

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

May 4, 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/](http://www.ndsu.edu/staff_senate/meeting_information/meeting_minutes/)

**Upcoming Staff Senate Meetings:**

June 2, 2011	9:30 – 11:00 a.m.	Great Room, MU
July, 2011 – No meeting		
August, 2011 – No meeting		

**Upcoming Executive Committee Meetings:**

May 18, 2011	9:30 – 11:00 a.m.	Rec Center Conf Rm, MU
June 15, 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](mailto: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*

**I. Call to Order**

Kris Mickelson called the meeting to order at 9:31 a.m.

**II. Guests** - President Bresciani and Vice President of Finance and Administration, Bruce Bollinger –  
Current State Board of Higher Education Budget Discussion

- We have a substantial budget shortfall
- We were very successful at bringing attention to our situation of being underfunded
- There were seven different options for splitting up the funding and all seven did not favor NDSU
- President Bresciani met with the three governments on campus and discussed the situation and what he heard from students was that they are very proud of the institution, the programs, and the educational experience that they are receiving. The students recommended an 8.8% tuition increase.
- There is a recommendation of a 2.5% cap on tuition increase statewide. President Bresciani is in the process of sending the paperwork to request an exception of this cap and have the 8.8% tuition increase go forward.
- Our tuition will be a little higher than UND's after this increase. Currently, UND's tuition is less than NDSU's.

**III. Attendance Report** – Jodi Pierce

Substitutions:

Annette Sprague for Carole Huber  
Erica Eischen for Carol Jergenson  
Dorothy White for Rita Lattimore  
Ann Marschke for Natalie Leer  
Ray Smith for Kay Modin

Absent:

Sheila Boyda  
Peggy Cossette  
Rob Davis  
Abby Exner  
William Ferguson  
Kate Fluge  
Austen Germolus  
Jean Hagen  
Heather Heger

Guests:

President Dean Bresciani  
Vice President Bruce Bollinger  
Kevin Black  
Shawn Affolter  
Cam Knutson  
Gary Totten

**IV. Campus Kudos** – Garrett Brunell

**V. Consent Agenda – For Information**

Policy 100 (v2) – Equal Opportunity and Non-Discrimination Policy

Policy 202 (v1) – Procedures for filling broadbanded positions - request to remove the policy from the manual and place as a procedure

Policy 331.1 (v3) – Course Syllabus

**MOTION:** (Backen-Andersen/Boschec) to approve Consent Agenda for Information. **MOTION CARRIED.**

**Consent Agenda – For Input**

Policy 171 (v4) – Staff and Faculty Recruitment and Moving Expenses

Policy 353 (v6) – Grievances - Faculty

Policy 601 (v2) – Rights and Responsibility of Community: A Code of Student Behavior

Policy 700 (v6) – Services and Facilities Usage

**MOTION:** (Olson/Clarín) to discuss these policies. Policies to be sent back to Policy Committee.

**MOTION CARRIED.**

- VI. Approval of the Meeting Agenda** **MOTION:** (Sundeen/Lenarz) to approve meeting agenda.  
**MOTION CARRIED.**

**VII. Student Government Report**

Kevin Black – Shawn Affolter

Thank Staff Senate for the tremendous collaboration from the Staff Senate.

Cam Knutson – they are extremely excited with this next year and the relationship that has been established with the Staff Senate.

**VIII. Faculty Senate Report - Gary Totten**

Tom Carlson will be the President Elect. Gary invites all of us to the faculty senate meetings if you are able. Priorities for coming year:

- Faculty Government a little more transparencies
- Equity and Diversity – made some good progress this year on policies
- Collaboration with Staff Senate and Student Government has been great and one of our goals is to continue that working relationship.

- IX. Approval of the April 6, 2011 Meeting Minutes** **MOTION:** (Dallmann/Beesler-Thompson) to approve the Minutes as written. **MOTION CARRIED.**

**X. Treasurer's Report** –Kathy Backen-Andersen

Agency Fund - \$234.79

Appropriated Fund– \$342.38

Local Fund - \$7,998.44

**XI. Advisor Comments** – Colette Erickson – no comment

Kris Mickelson thanked Colette for her support this past year.

**XII. Reports of the Committees**

**A. Executive** – Kris Mickelson

- Provost search was the biggest thing that we had going. Dr. Raffert was one of the two candidates that Executive Committee put forward.
- Started a SWOT process last June, we are going to create action items and then turn it over to the new members of the Staff Senate to go forward and make those happen.

**B. NDUS Staff Senate** – LaDonna DeGeldere/Kathy Backen-Andersen – meeting in Dickinson in June.

**C. Standing**

1. **Bylaws** – Vince Anderson – no report
2. **Election** – Vance Olson – Elections will be in Number XVII below
3. **Legislative** – Debra Severson – The FMLA has been increase from 40 to 80 hours.
4. **Program** – Victoria Miller – no report
5. **Public Relations** – Deb Haney/Marilyn Dowdy – no report
6. **Scholarship** – Stephanie O'Brien/Connie Eggers – Met yesterday to review applications. We had 43 applications, \$2502. to give out 5 children of staff, 4 general student awards, 1 staff award
7. **Staff Development** – Jodi Pierce/Paula Schneider – We are trying to schedule one more mini-session with Bruce Bollinger on how the salary increases are calculated.
8. **Staff Recognition** – Jan Lofberg – no report
9. **Valentine Ball** – Vicki Miller – no report

**D. President's Cabinet** – Vance Olson

Staff is included in many things because of your hard work, keep it going.

**E. COSE** - Laura Dallmann – The meeting this month will be in Grand Forks, not too late for FISH awards.

**XIII. Old Business**

**XIV. Introduction of New President** – Kristy Mickelson

It has been a wonderful year, we really hit the floor running together. Being a President and President-Elect is all about sharing and working together. Laura Dallmann has done such a wonderful job and has been so helpful. Kris thanked Laura for her help. Welcome new President Laura Dallmann.

**XV. Presentation of Gavel to Past President – Laura Dallmann**

**XVI. Dismiss Outgoing Senators**

A big thank-you to all the outgoing Senators for all your dedication and hard work.

**XVII. Program – Elections**

**MOTION:** (by Election Committee) to elect all senators from this year's election to a two (2) year term and move four (4) senators to other bands to fill in slots. Also, encourage our By-laws Committee to address the election process. **MOTION CARRIED.**

**MOTION:** (by Executive Committee) to elect a senator from the At-Large band to serve a two (2) year term on the Staff Recognition Committee. Also, encourage our By-Laws Committee to address this position. **MOTION CARRIED.**

**President Elect**

Vance called LaDonna DeGeldere and Kelly Bisek to the podium to speak about their experiences. No other nominations for President Elect. Congratulations LaDonna DeGeldere

**Secretary**

No other nominations for Secretary.

**MOTION:** (Rohwedder/Dallmann) to unanimously elect Liz Thompson as the Secretary **MOTION CARRIED.**

Congratulations Liz Thompson

**Membership Officer**

No other nominations for Secretary.

**MOTION:** (Rohwedder/Trowbridge) to unanimously elect Jodi Pierce as the Membership Officer **MOTION CARRIED.**

Congratulations Jodi Pierce

**Member At Large to Executive Committee:**

Cole Davidson  
Jeri Vaudrin  
Kelly Bisek  
Rob Davis  
Matthew Chaussee

Congratulations:

Cole Davidson  
Jeri Vaudrin  
Kelly Bisek

**State Staff Senate (One year term)**

Nominations open: Bill Lenarz and Kelly Bisek self-nominated. Congratulations Kelly Bisek

**State Staff Senate: (Three year term)**

Tim McCue – self-nominated

**MOTION:** (Davidson/Lenarz) to unanimously elect Tim McCue to the State Staff Senate.

**MOTION CARRIED.**

Congratulations Tim McCue.

**Staff Recognition Committee:** (Four 2-year terms), one for each of the following bands: 4000, 5000 and 6000/7000 and an at-large member.

**4000 band nominations:**

Bob Barclay nominated Vance Olson 4000 band  
Janine Trowbridge – self-nominate 4000 band  
Congratulations to Janine Trowbridge

**5000 band nominations:**

Bob Barclay nominated Jan Lofberg  
Rita Prunty – self-nominated  
Congratulations Rita Prunty

**6000/7000 band nominations:**

Vance Olson nominated Bob Barclay  
Perry Flaten nominated by Rita Prunty  
Congratulations Perry Flaten

**At Large:**

Paul Schneider self-nominated  
Anna Sheppard nominated by Janine Trowbridge  
Lynn Ehlen self-nominated  
Congratulations to Anna Sheppard

**Arboretum:** (one 2-year term)

Letha Cattanach self-nominated

**MOTION:** (Rohwedder/Watson) to unanimously elect Letha Cattanach to the Arboretum.

**MOTION CARRIED.**

Congratulations Letha Cattanach

**Campus Space and Facilities:** (one 1-year term)

Andrea Abrahamson self-nominated  
Tim McCue self-nominated  
Chad Lindberg self-nominated  
Congratulations Chad Lindberg

**Library:** (One 1-year term)

Jeanne Erickson self-nominated

**MOTION:** (Trowbridge Cattanach) that nominations cease and we cast a unanimous vote for Jeanne Erickson. **MOTION CARRIED.**

**University Athletics (One 1-year term)**

Angela Seewald-Marquardt self-nominated

**MOTION:** (Watson/Dowdy) that nominations cease and we cast a unanimous vote for Angela Seewald – Marquardt. **MOTION CARRIED.**

**IT Council (One 1-year term)**

Brandon Marback self-nominated

**MOTION:** (Trowbridge/Ehlen) that nominations cease and we cast a unanimous vote for Brandon Marback. **MOTION CARRIED.**

**COSE (3-year term) Representative and Alternate**

Laura Dallmann self-nominated

MOTION: (Watson/Marback) that nominations cease and we cast a unanimous vote for Laura Dallmann. MOTION CARRIED.

**COSE (3-year term) Alternate**

Andrea Abrahamson – self-nominated

Sheila Watson – self-nominated

Congratulations to Andrea Abrahamson

**Meeting turned over to Laura Dallmann**

**XVIII. New Business**

**XIX. Announcements**

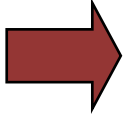
**XX. Adjourn** Meeting adjourned at 11:35 a.m.

***Scheduled meetings:***

- *Executive Committee: Wednesday, May 18, 9:30-11:00, MU, Rec Center Conf Room*
- *Staff Senate: Wednesday, June 1, 9:30-11:00, MU, Great 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: ***Section 100: Equal Opportunity and Non-Discrimination Policy***

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

*Adding two protected classes to provide equal opportunity and freedom from discrimination based on gender expression and genetic information.*

*Under the Genetic Information Nondiscrimination Act (GINA), employers are barred from using genetic information when making a hiring decision.*

*Gender expression is being added as this represents individuals choosing to express themselves as masculine or feminine through clothing, haircut, voice or body characteristics but does not necessarily identify as the other gender.*

2. This policy was originated by (individual, office or committee/organization):  
***Vice President for Equity, Diversity and Global Outreach***

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: 03/31/2011 presented to the PCC

Faculty Senate: 03/31/2011 routed for information

Staff Senate: 04/06/2011 routed for information

President's 04/06/2011 routed for information

Council:

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

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Thank you for your understanding!

## **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 age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, sex, sexual orientation, status as a U.S. veteran, race, religion, 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 publication 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.):

### **Non-Discrimination Policy:**

North Dakota State University does not discriminate on the basis of age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, sex, sexual orientation, status as a U.S. veteran, race or religion. Direct inquiries to the Vice President for Equity, Diversity and Global Outreach, 205 Old Main, (701)231-7708.

**HISTORY:** May 1972; Amended April 2, 1991; April 1992; August 1993; August 1999; February 2005; December 2007; June 12 2009; July 8, 2009; September 2009hk



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### SECTION: *Policy 202: Procedures for Filling Broadbanded Positions*

- 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).
  - ~~Because of the recent PeopleAdmin upgrade, procedures need to be updated for accuracy. It was determined in the last PCC meeting that since this is a procedure and not a policy, it would be taken out of the policy manual. The updated procedure will be put on the HR/Payroll website in the Manager's Toolbox and the Administrative Toolbox under Recruitment.~~

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

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

- 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: 04/13/2011 PCC was presented with the motion to remove this from the policy manual and move the information to the HR Website as a procedure.

University

Senate: 04/18/2011 routed for information

Staff Senate: 04/18/2011 routed for information

President's 04/18/2011 routed for information

Council:

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*Thank you for your understanding!*

**NDSU**NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.**POLICY MANUAL**

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

**~~SECTION 202: PROCEDURE FOR FILLING BROADBANDED POSITIONS~~**

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**SOURCE:**

NDSU President  
NDUS Human Resources Policy Manual, Section 5.1.1

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~~1. Procedures for filling staff positions are distinguished by whether the position is a **professional** position (1000 or 3000 job bands; see number 2 below) or a **technical/paraprofessional, office support, crafts/trades, services** position (4000, 5000, 6000, or 7000 job bands, respectively; see number 3 below). All **benefited** positions, however, for which a regular monthly salary is paid (including fringe benefits), must be filled according to the relevant following procedures. These positions include part-time and temporary positions unless paid by timeslip. General policies and recruitment areas and methods are found elsewhere in this manual.~~

~~2. Prior to opening a position, the department head or designee should meet with a representative from the Office of Human Resources/Payroll to discuss the job description, qualifications, salary, veteran's preference and the weighing of qualifications.~~

**~~2.1~~**

~~Employees are hired relative to the market level for the job family. Consideration may be given to substantial, directly related experience and internal equity, which may include factors such as job performance and level of responsibility.~~

~~3. **Procedures for Filling a Professional Position.** (1000 and all 3000 job families)~~

**~~3.1~~**

~~Complete Create a Posting in the Online Employment System and forward through the Approval Process up to Office of Human Resources/Payroll (**Recruiting Office**). Indicate search committee members, where to advertise, and attach the updated position description.~~

**~~3.2~~**

After position opening is posted on the website, distribute recruitment information as indicated and retain documentation for the transaction file. ~~Please note:~~ only advertisements in regional newspapers, HigherEdJobs.com, Job Service North Dakota and notices to the NDSU Career Center Office, other agencies for affirmative action purposes, and placement on the Campus Wide Information System are handled by the Office of Human Resources/Payroll.

