

NORTH DAKOTA STATE UNIVERSITY
STAFF SENATE MEETING MINUTES

March 2, 2011

Memorial Union, Great Room

Staff Senate meeting minutes are archived on our Web site
at: http://www.ndsu.edu/staff_senate/meeting_information/meeting_minutes/

Upcoming Staff Senate Meetings:

April 6, 2011	9:30 – 11:00 a.m.	Great Room, MU
May 4, 2011	9:30 – 11:00 a.m.	Great Room, MU

Upcoming Executive Committee Meetings:

March 16, 2011	9:30 – 11:00 a.m.	Rec Center Conf Rm, MU
April 27, 2011	9:30 – 11:00 a.m.	Rec Center Conf Rm, MU
May 18, 2011	9:30 – 11:00 a.m.	Rec Center Conf Rm, MU

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).

All broadbanded staff members are encouraged to attend.

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)231-770

Call to order

Kris Mickelson called meeting to order at 9:35 a.m.

I. **Attendance Report** – Heather Heger

Substitutions:

Andrea Abrahamson for Janis Bork
Sheila Boyda for Jean Hagen
Ann Marschke for Natalie Leer
Jeremy Adelman for Megan Paradis
Cindy Lura for CeCe Rohwedder
Randi Smith for Mary Sinner

Absent:

Tammy Cummings
Cole Davidson
Janet Davidson – Harrington
Will Ferguson
Ron Fingarson
Austen Germolus
Chad Lindberg
April Moser
Stephanie O'Brien

Present: 49

Absent: 9

II. **Campus Kudos**

Campus Kudos were presented to:

- Diane Ness – Nominated by Jan Lofberg
- Dorothy Davis – Nominated by Laura Dallmann and Rita Prunty

III. **Consent agenda For Information – MOTION:** (Miller/Lofberg) to approve consent agenda for information. **MOTION CARRIED.** No discussion.

Policy 703 (v5) - Bison Card Terms and Conditions

Policy 151 (v1) – Code of Conduct (previously listed as Policy 151.2 – has now been incorporated into 151)

Consent agenda – For Input: MOTION: (Olson/Beesler-Thompson) to approve consent agenda for Input. **MOTION CARRIED.** No discussion.

Policy 155 (v3) – Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees – Erika Beesler-Thompson/Rick Johnson

IV. **Approval of Meeting Agenda**

MOTION: (Backen-Andersen/Haney) to approve agenda. **MOTION CARRIED.**

V. **Program** – LaDonna DeGeldere gave an update on Mortar Board – National College Senior Honor Society. The national website is: www.mortarboard.com.

VI. **Student Government Report – no report**

VII. **Faculty Senate Report – Gary Totten**

First vote to approve bylaws was passed. They would like to thank Kris Mickelson and Laura Dallmann for help with the bylaws. Faculty Senate passed a bike-friendly campus resolution. The purpose is simply to make the issue more aware on the campus

The Provost has requested an ad hoc committee be created to review the grade appeals.

VIII. Approval of the February 2, 2011 minutes MOTION: (Bisek/Pierce) to approve meeting minutes.
MOTION CARRIED.

IX. Treasurer's Report –Kathy Backen-Andersen
Appropriated Fund - \$408.45
Agency Fund - \$2,782.74
Local Fund - \$8,717.14

X. Advisor Comments – Colette Erickson

Responsibility reviews for all staff are due 3/31/2011. Anyone who hasn't received a responsibility review since June, 2010 will need to have a responsibility review turned in to Human Resources by 03/31/2011 to be eligible for the July increase.

XI. Reports of the Committees

A. Executive – Kris Mickelson

- We are still working on SWOT. We are working on the survey for the entire Staff Senate Body.
- Elections: Nominate fellow Staff Members

B. NDUS Staff Senate – LaDonna DeGeldere/Kathy Backen-Andersen

- House Bill 1213 was approved by house 79/13, waiting for the Senate and should be voted on in the next 2-3 weeks.
- Aaron Berg has been asked to sit at the Capital for the day to represent state Staff Senate.

