was adjourned at 10:30am.

**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 (231-8293 or heather.heger@ndsu.edu).**

Respectfully submitted,  
Kay Sizer  
Staff Senate Secretary

## **Arboretum Committee**

(Jody Bohn) 10/25/07 – Student Government Conference Room

### **Current Projects:**

Renovation of Dacotah Plaza to be functionally ready by start of classes Aug 08 with dedication at Homecoming. This is a priority of President Chapman's. The arboretum committee will be submitting three student drawings submitted last year to a professional landscaping architecture for final design and construction this summer. This will be a two phase project continued until Summer 09.

### **Ongoing Projects:**

Marking of trails on campus, the Plant Trail and Memorial Trail. The Memorial Trail is being looked at with markings to designate some historical information throughout campus.

Redesign of recycling bins around campus.

## **By-Laws Committee**

(Michael Robinson)

As it stands now:

### **4. Terms of Office and Election of Senate Members.**

- a) Senate membership shall be for a two (2) year term with approximately one half (1/2) of the membership elected each year. A member may not serve more than three consecutive full terms, unless elected to the office of Vice President/ President, this senator may be granted an additional two (2) year term on the Staff Senate, if required, to complete the terms of President and Past President.

Proposed change to:

### **4. Terms of Office and Election of Senate Members.**

- a) Senate membership shall be for a two (2) year term with approximately one half (1/2) of the membership elected each year. A member may not serve more than three consecutive full terms, unless elected to the office of Vice President/ President, this senator may be granted an additional two (2) year term on the Staff Senate, if required, to complete the terms of President and Past President.
  
- d) *The terms of office of the Secretary, Treasurer, and Membership/Attendance Officer shall be two (2) years. This Senator may be granted an additional one (1) year term on Staff Senate, if required, to complete the term of Treasurer, Secretary or Membership/ Attendance Officer.*

### Attachment 3

## **Council of State Employees (COSE)**

(Barb Geeslin)

The COSE Board met at NDSU on Thursday, October 25<sup>th</sup>. The meeting closed with a tour of the NDSU Wellness Center. The State Surplus Property link has been added to the COSE website (<http://www.nd.gov/cose/>). After items are in stock at surplus property for 90 days they are then available for the public to purchase.

The COSE fall clothing sale is effective November 1<sup>st</sup> through the 30<sup>th</sup>. There are **GREAT** hooded, crew neck and denim shirts all on sale, in various colors and with the State Employee logo on them for only \$15.00 each! They are good quality items and make great gifts. They can be ordered directly from the web site: <http://www.nd.gov/cose/>

The quarterly FISH Award nominations contained seven from NDSU. They were: Wendy Clarin, NDSU Bison Connection; Tiffany Neuharth, NDSU Mechanical Engineering; Chris Anderson, NDSU Morrill Hall Print Shop; Connie Jadry, NDSU Distance & Continuing Education; Derick Jorgenson, NDSU Library; Dr. Reza Malecki, NDSU; and Nancy Suttle, Dean's Office Science and Math, NDSU. This award recognizes outstanding state employees and the recipient of the COSE FISH award receives a special tee shirt, along with a certificate and a letter. **Nancy Suttle** was the winner of the 4<sup>th</sup> quarter FISH award. Congratulations Nancy and to all who were nominated. Also, thank you to those who did the nominating! Nominations can be made at any time for the next quarter and can be done on the web site: <http://www.nd.gov/cose/> or can be given to Barb Geeslin, Cindy Kozojed or Heather Heger.

The next meeting of the COSE Board will be January 17, 2008 in Bismarck.

### Attachment 4

## **Health and Wellness Center Advisory Board**

(Barb Geeslin)

The board met on Friday, October 26<sup>th</sup>. The center is in the process of developing a policy manual. They have had requests from outside organizations to rent the facility. This will be discussed and guidelines created before this is possible. If the facility does rent out, it will be at times when it does not affect usage by NDSU students. The Student Health Center has just been accredited for a three year period. The Child Care Center has recently been approved to increase their child numbers to 32. Due to staff requests, I brought up the possibility of our insurance giving a discount to employees who use a fitness facility. This is not a Wellness Center issue so I spoke to HR (Brittnee Steckler) and was told that it is something that would have to be negotiated with NDPERS. Brittnee will keep me informed of any possible changes.

**POLICY CHANGE COVER SHEET**

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

**Section: 100: EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY**

Language is being added as a notice and reminder that all publications inviting participation in programs at NDSU must have the Notice of Non-Discrimination as required by federal regulation.

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

Policy Coordination Committee – 10/19/07  
 University Senate –  
 Staff Senate –  
 President’s Council –

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

Draft 2 (10/22/07)

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 For any questions please send e-mail to:  
 NDSU.Policy.Manual@ndsu.edu <mailto:NDSU.Policy.Manual@ndsu.edu>  
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**SECTION 100: EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY**

SOURCE: NDSU President  
 SBHE Policy Manual, Section 603.2

North Dakota State University is fully committed to equal opportunity in employment decisions and educational programs and activities, in compliance with all applicable federal and state laws and including appropriate affirmative action efforts, for all individuals without regard to race, color, national origin, religion, sex (gender), disability, age, Vietnam Era Veterans status, sexual orientation, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.

The following notice must be included in all departmental publications such as bulletins, announcements, manuals, publications, guidebooks, brochures, pamphlets, catalogs, application forms or recruitment materials describing or inviting participation in programs at North Dakota State University. (This notice is not required on departmental homepages.):

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**Non-Discrimination Policy:**

North Dakota State University does not discriminate on the basis of race, color, national origin, religion, sex, disability, age, Vietnam Era Veterans status, sexual orientation, marital status, or public assistance status. Direct inquiries to the Executive Director and Chief Diversity Officer, 202 Old Main, (701) 231-7708.

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HISTORY: May 1972; Amended April 2, 1991; April 1992; August 1993; August 1999; February 2005

## POLICY CHANGE COVER SHEET

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

### Section 104: RECRUITMENT PERIOD FOR POSITION ANNOUNCEMENTS

Language is being added to differentiate between posting procedures for banded employees and coaches position announcements, and non-banded position announcements.

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

Policy Coordinator Committee - 10/19/07  
University Senate -  
Staff Senate -  
President's Council -

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

Equity & Diversity

**Draft #2, 10/23/07**

### SECTION 104: RECRUITMENT PERIOD FOR POSITION ANNOUNCEMENTS

#### SOURCE: NDSU President

1. All broadbanded employee positions will be posted for a *minimum* of ten (10) working days. Posting beyond the minimum is encouraged and the length of the posting period beyond the minimum is determined by the hiring department. In most cases, the broadbanded administrative/managerial, and professional positions will be posted for longer than the ten working day minimum.

The posting period begins on the day the Request to Recruit is approved.

2. All non-broadbanded positions will be posted for a *minimum* of twenty (20) working days. Posting beyond the minimum is encouraged and the length of the posting period beyond the minimum is determined by the hiring department. In most cases, the non-broadbanded executive, administrative/managerial, instructional/academic and professional positions will be posted for longer than the 20 working days.

The posting period begins on the day the Request to Recruit is approved.

3. All position announcements will include a closing date. To provide flexibility to consider applications received after this date, the position announcement may be written in a number of ways such as:
  - o Initial screening to begin on (date) and will continue until position is filled
  - o For full consideration, applications must be received by (date)
  - o The closing date may be given with the qualifier "or thereafter until the position is filled"

If the hiring department does not use language such as that suggested above, the date given should be treated as an absolute date, and no applications postmarked after that date should be considered.