### 3.3

Applicant materials are submitted online and acknowledged by the Online Employment System. Following the closing date, all applicant materials are released to the employing department on the Online Employment System. The search committee (which includes a representative from the Office of Human Resources/Payroll as an ex-officio member) evaluates and scores each applicant using the approved Screening Action Form.

#### 3.3.1

Reference checks are conducted, preferably from at least the past two employers. (This step can also be done later as part of the final selection process.)

### 3.4

The search committee, in consultation with the department/unit head, determines the cut off point for interviews, and interviews all applicants with scores above the cut off. The department changes the status for those applicants that they want to interview on the Online Employment System to Request for an Interview. ~~The department should also submit a screening sheet at that time.~~ The Office of Equity, Diversity, and Global Outreach will view the search, follow up with any questions, and change the Online Employment System to Interview Approved, if appropriate. ~~The search chair will be notified via email once the approval has occurred.~~ For those applicants that do not meet the advertised minimum qualifications or who are ranked lower in the applicant pool, ~~the department will send the screening sheet to the HR recruiter to~~ will notify applicants ~~them~~ of ~~their~~ non-selection. In some situations, a Recruitment/Employment Checklist may need to be completed.

### 3.5

Following interviews complete the Interview Reports for each interviewed candidate. Include reasons for selection or non-selection for each based on the ~~position description and advertised~~ qualifications and rank order the interviewed candidates.

### 3.6

Complete the Request to Offer for the applicant selected ~~on the Online Employment System~~ and ~~route with application attach~~ materials, completed Recruitment/Employment Check Lists when applicable, Interview Reports, Screening Sheet, Interview Questions, Reference Questions and who were contacted for approval ~~signatures from the department chair and dean/director.~~ Submit the ~~signed~~ Request to Offer and other materials ~~through the Online Employment System~~ to the Office of Human Resources/Payroll.

### 3.7

The Office of Human Resources/Payroll will review materials for completeness including reasons for selection and non-selection, will ~~route forward~~ for final approval signatures, and will notify the employing official of approval to offer the position.

### ~~3.8~~

Contact selected applicant and offer position. If the first choice does not accept, contact the Office of Human Resources/Payroll and explore the possibility of an offer to the second ranking applicant.

### ~~3.9~~

When an applicant has accepted the position, complete the Hiring Form 100 (or the 101 in the case of an on-campus transfer) for the applicant selected. Change the applicants' status on the Online Employment System. contact the recruiter to complete the online hiring form. Include information regarding hire date and contract dates (if appropriate). For internal benefited candidates, submit a Form 101.

### ~~3.10~~

The hiring department shall notify all other interviewed applicants that the position has been filled. The Office of Human Resources/Payroll will notify applicants who were not interviewed.

### ~~3.11~~

The Office of Human Resources/Payroll will complete and close the PeopleAdmin search on the Online Employment System or electronic transaction file on the position and store it for three years.

## ~~4. Procedures for Filling a Technical/Paraprofessional, Office Support, Crafts/Trades, Services. (All 4000, 5000, 6000, and 7000 job bands)~~

### ~~4.1~~

Complete Create a Posting in the Online Employment System and forward through the Approval Process up to the Office of Human Resources/Payroll Recruiting Office. Indicate where to advertise and attach the updated position description.

#### ~~4.1.1~~

The Office of Human Resources/Payroll will review the Create the Posting online including the position description for completeness and will post/advertise according to appropriate recruiting procedures and any special instructions from the department.

#### ~~4.1.2~~

After the posting period, the Office of Human Resources/Payroll staff will screen applications and at close of the recruitment period will release the employing official/department the applicant materials of applicants who best meet the criteria for selection (minimum and preferred qualifications).

### ~~4.2~~

Employing official/department will review received applicant materials and change the status for those applicants to Request for an Interview on the Online Employment System. The Office for Equity, Diversity and

Global Outreach will review the applicant pool and follow up if there are any questions. Interviews should be scheduled by the hiring department for all of the referred candidates.

#### 4.2.1

Reference checks are conducted, preferably from at least the past two employers. (This step can also be done later as part of the final selection process.)

#### 4.3

Following interviews, complete the Interview Reports for each referred candidate. Include reasons for selection or non-selection for each based on the position description and qualifications and rank order the interviewed candidates. In some situations, a Recruitment/Employment Checklist may need to be completed. Submit the materials to the Office of Human Resources/Payroll: Interview Questions, Reference Questions and who were contacted.

#### 4.4

The Office of Human Resources/Payroll will review materials for completeness including reasons for selection and non-selection and will notify the employing official of approval to offer the position if additional information is needed.

#### 4.5

Complete the Request to Offer for the applicant selected and submit on the Online Employment System to the Office of Human Resources/Payroll. The Office of Human Resources/Payroll will contact the employing official once it has been approved.

#### 4.5 4.6

Contact selected applicant and offer position. If the first choice does not accept, contact the Office of Human Resources/Payroll and explore the possibility of an offer to the second ranking applicant.

#### 4.6 4.7

When an applicant has accepted the position, complete the Hiring Form 100 (or the 101 in the case of an on-campus transfer) for the applicant selected.

#### 4.7 4.8

The hiring department shall notify all other interviewed applicants that the position has been filled. The Office of Human Resources/Payroll will notify applicants who were not interviewed.

#### 4.8 4.9

The Office of Human Resources/Payroll will complete and close the PeopleAdmin Online Employment System or electronic transaction file on the position and store it for three years.

HISTORY: July 1990; Amended April 1996; January 2000, October 2002, October 2007, October 2009.

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## SECTION: 331.1 Course Syllabus

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).

*Changes provide expanded information and examples of syllabi requirements and a few items were added, including:*

- Revised academic honesty statement
- Mention of Dead Week policy in schedule/outline
- Suggested language for military/veterans who are called to active duty
- Added bullet about recording and distributing class audio and/or video

2. This policy was originated by (individual, office or committee/organization):  
Registration and Records, on behalf of Academic Affairs and Academic Dishonesty committees

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 03/31/2011 presented to the PCC

Committee:

Faculty Senate: 03/31/2011 routed for information; 04/11/11 passed with amendments. (information follows)

Copy from Faculty Senate minutes

1. NDSU Policy 331.1: Course Syllabus (Attachment 7)

MOTION (Eighmy/Welch): to approve changes to Policy 331.1 as presented.

MOTION TO AMEND (Sather-Wagstaff): by adding a statement just before the last sentence in the 'Approved Academic Honesty Statement' section that reads, 'Student academic misconduct records are maintained by the Office of Registration and Records.' MOTION TO AMEND CARRIED.

MOTION TO AMEND (Weber/Hearne): by modifying the first bullet under 'Course Objectives' to read, 'Objectives, goals, aims, and/or outcomes for the course.' MOTION TO AMEND CARRIED.

MOTION TO AMEND (Biga/Gordon): by editing the language under 'Course schedule/outline/calendar of events' section to read, 'Provide students with a tentative projected outline of significant events that occur throughout the semester, including assignments, projects, examinations, field trips, guest speakers, etc.' MOTION TO AMEND CARRIED.

MOTION TO APPROVE POLICY 331.1 AS AMENDED CARRIED WITH UNANIMOUS CONSENT.

Staff Senate:

04/06/2011 routed for information; 04/18/2011 routed V3 for Information for review at May meeting

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President's  
Council: 04/06/2011 routed for information; 04/18/2011 routed V3 for Information

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Thank you for your understanding!



## SECTION 331.1: COURSE SYLLABUS

## SOURCE: NDSU Faculty Senate

Each course taught at NDSU shall have a syllabus to provide course-specific class information for students and to fulfill federal and other legal requirements.

The following categories of information shall be included on all syllabi:

- Course prefix, number, credits, and title
- Instructor and contact information
  - 1-o Include campus address, phone number, email address, office hours
- Course-Bulletin description
  - 2-o Description on syllabus must be consistent with the description listed in the current course catalog. Additional information may be included after the bulletin description in a syllabus.
- Course objectives
  - o List objectives, goals, aims and/or outcomes for the course.
  - 3-o All General Education course syllabi and course web sites must identify the course as having been approved for General Education and include the General Education category and outcomes. See General Education Course Syllabi Requirements (web link).
- Evaluation procedures and criteria
  - o Indicate how students are evaluated, including tests, quizzes, papers, assignments, weight of the assignments, etc.
  - o Clearly identify how course grades are determined.
  - 4-o If a course is offered for both undergraduate and graduate credit, the additional requirements for graduate students must be clearly described on the syllabus.
- Attendance
  - o If class attendance is a component of the course grade, the course instructor must clearly communicate this in the syllabus (see NDSU Policy, Section 333).
- Notification of class audio/video recording and distribution (if applicable)
  - o If audio and/or video recording and/or distribution of the class will be done, notify the students and explain how the information will be used.
- Course schedule/outline/calendar of events
  - o Provide students with a tentative a projected outline of significant events that occur throughout the semester, including assignments, projects, examinations, field trips, guest speakers, etc.
  - 5-o Note the NDSU Dead Week policy, which limits the amount and type of exams/quizzes that may be given during the last two weeks of the semester and identifies exceptions. See NDSU Policy Section 336: Examination and Grading (web link)
- Required student resources
  - 6-o List books, lab manuals, technology, supplies, calculators, and any other materials required or recommended for the student to complete the course requirements.
- American with Disabilities Act statement about students with special needs
  - o The following statement, or something similar, must appear on all syllabi:
    - 7-a Any students with disabilities or other special needs, who need special accommodations in this course are invited to share these concerns or requests with the instructor and contact the Disability Services Office as soon as possible.
- Approved academic honesty statement. This may be a statement of a college honor code or a statement such as the following:
  - o The academic community is operated on the basis of honesty, integrity, and fair play. NDSU Policy 335: Code of Academic Responsibility and Conduct (<http://www.ndsu.edu/policy/335.htm>) applies

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Policy **331.1** Version **34** 04/15/2011

to cases in which cheating, plagiarism, or other academic misconduct have occurred in an instructional context. Students found guilty of academic misconduct are subject to penalties, up to and possibly including suspension and/or expulsion. **Student academic misconduct records are maintained by the Office of Registration and Records.** Informational resources about academic honesty for students and instructional staff members can be found at [www.ndsu.edu/academichonesty](http://www.ndsu.edu/academichonesty).

All work in this course must be completed in a manner consistent with NDSU Faculty Senate Policy, Section 335: Code of Academic Responsibility and Conduct (<http://www.ndsu.nodak.edu/policy/335.htm>).

Syllabi with updated schedules or information shall contain the date of last update.

Syllabi presented on web pages shall contain the date of last update.

A template to facilitate preparation of a syllabus is available on the Academic Affairs Committee web site.

Faculty are encouraged to provide the following statement on syllabi:

*"Veterans and student soldiers with special circumstances or who are activated are encouraged to notify the instructor in advance."*

Suggestions for preparation of the syllabus are listed at:

<http://www.ndsu.edu/facultysenate/acadaffairs/>

HISTORY: September 28, 2000, February 2009, December 2010hk, February 14, 2011hk.

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## Policy Change Cover Sheet

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*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: SECTION 171: STAFF AND FACULTY RECRUITMENT AND MOVING EXPENSES

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

- Language addition to section 4 to read: "Personal travel as described below in 4.1 and 4.2 are part of moving expenses and included in the allowable reimbursement for moving expenses." Language added for clarification based on feedback from a department reimbursing for moving expenses.

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

- *Office of Human Resources/Payroll*
- [Colette.erickson@ndsu.edu](mailto: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 12/8/10: PCC suggested clarification and further housekeeping. Changes were done by the Accounting office; PCC would like to review these changes at January meeting before routing. 04/13/2011 V3 brought to the PCC

Committee: 04/18/2011 V4 routed for input

University Senate: 04/18/2011 V4 routed for input

Staff Senate: 04/18/2011 V4 routed for input

President's Council: 04/18/2011 V4 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](mailto:kim.matzke-ternes@ndsu.edu)*

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*All suggestions will be considered, however due to policy format guidelines, they may not be possible.*

*Thank you for your understanding!*

## SECTION 171: STAFF AND FACULTY RECRUITMENT AND MOVING EXPENSES

### SOURCE:

**SBHE Policy Manual, Sections 806.2 and 806.3**  
**NDSU Policy Manual**

1. Stipends or consultant fees may be issued to potential candidates for positions when such persons give on-campus lectures, colloquies, seminars, demonstrations or formal consultations in a manner not significantly different from that of visitors who are not candidates for positions. Such stipends or consultant fees may be authorized from a lecturers' budget or from a consultant budget. *(NDSU Guidelines: Reimbursement is made by a AP Voucher ~~Request for Payment~~ form, using account 515005, 511002, or 623025.)*
2. When approved by the President, the prospective candidate's travel expense may be authorized, not to exceed the receipted amount for transportation, room and board. *(NDSU Guidelines: This authority may be delegated at North Dakota State University in certain instances. Such delegation will be in writing.)*
3. For senior administrative and faculty positions, upon authorization of the President, travel expenses for the one other person ~~spouse~~ may be authorized for a prospective candidate.
4. Upon approval of the president or designee, moving expenses may be reimbursed when employees ~~staff~~ are initially hired from outside the University system, and when regular employees ~~staff~~ employed for one year are transferred to a new work location within the system at the direction of the employer. Personal travel as described below in 4.1 and 4.2 are part of moving expenses and included in the allowable reimbursement for moving expenses.
  - 4.1  
Personal travel for the employee and immediate family while in transit, and while in temporary living quarters (both not to exceed 10 days total) may be reimbursed at the actual per diem rates and mileage rates applicable under the employee travel reimbursement policies.
  - 4.2  
Personal travel may also be reimbursed for one round trip to the new work location for the employee and spouse for up to three days to arrange for living accommodations.
  - 4.3  
Transportation expenses for personal items and household goods may be reimbursed at the actual expenses incurred.
  - 4.4  
The total reimbursement for transporting personal items, household goods, and personal travel shall be limited to the invoice costs plus the current per diem and mileage limits. In addition, the total reimbursement limit for regular employees transferred within the system is limited to \$5,000. NDCC Section 44-08-04-3
5. No other staff moving expense may be paid without approval of the Board.