C. Standing Committees

1. **Bylaws** – Vince Anderson – no report
2. **Election** – Vance Olson – Go out and nominate Senators, check with supervisors and make sure those nominated are eligible.
3. **Legislative** – Debra Severson - We are watching what is happening with the current bills that are up for approval. Please feel free to contact them.
4. **Program** – Victoria Miller – no report
5. **Public Relations** – Deb Haney/Marilyn Dowdy – no report
6. **Scholarship** –Connie Eggers – They are ready to go with applications for the 2011-12 Staff Senate Scholarships. Application acceptance is opening tomorrow and closing Monday, April 14, 2011. Eligibility is posted. Several scholarships worth: \$100 and \$500 each. There will be approximately \$2,500 to award.
7. **Staff Development** – Jodi Pierce - We are working on compiling the comments/surveys from the Discover U program. March 17, 2011 we will have a mini-session "Do you have your ducks in a row" dealing with preparing for a flood.
8. **Staff Recognition** – Jan Lofberg – Deadline is March 11, 2011 for nominations.
9. **Valentine Ball** – Vicki Miller – Valentine Ball was a very successful event. Over 300 attendees, DJ and dance lessons were a lot of fun. We have received a request to have the Rumba be taught as the dance lesson for next year.

D. President's Cabinet – Vance Olson

The international students that come to this campus and to this state add value to our organization. Legislative Session is supposed to end April 27, 2011 so we will know more about our benefits information by then. Employees are encouraged to speak out about legislative issues. If you have any questions, please let us know.

XII. New Business

MOTION: (Watson/Jergenson) to form an ad hoc committee to investigate changing our core business hours. There has been interest in core business hours changing from 8:00 a.m. – 5:00 p.m. to 7:30 a.m. – 4:00 p.m. or some other base hours. Volunteers for the ad hoc committee:

- Wendy Clarin
- Deb Haney
- Jan Lofberg
- Marilyn Dowdy
- Sheila Watson

Every Wednesday afternoon at 3:00 PM the flood committee meets to discuss how we are going to handle the flooding in its different stages and how the campus is going to continue to operate. Also, how we are going to get volunteers to help with the sandbagging before the flooding starts. Students will be leaving for spring break shortly, please pick up the void. If you cannot help with sandbagging, you can go to firstlink.org to see where else help is needed. Making sandwiches, coffee, or whatever is needed.

XIII. Announcements

There is a link created on our webpage that let's you go to the legislative branch and allows you to find your district and your representative and their contact information. You cannot use your NDSU e-mail or other NDSU resources to contact your legislature.

XIV. Adjourn

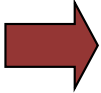
10:20 a.m. Adjourned by Kris Mickelson

Scheduled meetings:

- *Staff Senate: Wednesday, April 6, 9:30-11:00, MU, Great Room*
- *Executive Committee: Wednesday, April 27, 9:30-11:00, MU, Rec Center Conf Room*

Policy Change Cover Sheet

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



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

SECTION: **703: BISON CARD TERMS AND CONDITIONS**

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

Adds language regarding the proper disposition of credit balances on Bison Bucks accounts after the student leaves the University, either by graduating or withdrawing.

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

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 11/10/10 – presented to PCC; 01/26/2011 V3 presented to PCC; 02/23/2011 PCC reviewed V5 – will be routed to ALL FOR INFO

Faculty 01/31/2011 V3 routed for info; Will review V4 –changes were made per Wendy

Senate: Clarin: 02/24/2011 V5 routed for INFO

Staff Senate: 01/31/2011 V3 routed for info; approved V3 02/02/2011; 02/24/2011 V5 routed for INFO

President's Council: 01/31/2011 V3 routed for info; 02/24/2011 V5 routed for INFO

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

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to kim.matzke-ternes@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 703: BISON CARD TERMS AND CONDITIONS

SOURCE: NDSU President

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

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

1. To obtain a Bison Card, an individual must first be assigned a university generated identification number.
2. The Bison Card is intended for campus use only and must be returned upon request.
3. The Bison Card is non-transferable and will be confiscated and returned to the Bison Card Center if found in the possession of another person.
4. The Bison Card must be presented upon any request for campus services.
5. The cardholder will not damage or alter the card in any manner. This includes, but is not limited to, punching holes in or affixing unapproved stickers to the card.
6. The Bison Card, transactions and activities related to the use of the card, and any account balances are the sole responsibility of the individual cardholder.
7. IMMEDIATELY report lost, found, or stolen cards to the NDSU University Police (701-231-8998).

8. A replacement Bison Card can be obtained at the Bison Card Center (Memorial Union). A photo ID is required at the time of replacement.
9. The Bison Card is valid for as long as the person retains their student, faculty or staff status at NDSU.

10. A fee is charged for all new cards and a replacement fee is charged for any lost, stolen or invalid card. The first card for all faculty and staff will be charged to his/her department. Billing information is required at the time of the card production. Lost, stolen or invalid cards will be the responsibility of the employee.