4. Occasionally, circumstances will dictate an exception to these posting period requirements. In such cases, the employing department should contact the Office for Equity and Diversity or the Office of Human Resources/Payroll prior to submitting the Request to Recruit.

HISTORY: July 1990; Amended April 1996; October 2000, October 2007.

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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**

112: Pre-Employment and Current Employee Criminal Record Disclosure

Amend policy to require employees to notify their supervisor and the Director of Human Resources within five days of being arrested or charged with a crime covered under Policy 112.

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

Policy Coordination Committee - 9/17/07; 10/19/07  
Staff Senate -  
University Senate -  
President's Council -

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

General Counsel

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For any questions please send e-mail to:  
NDSU.Policy.Manual@ndsu.edu <mailto:NDSU.Policy.Manual@ndsu.edu>  
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SECTION 112: PRE-EMPLOYMENT AND CURRENT EMPLOYEE CRIMINAL RECORD  
DISCLOSURE

SOURCE: NDSU President

1. All applicants for employment at NDSU, whether full-time or part-time, including student employment, must sign the criminal record disclosure form  
<[http://www.ndsu.edu/equal\\_opportunity/forms/CriminalDisclosure.pdf](http://www.ndsu.edu/equal_opportunity/forms/CriminalDisclosure.pdf)> prior to being hired. Any offer is contingent on return and review of the signed form and verification. The hiring unit is responsible for obtaining the signed form prior to the final offer.
2. A positive response (that is, the potential offeree answers that they have a criminal record) does not preclude employment. A determination will be made based on the type of conviction, how recent the conviction is, and the relevance of any conviction to the position for which the person has applied. An offer may be withdrawn as a result of these considerations. Disclosure by an applicant for employment under this policy does not prevent the University from enforcing any other policy or requirement with regards to pre-employment criminal record disclosure.
3. The form shall be kept in the employee's official personnel file (<http://www.ndsu.nodak.edu/policy/718.htm> <718.htm>) (or, for individuals not hired, with the applicant's file).
4. Supervisors who have a situation under this policy should consult, prior to making a final hiring determination, with appropriate personnel, for example, Executive Director, Chief Diversity Officer in the Office of Equity and Diversity (for non broadbanded positions), Director or Human Resources/Payroll (for broadbanded positions), General Counsel, or their Department Chair or Dean.
5. Current Employees
  - 5.1 Current employees have a duty to immediately report a criminal conviction covered under this policy (all felonies; and misdemeanors involving violence and theft; or any offense requiring one to register as a sex offender) to their supervisor and the Director of Human Resources/Payroll. See Policy 155 for arrests and convictions involving drugs and

alcohol in the workplace. Additional evidence about the conviction (example, the judgment of conviction) may be placed in the employee's official personnel file. The employee can add a statement pertaining to the conviction. Whether the conviction has an effect on employment status will be determined by the supervisor after consultation with appropriate personnel. (See section 4 above.) The employee can request that the conviction information be removed from the employee's official personnel file after misdemeanors are over 5 years old and 10 years for felonies.

5.2 Information regarding this subsection shall be provided to employees as part of the NDSU Annual Notice of Policies Covered under the ND Risk Management Program.

5.3 All current employees ~~are~~ required to sign a Criminal Record Disclosure Form.

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5.4 Employees arrested or charged by summons to appear for crimes covered by this policy, or for a crime otherwise job related (e.g., a DUI if driving is a job requirement), have a duty to notify their supervisor and the Director of Human Resources/Payroll within five days of the arrest or receipt of the summons. While an arrest is not a conviction, NDSU will determine any potential actions or consequences on a case by case basis.

Effective Date: July 1, 2002, February 2006

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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 146: Military Leave

Language changed/added to sections 1, 1.1 1.2, 1.4 and 1.5. These changes are to make the policy consistent with Board policy, italicize what is NDSU policy, and remove italics on what is Board policy (i.e. 1.4 and 1.5).

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

Policy Coordination Committee – 9/17/07; 10/19/07

University Senate -

Staff Senate -

President ' s Council -

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

Office of Human Resources/Payroll  
General Counsel

## SECTION 146: MILITARY LEAVE

**SOURCE: NDUS Human Resource Policy Manual, Section 20.3  
SBHE Policy Manual, Section 510**

1. **Military Leave** - An employee who is in the National Guard or Armed Forces Reserves *and is ordered to active duty\** shall be granted military leave annually in accordance with Section 37-01-25 and 37-01-25.1 of the North Dakota Century Code which provides:

1.1

Military Leave with pay shall be granted to all state employees up to a maximum of 20 work days ~~each year~~ *each calendar year* for those employees who have been employed continuously for a period of 90 calendar days or more immediately preceding the leave.

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1.2

In addition, any **military** leave of absence necessitated by a full or partial mobilization of the reserve or national guard forces of the United States of America, or emergency state active duty, shall be without loss of pay for the first

30 calendar days less other ~~paid~~ **military** leave of absence which may have been granted during the calendar year.

1.3

If leave is required for weekend, daily, or hourly periods of drill for military training on a day on which the employee is scheduled to work, the employee must be given the option of time off with a concurrent loss of pay for the period missed, or must be given an opportunity to reschedule the work period so the reserve or national guard weekend, daily, or hourly drill or period of training occurs during time off from work without loss of status or efficiency rating.

1.4

*Employees who are activated into the armed forces under Title 10 or who serve in reserve status under Title 32 of the United States Code are entitled to leave without pay pursuant to federal and state law, and subject to subsection 1.2.*

1.5

Employees are also covered under the federal Uniformed Services Employment and Reemployment Rights Act, 38 USC Sec. 4301 et.seq., which provides that members of the uniformed services are entitled to leave without pay and to reemployment rights upon return to civilian employment. The time requirements for reporting back to work after completion of service vary depending upon the length of the leave, and can be found at 38 USC Sec. 4312.

## 2. **Military Leave - Students**

2.1

A student not on active military service at the beginning of an academic term who is called or ordered to active military service for fourteen consecutive days or longer during the term shall have the rights, at the student option:

2.1.1

To withdraw from any or all classes in which the student is enrolled, even if after the established deadline for withdrawal, and be entitled, subject to applicable laws or regulations governing federal or state financial aid programs and allocations or refund as required under those programs, to a full refund of tuition and mandatory fees. The student shall not receive credit or a grade for classes from which the student withdraws. A student in good standing at the time of exercising this right shall have the right to be readmitted and reenroll, without penalty or redetermination of admission eligibility, within one year following release from active military service;

2.1.2

To request an incomplete under the institution's incomplete policy; or

2.1.3

Except for science labs, internships and other classes for which attendance or in-person participation is an essential part may continue and complete the course for full credit if, in the opinion of the faculty member teaching the class, the student

has completed sufficient work and has demonstrated sufficient progress toward meeting course requirements to justify the award of credit and grade. Upon a student's request and at the discretion of the faculty member, this option may be made available for a science lab or internships.

2.2

A student called or ordered to active military service during a term shall have the right to a refund of fees other than mandatory fees for that term as follows:

2.2.1

A refund on a pro rata basis for a housing contract and a traditional term board contract, and a full refund of any unused balance for a "declining balance" board contract, or a board contract by which a student purchased a specified number or dollar value of meals;

2.2.2

A refund on a pro rata basis of parking fees and other optional fees;

2.2.3

No refund is due for course challenges or similar fees for classes for which the student is awarded full credit;

2.2.4

No refund is due for flight training or similar fees for specialized training;

2.2.5

The chancellor may adopt procedures implementing this policy.