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The following items are NDSU Guidelines:

6. Moving expenses are reimbursed to the employee by a ~~Request for Payment~~ **an Accounts Payable Voucher** form coded either account 521055 or 521050. The use of these codes depends on whether Internal Revenue Service regulations indicate whether the expenses are taxable or nontaxable to the employee. Moving expenses coded taxable (account 521055) will be transferred to the payroll system and included in the employee's taxable income for purposes of calculating employment taxes and W-2 reporting. Moving expenses coded nontaxable (account 521050) will be transferred to the payroll system for inclusion as a memo on the employee's W-2 form. A **Moving Expense Documentation** form must be used to document which expenses are taxable and nontaxable. The **Request to Reimburse Moving Expense** form, **Moving Expense Documentation** form, and appropriate receipts must be attached to the ~~Request for Payment~~ **Accounts Payable Voucher** form.
7. ~~If moving expenses are to be paid from salary savings, a notation should be made on the Request for Payment form to request a journal entry transfer of the expense from account 521055 and/or account 521050 to account 515005.~~ Expenditures may be made for reimbursement of moving expenses only if the department concerned has sufficient funding available. No central budget is maintained for these expenditures.

HISTORY: July 1990; Amended April 1992; January 1995, April 2005, August 2006.

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### SECTION: 353: GRIEVANCES - FACULTY

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).

*Changes the selection process and membership of the Special Review Committee.*

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

*Provost*

*Office of the General Counsel*

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

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

Policy

Committee: Presented to PCC on 03/31/2011; made change in 5.1.1 from "one" to "two" from each college

University Senate: 03/31/11 – routed for input; 04/18/2011 version 6 routed for input

Staff Senate: 03/31/11 – routed for input; 04/18/2011 version 6 routed for input

President's Council: 03/31/11 – routed for input; 04/18/2011 version 6 routed for input

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NORTH DAKOTA STATE UNIVERSITY  
FARGO, N.D.

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## POLICY MANUAL

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

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### SECTION 353: GRIEVANCES - FACULTY

**SOURCE: SBHE Policy Manual, Section 612; NDSU President**

1. Each institution shall establish procedures to attempt mediation or resolution of faculty grievances.
2. "Grievance" means an allegation of a violation of a specific Board or institutional policy, procedure or practice pertaining to the employment relationship. This includes the terms of the grievant's employment contract and this policy. Discretionary actions, such as salary adjustments and performance evaluations, may not be grieved, except to determine: (a) whether the discretionary action was made in accordance with relevant Board or institutional policies, practices, procedures or criteria; and (b) whether the action constitutes a clear abuse of discretion. Complaints involving any matters covered under SBHE Policy, Section 605.3 or 605.4 are not grievances under this policy. Grievances cannot be filed against written Board and institutional policies, per se. *Decisions on matters related to tenure and promotion may be appealed under NDSU policy 350.1-350.5 and 352. Equal opportunity grievances are governed by NDSU Policy 156.*
3. This policy applies only to faculty as defined in SBHE Policy, Section 605.1 of these policies. It does not apply to classified staff or to administrators or coaches.
4. The faculty governance structure at each institution shall by policy define the procedures for filing a grievance in accordance with SBHE Policy, Section 305.1 of these policies.
  - 4.1 *Actions or conditions subject to grievances are those which apply personally to the grievant and are administrative decisions affecting terms and conditions of employment, such as salary adjustments, development leave, assignments/duties, periodic reviews and working environment. Grievance does not include matters related to tenure or promotion.*

- 4.2 A grievant may initiate the grievance process by 1) communicating with the person whose decision is the subject of the grievance and 2) then discussing the grievance with that person's immediate supervisor. The grievant shall put the basis for the grievance in writing if requested by any supervisor. If the outcome of these steps is unsatisfactory to the grievant, a grievant may then appeal to a Special Review Committee by filing a written grievance with the presiding officer of the ~~University Faculty~~ Senate no later than 120 calendar days from the date when the grievant is officially notified of the action or when the grievant becomes aware of a grievable condition that she/he was not made aware of by written means. The grievant may need to file an appeal to the Special Review Committee prior to the outcome of the previous steps in order to retain the right of appeal. The parties must participate in mediation (*though both parties may agree to waive this requirement*). See [Policy 350.5 \(2\)](#).
5. The Special Review Committee (SRC) shall attempt to resolve the grievance on an informal basis, *including interviews with both parties*. Should the grievance remain unresolved, the Committee shall make its recommendations in writing to the complainant, head of the academic unit or program area, dean, or academic vice president, and president.
- 5.1 The Special Review Committee (SRC) shall consist of the following members:
- 5.1.1 ~~A member of the University faculty chosen by the faculty member requesting the review;~~
- 5.1.2 ~~A member of the University faculty chosen by the person(s) whose action is alleged to constitute violation of the regulations on academic freedom, tenure, and due process;~~
- 5.1.3 ~~A member of the University faculty (who shall be chair) appointed by the Presiding Officer of the University Senate from among a pool of faculty members (one from each of the colleges in the University [excluding University Studies]), appointed by the Senate, upon recommendation of its Executive Committee, for one year terms coinciding with the term of the Presiding Officer of the University Senate. Any faculty member may serve up to four successive terms in such a position.~~
- 5.1.1 Three members, none of ~~which~~ whom can be from the same Department as the grievant, shall be chosen from a pool selected by the Faculty Senate Executive Committee on an annual basis. This pool shall be comprised of tenured faculty members (~~two~~ ~~one~~ from each of the colleges in the University – excluding University Studies), for one-year terms coinciding with the term of the President of the Faculty Senate. Any faculty member may serve up to four successive terms in such a position.
- 5.1.2 The Special Review Committee Chair shall be selected by the President of the Faculty Senate. The grievant shall select one member from the pool



*and the person against whom the grievance is brought shall select the other member from the pool. The Committee shall judge any allegation of bias or conflict of interest. In the event that an individual member is judged by the Committee to be biased or to have a conflict of interest in a specific case, the Committee shall replace the member with a substitute member for that case.*

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5.1.4-3 Emeritus professors are eligible for memberships on the SRC.

5.1.5-4 Faculty holding administrative appointments are not eligible for membership on the SRC. "Administrative appointment" includes appointments as President, Vice President, Dean, Associate or Assistant Dean, ~~or~~ Department Chair or Head, *or Associate or Assistant Department Chair or Head* of an Academic Unit.

5.2 In the event of a dispute as to whether an action is a matter related to tenure or promotion or is subject to grievance, the university or faculty member subject to the action may request an interpretation from the Standing Committee on Faculty Rights by filing a written request for an opinion. The Committee, after reviewing the matter and considering any written argument from either party, shall issue its opinion within thirty calendar days of the time of the filing of the request for an opinion.

6. The President shall, within thirty days of receipt of the recommendation, provide written notice to the grievant of his/her decision concerning the grievance after consideration of the Special Review Committee's recommendation. The President's decision shall be final.

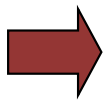
HISTORY: June 26, 1986; Amended November 18, 1990; June 1995; June 1998; November 2000; March 2002; August 2003; March 2005, June 2009 (hk)

## Policy Change Cover Sheet

### --BEFORE PRINTING THIS! Please Note!

\*\*\*\*\*It is over 80 pages.\*\*\*\*\*

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*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: *601 Rights and Responsibilities of Community: A Code of Student Behavior*

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 document was reordered, in some sections, to make it flow in the order that better approximates the Code process.*
  - *In addition, members of the committee extensively reviewed the wording of the Code for clarity, and where deemed necessary, made adjustments to make the wording of the Code as clear as possible for student readers.*
  - *Some changes to the Code were made to reflect best practices in the field of student conduct. For example, changes were made to help students better understand their responsibilities as student hosts when alcohol is present and over consumption may ensue, while at the same time encouraging students to assist students in distress and anticipate that some leniency in sanctioning would be afforded in the Code process when acting as a Good Samaritan.*

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

#### **Student Life Code Revision Committee:**

Nona Wood, chair & Assoc. Director of Student Rights and Responsibilities  
Janna Stoskopf, Dean of Student Life  
Emily Frazier, Assistant Director of Student Rights and Responsibilities  
Dennis Cooley, Assoc. Professor, History, Philosophy, & Religious Studies  
Kyle Haiman, Hall Director, Residence Life  
Lisa Hauck, Director of International Programs  
Kate Haugen, Assoc. Vice President of Student Affairs & PCC  
Moga Kareem, Student/Multicultural Programs  
Cathy Marks, Student Services Associate, Graduate School

Audrey Olson, Administrative Assistant, Student Life  
Karla Thoennes, Sr. Assoc. Director of Residence Life  
Courtney Waid, Assistant Professor, Criminal Justice  
Steve Winfrey, Director of Memorial Union  
Michael Paolini, Student Court

The committee began reviewing the Code on Jun 18, 2010, and ended on December 17, 2010.

- *Student Life and the date submitted*
- *Janna.Stoskopf@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: Presented to PCC 03/31/2011: Janna provided PCC with an updated version (V2) and the suggestions from the Faculty Senate Exec.

University Senate: 03/31/11 – routed for input: provided feedback directly to Janna S.04/18/2011 v2 will be routed for input

Staff Senate: 03/31/11 – routed for input:04/18/2011 v2 will be routed for input

President's Council: 03/31/11 – routed for input:04/18/2011 v2 will be routed for input

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*Thank you for your understanding!*

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# RIGHTS AND RESPONSIBILITIES OF COMMUNITY: A CODE OF STUDENT BEHAVIOR

August ~~2008~~2011

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**North Dakota State University**  
**Rights and Responsibilities of Community:**  
**A Code of Student Behavior**  
**August 2011**  
**Introduction**

Higher education plays a vital role in educating future leaders by providing students with educational opportunities in and out of the classroom. The more time and energy students invest in educationally purposeful activities, the more they gain from their education. Learning is as much a social activity as a solitary endeavor.

To ensure NDSU students have an opportunity to gain the most from their education, they are encouraged to participate as committed citizens of the community by acting in a civil and responsible manner, accepting responsibility for actions and serving as a positive role model for others. Citizenship includes knowing and following local, state and federal laws and the University's Code of Student Behavior. Every NDSU student has the responsibility to observe and help maintain a code of personal behavior that contributes to the educational effectiveness of the university.

The Code of Student Behavior identifies core values important to an educationally purposeful environment. These values are Respect for the NDSU Community and Respect for the Protection and Rights of Others. Our goal with this code is educational and developmental as we work with students.

**Respect for the NDSU Community**

All NDSU stakeholders have a responsibility to respect the NDSU community. It is vital for all individuals to conduct themselves in a manner that does not negatively affect the educational mission of the university or the welfare of themselves or others. This includes promoting an environment conducive to learning and nurturing a sense of shared and mutual community responsibility. Community also involves awareness of how personal decisions affect others.

**Respect for the Protection and Rights of Others**

A community respecting the protection and rights of others is necessary to provide a positive and enriching educational environment. Behaviors that inhibit the educational process are of concern, whether they occur on or off university premises. This value communicates the importance the university places on respect for the protection and rights of others. Behaviors that inhibit the educational process are of concern, whether they occur on or off university premises. A community respecting the protection and rights of others is necessary to provide a positive and enriching educational environment.



### Participation in Conflict Resolution Process

~~The university's relationship is with students. Our~~The university's goal is to work with students in an educational and developmental manner, and to assist them to reflect on and grow from their personal experiences. For this reason, other persons may not participate in the conflict resolution process; however, a person may be present as an advisor for the student.

### General Complaint Procedures

The Vice President for Student Affairs Office has established a procedure for students to file complaints regarding student concerns or other issues, and provide for orderly collection of information, address students' complaints in a timely manner by appropriate university personnel, and help students learn effective conflict resolution skills. Complaints regarding student behaviors covered in this code will be resolved according to procedures described in this document. Complaints regarding non-students or student organization constitutional/procedural issues may be resolved by other means, including, but not limited to, student court, organizational standards boards, mediation, and honor commissions.

~~To assist students in stating the problem and desired resolution, a~~A form is available in the Vice President for Student Affairs Office, Old Main 100, the Dean of Student Life Office, Memorial Union 250, or online at <http://www.ndsu.edu/fileadmin/vpsa.ndsu.edu/ProblemsProcedure1.pdf>/[www.ndsu.edu/vpsa/forms/ProblemForms.xls](http://www.ndsu.edu/vpsa/forms/ProblemForms.xls) ~~to assist students in stating the problem and desired resolution.~~ Students also may arrange a meeting with the associate director of student rights and responsibilities, Memorial Union 250, any time during the process for advice and direction in resolving the problem.

### 1.Preamble

The president of NDSU is charged with the responsibility for development and administration of institutional policies and rules governing the role of students and their behavior. The president also has the responsibility of establishing guidelines for student behavior that set forth behavioral standards and provide for appropriate procedures and sanctions for violation of those standards, consistent with procedural fairness (North Dakota State Board of Higher Education Policy Manual, 305.1). The president has delegated student behavior responsibilities to the vice president for student affairs, while retaining the role as final arbiter in selected cases. The vice president has assigned the dean of student life to carry out these functions.

A Code of Student Behavior contains statements of university policies relevant to student life. Development and enforcement of these standards of behavior are an educational endeavor designed to foster students' personal, social, ~~moral~~ and ethical development. This document forms the basis for student behavioral expectations as a member of the NDSU community. The enforcement of these

standards serves to promote the protection of the rights, responsibilities, and health and safety of members of the NDSU community so its members may pursue their educational goals without undue interference and the personal growth of students in conflict with the code.