~~10,11.~~ Cardholders may only possess one valid ID card. Any card that has been replaced after the previous was lost or stolen is no longer valid. Cards cannot be reactivated.

Comment [DM1]: Input by Wendy Clarin.

~~11,12.~~ Associate Status for any individual/group must have prior approval by the NDSU President or Vice President for Student Affairs. Associate Status is granted to groups or individuals who may work on campus, but are not students or staff or the University.

~~11,12.1~~ Associate Status does not guarantee access to all NDSU activities, events, and facilities.

~~12,13.~~ The Card Department Director, Campus Police or Facilities Management may revoke a Bison Card if it is determined that abuse of the privileges associated with the Bison Card has occurred. Students who misuse their Bison Cards may also be referred to the Dean of Student Life Office for possible disciplinary actions. Faculty or staff misuse will be reported to the faculty or staff members' supervisor.

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

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

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

Comment [DM2]: Per consultation with Wendy Clarin.

4.5. For those students who are graduating, or withdrawing, or cancelling enrollment from the University, and who also have a balance of \$15 or more on their Bison Bucks accounts,

the University will first apply the balance to the student's university account. If there is no money owed to the student's NDSU account, the a refund will be generated. forward the balance to the student's last known address in the form of a check.

Comment [DM3]: Per consultation with Wendy Clarin.

5.1 If the check or direct deposit funds are is returned, the University shall hold on to retain it for safekeeping for three years. Attempts are periodically made to contact the student until the time the check is written off and the money is turned over to the state abandoned property office.

5.2 Checks that are neither returned nor cashed for more than two years after becoming payable are presumed abandoned (N.D.C.C. § 47-30.1-02.1).

Comment [DM4]: NDCC 47-30.1-02.1 regarding uncashed checks states:

"Except as provided in sections 47-30.1-04 and 47-30.1-05, any checks held, issued, or owing in the ordinary course of the holder's business which remain uncashed by the owner for more than two years after becoming payable are presumed abandoned."

NDCC 47-30.1-04 pertains to traveler's checks and money orders. Traveler's checks are presumed abandoned after 15 years; money orders are presumed abandoned after 7 years.

NDCC 47-30.1-05 pertains to checks and drafts issued and certified by banking institutions. This includes cashier's checks and certified checks, which are presumed abandoned after 3 years.

5.3 Uncashed NDSU checks are accounted for as outstanding checks until they are written off.

5.4 When uncashed NDSU checks are written off, they are temporarily placed in a local NDSU fund for old outstanding checks. On November 1st of each year, NDSU submits the outstanding check funds with the required reports to the state abandoned property office. Separate unclaimed property reports are required for over \$50, versus \$50 and under.

5.5 Per N.D.C.C. § 47-30.1-03, any intangible property (which includes, but is not limited to, moneys, checks and credit balances), that is unclaimed for more than three years becomes abandoned property and is then reported and handed over to the administrator of the state abandoned property office, who is then responsible for the safekeeping and final disposition of the abandoned property.

5.6 A \$15 fee, or the account balance if it is under \$15, will be imposed for accounts that are inactive for more than one year from the date of the last transaction.

Comment [DM5]: Per consultation with Wendy Clarin.

6.7 Customers with checks returned for insufficient funds will have accounts frozen until payment is received.

7.8 Funds are non-transferable.

8.9 IMMEDIATELY report lost or stolen cards to the NDSU University Police (701-231-8998). Once the card has been reported lost, the cardholder is not responsible for any additional purchases. Per federal regulations, the cardholder is responsible for up to \$50 if the lost or stolen card is reported within two business days. If the lost or stolen card is not reported within two business days, the cardholder can be liable up to \$500 or the total account balance, whichever is lower.

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

Policy 703 Version ~~1~~ ~~2~~ ~~3~~ 4 5 3/12/10 11/10/10 12/09/10 2/04/11 2/10/11

HISTORY: April 1998; May 2005, October 2007

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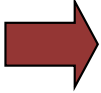
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SECTION: SECTION 151.2: CODE OF CONDUCT

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

- *NDUS campuses had six months from the date of SBHE approval to get policy language modified so it was specific to each campus. We are up against the 6 month deadline. Renumbers current policy 151.2 as Policy 151. Makes current Policy 151 (Conflict of Interest) subsection 3.1 of new Policy 151 (Code of Conduct), and deletes current Policy 151.2. Purpose is to make the State Board's Code of Conduct Policy the parent policy in 151.*

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

- *Office of Human Resources/Payroll*
- Colette.erickson@ndsu.edu

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 1/26/11 presented to the PCC; 02/23/2011 GC renumbered the policy. PCC reviewed 151 V1, this will be routed to ALL FOR INFO.