*\*Note: Active duty includes summer camp for National Guard and the Reserves but does not include regular drills.*

EFFECTIVE DATE: July 1990; Amended August 1997, April 2003.

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**POLICY CHANGE COVER SHEET**

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

**Section**

151.1 External Activities and Conflicts of Interest

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

Policy Coordination Committee - 2/24/05; 3/17/05; 11/17/05; 12/15/05; 1/27/06; 4/21/06; 6/27/06; 9/22/06; 12/20/06; 1/23/07; 2/23/07; 3/23/07; 10/19/07

Staff Senate - 1/11/06; 1/10/07

University Senate – 2/13/06; 3/20/06; 4/10/06; 11/13/06; 4/23/07 (Exec Committee); 9/10/07

President's Council – 1/5/07

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

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

v. 3-28-07

**SECTION 151.1: EXTERNAL ACTIVITIES AND CONFLICTS OF INTEREST**

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

**1. PHILOSOPHY AND NEED**

1.1. Beyond the traditional academic responsibilities of teaching, research, and service, and in response to the rapidly changing external realities, universities and their employees are increasingly involved in external activities\*, including economic development, technology transfer\*, consulting\*, and other types of public service.

1.2. North Dakota State University recognizes the need, and actively encourages its employees, to participate in sponsored activities\* and external activities as an important component of its land-grant mission. NDSU also recognizes that this may create conflicts of interest and/or commitment with the traditional academic responsibilities. An investigator's\* engagement in sponsored and external activities is subject to the principles that:

1.2.1. Full-time employees (and parttime employees that are over 50%) [GM] have as their primary responsibility their professional obligation to NDSU.

1.2.2. Employee conduct must conform to the highest standards of professional integrity and ethics, thereby avoiding even the appearance of impropriety.

\* *These and other terms marked with an asterisk are defined in Section 12 – Definitions. [hot link to definitions section] See especially Conflict of Interest and Conflict of Commitment. [Hot link each of these terms to their definition in Section 12.]*

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**2. APPLICABILITY**

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

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

3.1. **Institutional Approval.** Institutional approval must be obtained prior to engaging in any external activity in which there is a potential or actual conflict. Full-time NDSU employees owe their primary loyalty and professional commitment to the institution

during the terms of their employment. They must not neglect their university responsibilities to seek financial interest or advantage for themselves, their immediate families, their close associates, or a business over which they or their families have a direct or indirect financial interest. Any commitment of time and effort to serve another institution, agency, or industrial organization other than NDSU, therefore, should be made only after satisfying an employee's primary commitment to NDSU and after appropriate disclosure and approvals.

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

3.1.2. Conflict of interest is categorized as

3.1.2.1 Clearly allowable;

3.1.2.1 Allowable after disclosure, review, approval and oversight;

3.1.2.1 Not allowable or prohibited.

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

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

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

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

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

3.5. **Confidentiality of Disclosure Information.** NDSU will assure the confidentiality of individual disclosure information to the extent possible under applicable state and federal requirements and/or the North Dakota Open Records Act. Whenever requests for such information are requested by any external entity, the individual will be notified.

#### 4. GUIDING PRINCIPLES AND MAJOR CONSIDERATIONS: EMPLOYEE

4.1. **Employee Disclosure.** As a public institution, NDSU must possess sufficient information and control to discharge its obligations of public accountability responsibility. NDSU employees have the responsibility to report promptly and in sufficient detail, all activities that may involve actual or potential conflicts. Regular, timely, and full disclosure is a key element in this policy and is necessary to identify, resolve, or manage any actual or potential conflict of interest situation. The requirement of disclosure cannot be waived by any university employee.

4.2. **Employee Obligations & Representations [GM].** When arranging relationships with external agencies, NDSU employees are expected to make known their NDSU obligations. Where appropriate, they should provide copies of relevant NDSU policies to their contracted entities and inform the external agencies that their work is contracted in their individual capacity and does not in any way represent NDSU. Listing of an employee's institutional affiliation in public or commercial documents needs to comply with Policies 152-External Professional Activities and 700.1-Use of University Name.

4.3. **Academic Freedom.** Subject to University policies and requirements, NDSU employees are free to choose the subject matter and strategies of their individual teaching and research activities on the basis of scientific or scholarly criteria, insofar as they are unencumbered by external commitments.

4.4. **Freedom to Publish.** Subject to limited delays to permit filing of document(s) to protect intellectual property\*~~or findings as in a patent application, or to allow a third party to review documents to protect confidential information pursuant to sponsored program agreements or contracts, [DZ]~~ NDSU will vigorously ensure its employees' free and open dissemination of information including the right to publish.

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

4.5. **Accountability for Review.** NDSU expects that responsible individuals will exercise their duty and responsibility, at all levels of review and action, to evaluate carefully all potential conflict situations disclosed or known to them before acting to approve or disapprove the same.

4.6. **Time Commitment.** NDSU will allow an average of up to one day per week (40 days for academic year and 52 days for calendar year appointments) within the contract period for acceptable and approved external professional activities (Policy 152). This

released time, subject to unit needs, is not an automatic entitlement but is approved at the administrative head's discretion. Such released time is not available for:

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

## 5. SPECIFIC RESPONSIBILITIES

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

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

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

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

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

- 5.2.2. Careful scrutiny is called for when:

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

- 5.2.3. In such circumstances, if the proposed activities are to be approved, appropriate control mechanisms must be established and reduced to writing, and be subject to continuous review and monitoring. Such monitoring may include, among other requirements appropriate to the circumstances, higher administrative level review of expenditures (including those for travel), periodic detailed reviews of programmatic objectives and/or progress, removal of the affected employee from decision making authority, granting a leave of absence without pay when the external commitment is inappropriate to the employee's University duties or responsibilities.
- 5.2.4. Provision might be made for consulting authorization request approval process, whereby if the duration of the activity is longer than one year, or is indefinite, indeterminate, occasional or ongoing for a period longer than one year, for the authorization to be renewed annually through electronic correspondence, provided there are no material changes to the original activity. Substantial changes to the activity would require formal reauthorization.
- 5.3. Research agreements with external sponsors must maintain basic academic values and must not promote a secrecy that will harm the development of knowledge, impair the educational experience of students or postdoctoral fellows, diminish the role of NDSU as a credible and impartial resource, interfere with the choice by employees of the scientific or scholarly subjects they pursue, or divert an employee's energies or NDSU resources from primary educational and research missions.
- 5.4. Those situations are to be avoided or remedied in which academic staff members, through use of their University positions or by their conduct, may be tempted to disregard the interests of the University and its students, or to dilute or divert their attention from their NDSU responsibilities in order to seek direct or indirect advantage for themselves, their families, or close associates, or exert sufficient influence over a business to be able to affect its general policy or specific decision.

## **6. DISCLOSURE**

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

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

## 7. CONFLICTS INVOLVING ADMINISTRATORS

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

with policy, and who may exercise the option to make the final decision. Disclosures for Vice Presidents shall be filed with the President, who shall have the final approval authority, but who may also consult with CIAC for its recommendation.