The content of this code was developed by the Dean of Student Life Office with input from a committee of individuals that included various members of the Division of Student Affairs, and student, faculty, and staff representatives, NDSU police captain, and Office of General Counsel, in consultation with the vice president for student affairs and the Office of General Counsel.

Contents of the code may be subject to change prior to the reprinting of this document. If changes are made, documents relating to the changes will be available from the Vice President for Student Affairs Office or the Dean of Student Life Office, printed in the *Spectrum* or other appropriate university publications, and/or communicated to students through official university electronic media. These changes will be included in future code revisions. An attempt also has been made to reference local, state or federal laws that complement university policies.

Questions should be referred to the Dean of Student Life Office, 250 Memorial Union.

## **2. General Behavior Code**

### **2.1 General Student Responsibilities**

Every NDSU student has the responsibility to observe and help maintain a code of personal behavior and social relationships, at all times, on and off campus, that will positively contribute to the educational effectiveness of the university and the student's own personal growth. To this end, all students are expected to observe the university standards published in this code and those outlined in any other university policies, procedures, contracts or license contracts published elsewhere. In addition, students are expected to observe the laws of the community, the state, the nation, and relevant jurisdictions when touring and/or studying abroad, at all times, on and off campus.

### **2.2 Persons Covered Under This Code**

For the purpose of this document, "student" refers to all is defined as any individuals who have been admitted to the university, was previously enrolled in the university, uses university resources for purposes related to the university's educational mission, including, but not limited to, performing research and taking classes, or is a visitor attending an on-campus event may also be covered under this Code. individuals students for any act committed while they were

~~enrolled students or between all periods of enrollment, students and others similarly associated with the university, and all campus visitors. Students no longer enrolled in the university may be held accountable under this Code for those offenses committed after they were admitted and before they left the university, with no expectation of return.~~ Student organizations are held to the same behavioral standards that apply to individual students.

### 2.3 On Campus Living Requirement

All first-year students are required to live on campus. For more information, contact the Department of Residence Life.

### 2.4 Official University Communication

To facilitate correspondence between the student and the university, NDSU will first use the student's ~~NDSU~~ email address ~~on record as provided by the university. NDSU e-mail accounts are the official form of communication. This address is considered the official form of communication for all purposes~~ (see NDSU Policy 609). ~~— <http://www.ndsu.edu/policy/609.htm>. Students are expected to activate and frequently monitor their accounts. If unavailable, NDSU will use the student's most recent U.S. mailing address maintained by the student via Campus Connection. Students are responsible for maintaining current contact information, including, but not limited to, phone, email, and US mailing addresses, on Campus Connection. If correspondence is unsuccessful, NDSU will attempt to use alternate email addresses in University records, and as a last resort, will use local and other U.S. mail addresses on file with NDSU. It is the student's responsibility to maintain the accuracy of all personal data. Failure to receive important University communications due to out-of-date personal information will not relieve the student of any University obligations. It is recommended that students forward U.S. mail during extended University breaks and required that students continue to monitor the University provided email account at all times and it is recommended that students forward U.S. mail during extended University breaks.~~

### 2.5 Personal Inappropriate Behavior Not on University Property

General Information. The university may discipline a student for acts of personal inappropriate behavior committed outside of university property if the acts:

- a) Occur during the course of or in conjunction with university activities that are being conducted off the university campus;
- b) Relate to the safety and security of the university community and its members, integrity of the educational process, or interests of the university; or
- c) Relate to previous conflicts between the student and university behavioral standards.

For example, the university routinely processes ~~all~~ police reports provided to the university when the subject of such reports involves illegal or abusive use of alcohol and/or other drugs, loud/noisy party disturbances, violence or other

serious crimes. When law enforcement agencies report such activities to NDSU that involve students, the university may pursue charges under this code against all NDSU students identified on such reports.

Other off campus behaviors addressed may include, but are not limited to, the following: altering academic transcripts; assault; arson; battery; drug trafficking; forgery; fraud; harassment as defined in this code; hazing; rape; sexual assault and/or sexual misconduct; trafficking in term papers; unauthorized use of a computer off campus to obtain access to information on campus; possession or consumption of an alcoholic beverage by any student who has not reached 21 years of age; furnishing false identification or otherwise making a false representation about one's age for the purpose of buying, receiving, or otherwise obtaining alcoholic beverages; and selling, giving away, or otherwise distributing an alcoholic beverage to any student who has not reached 21 years of age.

#### Tri-College Policies

NDSU students who are charged with a violation of institutional policy at Concordia College or Minnesota State University Moorhead will be referred to NDSU and may be subject to action under this code.

#### 2.6 NDSU Student Employees

When students commit acts that potentially violate this code while in their capacities as student employees of NDSU, the university reserves the right to review those potential conflicts when provided sufficient information to proceed with action under this code. When viewed as appropriate, NDSU may pursue resolution of those conflicts under this code in addition to any other personnel actions that may be taken against the students as employees.

#### 2.7 Inappropriate Behavior by Student Athletes

Because of their special relationship with the university, student athletes are responsible for observing the content of this code as well as the Student Athlete Code of Conduct and their specific team rules. For this reason, student athletes may face hearings under both codes with different findings and/or sanctions imposed. If civil and/or criminal charges are pending, the student athlete may answer separately to three different jurisdictions for the same set of circumstances. The university may proceed before, during or after the proceedings of the other two jurisdictions. Because the university's and the Athletic Department's procedures are educational and not criminal in nature, such separate procedures do not constitute double/triple jeopardy.

#### 2.8 Inappropriate Behavior by Other Student Leaders

Because of their special relationship with the university and roles within student organizations, student leaders are held to a higher level of personal accountability than other students. Each organization is responsible for reporting

to the Student Activities Office those office holders who are considered organizational executives. These leaders may be held accountable under the code both in their leadership capacity and their individual capacity as NDSU students. If legal charges are pending, student leaders also may answer to civil and/or criminal courts for the same set of circumstances. Because the university's procedures are educational (administrative) and not criminal in nature, such separate proceedings do not constitute double/triple jeopardy. The university may proceed before, during, or after legal proceedings, and does not typically wait for a court finding.

2.9 Inappropriate Behavior by Students in Specialized/Professional Programs  
Some NDSU academic programs have established professional standards of behavior in addition to those required of all other students. Students in such programs that have established higher behavioral standards will be held accountable under the Code of Student Behavior, and at the same time, may face additional behavioral action related to their respective academic programs. As noted in 2.8, for the same reasons, these educational proceedings do not constitute double/~~or~~ triple jeopardy, even when criminal or civil actions may be pending from the same set of circumstances. The university may proceed before, during, or after legal proceedings, and does not typically wait for a court finding.

2.109 Unlawful Behavior~~Violations of Law by Students~~

When students commit acts that are also violations of community, state or federal laws, on or off campus, those students will be subject to the same civil and/or criminal penalties as any other citizen in addition to campus resolution. Campus resolution of such acts may proceed before, during or after the civil or criminal proceedings have concluded. Because the university uses a lower standard of proof in code proceedings than used in criminal courts, differing judgments may result. In upholding university conduct standards, university conclusions also may vary from those resulting in civil courts over the same fact patterns. Since ~~the~~ campus actions are educational, and ~~takeing~~ the university's educational interests into account, ~~and not criminal proceedings~~, such simultaneous actions do not constitute double jeopardy ~~and differing judgments may result.~~

2.4011 Attempts

Individuals who attempt to commit acts prohibited by the standards of this Code of Student Behavior may be charged, found responsible, and sanctioned to the same extent as if they had committed the prohibited acts.

2.124 Bias-Motivated Violations

Any code violation ~~from this section, or any other section of the code,~~ that is determined to have been motivated by hate based on age, ~~race~~, color, disability, ~~religion~~, gender identity, marital status national origin, public assistance status,

race, religion, sex, or sexual orientation, or status as a U.S. veteran may result in enhanced sanctions above those typically assigned for the same violations when not motivated by hate. North Dakota State University does not discriminate on the basis of age, race, color, disability, gender identity, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran, national origin, religion, sex, gender identity, disability, age, status as a U.S. veteran, sexual orientation, marital status, or public assistance status. Direct inquiries to the Vice President for Equity, Diversity, and Global Outreach, 205 Old Main, (701) 231-7708.

#### 2.132 Repeated Code Violations

Repeated violations of this code are relevant in determining a student's continued membership in the university community. Progressively more severe sanctions, including suspension or expulsion from the university, may be assigned, depending on the nature of the violation(s).

#### 2.143 Designees

Administrators identified in this document may designate one or more individuals to act on their behalf.

#### 2.154 Final Code Authority

Behaviors described in this code are illustrative rather than exhaustive ~~and are offered for educational purposes.~~ In the event there arises some ambiguity, inconsistency or need for clarification of these statements, such definition, interpretation or clarification will be determined at the ~~sole discretion of the vice president for student affairs or the dean of student life and that determination will be final, from whom Any~~ student, staff or faculty member may request written clarification ~~from the vice president for student affairs or the dean of student life.~~ Final authority for interpretation of this code lies with the vice president for student affairs.

### 3. Behavior Expectations and Responsibilities

The following sections outline forms of behavior that are inappropriate in a university community. ~~These forms of inappropriate behavior and~~ have been organized into two groups: ~~to help students understand the standards of behavior that are not appropriate. These are~~ Respect for the NDSU Community and Respect for the Protection and Rights of Others. Inappropriate behaviors outlined here are not intended to be exhaustive. Instead, they are intended to assist students to avoid conflicts with university policies and other members of the university community. ~~Most s~~Students will find that ~~avoiding these inappropriate behaviors following these will not restrict their activities unnecessarily and will policies will~~ protect the rights and freedoms of everyone in the university community.

#### 4. Respect for the NDSU Community



~~The purpose of this section is to communicate~~ the importance of conducting oneself in a manner that ~~does not negatively affect~~supports the educational mission of the university ~~or and does not~~ adversely affect the rights and welfare of oneself and others. Respect for the NDSU community includes promoting an environment ~~that is~~ conducive to learning and nurturing a sense of shared community responsibility.

#### 4.1 Violations of Law

The university reserves the right to address any behaviors occurring on or off campus that may be construed as potential or alleged violations of local, state or federal laws. ~~Campus proceedings may ensue before, during or following the pendency of civil and/or criminal proceedings. Because the university uses a lower standard of proof in code proceedings than used in criminal courts, differing judgments may result. In upholding university conduct standards, university conclusions also may vary from those resulting in civil courts over the same fact patterns.~~

#### 4.2 Complicity in Prohibited Acts

~~There are two types of complicity. The first~~ Complicity is knowingly, recklessly or willfully encouraging or assisting others to commit acts prohibited by this code. ~~The second type is, when in the presence of a potential code violation, students fail to do one or more of the following:~~

- ~~a) Personally confront those involved and stop the violation, except in cases of violence;~~
- ~~b) Bring the violation to the awareness of a staff member; or~~
- ~~c) Leave the scene of the violation, if not responsible for the space in which the violation is occurring.~~

~~Complicit students~~ and may be sanctioned to the same extent as if ~~they~~one had committed the prohibited act. Students are accountable for their guests' behavior ~~of their guests~~ and may be sanctioned under this provision as if they had committed the violations themselves. ~~When in the presence of a potential code violation, students are expected to do one or more of the following:~~

- ~~a) Personally confront and stop the violation, except in cases of violence;~~
- ~~b) Bring violation to the awareness of a staff member; or~~
- ~~c) Leave the scene of the violation, if not responsible for the space in which the violation is occurring.~~

#### 4.3 Alcohol/Drug Use

~~(see Section 155 of the NDSU Policy Manual: Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees at [www.ndsu.edu/policy/155.htm](http://www.ndsu.edu/policy/155.htm)).~~ NDSU maintains an alcohol/drug free campus, subject to minor exceptions noted below. Section 155 of the NDSU Policy Manual: Alcohol and Other Drugs applies to students, campus organizations and employees, regardless of the individual's age. ~~(see Section 155: Unlawful and Unauthorized Use by Students and Employees at [www.ndsu.edu/policy/155.htm](http://www.ndsu.edu/policy/155.htm)).~~

##### 4.3.1 Alcohol on NDSU Property

Manufacture, sale, transfer, purchase, transportation, possession, use or consumption of an alcoholic beverage anywhere on NDSU property (including university vehicles, regardless of location), are all prohibited. Exceptions may include lawful possession of alcohol in ~~family student residences, when permitted,~~ on-campus professional staff residences, fraternity ~~houses~~ies and sororities

(in certain circumstances), president's residence, and other special exceptions as granted in writing by the president. Special exceptions must be educational in nature and comply with requirements outlined in section 4.3.8 of this document.

#### 4.3.2 Behaviors While Under the Influence of Alcohol or Other Drugs

Being under the influence of alcohol or other drugs is a violation of this code while a person is on university owned or controlled property, or at an NDSU sponsored or supervised function, and the person:

- a) Endangers, or may endanger, the safety of others, property or themselves; or
- b) Causes a disturbance.

#### 4.3.3 Minors in Possession/Consumption/Under the Influence of Alcohol While on Campus

~~As a~~ As students under the age of 21 ~~minor,~~ being under the influence of, possessing, manufacturing, exchanging, distributing, purchasing, using, or selling alcohol on NDSU owned or controlled property, or at NDSU sponsored or supervised events ~~is~~are prohibited.

#### 4.3.4 Driving While Under the Influence of Alcohol or Other Drugs

Driving while under the influence of alcohol or other drugs, regardless of location, is prohibited.

#### 4.3.5 Possession of Alcohol ~~and/or Alcohol~~ Beverage Container

Possession or display of empty alcohol beverage containers, including but not limited to cans, bottles and kegs, on the NDSU campus, including those held by unauthorized individuals for the purpose of recycling is prohibited.