University: 02/24/2011 V5 routed for INFO

Faculty

Senate:

Staff Senate: 02/24/2011 V5 routed for INFO

President's: 02/24/2011 V5 routed for INFO

Council:

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POLICY MANUAL

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SECTION 151.2: CODE OF CONDUCT

SOURCE:

SBHE Policy Manual, Section 308.1

SBHE Policy Manual, Section 611.4

NDSU President

1. Introduction and Application.

This Code of Conduct governs the State Board of Higher Education and its members and establishes minimum standards for all NDUS officers and employees. The Board and entire NDUS are committed to uphold the highest ethical and professional standards. All Board members and NDUS officers and employees must, at all times, comply with all applicable laws, regulations, policies and procedures. Activities that achieve results unlawfully or in violation of applicable policies or procedures or by unethical behavior - including, but not limited to, payments for illegal acts, indirect contributions, rebates, or bribery - are not tolerated and must be reported. All conduct must meet or exceed minimum standards established by law.

2. General Conduct.

The Board supports an environment that is free of discrimination or harassment. All Board members, officers and employees are expected to conduct themselves in a businesslike manner. Unlawful consumption of alcoholic beverages or use of illegal drugs, being at work while under the influence of alcohol or drugs, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDUS, are prohibited. Violation of applicable laws or policies governing possession and use of alcoholic beverages or drugs, including the Drug Free Workplace Act, SBHE Policy 615 or applicable system office or institution policies, are prohibited. Likewise, sexual or other harassment (including actions contributing to a hostile work environment) in violation of federal or state law or SBHE Policy 603.1, is prohibited.

3. Conflicts of Interest.

All Board members, officers and employees are expected to perform their duties

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conscientiously, honestly, and in accordance with the best interests of the NDUS. All Board members, officers and employees must comply with applicable federal and state laws. Board members, officers and employees may not unlawfully use their position or the knowledge gained as a result of their position for private or personal advantage. All Board members, officers and employees are responsible for their own actions. Any individual who has concerns or questions regarding a perceived or potential conflict or regarding application or interpretation of federal or state law or SBHE policy is encouraged to communicate with a superior or with legal counsel.

3.1 Conflict of Interest – Contracts.

An officer of the North Dakota State Board of Higher Education authorized to sell or lease any property or make any contract in the officer's official capacity is subject to the provisions of N.D.C.C. Section 12.1-13-03 and may not be interested in any such sale, lease or contract.

Pursuant to N.D.C.C. Section 48-02-12, employees of the Board may not have any interest in a public construction or repair contract.

An employee of the Board may not have an interest in any contract involving the expenditure of public or institutional funds entered into by the institution that the employee serves or by the Board unless:

- a. N.D.C.C. Sections 12.1-13-03 and 48-02-12 do not apply; and
- b. The contract is approved by the institution's chief financial officer or, if the employee in question is the chief financial officer or president of an institution or an officer of the Board, by the Board, following full disclosure of the employee's interest.

All employees involved in projects receiving federal funds shall consult applicable federal laws and regulations and comply with conflict of interest rules which may govern federal grants or other sponsored agreements.

An officer or other employee who violates this policy is subject to dismissal or other disciplinary action.

Employees of NDSU authorized (including delegated authority) by Policy 712 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.

Employees have an obligation to act in the best interests of NDSU. Any direct or indirect personal or financial interest which could create a conflict of interest or the appearance of a conflict of interest in any agreement, transaction or

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relationship must be disclosed by the employee by completing and signing the North Dakota State University Conflict of Interest Disclosure Statement and submitting it to the employee's supervisor. This includes but is not limited to the disclosure of privately owned assets being used or otherwise commingled with state assets and participation in any foundation, business or public entity which may create a conflict with an employee's obligations to NDSU. See also NDSU Policy 152: External Professional Activities.

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4. Outside Activities and Employment.

Board members, officers and employees share responsibility for good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the NDUS and is encouraged. However, officers and employees must comply with applicable federal and state laws, policies in Section 611 of the SBHE Manual and related system office and institution policies. At all times, employees must avoid outside activities that create an excessive demand upon their time and attention, thus depriving the NDUS of their best efforts in fulfilling their job duties or that create a conflict of interest, or an obligation, interest, or distraction that interferes with the independent exercise of judgment in the NDUS' best interest.