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

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

## **9. REVIEW AND APPEALS**

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

## **10. VIOLATIONS**

- 10.1. Violation of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at the University. In addition, any NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all

financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded research and management of NDSU facilities and other property. Such enforcement measures may include, but not be limited to:

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

## 11. EXAMPLES OF CONFLICT OF INTEREST SITUATIONS

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

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

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

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

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

11.4. Activities that are clearly allowable:

11.4.1. Activities in this category have very low potential for conflict of interest. Participation does not require disclosure and is allowable if it is consistent with other NDSU policies such as those regarding time commitment and employee's ability to meet job obligations. Examples of such activities include, but are not exclusive to:

- 11.4.1.1. Acceptance of royalties and honoraria for published scholarly works and intellectual property (if disclosed to and managed by NDSU or the NDSU Research Foundation), occasional lectures, commissioned papers, and creative works;

11.4.1.2. Acceptance of honoraria or payment for service as a special reviewer or service on a review panel for academic, government, and not-for-profit entities;

11.4.1.3. Acceptance of royalties under NDSU or another academic institution's royalty policies insofar as the employee does not have any other relationship with the royalty-granting entities.

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

11.4.2. In such cases, the use of NDSU property or facilities is acceptable, if the use of such property or facilities has a legitimate relationship to the University employee's responsibilities, provided such use is not significant. No disclosure or approval is required in these situations by this policy, although individual administrative units may have their own approval or scheduling procedures. Examples include using institutional resources to author a book, host a meeting, conduct research related to one's disciplinary field(s), or to serve a professional organization as an officer.

11.4.3. In such cases, it is acceptable to utilize institutional employees (e.g., research assistants, secretaries, work study students) to provide assistance, provided the work activity is in keeping with the responsibilities of both parties, does not interfere with the performance of their primary activities, and does not result in significant additional costs to the University. This policy does not require any disclosure, other than intellectual property disclosures as required by policy, or approval process, although individual administrative units may require reporting and approval.

11.4.4. In such cases, it is acceptable for employees to acknowledge an affiliation with NDSU, provided this identification is accurate, is not used as part of any endorsement or promotional activities for business or personal gain, and is in keeping with the actual roles and responsibilities at the University (Policy 700.1). University personnel may use University stationery for activities that are related to their assigned University responsibilities. Such identification does not imply, however, that the employee is acting in anything other than in his or her individual capacity.

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

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

- 11.5.1.1. Any ownership or majority control in a commercial enterprise that conducts activities closely related to the employee's area of academic work;
  - 11.5.1.2. Holding an executive position in a commercial (private or public) enterprise or participation in the day-to-day operation of an enterprise directly related to one's University responsibilities;
  - 11.5.1.3. Assuming a "key" continuing consulting role in an enterprise (including serving as a director of a company);
  - 11.5.1.4. Consulting for additional compensation (e.g., providing services to individuals or firms, presenting educational programs sponsored by private firms or independently by faculty members) through approval (*see Policy 152, Request for Approval*);
  - 11.5.1.5. Situations in which the time or creative energy devoted to external activities appear substantial enough so as to compromise the amount or quality of the employee's participation in the instructional, scholarly, or administrative work of the University;
  - 11.5.1.6. Situations in which a faculty member directs students in a research area from which the faculty member may realize a financial gain, thereby diminishing the faculty member's ability to render objective, independent judgment on the student's efforts.
  - 11.5.1.7. Conducting research for any commercial entity.
- 11.5.2. In such cases, approval is required for use of University resources and facilities that lie outside usual work responsibilities that result in clearly identifiable additional costs to the University. Approval of such situations will generally be conditioned on reimbursement of costs. The executive head of the administrative unit in which the activity occurs must approve exceptions to the requirement for reimbursement. Examples include writing a book for outside compensation, hosting a conference, giving private lessons, performing research utilizing University research instruments for an external entity, or serving as an editor for a journal.
- 11.5.3. In such cases where an activity will personally benefit the recipient approval is required for the use of services of other University employees. If the costs are more than trivial, approval shall only be granted if the requested services are in keeping with the usual University activities of both employees, and the activity is in keeping with the mission of the University.
- 11.5.4. Approval must be granted for student involvement in research activities that have the potential to substantially benefit a business entity in which a University employee has a significant financial interest.

11.5.5. Restrictions on publication rights that may adversely impact the fulfillment of degree requirements are permitted only to the extent reasonably necessary to obtain protection of intellectual property rights if they do not prevent publication of student research in a timely manner. In such instances, the student must be informed of the limitations prior to commencing the work and must agree in writing to those limitations.



11.6. Activities that are clearly prohibited:

11.6.1. Activities in this category pose such serious conflicts with University policy and such high potential for abuse that they cannot be allowed under any circumstances, and are subject to disciplinary action in accordance with NDSU Policies and Procedures. Examples include, but are not limited to:

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11.6.1.1. Any circumstances in which a substantial body of research or services that could and ordinarily would be carried on within the University are conducted elsewhere to the detriment of the University and its legitimate interests;

11.6.1.2. Any activity outside the purview of the University:

11.6.1.2.1. Involves or appears to involve the University significantly through the use of its resources, facilities, or the participation of academic colleagues, students, and staff, except in those cases where prior approval has been granted;

11.6.1.2.2. Involves the use of the University's name or implied endorsement; or,

11.6.1.2.3. Violates any of the principles set forth in the University Research Policy (805) (for example, giving the outside organization the right to censor or prohibit publication rights for research any part of which is performed under University auspices);

11.6.1.3. Any use for personal profit, unpublished information or data emanating from sponsored agreements or confidential University sources, or assisting an outside organization by giving it exclusive access to such information.

11.6.1.4. Consulting with outside organizations that impose obligations upon the faculty member or the University that conflict with the faculty member's or University Intellectual Property Policy or with the University's obligations under sponsored activity.

- 11.6.1.5. Any use of the University's name in connection with private activities in a manner that inappropriately suggests that the University endorses, sponsors, promotes, advertises, or approves the activities or views of the faculty or staff member.
- 11.6.1.6. Any evaluation of junior faculty, staff, or students based on participation in (or refusal to participate in) outside activities involving business entities in which the evaluating faculty member has a significant financial interest.
- 11.6.1.7. Any assignment of students to research and or creative activities that involve secrecy or confidentiality requirements beyond best institutional practice.
- 11.6.1.8. Any use of uncompensated student labor for research or creative activity outside of the University that will result in personal gain for the supervising University employee.
- 11.6.1.9. Any use of the services of University employees for personal gain such as answering telephones for a private business, typing reports, or conducting research activities or accepting personal compensation for work performed by University employees for external activities.
- 11.6.1.10. Any conduct of library research by librarians on a product/technology for personal gain or any use of University facilities or resources for personal financial gain or conducting a private business and using University supplies for non-university activities.
- 11.6.1.11. Any use of University employees and students, on University time and without reimbursement, for work motivated primarily by commercial concerns or intended to benefit a business entity in which the University employee has a significant financial interest;
- 11.6.1.12. Any soliciting or receiving, either by the University employee or a member of his or her immediate family a gift, compensation, loan of money, or a non-pecuniary gift, the value of which exceeds the amount permitted by state law; any soliciting or receiving of remuneration from a person or business entity that is an actual or potential provider of goods or services to the University, in connection with any transaction between the University and any persons or business entity, or under circumstances where it would tend to influence the University employee's performance of his or her University duties;