#### 4.3.6 Alcohol at Student Organization Events

Recognized NDSU student organizations planning off campus events at which alcohol may be available (within the premises where the event takes place) must complete and file with the Student Activities Office, Memorial Union 120, an Event Risk Management Planning Notification Form, available in the Student Activities Office and online at [http://mu.ndsu.edu/reservations/event\\_risk\\_management](http://mu.ndsu.edu/reservations/event_risk_management). [http://www.ndsu.edu/mu/about\\_mu/forms/](http://www.ndsu.edu/mu/about_mu/forms/). Events involving alcohol must be closed events, intended only for organization membership and invited guests, and alcohol must be sold/served by a licensed third party vendor. Policies for event planning include:

##### 4.3.6.1 Open Events/Parties at which Alcohol May be Present

Open events/parties, at which alcohol may be present, are prohibited by the university. Open events/parties are defined as those events with unrestricted access by nonmembers of the organization ~~without specific invitations~~.

##### 4.3.6.2

Closed events/parties, at which alcohol may be present, are defined as those requiring restricted access by members of the organization and identified guests. These events/parties require guest lists which must be submitted to the Student



Activities Office, Memorial Union 120, during normal business hours at least 24 hours prior to the event.

4.3.6.32 Use of Student Organization or Public Funds

Student organization or public funds may not be used for the purchase of alcoholic beverages.

4.3.6.43 Sale of Alcoholic Beverages

Sale of alcoholic beverages by students and student organizations is strictly forbidden. This includes any action that can be remotely construed as an alcohol sale, such as charging admission to parties, passing the hat, selling empty cups, and selling drink tickets, etc. Alcohol sales may be conducted only by licensed third party vendors and made available only in individual serving containers.

4.3.6.54 Common sources of alcohol

Common sources of alcohol, such as party balls or kegs, are not permitted.

4.3.6.654 Activities and Promotions

No activities or promotions shall encourage excessive and/or rapid consumption of alcoholic beverages. This includes contests, drinking games, and discounts or special pricing of alcoholic beverages. Use of alcohol at any such events is expected to be lawful and responsible.

4.3.6.765 Alcoholic Beverages as Prizes

Alcoholic beverages (such as kegs or cases of beer) may not be used as awards or prizes in connection with events or activities. Prize coupons and/or gift cards used for establishments with a liquor license must include the statement, "Not valid for purchase of alcohol."

4.3.7 Advertising Related to Alcohol

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, frisbees, T-shirts, backpacks, beverage can/bottle coolers and any other items carrying alcohol/beer advertising. Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines:

4.3.7.1 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 or promote alcohol specials such as two for ones, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.

4.3.7.2 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.

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

4.3.7.4 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.”

For additional policy details, consult Section 155, the Alcohol and Other Drugs; Unlawful ~~and Unauthorized~~ Use by Students, ~~Faculty~~ and ~~Staff~~ Employees, the Event Risk Management guidelines and the Greek Life Initiatives and Action Plan (policies are available in the Student Activities Office, Memorial Union 120, and online at [www.ndsu.edu/MU](http://www.ndsu.edu/MU)).

#### 4.3.8 Exceptions to Alcohol/Drug Use

Full or empty alcohol containers and/or drugs may be used in educational programs with educational purposes when officially requested by and conducted under the direction of university administrators with prior written approval from the president. Exceptions may be made as expressly permitted by law or as required for scientific research or teaching under the direction of faculty supervision. Programs that serve as fundraisers or at which admission is charged will not be eligible for exceptions to the alcohol policies.

#### 4.3.9 Good Samaritan Responsibilities

~~A student host has a responsibility to ensure the well being of their guests wherever events occur. If a guest needs emergency medical attention, the host is required to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. If the host fails to carry out this responsibility, the host may be subject to severe university sanctions and may potentially be subject to additional civil and/or criminal liability. If the host acts properly and seeks medical attention or police assistance, this will be noted and brought forth prior to the sanctioning phase of any hearing related to the event in which the medical emergency arose.~~

##### 4.3.9.1 Student Hosts

Student hosts have the responsibility to ensure the well being of their guests wherever events occur. If a guest needs emergency medical attention, student hosts are required to call an ambulance or other appropriate emergency personnel (ambulance, police, fire, etc.) to gain that assistance. Student hosts who fail to carry out this responsibility may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability.

Student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.

##### 4.3.9.2 Students

All students are expected to protect the well being of fellow students and others wherever events occur. If a person needs emergency medical attention, students are expected to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Students who fail to respond appropriately may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability. Students who act properly and seek medical attention or police assistance will

experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.

#### 4.3.10 Drugs Other Than Alcohol

Drugs other than alcohol may include, but are not limited to, marijuana, ~~K2~~, hashish, hash oil, cocaine, crack, Khat, LSD, inhalants, salvia divinorum, stimulants, depressants, hallucinogens, narcotics, designer drugs, anabolic steroids, and other substances that alter one's mental state.

##### 4.3.10.1 Possession, Consumption, ~~Being~~ Under the Influence of Drugs Other than Alcohol

Possession, consumption, and ~~being~~ under the influence of drugs other than alcohol are prohibited, except pursuant to a physician's, ~~or dentist's, or other~~ authorized medical personnel's prescriptions.

##### 4.3.10.2 Transport, Manufacture, Exchange, Distribution, Purchase, Use, Sale of Illegal Drugs

Transport, manufacture, exchange, distribution, purchase, use, sale of illegal drugs, or any other controlled substances ~~is~~ are prohibited except pursuant to a physician's, ~~or dentist's, or other authorized personnel's~~ prescriptions.

#### 4.3.11 Possession of Drug Paraphernalia

Possession of drug paraphernalia for illegal drug use is prohibited.

#### 4.3.12 Off Campus Alcohol and/or Other Drugs

Students may face campus charges for alcohol and/or drug-related behaviors occurring off campus. Such reports generally come to the university in the form of a summons to court and/or police reports for loud party, noisy party/gathering, minor in possession/minor consuming/minor under the influence of alcohol, failure to disperse (from a loud party), consuming alcohol in public, driving under the influence of alcohol or other drugs, urinating in public, or other similar violations of law. Covered in this section are any other alcohol and/or other drug violations of law reported to NDSU by any law enforcement or other agencies.

#### 4.3.13 Noisy (Loud) Parties/Public Disturbances

Students may face campus charges for participation in or hosting of noisy or loud parties or other public disturbances on or off campus. Loud parties consist of two or more individuals whose behaviors lead to noise complaints.

#### 4.3.14 Smoking

Smoking is prohibited on the North Dakota State University grounds and in University buildings, residence halls, apartments and enclosed structures. (<http://www.ndsu.edu/policy/153.htm>) inside all facilities at NDSU. This includes all residence halls and university apartments. Smoking is permitted outdoors only in university designated areas.

#### 4.4 Animals

Privately owned ~~held~~ Animals are prohibited in campus buildings, with the exception of fish. Outdoors, animals must be on a leash, must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on university properties and at NDSU sponsored

or supervised events. Questions may be directed to the facilities management director, Thorson Maintenance Center.

#### 4.4.1 Service Animals

Service animals that assist persons with disabilities are welcomed as provided under federal law ~~permissible~~. "Service Animal," as defined by the Americans with Disabilities Act, means a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Service animals perform some of the functions and tasks an individual with a disability cannot perform for him/herself in activities of normal living. Service animals must be on a leash, must be under control of the owners' or their designees at all times, and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on university properties and at NDSU sponsored or supervised events. Students with a disability who regularly utilize a service animal are ~~request~~ required to register with the Disability Services Office, and, if necessary to establish that an animal meets the service animal definition above, and to provide documentation of the disability within a reasonable period of time. Service animals may not reside in university housing without expressed approval from Residence Life. Such requests will be processed as follows: A requesting individual should provide appropriate documentation to the Disability Services Office at least 60 days before housing is needed for the service animal. The Disability Services Office staff will review the documentation and arrange for conversations between the assistant director for residence life operations ~~associate director of operations~~ for residence life, person making the request, and a disability services staff person to facilitate the accommodation. See University Policy 100.2 for further information about service animals.

#### 4.5 Bad Debts/Financial Responsibility

##### 4.5.1 Payment

All students must pay in full any debts to NDSU, including, but not limited to, tuition/fees, room/apartment and meal plan charges, long distance telephone bills, and library fines. Any failure to meet these obligations may result in a denial of registration ~~or graduation privileges~~, denial of occupancy and/or continued occupancy of any university residence life accommodation, refusal to release a diploma upon graduation, or ~~a~~ refusal to forward an official transcript, unless the student has filed for bankruptcy or the debt has been discharged under federal bankruptcy laws. For the complete text of the NDSU Collection Policy, please consult the Customer Account Services staff or [www.ndsu.edu/policy/513.htm](http://www.ndsu.edu/policy/513.htm).

##### 4.5.2 Financial Aid Misuse/Abuse

Misusing financial aid through fraud or abuse is prohibited.

##### 4.5.3 Student Organization/Individual Debt

NDSU bears no responsibility for financial obligations of individual students or student organizations. Any debts incurred, either on or off campus, by students or student groups will be the responsibility of the organization and its leadership.

In the event an organization dissolves and is no longer in existence, individuals holding leadership positions at the time the debt was incurred will maintain responsibility for settling outstanding debts.

#### 4.5.4 Creditors

NDSU will normally take no action on behalf of creditors in the case of debts incurred by students, student organizations or other student groups. NDSU officials will not use the power of the state to act as a collection agency for private debts of students.

#### 4.6 Copyright (For additional information, please see [www.ndsu.edu/its/intellectual-property-copyright/](http://www.ndsu.edu/its/intellectual-property-copyright/))

##### 4.6.1 Intellectual Property Infringement

Reproduction of any copyrighted materials without authorization is prohibited. When reproducing or distributing information, users are responsible for observation of copyrights ~~s-rights~~ and other intellectual property rights of others and all state and federal laws, institutional and North Dakota University System (NDUS) policies. Generally, materials owned by others cannot be used without the owner's permission. Written consent from the copyright owner is normally necessary to reproduce or distribute copyrighted material. There are some exceptions, such as fair use in teaching and in research. Documentation of consent to use copyrighted materials must be kept on record and made available to institution officials upon request. NDUS assumes no obligation to monitor users for infringing activities, but will, when such activities are called to the appropriate official's attention, investigate to determine if there is likely infringement and take appropriate action.

##### 4.6.2 Trademarks

Users also should be careful of unauthorized use of trademarks. Trademarks are words, names or symbols that serve as source identifiers of a company's or institution's products. Certain uses of such marks online, in Websites, or in domain names can constitute trademark infringement. Unauthorized use of an institution's name in these situations also can constitute trademark infringement (see NDSU Policy 700.1: Use of University Name: [www.ndsu.edu/policy/7001.htm](http://www.ndsu.edu/policy/7001.htm)).

##### 4.6.3 Use of NDSU's Name

Use of NDSU's name without prior authorization is prohibited. For additional information and guidance, please see NDSU Policy Manual 700.1, Use of UNIVERSITY Name.

##### 4.6.43 Sale of Class Lecture Notes/Materials

Students are prohibited from transferring their class lecture notes or instructor provided materials for commercial purposes unless approved by the course instructor. In addition to copyright issues raised by such practices, commercial sales or transfers may interfere with the educational purposes of the instruction and potentially inhibit free discussion of ideas ~~so~~ central to the academic

purposes of instruction at NDSU. Note: This policy does ~~not~~ not prevent note taking ~~which is~~ provided as part of an ADA accommodation.

#### 4.7 Computer Related Inappropriate Behavior

( Please see NDSU Policy Manual Section 158: Acceptable Use of Electronic Communications Devices: [www.ndsu.edu/policy/158.htm](http://www.ndsu.edu/policy/158.htm) and the State Board of Higher Education (SBHE) Policy Manual Section 1901.2, Computing Facilities:

~~asp?ref=2429)~~<http://www.ndsu.edu/makers/procedures/sbha/default.asp?PID=126&SID=11>)

If additional questions remain, contact the Information Technology Services Help Desk in IACC for additional guidance. <http://its.ndsu.edu>

Following are common violations found in the two policies noted above. For a complete listing, please view both documents above.

4.7.1 Unauthorized use, sharing, lending or borrowing of an account ~~is~~ are prohibited.

4.7.2 Using computer services or facilities for purposes other than those for which the account was issued is prohibited. Please see NDSU Policy Manual Section 158, Acceptable Use of Electronic Communications Devices, <http://www.ndsu.edu/policy/158.htm>.

4.7.3 Using university network resources and services to play or store game programs, ~~except when authorized in writing by the information technology security officer,~~ is prohibited.

4.7.4 Using the university's computer systems for commercial purposes without written authorization of the Information Technology Security Officer is prohibited.

4.7.5 Copying, altering or destroying the files or output of another individual without the express permission of that individual ~~is~~ are prohibited.

4.7.6 Altering system software or hardware configurations, ~~or~~ disrupting or interfering with the delivery or administration of computer resources ~~is~~ are prohibited.

4.7.7 Misrepresenting oneself as another individual or entity in electronic communication is prohibited.

##### 4.7.8 Downloading

a) Using the university's network system to download copyright protected media including, but not limited to, books, music, movies, television programs, games, and software without proof of purchase or permission is prohibited.

b) The university establishes bandwidth limits for students, faculty and staff. When an individual exceeds that limit, cooperation with Information Technology Services (ITS) staff is mandatory to remedy excess use.

##### 4.7.9 Sharing Without Written Permission

Using the university's network systems to share or distribute copyright protected media, including but not limited to books, music, movies, television programs, games, and software without written permission is prohibited.

4.7.10 Abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other persons is prohibited.



4.7.11 ~~Using the University's network system to e~~Entering obscene ~~material or offensive material~~ into university owned computers or sending obscene ~~or offensive~~ material through the Internet or any other electronic system ~~is~~are prohibited.

4.7.12 Any other violation of university or NDUS policies governing electronic communications, as referenced above, is prohibited.

#### 4.8 Deception/Falsification/Misrepresentation

4.8.1 Withholding or providing false information ~~for the purpose of gaining benefit for oneself or others~~ is prohibited.