5. Relationships With Clients and Suppliers; Conflicts of Interest.

Board members are not NDUS employees and may have other full or part-time employment and other professional, civic and personal responsibilities and activities, in addition to their part-time service as Board members. Nevertheless, Board members must be familiar with and comply with applicable laws governing conflict of interest that apply to Board members and should strive to avoid other activities that create an obligation, interest or distraction that interferes with the independent exercise of judgment in the best interest of the NDUS. They should avoid investing in or acquiring a financial interest for their own accounts in any business organization that has a contractual relationship with the NDUS or NDUS institution, or that provides goods or services to the NDUS, if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties.

6. Gifts, Entertainment and Favors; Kickbacks and Secret Commissions.

Excluding on *de minimus* contributions, such as purchase of a meal at reasonable value as part of a conference or other event with no conditions attached to such purchase and as permitted under applicable federal and state laws, Board members, officers and employees may not accept favor of any person or organization with whom or with which the NDUS or NDUS institution has, or is likely to have, business dealings. Similarly, Board members officers and employees may not accept any other preferential treatment under circumstances that because of their position with the NDUS, the preferential treatment may influence or be perceived as influencing their official conduct. Board members, officers and employees may not receive payment or compensation of any kind from any source for NDUS duties and responsibilities, except as authorized under applicable law or NDUS pay policies. Specifically, the acceptance of "kickbacks" or commissions in any form from vendors, suppliers or others is prohibited.

7. NDUS Funds and Other Assets

Board members, officers and employees who have access to NDUS fund and other assets in any form must follow the prescribed procedures for recording, handling, and protecting money and other assets as detailed in applicable NDUS procedure manuals or other explanatory materials. Any person who has information concerning possible fraud or dishonesty shall immediately report such information to a superior or to legal counsel.

Board members, officers and employees responsible for spending or approving expenditure of NDUS funds or incurring any reimbursable expenses must comply with all applicable laws and policies and use good judgment on behalf of the NDUS to ensure that good value is received for every expenditure. NDUS funds and all other assets are for NDUS purposes only and not for personal use or benefit. NDUS or other public equipment, supplies and other property or assets may not be used for private or personal use, except as authorized under SBHE Policy 611.5 or other applicable law or policy.

8. NDUS Records and Communications

Accurate and reliable records of many kinds are necessary to meet NDUS legal and financial obligations and to manage the affairs of the NDUS. NDUS books and records must reflect in an accurate and timely manner all business transactions. Board members, officers and employees responsible for accounting and recordkeeping must fully disclose and record all assets and liabilities and exercise diligence in enforcing these requirements. Board members, officers and employees must not make or engage in any false record or communication of any kind, whether internal or external, including, but not limited to, false expense, attendance, enrollment, financial, or similar reports and statements, or false advertising, deceptive marketing practices, or other misleading representations.

9. Dealing with Outside People and Organizations.

Board members, officers and employees must take care to separate their personal roles from their NDUS positions when communicating on matters not involving NDUS business. They may not use NDUS identification, stationery, supplies, and equipment for personal or political matters. When communicating publicly on matters that involve NDUS business, Board members, officers and employees may not represent that they speak for the NDUS, unless that is one of their duties or they are otherwise authorized to do so. when dealing with anyone outside the NDUS, including public officials, Board members, officers and employees must take care not to compromise the integrity or damage the reputation of the NDUS or any institution.

10. Prompt Communications.

In all matters involving communication with NDUS students, customers, suppliers, government authorities, the public and others, Board members, officers and employees must endeavor to make complete, accurate, and timely communications and respond promptly and courteously to all proper requests for information and complaints.

11. Privacy, Confidentiality and Open Records.

Board members, officers and employees must at all times comply with applicable laws,

regulations and SBHE policies concerning privacy, confidential records, access to open records and records retention.

12. Reporting Suspected Violations; Procedures for Investigating Reports.

Officers and employees shall report suspected violations of this Code to their superior, some other senior manager or administrator or legal counsel. In addition, the NDUS shall maintain a [fraud hotline](#) and suspected violations may be reported by use of that hotline. Any officer or employee who makes a report in good faith shall be protected against retaliation of any kind; any officer or employee who retaliates or attempts retaliation in response to a good faith report shall be subject to dismissal or other discipline. Failure to report known or suspected violations is in itself a violation and may lead to dismissal or other disciplinary action.