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

## 12. DEFINITIONS

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

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

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

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

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

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

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

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

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

- 12.6. **Financial Disclosure** is defined as the formal filing of information with a designated NDSU administrator, disclosing any direct and indirect financial interests that the employee, or spouse, or any dependent(s) has in the sponsor of a sponsored activity for which the person filing the disclosure is serving or will serve as an investigator.
- 12.7. **Immediate Family** is defined as the spouse, parents, siblings, and children. (*see also under Investigator*).
- 12.8. **Incompatible Obligation** is defined as any agreement:
- 12.8.1. Between an NDSU employee and an external entity which is incompatible with the employee's obligations to NDSU;
  - 12.8.2. Which unduly restricts or impairs the employee's ability to perform research or other activities at NDSU;
  - 12.8.3. Which results in the transfer or compromise of existing or potential NDSU rights in intellectual property; or
  - 12.8.4. Which utilizes NDSU resources without prior written approval of the appropriate University official or designee.
- 12.9. **Intellectual Property** is defined as any ideas, inventions, technology, biological organisms, software, creative expression (and derivatives thereof), in which a proprietary interest may be claimed including, but not limited to, patents, patent applications, [plant variety protection](#), [DZ]copyrights, trademarks, data sets, know-how, show-how, and biological materials. [See Policy 190).
- 12.10. **Investigator** is defined as the principal investigator, co-investigator, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by an external sponsor.

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

- 12.11. **Significant Financial Interest** is defined as:
- 12.11.1. Anything of monetary value, including, but not limited to, salary or other payment for services (e.g., consulting fees or honoraria);
  - 12.11.2. Equity interests (e.g., stocks, stock options, or other ownership interests);
  - 12.11.3. Intellectual property rights (e.g., copyrights, trademarks, patents, PVP, and royalties for such rights).

12.11.4. The term does not include:

12.11.4.1. Salary, royalties, or other remuneration from North Dakota State University or the NDSU Research Foundation if such payments have not originated with the sponsoring agency;

12.11.4.2. Income for seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;

12.11.4.3. Income from service on advisory committees or review panels for public or nonprofit entities; or,

12.11.4.4. Financial interests in business enterprises or entities if the value of such interests (industry equity interests, salary, fees, or other continuing payments) does not exceed \$10,000 per annum or represents more than 5% ownership interest for any one enterprise or entity when aggregated for the investigator, the investigator's spouse, and children.

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

12.12.1. The agreement binds NDSU to a line of scholarly or scientific inquiry or service that is specified to a substantial level of detail;

12.12.2. A line-item budget is involved which details expenses by activity, function, or project period;

*(The designation of overhead [indirect costs] qualifies for inclusion in a budget as "line-item.")*

12.12.3. Financial reports are required, as also progress, technical, and other reports as appropriate;

12.12.4. The award is subject to external audit;

12.12.5. Unexpended funds must be returned to the sponsor at the conclusion of the agreement;

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

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

**POLICY CHANGE COVER SHEET**

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

**Section**

326: Academic Misconduct

The policy is being rewritten to streamline the complaint and hearing process and who is subject to that process.

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

Policy Coordination Committee - 12/20/06; 1/23/07; 2/23/07; 3/23/07  
 Staff Senate - 1/10/07  
 University Senate – 12/11/06; 3/19/07  
 President’s Council – 1/5/07

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

Provost and Vice President for Academic Affairs  
 University Senate

Version 17: 3-20-07

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**SECTION 326: ACADEMIC MISCONDUCT**

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

**1. PHILOSOPHY & PURPOSE**

1.1 North Dakota State University is committed to upholding the highest standards of integrity of its endeavors in the pursuit of academic activities including research, instruction, and service. The University will promote an open and honest atmosphere in reviewing and reporting possible academic misconduct.

1.2 Scholarly inquiry creates the expectation for strict integrity in its pursuit. Integrity is defined as a commitment to intellectual honesty, and personal responsibility. As a public institution engaged in research, NDSU has an

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obligation to ensure public trust and confidence in our academic programs and publications. NDSU is committed to creating an environment which promotes responsible conduct that embraces attitudes of excellence, trust, and lawfulness in all our endeavors. It is essential to create this environment in order to maintain academic integrity, which in turn will promote academic excellence leading to reliable and accurate research

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results.<sup>1</sup> Because misconduct in scholarly inquiry, including the improper expenditure of funds, threatens the confidence in the academic endeavor, it is the responsibility of the University to foster an academic environment that discourages misconduct in all endeavors of scholarly activity and to develop policies and procedures to deal forthrightly with possible misconduct associated with scholarly activity.

- 1.3 These policies and procedures deal with academic misconduct and define a process to report, review, investigate, and resolve, allegations of academic misconduct. They are directed toward governing behaviors to maintain integrity in the pursuit of scholarly, academic activities, and they are consistent with the principle of self-regulation in maintaining integrity in scholarly inquiry.<sup>2</sup>

## 2. APPLICABILITY

- 2.1 These policies are applicable to all persons employed at NDSU and associated with NDSU through academic activities. These would include, but is not limited to faculty, adjunct faculty, research professors, lecturers, collaborators, staff, technicians, post-doctoral fellows, graduate, and undergraduate students, and volunteer assistants. However, allegations against graduate and undergraduate students which are course related will be handled under NDSU Policy 335: Code of Academic Responsibility and Conduct.

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- 2.2 While this policy deals with internal allegations, any NDSU employee wanting to charge misconduct against an individual(s) outside the University must have discussed the allegations with the Department Chair, Dean, and Provost before proceeding with such allegations.

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## 3. DEFINITIONS

- 3.1 **Academic or scientific misconduct** shall mean fabrication, falsification, plagiarism, misrepresentation of sources, breach of confidentiality, or other practices, including fiscal impropriety, that seriously deviate from those that are commonly accepted within the discipline for proposing, for conducting, or reporting research; or material failure to comply with a sponsor's requirements that uniquely relate to the conduct of the research. It does not include honest error, or honest differences in interpretations or judgments of data.

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

#### 4. **PRINCIPLES**

- 4.1 Due to the wide variety of endeavors of scholarly activity, no one set of guidelines can cover all situations. Also, because of the seriousness of the nature of this subject, several basic principles must be used to guide the processes.
- 4.2 Allegation(s) must receive immediate, appropriate, thorough, and impartial consideration.
- 4.3 The Complainant who in good faith reports apparent academic misconduct shall be protected from recrimination. Good faith allegations are those that are made with the honest belief in the truth of the allegation based on the information the Complainant had reasonable access to at the time of the allegation.

4.4 The Respondent, Complainant, witnesses, and committee members must be afforded confidential treatment during the entire process to the extent reasonably possible. Disclosure of the charges and evidence under this policy will be made only as specified in the regulations of the sponsoring agency or as required by the North Dakota Open Records Act. Any violation of this rule is also considered a matter for disciplinary action. Further, the Respondent must be afforded confidential treatment to the extent reasonably possible while being given an opportunity to respond to the allegations and provide a defense during the Inquiry or Investigation phases. A confidentiality agreement can be required.

4.5 From receipt of the initial allegation to the completion of the investigation, every effort will be made to obtain and secure evidence that will be directly applicable to the case. All evidence must be carefully weighed to determine whether an allegation has been made in good faith or malice.

4.6 In order to determine misconduct, NDSU must find (1) that there was a significant departure from accepted practices of the relevant academic or professional community; (2) it was committed intentionally, knowingly, or recklessly; and (3) the allegation must be proven by a preponderance (greater than 50%) of the evidence.