4.8.2 Falsely representing an entity and/or committing or using the resources of an entity without proper authorization ~~are~~is prohibited.

##### 4.8.3 False Accusations

Knowingly, intentionally or recklessly making false accusations of inappropriate behavior against another individual; providing false information or falsified evidence with the intent of harming another person; or attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution are prohibited.

~~4.8.4 Failing to keep NDSU notified of current local, permanent and e-mail addresses, or providing a false or fictitious address(es), are prohibited. Changes may be made at Bison Connection, Memorial Union, or via Campus Connection.~~

#### 4.9 Disruption of University Business

4.9.1 Disruption or obstruction of university business, such that the function or service is materially or substantially disrupted or obstructed is prohibited.

This University business includes (but is not limited to): teaching, research, administration, public service functions, meetings of university committees or boards, or of any other authorized university activity or organization on or off university premises, ~~(including but not limited to classes; social, cultural and athletic events; computing services; registration; residence life and dining services; governance meetings; and conflict resolution hearings), such that the function or service is materially or substantially disrupted or obstructed are prohibited.~~

4.9.2 Obstruction of ingress or egress to any university facility, or intentional obstruction that unreasonably interferes with freedom of movement, both pedestrian and vehicular, on campus ~~is~~are prohibited.

4.9.3 Unauthorized entry upon the performance area or spectator areas of any university event, including, but not limited to, athletic contests, exhibitions, musical or theatrical events, or any other events is prohibited.

#### 4.10 Gambling

Illegal gambling at any time and in any form is prohibited. Internet gambling is illegal in North Dakota. Individuals may not gamble on university athletics. (Raffles or lotteries require a permit from the City of Fargo. Permit applications may be obtained from the City Auditor's Office. See Section 8.1.4.)

#### 4.11 Failure to Comply

##### 4.11.1

Failure to comply with the instructions or directions of all university personnel ~~officials~~ in the performance of their duties is prohibited. Such acts may include, but are not limited to, ~~intentionally, knowingly or~~ recklessly obstructing or delaying any university proceedings, failing to cooperate with an investigation, ~~resisting or~~ fleeing a police officer, ~~and/or~~ failing to comply with assigned university behavior sanctions, ~~or~~ engaging in verbal and/or physical abuse directed toward any university personnel ~~will not be tolerated and shall constitute a violation of this code.~~

##### 4.11.2

~~Failure to comply with the instructions or directions of all emergency response personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, obstructing or delaying emergency response personnel, and resisting or fleeing a police officer, or engaging in verbal and/or physical abuse directed toward any emergency personnel. will not be tolerated and shall constitute a violation of this code.~~

#### 4.12 Identification

~~Students are expected to carry university identification at all times. Failure to produce either a university identification card or a driver's license upon request by any university personnel in the performance of their duties official, including, but not limited to, NDSU police officers, hall directors, and other residence life staff and Memorial Union staff in the performance of their duties is prohibited.~~

#### 4.13 Bribery

Offering, giving, receiving, or soliciting ~~of~~ anything of value to influence the official decision or action of ~~a university~~ personnel ~~employee or official~~, or a person in a position of trust or influence, ~~is~~ are prohibited.

Students are expected to complete their own academic assignments and responsibilities including, but not limited to, the taking of exams, completion of assignments/projects, and writing papers. Bribing others to fulfill or otherwise attempt to evade these academic responsibilities is prohibited.

#### 4.14 Misuse of Proprietary Information

Unauthorized use or misuse of proprietary information, in whatever form, ~~is~~ are prohibited. "Proprietary" means property in which the university or its employees and/or students have a legal interest or responsibility to maintain confidentiality (see NDSU Policy 343, Confidential Proprietary Information).

#### 4.15 Property Violations



~~4.15.1~~ Property violations are prohibited and include, but are not limited to, behaviors that would commonly constitute criminal violations, such as burglary, robbery, theft, possession of stolen property, trespassing, ~~and~~ vandalism.

#### 4.15.1 Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another is prohibited.

#### 4.15.2 Burglary

The unlawful entry into a building or another structure with the intent to commit a felony or theft is prohibited. This includes, but is not limited to, unlawful entry with intent to commit a larceny or felony, housebreaking, and safecracking. Attempts to commit the aforementioned would also constitute a violation of this policy.

#### 4.15.3 Robbery

The taking of, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of a person or persons by force or threat of force or violence or by putting the victim in fear is prohibited.

#### 4.15.4 Motor Vehicle Theft

The theft or attempted theft of a motor vehicle is prohibited. This includes, but is not limited to, persons having unlawful access even though the vehicle is later abandoned, such as joyriding.

#### 4.15.5 Theft of Property

Theft or removal of property belonging to the university or another individual is prohibited. This includes, but is not limited to, furniture, artwork, plants, electronics, books, window screens, and signs.

~~4.15.2 Theft or removal of university property and/or furnishings including, but not limited to, furniture, artwork, plants, electronics, window screens, and signs from their designated locations is prohibited.~~

#### 4.15.6 Theft of Services

Using university services to which one is not entitled ~~constitutes theft of services and~~ is prohibited. Examples This includes, but isare not limited to, using campus laundry services intended only for campus residents, using parking services not purchased, using parking lots other than those assigned by campus personnel, ~~and~~ unauthorized use of university printing services.

#### 4.15.7 Vandalism

The willful destruction or defacement of property belonging to the university or another individual is prohibited. This includes, but is not limited to, writing on or

tearing down bulletin boards, spray painting or unauthorized chalking of buildings or sidewalks, and intentionally breaking or damaging property.

#### 4.16 Sales

Unauthorized sales or solicitations at any time in residence halls, university apartments, or in any other campus buildings ~~is~~<sup>are</sup> prohibited. For questions regarding sales in the Memorial Union, see the Memorial Union ~~ed~~<sup>Director</sup>, Room 246. For questions regarding sales in residence life facilities, see the ~~senior~~<sup>senior</sup> associate director of residence life, West Bison Court ~~406~~. For questions concerning sales in any other areas, begin the inquiry at the Dean of Student Life Office, Memorial Union, Room 250.

#### 4.17 Telephone and Related Equipment Abuse

~~4.17.1 Intentionally making telephone calls to or from the university for the purpose of abusing, threatening, annoying or harassing another person is prohibited.~~

~~4.17.2 Charging or causing to be charged, any long distance or other toll telephone calls to university telephone accounts and/or Bison Lines accounts without proper authorization is prohibited.~~

~~4.17.3 Damage or destruction to the university's telephone system and any of its telephone instruments or equipment is prohibited.~~

~~4.17.4 Using or abusing telephone equipment, lines or accounts belonging to the university or to university employees, students, and/or faculty without authorization, or for purposes other than those originally granted authorization, is prohibited.~~

#### 4.178 Traffic Safety and Parking Enforcement

University traffic and parking regulations are approved by the University Senate upon recommendation of the Campus Space and Facilities Committee. The complete current rules are published in a separate pamphlet titled "NDSU Parking Regulations" which may be obtained from the NDSU Parking Office, Thorson Maintenance Center or online at <http://www.ndsu.edu/parking/dox/parking/ParkingBrochure.pdf>~~add correct web address here. Some of these regulations are listed here~~Following are common violations found in the NDSU Parking Regulations" brochure:

Traffic Regulations, as Governed by NDSU Police:

4.178.1 Improper operation of motor vehicles on campus including, but not limited to, driving on sidewalks, or grass, ~~etc.~~, is prohibited.

4.178.2 Failure to cooperate with the lawful direction of traffic enforcement personnel in the performance of their duties is prohibited.

4.178.3 Failure to report an accident that occurs on the NDSU campus, or involves an NDSU official vehicle, in the manner and time limit required by law or by university regulations, is prohibited.

4.178.4 Failure of persons in motorized vehicles or on bicycles, skateboards, roller blades, and/or scooters to yield the right of way to pedestrians or abide by any traffic laws is prohibited.

**Parking Regulations, as Governed by the Parking Enforcement Office:**

~~University traffic and parking regulations are approved by the University Senate upon recommendation of the Campus Space and Facilities Committee. The complete current rules are published in a separate pamphlet titled "NDSU Parking Regulations" which may be obtained from the NDSU Parking Office, Thorson Maintenance Center or online at [http://facilities-mgmt.ndsu.nodak.edu/parking/07-08\\_Parking\\_Bro.pdf](http://facilities-mgmt.ndsu.nodak.edu/parking/07-08_Parking_Bro.pdf). Some of these regulations are listed here:~~

~~4.178.5 Falsifying registration information, reproducing, defacing, forging, altering, obscuring or transferring a permit is prohibited. Retaining and using a found permit is also prohibited. Parking permit theft may be processed under this code in place of or in addition to filing of criminal charges for theft of services. Upon completion of investigations by university police and the NDSU Parking Office, sanctions and/or fines may be administered. Reselling of permits is permitted only by the NDSU Parking Office. Falsifying registration information, reproducing,~~

~~defacing, forging, altering, obscuring, transferring or retaining and using a found permit are prohibited. Reselling of permits is permitted only by the NDSU Parking Office and stolen parking permits may be processed under this code in place of or in addition to filing of criminal charges for theft of services. Upon completion of investigations by university police and the NDSU Parking Office, sanctions and/or fines may be administered.~~

~~4.18.6 Parking on the NDSU campus without the required permit as well as the common offenses of parking in designated "no parking" zones, over parking in time zones, parking in fire lanes, parking in handicapped spaces without permit(s), and parking in designated reserved spaces, etc., are prohibited. Campus streets are considered "no parking" zones unless otherwise designated as a time zone or a permit required zone. Parking personal vehicles in agricultural plot areas is prohibited.~~

~~4.18.7 Failure to park bicycles or motorcycles in designated parking areas or to use designated parking structures is prohibited. Unless specifically provided for that purpose, attaching bicycles or motorcycles to light poles, railings, fencing, trees, or other university exterior or interior structures is forbidden prohibited.~~

~~4.18.8 Bicycles or motorcycles may not be stored in any university building or structure unless specifically provided for by regulation. Any questions may be directed to the parking and transportation manager, Thorson Maintenance Center.~~

**4.189 Unauthorized Entry/Use of Facilities**

4.189.1 Unauthorized entry upon the property of the university or into a university facility or any portion thereof that has been reserved, restricted in use, or placed off limits; unauthorized presence in any university facility after closing hours; and unauthorized possession or use of a key/access card to any university facility are prohibited. Unauthorized activities shall include, but are not limited to, entry, use or occupancy to which students are not permitted by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender. University areas that are restricted include, but are not limited to, all building roofs, fire escapes, steam tunnels, elevator shafts, equipment and mechanical storage rooms, and construction sites. The use of fire escapes is strictly limited to emergency purposes.

4.189.2 Reproduction, duplication, manufacture or possession of any key or unlocking device for use on university facilities, locks, or other property on university premises without proper authorization are prohibited.

~~4.189.3 Procuring, altering, damaging, removing, manufacturing or using any university key card, lock, password or other security device without proper authorization is prohibited.~~

~~4.189.4 Refusal to vacate a university facility when directed to do so by an authorized official of the university is prohibited.~~

~~4.189.53 Use of any university facility, equipment, or materials, or services, except for their authorized purposes, including, but not limited to, the telephone, mail and computer systems, is prohibited. Only currently enrolled NDSU students and currently employed NDSU faculty and staff are authorized users. No university facilities, equipment, materials or services may be used to commit any illegal act.~~

~~4.19.4 University computing clusters are provided for use of currently enrolled NDSU students and currently employed NDSU faculty and staff members. Use by all others is prohibited.~~

~~4.19.5 Procuring, altering, damaging, removing, manufacturing or using any university key card, lock, password or other security device without proper authorization are prohibited.~~

~~4.19.6 Refusal to vacate a university facility when directed to do so by an authorized official of the university is prohibited.~~

## 5. Respect for the Protection and Rights of Others

The purpose of this section is to communicate the value the university places on respect for the protection and rights of others.

### 5.1 Physical Abuse

~~Physical abuse, including use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person or to endanger the health or safety of another person, is prohibited.~~

### 5.12 Intimidation Verbal and/or Physical Behavior

~~Verbal and/or physical behavior~~ Behavior in any form that involves an expressed or implied threat to interfere or that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, safety of property, academic efforts, employment or participation in university sponsored activities, and causes the person to have a reasonable apprehension that such harm is about to occur. ~~Such behavior may include any form of electronic communications.~~

## 5.2 Physical Abuse

Physical abuse, including the use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person or to endanger the health or safety of another person, is prohibited.

## 5.3 Assault

Assault, an ~~unwanted~~ lawful physical touching by one person upon another ~~in which does not involve the display or use of a weapon, nor and does not result in the victim suffers~~ obvious or aggravated ~~bodily~~ physical injury, ~~involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness,~~ is prohibited.

## 5.4 Aggravated Assault

Aggravated assault, an ~~unwanted~~ lawful touching by one person upon another ~~wherein in which~~ the offender uses a form of weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury, ~~involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness,~~ is prohibited.

## 5.5 "Fighting Words"

The face-to-face use of "fighting words" is prohibited. Fighting words are personally abusive epithets that, when addressed to any person, are, ~~as a matter of public knowledge,~~ inherently likely to provoke immediate violent reaction whether or not the reaction occurs. ~~Terms/words include but are not limited to recognized derogatory references to race, ethnicity, religion, sex, gender, sexual orientation, disability or other personal characteristics.~~

## 5.6 Intimidation

~~Intimidating or threatening others is prohibited.~~

## 5.6.7 Unauthorized Surveillance

Making unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy including, but not limited to, shower/locker rooms, residence hall rooms, bedrooms, and ~~men's or women's~~ restrooms, is prohibited.

### 5.6.1

~~Also prohibited are s~~Storing, sharing and/or other distribution of such unauthorized video and photographic images, by any means, is prohibited.