Board members who have information concerning a possible violation of this Code or are uncertain about application or interpretation of any legal requirement should report the matter to the chancellor, legal counsel or the attorney general.

Alleged violations of this Code involving NDUS officers or employees shall be investigated by the appropriate NDUS officer. All officers and employees shall cooperate in investigations of alleged violations. A violation of this Code is cause for dismissal or other appropriate disciplinary action, in addition to any criminal or other civil sanctions that apply.

13. Institution Codes.

The NDUS office and each NDUS institution shall adopt and implement a Code of Conduct consistent with this Code and Committee of Sponsoring Organization of the Treadway Commission (COSO) Standards. NDUS office and institution codes shall include:

- a. A Statement of the organization's values;
- b. The people or groups of people affected;
- c. A brief description or list of key behaviors that are accepted and not accepted;
- d. How to identify and resolve conflicts of interest;
- e. How to report violations and to whom;
- f. Consequences of violating the Code;
- g. Consequences of failure to report known or suspected violations; and
- h. How reports will be investigated.

The NDUS office and each institution shall require that each new employee review the Code of Conduct and sign a statement certifying the employee has read and agrees to comply with the Code. Further, all benefited employees are required to annually certify in writing that they have read and are in compliance with the Code of Conduct.

Resources and Related Policies:

[NDSU Policy 100: Equal Opportunity and Nondiscrimination Policy](#)

[NDSU Policy 110: Employment of Relatives](#)

Policy 151.2, Version 1, 120610 02/22/11

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NDSU Policy 100.1: Nondiscrimination of the basis of Disabilities and Reasonable Accommodation

NDSU Policy 112: Pre-employment and Current Employee Criminal Record Disclosure

NDSU Policy 151: Conflict of Interest

NDSU Policy 151.1: External Activities and Conflicts of Interest

NDSU Policy 152: External Professional Activities

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

NDSU Policy 160: Political Activities of University Employees

NDSU Policy 161: Fitness for Duty

NDSU Policy 162: Sexual Harassment Policy

NDSU Policy 162.1: Consensual Relationships

NDSU Policy 169: Employee Responsibility and Activities: Theft and Fraud

NDSU Policy 169.1: Employee Misuse of Property Reports - - Protections

NDSU Policy 190: Employee Responsibility and Activities: Intellectual Responsibility

NDSU Policy 323: Selection of Textbooks and other Curricular Materials

NDSU Policy 326: Academic Misconduct

NDSU Policy 345: Research Involving Human Subjects

NDSU Policy 340.1: Coursepacks

NDSU Policy 400: Purchasing - General Policies

NDSU Policy 406: Surplus Property

NDSU Policy 505: Property, Plant and Equipment

NDSU Policy 700: Services and Facilities Usage

NDSU Policy 700.1: Use of University Name

NDSU Policy 700.2: Taking Equipment Off-Campus

NDSU Policy 700.3: Personal Use of State Property

NDSU Policy 710.1: Web Advisory Board

NDSU Policy 712: Contract Review

NDSU Policy 718: Public/Open/Restricted Records

NDSU Policy 823: Financial Disclosure - sponsored Projects

NDUS Policy 603.3: Nepotism

NDUS Policy 611.2: Employee Responsibility and Activities: Intellectual Responsibility

NDUS Policy 611.4: Employee Responsibility and Activities: Conflict of Interest

NDUS Policy 611.9: Selection of Textbooks and Other Curricular Materials

NDUS Policy 803.1: Purchasing Procedures

Conflict of Interest Form

NDSU Consulting Authorization Request Form

NDSU Fraud Hotline

AAUP Statement of Professional Ethics

NDSU Research Foundation

N.D.C.C. Ch. 12.1-13 (See section 12.1-13-03: Public servant's interest in public contracts.)

N.D.C.C. Ch.48-01.2: (See section 48-01.2-08: Officers must not be interested in contract.)

N.D.C.C. Ch. 44-04: (See section 44-04-09: Nepotism.)