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4.7 If allegations of apparent academic misconduct are shown to be unfounded and have been made with the malicious intent of destroying a career and reputation, the evidence of this fabrication is to be presented to the Provost/Vice President for Academic Affairs for appropriate examination and possible disciplinary action.

Deleted: or, if the Complainant is a student, the Vice President for Student Affairs or Graduate Dean

4.7.1. Malicious allegations to harm or harass other individuals will not be tolerated by the University, nor will retaliation against the Respondent, Complainant, witnesses, or inquiry or investigative committee members. Further actions against Complainants who have acted in bad faith may be taken under NDSU policies that apply to employment and termination procedures. Actions that may be taken by NDSU could include, but are not limited to, termination of employment or expulsion.

4.8 Any University action imposing sanctions must comply with the procedural requirements of the applicable personnel or student policies (see Policies 220, 335, 350.3, or 601).

4.9 Challenges against a member of the Academic Integrity Committee for a conflict of interest shall be handled by the committee first and then, if the matter is not resolved, by the President of the University Senate.

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## 5. ACADEMIC MISCONDUCT PROCEDURES

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

## 6. PHASE I: RECEIPT OF ALLEGATION

6.1 Initially, the Complainant should report the allegation and provide evidence to the university official who is the immediate supervisor of the Respondent. The person receiving the allegation is hereafter referred to as the receiver of the allegation.

6.1.1 Any National or Federal agency involved could also be notified. Most agencies will not investigate initially and will allow NDSU to proceed as the primary investigating body. The funding agency will review the submitted reports to determine if further actions need to be taken. Federal agencies expect each institution to handle these proceedings and will only take charge if there is an immediate need to handle the case themselves.

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6.2 Upon receipt of an allegation, the receiver of the allegation must immediately inform the Provost/Vice President for Academic Affairs (or specified designee) formally, in writing of the nature of the allegation. The Provost will inform the President.

**Deleted:** The Provost shall have the dual role of Research Integrity Officer (RIO) and Deciding Officer (DO), but can delegate the RIO duties. These duties are set out in 42 CFR Part 93.

6.3 Allegations of academic misconduct by a Complainant (other than the University acting through its administration) must normally be received within six years from the time when alleged academic misconduct occurred. Other exceptions include: (1) the Respondent continues or renews any incident of alleged research misconduct that occurred outside the six-year limit through the citation, republication or other use for the potential benefit of the Respondent of the research record that is the subject of the allegation; (2) NDSU, following consultation with appropriate agencies, determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public; or (3) there is an allegation of fraud which prevented the discovery of the alleged misconduct. Allegations older than six years will normally not be accepted.

## 7. PHASE II: INQUIRY

7.1 Upon receipt of an allegation, the Provost will prepare a statement of allegation which identifies the Complainant, and notifies the Respondent, the appropriate

department chair(s), and academic dean(s) of the allegation with available evidence.

7.2 The Respondent and Complainant will be offered initial consultation at the time of the receipt of the allegation to assist all parties in understanding the extent of this policy and procedures, and the potential and real consequences. They shall be provided copies or informed of the location of relevant policies and/or rules.

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7.3 The Provost shall appoint an inquiry committee of three persons consisting of non-administrative, tenured faculty with the rank of professor (emeritus and emerita professors are eligible). Members of the committee may be external to the University and non-faculty members may be appointed if a specific case warrants their inclusion to review the allegation(s).

7.3.1 The inquiry committee will determine if there is sufficient basis to conduct an investigation based on whether (1) the allegation falls within the definition of academic misconduct as defined above; (2) the allegation is sufficiently credible; and (3) the allegation is specific enough so that potential evidence of academic misconduct may be identified. "Sufficient basis" means that there is enough evidence that could be adequate to establish a violation if proven.

7.3.2 Interviews must be conducted, where possible, with both the Respondent and the Complainant and any other persons who may have information relevant to the allegation and purpose of the inquiry. The Complainant and the Respondent must comply with appropriate requests by the inquiry committee for documents and other relevant evidence.

7.3.3 The committee may seek an opinion by a recognized authority in the Respondent's field.

7.3.4 Upon completion of the inquiry, the committee will prepare a report which shall include: (1) the name and position of the Respondent(s); (2) a description of the allegation of misconduct; (3) list of persons interviewed; (4) a summary of the evidence; (5) the conclusions of the inquiry; (6) a rationale for the recommendation that the alleged misconduct did or did not warrant an investigation; (7) any comments by the Complainant and Respondent); and (8) identification of relevant grants or other funding involved.

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7.4 The Complainant and Respondent shall be given a complete copy of the report. Each will be given 10 working days to respond to the report and their comments will become part of the record. A copy of the report and responses shall be sent to the General Counsel

7.5 The inquiry report will be completed and submitted to the Office of the Provost within 60 calendar days from the receipt of the initial allegation, unless circumstances which can be documented indicate reasons for exceeding this 60 day period.

7.6 If the Provost determines that there is no basis to conduct an investigation, a copy of the inquiry report shall be maintained for a period of seven years in the Office of the Provost/Vice President for Academic Affairs. This is to permit a later, independent assessment of the reasons for determining that an investigation was not warranted should this be requested by an appropriate agency.

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7.7 Seven years after the completion of the inquiry, all documentation shall be destroyed.

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7.8 If, at any time, the documentation is requested by any party, the Respondent shall be notified.

7.9 All work of those involved should, to the extent possible, remain confidential. Breaches of confidentiality may be subject to appropriate sanctions.

7.10 The Complainant can appeal a decision not to conduct an inquiry to the Committee on Academic Integrity within five (5) working days of receiving notice that an inquiry is not warranted.

## 8. PHASE III: INVESTIGATION

8.1 If the Provost determines that the findings from the inquiry provide sufficient basis for conducting an investigation, the investigation must be initiated within a thirty (calendar) day period after written notification to the Respondent that there will be an investigation. On or before the initiation of the investigation, NDSU will notify all applicable agencies as required by regulations.

8.2 The investigation will be conducted by the standing committee of the University Senate, the Committee on Academic Integrity  
[http://www.ndsu.edu/ndsu/deott/univ\\_senate/constitution.pdf](http://www.ndsu.edu/ndsu/deott/univ_senate/constitution.pdf).

8.3 The Provost shall forward the inquiry report to the Committee on Academic Integrity (Investigation Committee) which shall investigate the allegations in substantial compliance with all Federal regulations.

Deleted: 42 CFR §§310-313

8.4 The Investigation Committee shall comply with the following guidelines:

8.4.1 Respondent must be notified in writing that an investigation is being conducted, must be interviewed by the Investigation Committee, and has the right to call any witnesses or produce any evidence in defense. In addition, the Respondent has the right to have an attorney accompany

him/her/them to the interview. If an attorney for the Respondent is present, the Investigation Committee may request that the University provide legal counsel to assist it as well.