## 5.78 Discrimination/Harassment and Discrimination/Intimidation

### 5.8.1 Discrimination

~~NDSU is fully committed to equal opportunity in employment decisions, 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, disability, age, Vietnam Era Veterans status, sexual orientation, marital status or public assistance status, or participation in lawful activity off the employer's premises during non-business hours that is not in direct conflict with the essential business-related interests of the employer (see NDSU Policy 100 [www.ndsu.edu/policy/100.htm](http://www.ndsu.edu/policy/100.htm)). Direct inquiries to the Executive Director and Chief Diversity Officer, 202 Old Main, (701), 231-7708.~~

### 5.78.1 Harassment

~~NDSU is committed to providing a climate that fosters respect for students, staff, and faculty as well as others who participate in programs and activities at the university. As part of that commitment, NDSU prohibits harassment based on gender, race, color, religion, national origin, age, disability, sexual orientation, or protected activity (such as reporting alleged harassment or providing information related to a grievance). This policy is in compliance with federal civil rights laws and agency regulations and guidance implementing these laws. Harassment (based on an individual's membership in one or more of the groups identified above) is defined, for purposes of this policy, as any unwelcome behavior which that has the intent or effect of unreasonably interfering with the individual's employment or academic endeavors or creating a hostile, intimidating or offensive environment.~~

### 5.78.2 Sexual Harassment (North Dakota State University Policy Manual, Section 162 [www.ndsu.edu/policy/162.htm](http://www.ndsu.edu/policy/162.htm))

As part of its commitment to equal opportunity, NDSU prohibits sexual harassment of its employees and students, including student-to-student and other peer sexual harassment. This policy is in compliance with federal regulations implementing Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Sexual harassment is defined as:

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement,
2. Submission to or rejection of such conduct by an individual ~~is~~<sup>are</sup> used as the basis for employment decisions or academic decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive environment."

Please note that sexual harassment in electronic forms also is prohibited under NDSU Policy 710 – Computer Facilities, [www.ndsu.edu/policy/710.htm](http://www.ndsu.edu/policy/710.htm). Individuals concerned about violations of this policy should request assistance from the university's [vice president for equity, diversity and global outreach](#) ~~executive director and chief diversity officer~~, university's general counsel, Counseling Center, Disability Services Office, or an appropriate administrator. When administrators or supervisors become aware of occurrences of sexual harassment in their areas, they are responsible for stopping the behavior or reporting it to the executive director and chief diversity officer. In addition, the university's equal opportunity grievance procedure shall be available for any person who wants to file a complaint alleging a violation of this policy. See related policy, "Consensual Relationships," ([www.ndsu.edu/policy/1621.htm](http://www.ndsu.edu/policy/1621.htm)) Section 162.1 of the NDSU Policy Manual. A copy of this policy may be requested from the Dean of Student Life Office, Memorial Union 250.

#### ~~5.8.3~~ Harassment

~~NDSU is committed to providing a climate that fosters respect for students, staff and faculty as well as others who participate in programs and activities at the university. As part of that commitment, NDSU prohibits harassment based on gender, race, color, religion, national origin, age, disability, sexual orientation, or protected activity (such as reporting alleged harassment or providing information related to a grievance). This policy is in compliance with federal civil rights laws and agency regulations and guidance implementing these laws. Harassment (based on an individual's membership in one or more of the groups identified above) is defined, for purposes of this policy, as unwelcome verbal or physical behavior which has the intent or effect of unreasonably interfering with the individual's employment or academic endeavors or creating a hostile, intimidating or offensive environment. Harassment may include (but is not limited to) jokes, derogatory comments, pictures, and/or direct physical advances. Note that harassment in electronic forms also is prohibited under NDSU Policy 710, Computer Facilities ([www.ndsu.edu/policy/710.htm](http://www.ndsu.edu/policy/710.htm)).~~

#### ~~5.78.4~~ Other Prohibited Acts

Any ~~harassing, discriminating and/or intentional actions~~ or any series of ~~these~~ actions that interferes with individuals' academic efforts, employment, personal safety or participation in university sponsored co-curricular activities ~~is~~are prohibited.

#### ~~5.89~~ Disorderly Conduct

Disorderly conduct is behavior that intentionally ~~causes~~ or recklessly creates a risk of public inconvenience, annoyance or alarm without proper authority. These behaviors are prohibited and include, but are not limited to, fighting, engaging in violent behavior, making unreasonable noise, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

#### ~~5.940~~ Lewd or Obscene Behavior



Lewd or obscene behavior that flagrantly flaunts community standards with respect to sexuality is prohibited. Lewd behavior ~~is conduct that is wanton, lustful or lacking of morals with respect to sexual relations~~ includes, but is not limited to, sexual acts in public places, public urination, and exposing genitalia.

#### 5.10 Sexual Misconduct/Sexual Acts

An NDSU goal is to create a campus community free from interpersonal abuse, including sexual assault. NDSU commits its resources to the following twofold process:

- a) To provide crisis intervention and a judicial/disciplinary response for persons and alleged offenders, and
- b) To educate and promote discussion on interpersonal abuse and violence.

##### 5.10.1 Sexual Assault and Sexual Misconduct Policy

- a) Sexual assault or sexual misconduct, in any form, is prohibited.
- b) The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others. The university encourages individuals to report sexual offenses even though they may have voluntarily been under the influence of alcohol and/or other substances at the time.

For purpose of this policy, the following definitions apply:

1. Sexual assault is any sexual behavior between two or more people to which one person does not or cannot consent. This includes sexual acts or contacts with others that can involve:
  - a) Compelling a person to submit to sexual acts or contacts by force or threat of force,
  - b) Using intoxicants to impair substantially the person's power to give consent,
  - c) Engaging in such acts when the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact. This includes, but is not limited to, situations when an individual is intoxicated, "high," scared, physically or psychologically pressured or forced, passed out, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated or confined,
  - d) When the person is under 15 years of age, or
  - e) When one person is between the ages of 15 and 17, and the other party is 18 or older.
2. Sexual misconduct occurs when a sexual act is committed without intent to harm another and when, by failing to assess the circumstances correctly, a person believes unreasonably that consent was given without having met his/her responsibility to gain effective consent. Situations involving physical force, violence, threat or intimidation fall under the definition of sexual assault, not sexual misconduct,



and will be treated as such under these procedures.

3. Sexual acts include, but are not limited to:

a) Sexual intercourse,

b) Sodomy,

c) Sexual penetration with an inanimate object,

d) Touching of a person's intimate parts (genitalia, groin, breast, or buttocks, or clothing covering them), or

e) Compelling a person to touch his or her own or another person's intimate parts without consent.

4. Consent means words or actions that show a voluntary agreement to engage in mutually agreed upon sexual activity. Consent is an affirmative decision given by clear actions or words. It is important not to make assumptions.

If confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and verbally clarifies, willingness to continue. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

5.10.2 Non-contact Sexual Offenses

Non-contact sexual offenses include, but are not limited to, peeping and indecent exposure, and are prohibited.

5.11 Endangerment of Individuals or Safety of Individuals

5.11.1 Initiating or circulating a report or warning concerning an impending bombing, a fire, or other emergency or catastrophe knowing that the report is false, or knowingly transmitting such a false report to an official or an official agency ~~is~~are prohibited.

5.11.2 Willful failure to comply with orders issued by any emergency personnel during ~~any real or perceived emergency condition is prohibited. Examples include, but are not limited to, tornado, fire, fire drill, bomb threat, or situations requiring shelter in place, or any other real or perceived emergency condition is prohibited.~~

5.11.3 Tampering with any fire protection sign or device or any other emergency equipment, (including, but not limited to, fire extinguishers, fire hoses, smoke/heat detectors, sprinkler systems and other alarm systems), for reasons other than an actual or perceived emergency, ~~is prohibited, except when done with the reasonable belief that such an emergency exists, is prohibited.~~

5.11.4 Tampering with elevator controls, elevator shaft access, and/or other elevator equipment by ~~such~~acts including, but not limited to, jumping, elevator surfing, falsely sounding alarms, and stopping between floors, ~~is~~ is prohibited.

5.11.5 Willful failure to follow safety standards is prohibited.

5.11.6 Creating a risk of bodily harm or falsely creating the impression of risk of bodily harm to ~~others~~any NDSU faculty, staff, students or guests ~~is~~are prohibited.

#### 5.11.7 Sporting Activity Restrictions

~~Due to safety and facility concerns, r~~Riding skateboards or scooters and using in-line skates, roller skates, and bicycles are prohibited inside all university facilities. Use of water guns, water balloons, and throwing of flying discs (~~Frisbees™~~), balls, or other objects also are prohibited indoors, except when authorized.

Use of projectile launchers is prohibited on campus without ~~documented express~~ ~~advance~~ permission by an appropriate university official. Launchers may include those intended for water balloons, potatoes, pumpkins, and other items ~~projected at great velocities~~. For guidance, contact the director of University Police and Safety Office.

#### 5.12 Firearms/Explosives/Other Weapons

Unauthorized possession, display or use of ~~firearms, explosives, or other~~ weapons on university owned or controlled property, including in personal vehicles, ~~is~~are prohibited, unless permission for possession and/or use has been granted by an appropriate university official.

5.12.1 Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, stun gun or similar device designed to deliver an electric shock, daggers, knives, sabers, swords, and bows and arrows.

5.12.2 Explosives include, but are not limited to, bombs, explosives, fireworks and other incendiary devices. Incendiary devices are defined as any flammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

5.12.3 Other weapons include, but are not limited to, martial arts implements, dangerous ~~fuels and~~ chemicals, ~~such as mace or pepper spray, or fuels~~. Any objects may be considered ~~a~~ weapons when used to inflict or threaten infliction of bodily injury or property damage.

#### 5.12.4 Projectiles

Throwing, ~~or casting, or encouraging, aiding, or assisting others in throwing, or~~ ~~casting of~~ any object into, upon, or against any building, structure, motor vehicle, or at any person ~~is~~are prohibited.

This policy shall not prohibit persons or student organizations from possessing, storing, or using weapons at approved locations for the purpose of meeting requirements of educational programs and/or a student group recognized by the university. For authorization, contact the director of the ~~NDSU~~ University Police and Safety Office, ~~Auxiliary Enterprise Building~~.

#### 5.13 Hazing

Hazing ~~is prohibited regardless of location, intent, or consent of participants. is a broad term encompassing any action or activity that inflicts or intends to cause~~

~~physical or mental harm or anxieties that may demean, degrade or disgrace any person, regardless of location, intent or consent of participants.~~ Hazing ~~also is~~ can be defined as any action or situation, ~~on or off campus premises,~~ that intentionally or unintentionally endangers a student for admission into or affiliation with a student organization or group. Such activities and situations include, but are not limited to, paddling in any form; creating excessive fatigue; forced consumption of any substance; forced road trips; morally degrading, demeaning, unsanitary, humiliating games or stunts; and harassment, ridicule or other activities prohibited by law or university policy.

5.13.1 ~~Hazing in any form is prohibited by NDSU and state law.~~ It is the responsibility of the organization and its leadership in conjunction with the (inter)national organization, ~~if anywhere appropriate,~~ to protect ~~its new potential~~ members, ~~associate members,~~ members or other persons associated with the organization from any hazing ~~ceremony,~~ activity or practice conducted, condoned, or encouraged by the current members of the organization, alumni or other associates.

5.13.2 The university or ~~individuals prospective group members~~ may file a complaint of hazing ~~with the Dean of Student Life Office against all parties as individuals and/or against the group or organization.~~ Individuals and/or groups ~~also may~~ also be subject to criminal and/or civil liability ~~outside beyond~~ the jurisdiction of the university.

#### 5.14 Sexual Misconduct/Sexual Acts

~~An NDSU goal is to create a campus community free from interpersonal abuse, including sexual assault. NDSU commits its resources to the following twofold process:~~

- ~~a) To provide crisis intervention and a judicial/disciplinary response for persons and alleged offenders, and~~
- ~~b) To educate and promote discussion on interpersonal abuse and violence.~~

##### 5.14.1 Sexual Assault and Sexual Misconduct Policy

- ~~a) Sexual assault or sexual misconduct, in any form, is prohibited.~~
- ~~b) The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others. The university encourages individuals to report sexual offenses even though they may have voluntarily been under the influence of alcohol and/or other substances at the time.~~

~~For purpose of this policy, the following definitions apply:~~

~~1. Sexual assault is any sexual behavior between two or more people to which one person does not or cannot consent. This includes sexual acts or contacts with others that can involve:~~

- ~~a) Compelling a person to submit to sexual acts or contacts by force or threat of force;~~
- ~~b) Using intoxicants to substantially impair the person's power to give consent;~~

e) Engaging in such acts when the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact. This includes, but is not limited to, situations when an individual is intoxicated, "high," scared, physically or psychologically pressured or forced, passed out, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated or confined,

d) When the person is under 15 years of age, or

e) When one person is between the ages of 15 and 17, and the other party is 18 or older.

2. Sexual misconduct occurs when a sexual act is committed without intent to harm another and when, by failing to correctly assess the circumstances, a person believes unreasonably that consent was given without having met his/her responsibility to gain effective consent. Situations involving physical force, violence, threat or intimidation fall under the definition of sexual assault, not sexual misconduct, and will be treated as such under these procedures.

3. Sexual act includes, but is not limited to:

a) Sexual intercourse,

b) Sodomy,

c) Sexual penetration with an inanimate object,

d) Touching of a person's intimate parts (genitalia, groin, breast, or buttocks, or clothing covering them), or

e) Compelling a person to touch his or her own or another person's intimate parts without consent.

4. Consent means words or actions that show a voluntary agreement to engage in mutually agreed upon sexual activity. Consent is an affirmative decision given by clear actions or words. It is important not to make assumptions. If confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Consent may not be inferred from silence, passivity or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

#### 5.14.2 Non-contact Sexual Offenses

Non-contact sexual offenses include, but are not limited to, peeping and indecent exposure, and are prohibited.