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HISTORY: June 2010 New Policy, July 2010hk

- POLICY MANUAL HOME PAGE :

- SEARCH POLICY :

- NDSU HOME PAGE

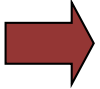
[NDSU PolicyManual](#)

Last Updated: Monday July 26, 2010

Published by North Dakota State University

Policy Change Cover Sheet

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



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

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

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
This policy has been updated in response to an objective of the President's Council on Alcohol and Other Drugs Strategic Plan to Address High Risk Alcohol and Other Drug Use. The plan calls for a review of the university alcohol policy every three years. Updates were made regarding implementation of the policy to further clarify actions taken in response to violations and expand on situations where the policy is enforced. These changes were made under the advisement of NDSU's General Counsel and campus judicial officials. Additional changes were made for ease of reading and to correct grammatical errors.
This policy has been updated in response to an objective of the President's Council on Alcohol and Other Drugs Strategic Plan to Address High Risk Alcohol and Other Drug Use. The plan calls for a review of the university alcohol policy every three years. Updates were made regarding implementation of the policy to further clarify actions taken in response to violations and expand on situations where the policy is enforced. These changes were made under the advisement of NDSU's General Counsel and campus judicial officials. Additional changes were made for ease of reading and to correct grammatical errors.
2. This policy was originated by (individual, office or committee/organization):
This policy was originated by (individual, office or committee/organization):
President's Council on Alcohol and Other Drugs – Campus Policy & Law Subcommittee
Primary Contact: Erika Beseler Thompson, Assistant Director/Alcohol and Other Drug Abuse Prevention, Erika.Beseler@ndsu.edu, 701-231-5478
Date Submitted: November 26, 2010
President's Council on Alcohol and Other Drugs – Campus Policy & Law Subcommittee
Primary Contact: Erika Beseler Thompson, Assistant Director/Alcohol and Other Drug Abuse Prevention, Erika.Beseler@ndsu.edu, 701-231-5478
Date Submitted: October 29, 2010
3. This policy has been reviewed/passed by the following (include dates of official action):
This portion will be complete by Kim Matzke-Ternes
Policy
Committee: 11/10/10 presented to PCC; 12/08/2010 presented V2 112610: 01/26/2011 brought back to PCC ; 02-23-2011 GC made further updates, V3 022311 will be routed to all for INPUT
University 02/24/2011 – Routed for INPUT
FACULTY
Senate:

Policy 155 Version 823 ~~October 29, 2010~~ 112610 022311

Staff Senate: 02/24/2011 – Routed for INPUT

**President's
Council:** 02/24/2011 – Routed for INPUT

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

*The formatting of this policy will be updated on the website once the content
has final approval. Please do not make formatting changes on this copy.*

*If you have suggestions on formatting, please route them to kim.matzke-ternes@ndsu.edu.
All suggestions will be considered, however due to policy format guidelines, they may not be possible.
Thank you for your understanding!*

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

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1. NDSU complies with and supports the North Dakota State Board of Higher Education policy governing alcohol use on campus, the [Drug Free Workplace Act of 1988](#), Public law 100-690 and the [Drug-Free Schools and Communities Act Amendments of 1989](#), Public Law 101-226, and 2 CFR § 182.215.
2. The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the Board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President's residence, and other special exceptions as granted by the President or the President's designee. For the complete State Board of Higher Education policy see [SBHE Policy 918: Alcoholic Beverages](#).

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

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and ~~that~~ there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students and employees to the NDSU Counseling Center Ceres 212, or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the Employee Assistance Program provided by the Village (1-800-627-8220) or in the Fargo area (701) 451-4900. Employees may refer students in need of services to Counseling Center at (701) 231-7671. ~~While evaluation for alcohol, drug abuse and/or addiction is not available on campus, Counseling Center staff will work with the students to find appropriate community services. Referral information from Counseling Center is also available to those wishing to refer individuals to off campus agencies.~~ Faculty, staff and students can access information on available drug and alcohol prevention programs the university offers by going to the [Alcohol and Other Drug Prevention Programs](#) website.

3.1 Organizations are required, by Federal Regulation ([2 CFR § 182.215](#)), to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of drug abuse in the workplace. Information on the health risks of [alcohol abuse](#) and [drug abuse](#) can be found at the U.S. National Library of Medicine and the National Institute for Health.

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

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

4.2 Sale of alcoholic beverages by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sale such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.

4.3 Off-campus activity conducted by students, and employees and their respective campus organizations shall not encourage excessive and/or rapid consumption of alcoholic beverages. The use of alcohol at any such events is expected to be lawful and low risk. Registered student organizations planning off campus events at which alcohol may be available must complete and file with the Student Activities Office, Memorial Union 120, on the NDSU Event Risk Management Planning Notification Form. When planning an off-campus work related event where alcohol will be present, employees with questions about low-risk guidelines should contact the Director of Human Resources/Payroll, SGC Building (StopNGo Center).