- 8.4.2 The Investigation Committee may request, and must use diligent efforts to secure, any evidence considered necessary to conduct a complete investigation of the allegation. Whenever possible, interviews should be conducted of all individuals involved including the Respondent and the Complainant as well as other individuals who might have information regarding key aspects of the allegations. Because of the possible specialized nature of the evidence to be investigated, the Committee may seek advice from experts within or from outside the University. Complete summaries of these interviews should be prepared and provided to the interviewed person(s) for comment and shall be included as part of the investigation file and furnished to the Respondent.
- 8.4.3 The Investigation Committee will deliberate and reach its conclusions and write its final report in executive session. Further, the Investigation Committee must prepare and maintain all documentation to substantiate its findings.
- 8.4.4 The investigation by the Investigation Committee is to remain confidential unless disclosure is required by the North Dakota Open Records Act or by the sponsor's guidelines.
- 8.5 If it is determined that the allegations of misconduct are groundless, a report with supporting documentation shall be forwarded to the Office of the Provost to be retained appropriately for a period of seven years.
- 8.6 If the allegations are substantiated by a preponderance (greater than 50%) of the evidence, the Investigation Committee shall forward the report to the Provost/Vice President for Academic Affairs and the President with recommendations for appropriate disciplinary action (sanctions).
- 8.7 The Respondent and Complainant shall be given a complete copy of the report. Each will be given ten (10) calendar days to respond to the report and their comments will become part of the record.
- 8.8 All persons and agencies involved in the investigation shall be notified of the conclusion. A copy of all documents shall be furnished to the Respondent and the Complainant. If the documents are requested by any party, the Respondent shall be notified.
- 8.9 In the case of a federal grant, a final report (in substantial compliance with all Federal regulations) prepared by the Provost, describing policies and procedures under which the investigation was conducted, the nature of the allegations, how

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information was obtained, all persons interviewed with text or summary of interviews, the findings, the basis for the final decision, and a description of disciplinary action taken by the institution, must be sent to the appropriate agency.<sup>3</sup>

8.10 It shall be the responsibility of the Provost to communicate the results of the investigation to collaborators, journals, publishers, professional societies, licensing agencies, and sponsoring agencies with whom the accused has had professional contact as appropriate.

8.11 The investigation should ordinarily be completed within 120 calendar days of its initiation. If it cannot be completed within that time, then a request to Office of Research Integrity (ORI) will be made by the Provost to extend the time, and documentation for the reasons for exceeding this period must be made available in the report.

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## 9. SPECIAL REPORTING REQUIREMENTS

9.1 Normally, the inquiry or investigation will be conducted in such a manner as to protect the privacy/confidentiality of all involved.

9.2 However, if at any stage of the inquiry or investigation, any of the following conditions exist, there must be immediate notification to the sponsoring agency or other affected parties:

9.2.1 there is an immediate health safety risk or immediate need to protect human or animal subjects;

9.2.2 research activities should be suspended;

9.2.3 there is an immediate need to protect agency funds, equipment, or the integrity of the research process;

9.2.4 there is an immediate need to protect the interests of the person(s) making the allegation or the individuals who are subject to the allegations as well as his/her co-investigators and associates;

9.2.5 it is probable that the alleged incident is going to be reported publicly;

9.2.6 there is reasonable indication of possible violation of civil or criminal law. In this instance, the institution must inform the appropriate sponsoring agency, if necessary, within 24 hours of obtaining that information; or

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

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## 10. SANCTIONS

10.1 NDSU administration may implement specific sanctions congruent with the misconduct.

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

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## 11. APPEALS

- 11.1 Appeals of the Committee on Academic Integrity finding of misconduct will be handled through federal agencies of oversight where applicable or through NDSU's President's Office.
- 11.2 NDSU appeals must be made directly in writing to the President of NDSU within 30 days of the notice of determination by the Committee on Academic Integrity.
- 11.3 Review of the appeal is by the President. The President has the option to appoint a technical review committee for advice.
- 11.4 NDSU may suspend an internal appeal until further determination by the agencies.
- 11.5 NDSU appeals will be restricted to the evidence presented and will be limited to the University's failure to follow published procedures or arbitrary or capricious decision making.
- 11.6 Upon review of the appeal, the determination made by the President of the University is final.

- 11.7 Grievances and appeals to sanctions and disciplinary actions will be handled accordingly to the applicable policies. Faculty (policy 157, 305.3, 353); Staff/employee (policy 157, 230, 231); and Students (policy 601 and 335).

<sup>1</sup> [Integrity in Scientific Research](#), Institute of Medicine, National Research Council, (2002).

Deleted: The Responsible Conduct of Research in Health Sciences

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

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

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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**

516: Travel – Non-Employees

Language is added to Section 5 to state if a department prepays for a non-employee's airline ticket, a notice must be given to the non-employee that s/he will need to refund the cost of the ticket to NDSU if s/he cancels the travel plans. It is the department's responsibility to pursue a refund if the non-employee cancels the travel plans.

Situations might occur when a job candidate chooses not to come to NDSU for an interview after the travel plans were already set. Non-refundable tickets are made under the passenger's name, not NDSU, and thus the passenger could possibly walk away with the refund or let the ticket lapse. Either way, NDSU would be out the cost of a prepaid ticket that was never used by the non-employee for the purpose intended.

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

Policy Coordination Committee - 10/19/07

Staff Senate -

University Senate -

President's Council -

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

General Counsel

Draft 2

(10/23/07)

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For any questions please send e-mail to:  
NDSU.Policy.Manual@ndsu.edu <mailto:NDSU.Policy.Manual@ndsu.edu>  
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SECTION 516: TRAVEL - NON-EMPLOYEES

SOURCE: NDSU President

1. Travel expenses may be reimbursed to non-employees such as independent contractors or prospective candidates for employment. Travel expense reimbursements will be limited to mileage, airline tickets, meals and lodging.

To a certain extent, the type of travel expenses to be reimbursed and rate of reimbursement is negotiable between the department and the non-employee. Rate limitations indicated the employee travel section (Policy 515), do not necessarily apply to non-employees, although it is suggested that the employee rates be used. The request for payment form should be used to reimburse non-employees for travel expenses (using [account 623200 - Non-Employee Travel](#)).

Deleted: TCC 404 - Non-Employee Travel

2. MEAL ALLOWANCE  
The recommended method is to reimburse non-employee meals based on meal allowance rates applicable to state employees. In this case, documentation should be maintained indicating the dates and quarters for which the meal allowance is being claimed.

2.1

If necessary, meal allowances may be paid to non-employees where the per diem rate is based on the rate schedule established by the Internal Revenue Service. If the non-employee is reimbursed for meals based on the meal allowance, no receipts are required.

2.2

Actual Receipt

A department may agree to reimburse meals at actual cost. This is allowable if an original receipt is used as support. No reimbursement for alcoholic beverages is allowed.

3. LODGING

Non-employees may be reimbursed for their lodging expenses at actual cost (including sales taxes), regardless of whether the

stay is in-state or out-of-state. As an alternative, a department may directly pay the lodging facility for the cost of non-employee lodging.

4. MILEAGE

The recommended method is to reimburse non-employees for mileage at a rate of 25 cents per mile.

4.1

If necessary, non-employee mileage may be reimbursed up to the rate allowed for deductibility purposes by the Internal Revenue Service.

5. AIR TRANSPORTATION

Non-employees may be reimbursed for the actual cost of their airline ticket. As an alternative, a department may directly pay a travel agency or airline for the cost of the ticket. However, if the department prepays the ticket for the non-employee, there must be notice to the non-employee that s/he will be responsible for the cost of the ticket if s/he cancels or changes the travel plans and the University is otherwise not able to be refunded. If the non-employee chooses to cancel or reschedule the travel plans, it is the department's responsibility to follow-up with the airline and/or non-employee to pursue a refund for the ticket and any excess charges.