4.4 University sponsored events that are held at locations off campus, and in which alcohol may be present, need are required to adhere to NDSU Policy 155 this policy. In addition, if alcohol will be served at the event, the sponsor(s) of the event should ensure compliance with N.D.C.C. § 5-02-06(4) regarding individuals under twenty-one years of age at events where alcohol is served. Sponsors need to be aware of both potential civil and criminal and should especially become familiar with liability issues for knowingly serving alcohol to minors or obviously intoxicated persons (N.D.C.C. § 5-01-06.1, § 5-01-09). Oversight of the distribution and consumption of alcohol is required at such events in order to manage risk. If the event is to be held on public grounds, e.g., Fargo parks, where alcohol will be served, the sponsor(s) of the event is/are required to obtain the appropriate permit for the event per N.D.C.C. § 5-02-01.1(2) (event permits). See, for example, the Park District of the City of Fargo Alcoholic Beverage Policy.

4.5 Alcoholic beverages shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off-campus.

4.6 The public display of advertising or promotion of the use of alcoholic beverages in University buildings or any other public campus area including all University owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, and large inflatable advertising, etc. (Entities that lease commercial or research property from the university may be excluded. However, the University may, in these leases, include provisions that will assist in its effort to promote legal and safe use of alcohol and to change the culture that perpetuates alcohol and other drug misuse and abuse.)

4.7 Alcohol promotional activities including advertising shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off-campus. This includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising.

4.8 Advertising of alcoholic beverages shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.*

*Student Newspaper (The Spectrum)

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

chooses to accept advertising for alcoholic beverages, decide to adopt guidelines compatible with this policy.

a. Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for one, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.

b. Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.

c. Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.

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

4.~~98~~ Unless otherwise authorized by the President of the University, the use of alcoholic beverages during all events held on the NDSU campus is strictly forbidden (including concerts, theatrical performances, athletics events, workshops, etc.).

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

5.1 Sanctions-Students & Student Organizations: Individual students and student organizations (including fraternities, sororities, residence hall associations and registered student organizations) who are found in violation of the University policy on alcohol and other drugs are subject to one or more of the following sanctions, dependent upon the severity of the violation and the existence or absence of prior alcohol or other drug violations: (For a more complete description of these sanctions and terms and conditions see the Code of Student Behavior.)

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

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

a. Warning (oral or written).

b. Behavioral probation (with or without supervision).

c. Suspension.

d. ~~Voluntary withdrawal.~~ Emergency suspension.

e. Expulsion.

5.1.3

~~In addition to the above mentioned sanctions~~ With each sanction, other restorative or educational actions may also be imposed actions or other terms and conditions may be assigned. In addition, notification

may be given to other university officials as necessary. Terms and conditions include, but are not limited to:

- a. Restitution.
- b. Confiscation.
- c. Restricted access to University facilities ~~and grounds.~~ removal from Residence Halls.
- d. Loss of privileges (including status as a registered student organization).
- e. Required Pparticipation in a specific program (i.e., counseling, drug and /or alcohol education).
- f. Educational sanction/projects (i.e., reflection paper or research)
- g. ~~Alcohol or other drug testing and/or evaluation.~~ Registration/Graduation Hold

NOTE: These sanctions ~~and/or~~ terms and conditions need not necessarily be applied in any numerical sequence. Any sanction may be chosen from this list for any violation, dependent upon its severity, and the behavioral history of the involved student(s) or student organization.

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

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

Financial Aid Eligibility: A federal or state drug conviction can disqualify a student from receiving federal financial aid funds. The conviction must have occurred during a period of enrollment for which the student was receiving Title IV aid (i.e., Federal Pell Grant, Federal Perkins Loan, Federal Direct Loan, etc.). Depending on whether the conviction was for sale or possession and if the student has previous offenses, the period of ineligibility can range from one year to an indefinite period. The student regains eligibility the day after the period of ineligibility ends or when the student successfully completes a qualified drug rehabilitation program as defined in A student who has been convicted of any offense under Federal or State law involving the possession or sale of a controlled substance will not be eligible to receive certain grant, loans or work assistance from the time of conviction through a period of ineligibility. Eligibility may resume prior to the end of the ineligibility period if rehabilitation requirements are completed as outlined in the Higher Education Opportunity Act of 2008, § 485(a)(7)(c) and (a)(9).

5.2 Notice and Sanctions - Employees

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

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

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

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

5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;

5.2.2 Disciplinary action for a violation of university alcohol or drug policy up to and including termination of employment. Disciplinary action may include one or more of the following:

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

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

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