6. EXCESS TRAVEL OR OTHER EXPENSES

Travel expense reimbursements to non-employees that are in excess of the rates allowed by the Internal Revenue Service, or entertainment and other expenses that do not fit in the travel category, may still be accomplished; however, these expenses should be coded as income to the non-employee (such as: account 621325

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- Fees for Services) so the non-employee may receive an IRS For 1099.

7. INSURANCE

Normally, non-employees are responsible for their own insurance costs.

HISTORY: June 19, 2000.

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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):

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**Section**

708: Campus Maintenance and Service Requests

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Update source and Facilities Management Department name.

Update language as with regards to what Facilities Management is responsible for in terms of maintenance. Also, update language on procedures for service requests.

2. This policy has been reviewed/passed by the following (include dates of official action):  
 Policy Coordination Committee - 4/30/07; 5/18/07; 9/17/07; 10/19/07  
 Staff Senate – 5/9/07  
 University Senate – 5/7/07; 9/10/07  
 President’s Council – 5/1/07

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

SECTION 708: CAMPUS MAINTENANCE AND SERVICE REQUESTS

SOURCE: NDSU President

1. The Facilities Management department is responsible to operate, manage, repair and clean all academic and administrative (defined by the State Board of Higher Education as Type I and II) buildings and common building systems, basic classroom furniture, equipment, and appurtenances (accessories) in public areas. Office furnishings are the responsibility of the occupying department.

1.1

Report all maintenance problems by calling the Facilities Management department at 231-7911.

2. A department requiring special equipment unique to its discipline (including office equipment), must pay for its installation, maintenance, repair and replacement.

3. Departments requesting new cabinetry and/or repairs and renovations to cabinetry, will be billed for both the costs of material and labor.

4. General grounds and landscape services are the responsibility of Facilities Management.

4.1

Specialized grounds, turf and landscape services will be billed to the requesting department for both the costs of material and labor.

5. Requests for specific departmental services must be made on a Facilities Management service request form. Forms are available at [www.ndsu.edu/facilitiesmanagement](http://www.ndsu.edu/facilitiesmanagement).

6. Effective July 2003, all new operating costs for non-academic/administrative (defined by State Board of Higher Education as Type III) buildings will be funded by the functional unit that operates the building.

7. For more details and building types defined, visit Facilities Management web site at: [www.ndsu.edu/facilitiesmanagement](http://www.ndsu.edu/facilitiesmanagement)

HISTORY: July 1990, Amended July 1993

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 6.1. For non-academic/administrative buildings prior to July 2003, Facilities Management has financial responsibility to operate, manage, and repair internal building utilities.¶  
 ¶  
 7

**POLICY CHANGE COVER SHEET**

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

**Section**

711: Safety Office: Hazardous Materials and Chemical Management/Radiation Safety/Asbestos

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Update source and department names.

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

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Policy Coordination Committee - 4/30/07; 5/18/07; 10/19/07  
 Staff Senate -  
 University Senate –  
 President’s Council -

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

Facilities Management  
 University Police & Safety Office

Draft 3 (9/21/07)

**SECTION 711: SAFETY OFFICE: HAZARDOUS MATERIALS AND CHEMICAL MANAGEMENT/RADIATION SAFETY/ASBESTOS**

**SOURCE: NDSU President**

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- Chemicals and other hazardous substances should be used only by persons familiar with their hazardous characteristics. Safety precautions need to be followed as appropriate and must include the use of appropriate personal protective equipment to include, at a minimum, laboratory apparel, safety goggles, respirators, and/or fume hoods.

1.2

The disposal of all hazardous substances is handled by the Safety Office of the University Police and Safety Office (UP&SO). Hazardous items may not be disposed of in common trash containers, or in the University sewer system. If in doubt as to whether or not a substance is hazardous, the employee should contact the Safety Office (231-7759).

- Radioactive materials can be used by University personnel only after authorization has been granted by the University Radiation Safety Committee. The Safety Office should be

contacted to obtain an application for radioactive material usage, or for any other questions on radiation safety related matters.

3. All University buildings identified as potentially containing asbestos material have been surveyed for the substance by means of sampling and evaluation. Where buildings have not been surveyed (e.g., new or newly renovated buildings), documentation is available indicating that no asbestos containing material was used during the construction process.

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**Deleted:** Existing asbestos has been encapsulated such that the asbestos fibers are nonfriable. This means the fibers cannot become airborne and therefore cannot be inhaled by persons occupying the rooms.

4. NDSU has developed a Safety & Risk Management Program to protect its employees whose jobs place them at risk of exposure or injury due to on-the-job hazards. Safe Operating Procedures/Standards have been developed to establish uniform requirements for all chief hazards. These standards are available to all employees for review from the Safety Office.

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HISTORY: July 1990; Amended May 1996

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# Golden Key International Honour Society North Dakota State University

NDSU Memorial Union • Fargo, ND 58105 • (701) 231-9878

2007-2008 Officers

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President

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VP of Finance

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VP of Membership

Emily Hagemeister  
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## Golden Key and Staff Senate Hold a Successful Service Project for Make a Difference Day - For Immediate Release - Tuesday, October 30, 2007

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Fargo, ND- NDSU's chapter of Golden Key International Honour Society and the Public Relations Committee of NDSU's Staff Senate collected supplies for two local agencies. Collected supplies were given to the YWCA Shelter (an organization providing emergency shelter to women and children) and Churches United for the Homeless (an organization providing food and shelter to those in need). This project was done in connection with Make a Difference Day, a national day of service sponsored by *USA Weekend* (<http://www.usaweekend.com/diffday/index.html>).

Over 54 hours of community service were logged by participants. Because all items were packaged with different amounts, each individual item (i.e., 20 diapers/wipes in a single package were counted as 20 diapers/wipes) was counted to make tabulation/comparisons easier. There were 1770 items collected. This successful collection drive gave the following items as part of the contribution to the two agencies:

- Individual-sized shampoo (51)
- Individual-sized conditioner (92)
- Individual-sized specialty shampoo (58)
- Individual-sized bar soap (111)
- Full-sized bar soap (75)
- Pots and pans (7)
- Cooking utensils (15)
- Kitchen towels (7)
- Bath towels (5)
- Diapers (275)
- Baby/toddler wipes (254)

Golden Key International Honour Society was founded on November 29, 1977, at Georgia State University. Golden Key recognizes juniors and seniors in all academic fields. Students at these levels who are in the top 15% of their respective classes are invited to join annually. Golden Key has 350 chapters in Australia, New Zealand, Puerto Rico, Canada, the Virgin Islands, Malaysia, South Africa, the United Arab Emirates, and the United States. The NDSU chapter was established on November 21, 1995, and chartered on April 16, 1996. Since then, the chapter has received numerous regional and international awards, including Best New Chapter, Key Chapter, Honorable Mention Key Chapter, and Gold-Level Chapter.

NDSU Staff Senate was established in 1990. Approximately 5% of NDSU's staff members serve on Staff Senate, representing their peers, working to highlight staff members and issues, and serving the campus and local communities. The organization's mission is as follows: NDSU Staff Senate addresses the needs and aspirations of university staff by promoting a progressive campus environment.

We showed how much NDSU cares for the Fargo-Moorhead community by having a very successful collection drive for these two agencies. Thank you for helping to make a difference in the Fargo-Moorhead area!

Golden Key is a member of the Association of College Honor Societies