#### 5.145 Stalking

Stalking is prohibited. No person may intentionally stalk another person. As used in this code, "stalk" means to engage in an intentional

course of behavior directed at a specific person that frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of behavior, involving two or more acts, may be directed toward that person or a member of that person's immediate family. "Immediate family" means a spouse, parent, child or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months resided in the household.

Stalking generally causes a reasonable person to experience fear, intimidation, harassment, or to be the object of unwanted attention. Stalking behaviors may include, but are not limited to:

- a) Approaching, following, loitering, pursuing or restraining behaviors;
- b) Repeated unwanted electronic communications ~~using such as~~ e-mail, telephone calls, social media, and text messages;
- c) Sending unwanted gifts;
- d) Trespassing; and
- e) Vandalism.

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#### ~~5.145.1 Stalking Defenses~~ No Notice/No Intent

In any proceeding under this section, it is not a defense that no actual notice was given that the person did not want to be contacted or followed; nor is it a defense that there was no intention to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is evidence of intention to stalk the person.

#### ~~5.145.2 Stalking Exceptions~~ Legal Exclusions

- a) Excluded are constitutionally protected behaviors. If a person claims to have been engaged in a constitutionally protected activity, the hearing officer or body shall determine the validity of the claim and, if found valid, shall exclude evidence of the activity.
- b) In any proceeding under this code, it is a defense that a licensed private investigator or a peace officer licensed under law was acting within his/her scope of employment.

~~5.156 On-Campus Housing~~ Safety and Security Efforts  
~~Due to the nature of on-campus living, environmental safety and security standards have been established.~~ All students will be held accountable for their behaviors in

residence halls and university apartments. Off-campus students will be referred to the Dean of Student Life Office ~~associate director of student~~

~~rights and responsibilities for action~~for action. All students and their guests need to cooperate with efforts to establish a secure campus by complying with policies and cooperating with residence ~~hall~~life staff.

#### 5.156.1 Keys/Access

##### 5.156.1.1 Keys/Access Cards

Students are not permitted to duplicate keys/access cards ~~issued by residence life~~. Students also are not allowed to loan keys/access cards to other individuals. Students are expected to be responsible for their keys/access cards and security of their rooms and apartments. Students who repeatedly find themselves locked out of their rooms or apartments are subject to sanctions under this code.

##### 5.156.1.2 Escorting of Guests

Entrance doors for the residence halls and university apartment buildings are locked 24 hours a day. Guests must meet their resident-host at an entrance door to gain entry into the building. Non-residents must be escorted by a resident at all times ~~when in the residence halls~~.

Students are not allowed to prop open doors or allow unauthorized persons into on-campus housing facilities.

#### 5.165.2 Guests and Visitation

Residents are responsible for knowing the identity of their guests and are responsible for guest behaviors. Residents are held liable for loss or damages to property caused by their guests.

#### 5.156.3 Overnight ~~Residence Hall~~ Guests

Guests of the same sex are permitted to stay overnight ~~in the residence halls~~ with approval from residence life staff. Residents must register their overnight guests prior to the stay before 2 a.m. Guests may not stay more than three consecutive nights. Overnight guests of the opposite sex are not permitted.

#### 5.156.4 Quiet Hours/Noise

Residents and guests must respect quiet hours in each of the on-campus housing facilities. Specific quiet hours are posted ~~in each hall and apartment building~~. Courtesy hours are in effect 24 hours a day to allow students to pursue their academic studies and promote a comfortable living environment.

#### 5.156.5 Candles and Incense

Candles and incense are not allowed in on-campus housing facilities. Open flames also are prohibited.

## **6. Respect for Community and Protection of the Rights of Others by Student Organizations and Affiliated University Groups**

The purpose of this section is to communicate the importance of conducting organizational business and activities in a manner that does not negatively affect the educational mission of the university, and adversely affect the welfare of others, or infringe upon the rights of others. Student organizations are recognized by the Student Government Executive Commission of the Congress of Student Organizations and are independent of NDSU. Because of their relationship with the university, student organizations are expected to uphold and comply with university policies and the Code of Student Behavior.

### **6.1 Responsibilities of Student Organizations and Affiliated University Groups**

6.1.1 A student organization or a group affiliated with the university shall be deemed responsible for acts of inappropriate behavior committed by individuals where such acts:

- a) Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly; and/or
- b) Take place in the context of a tradition, custom, or past practice of the group or organization; and/or
- c) Are reasonably foreseeable as a result of an activity carried on by the student organization or affiliated university group.

6.1.2 Students residing in properties owned by organizations or groups affiliated with the university will be held responsible for their behavior, behaviors of their guests, and controlling access to their premises.

### **6.2 Conflicts by Student Organizations and Affiliated University Groups**

Compliance with University Policy  
Student organizations and affiliated university groups must be in compliance with university policies, procedures, and regulations. Behavior that conflicts with policies established by the university for student organizations and/or affiliated groups is prohibited. Such prohibited behaviors include, but are not limited to, misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, or abuse of student election regulations.



~~or failure to abide by university policies, procedures and regulations.~~

### 6.3 Conflict Resolution and Enforcement Procedures for Conflicts by Student Organizations and Affiliated University Groups

~~For information concerning the conflict resolution procedure(s) to be utilized, refer to Section 15, Code of Student Behavior Complaint Resolution Procedures.~~

6.3.1 When a student organization or an affiliated university group is charged with inappropriate behavior, the presiding officer or individuals affiliated with the group shall be required to participate as representatives of the group in proceedings conducted

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under this code ~~as representatives of the group.~~

6.3.2 In some

cases, organizational officers or members also may be charged with individual violations related to the original incident involving the organization, in separate proceedings.

~~6.3.2 For information concerning the conflict resolution pathway(s) to be utilized, refer to Section 15, Code of Student Behavior Complaint Resolution Procedures.~~

6.3.3 Because behavioral records of student organizations are not protected by the Family Educational Rights and Privacy Act (FERPA), complainants are entitled to learn the results of behavioral actions taken against student organizations as long as those disclosures do not compromise the privacy of any individual student's education record. In such situations, federally protected individual names ~~will~~may ~~have to~~ be removed.

## **7. Student Organizations/Fraternities and Sororities/Activities**

Recognition requirements and procedures (for guidance, consult with staff in the Memorial Union Student Activities Office):

### 7.1 Membership

#### 7.1.1 Membership in Student Organizations with NDSU Recognition

Membership must be limited to current students, faculty, and staff of NDSU. Students who transfer to another Tri-College institution who want to retain membership in an NDSU registered student organization may be eligible for on-going membership, contingent upon approval



from the dean of student life.

#### 7.1.2 Membership in Student Organizations with Tri-College/ Dual-College Recognition

Organizations that want to recruit and maintain membership of students from other Tri-College institutions must obtain Tri-College or Dual-College recognition. Membership in Tri-College organizations is open to full-time or part-time currently enrolled NDSU and Minnesota State University Moorhead (MSUM) students, full-time Concordia College students, and faculty/staff from Concordia College, MSUM or NDSU. Membership in Dual-College organizations must be consistent with membership guidelines at the respective institutions (see Tri-College/ Dual-College Organization Recognition Guidelines and Procedures. [www.ndsu.edu/memorial\\_union/thundarbolls/](http://www.ndsu.edu/memorial_union/thundarbolls/)).

#### 7.1.3 Membership in Social Fraternities and Sororities

Social fraternities and sororities are chartered with a single institution and therefore are ineligible for Tri-College/ Dual-College recognition; membership is limited to students enrolled at NDSU.

#### 7.2 Officers

Students holding elected or appointed leadership positions in recognized student organizations must meet the academic and conduct eligibility standards identified in Eligibility/Participation in Co-Curricular Activities [Policy](#).

#### 7.3 Recognition

Recognition of student organizations is granted by the Student Government Executive Commission of the Congress of Student Organizations and registered in the Student Activities Office in the Memorial Union. Although student organizations are independent organizations from NDSU, they are expected to uphold and comply with university policies, the Code of Student Behavior, and local, state, and federal laws.

7.3.1 Student organization purposes must be compatible with the educational [mission and](#) purpose of the university.

7.3.2 Students and student organizations are free to examine and to express opinions publicly and privately.

They are free to support causes by orderly means that do not disrupt the regular and essential operations of the university. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

#### 7.4 Registration Requirements

The following information must be electronically -filed with the Student Activities Office: ~~through org sync.~~

1. Registration form with the following:

- a) Name of the organization;
- b) List of officers and their signatures (~~obtained electronically~~);
- c) Name and signature of an adviser, selected from the faculty or staff, or another designee as approved by the Student Activities Office staff; and
- d) Tri-College/Dual-College Organization Registration Form (applies only to groups that want to obtain or maintain Tri-College/Dual-College recognition).

2. ~~Statement signed~~ Signed agreement by local student organization officers ~~giving assurance an agreement to the statement that~~ there will be no illegal discrimination

on the basis of race, color, national origin, religion, sex, disability, age, Vietnam Era Veterans' status, national origin, sexual orientation, marital status, public assistance status, or any form of discrimination in the selection of members or officers on a local level.

3. ~~Statement signed by~~ Signed agreement by local student organization officer(s) ~~giving assurance agreement that~~ there will be no participation in any activities that could be considered hazing.

4. Request to check Eligibility for Participation Form.

5. Copy of the constitution. Constitutions shall be submitted for record every three years, even if no changes are made.

7.4.1 Registration information will be renewed annually and a list of officers must be submitted to the Student Activities Office at the time of election or appointment of officers.

7.4.2 Membership, policies, and actions of recognized student organizations will be determined by currently enrolled student group members.

~~who are enrolled as students.~~

#### ~~7.5 Code Violations by Student Organizations and Affiliated University Groups~~

~~7.5.1 Organizations violating university rules are subject to revocation of recognition or other disciplinary action by Student Government or the administrative hearing officer designated by the dean of student life.~~

~~7.5.2 University organizations are prohibited from engaging as a group in activities that constitute individual violations of university policies by the members involved.~~

7.56 National/International Affiliated Organizations

National/international affiliated organizations must uphold the policies and procedures of their national/international organizations in addition to university policies and procedures. University policies will supersede in the case of conflicting policies.

7.67 On ~~Campus~~ and Off Campus Activities/Events

Responsibilities of officers of the organization include:

1. Reserve facilities for organization meetings and functions;
2. Prepare and file with the Memorial Union Student Activities Office an Event Risk Management Planning Notification Form, no later than two weeks prior to an off campus event;
3. Take initiative to ensure compliance with policies;
4. Seek assistance from staff in the Memorial Union Student Activities Office, as necessary;
5. Communicate policies to the organization's membership;
6. Encourage the organizational adviser(s) to be present;

And.

7. Take responsibility for group functions.  
Refer to section 4.3.6 for off-campus events at which alcohol may be available.

7.78 Fraternities and Sororities

7.78.1 Membership

Social fraternities and sororities are chartered with a single institution and therefore are ineligible for Tri-College/ Dual-College recognition; membership is limited to students enrolled at NDSU.

7.78.2 Residents of Greek Chapter Houses

~~No one other than a~~ Only current or new initiated member(s) of that chapter currently enrolled at NDSU, or a house employee, may reside in the house during the fall and spring semesters without authorization from the dean of student life and by chapter leadership.

7.78.3 Summer Rules

Fraternity and sorority presidents are to furnish names of the summer house managers to the coordinator for Greek life, Memorial Union. Chapter leadership is required to inform summer residents of university and Greek life policies.

7.78.4 Alcohol and Other Drugs

Fraternity Houses. ~~No~~ No alcoholic beverages or drugs are permitted in common

areas of chapter property at any time. Members who are 21 years of age may consume alcohol in the privacy of their rooms/suites with no more than three guests non-room/suite residents who are also

~~are~~ 21 years of age or older. Illegal drugs are not permitted on chapter property at any time.

Sorority Houses – no alcohol permitted due to National Panhellenic Conference rules prohibit alcohol and illegal drugs on chapter property at any time.

#### 7.78.5 Code Violations

As is the case with all university student organizations, fraternities and sororities will be held responsible for any conflicts with university policies occurring in Greek residences or at functions or social events sponsored by ~~the~~ chapters.

### 8. Commercial Solicitations and Distribution Issues

NDSU reserves the right to control the time, manner, and place of commercial solicitation, distribution of literature, and demonstrations occurring in public on the NDSU campus. Advance registration of such activities and events is required. (see procedural guidelines listed in Section 8.1).

Failure to register an activity or event or failure to comply with NDSU time, manner, and place restrictions may result in administrative, civil, and/or criminal proceedings for any participants engaging in disruptive activities. Such activities may result in university conflict resolution proceedings, issuing a no trespass warning and removal from campus, and/or arrest by law enforcement personnel.

#### 8.1 Commercial and Fundraising Activities

See NDSU Policy 150: [www.ndsu.edu/policy/150.htm](http://www.ndsu.edu/policy/150.htm).

##### 8.1.1 Recognized Student Organizations

Recognized student organizations must register fundraising activities with the associate director of Memorial Union/Student Activities Office at least two (2) weeks prior to advertising or initiating fundraising efforts. In some instances, using the Event Risk Management Planning Notification Form may be required.

Activities or items associated with fundraisers must be consistent with university policies and local, state, and federal laws.

Student organizations may use university facilities for sponsoring events at which admission is charged or donations are solicited, provided the group has worked with appropriate departments in reserving facilities and coordinating activities. Facility rental fees may be assessed for events at which admission is charged.

### 8.1.2 Organizations Not Affiliated with NDSU and Individuals

Organizations not affiliated with NDSU and individuals (regardless of affiliation with NDSU) may not advertise, sell, conduct a business, or raise funds on campus or in a university residence without first registering and receiving written permission from the following:

In ~~all~~ university apartments, from the assistant director for ~~university apartments and residence services~~ residence life apartments.

Commercial

activities in public areas of university apartments will not be allowed.

In residence halls, from the senior associate director of residence life. Commercial activities in public areas of residence halls will not be allowed.

In fraternity or sorority houses, from the president of the individual fraternity or sorority; permission will be limited to allowing commercial activities in public areas, ~~not including~~ bedrooms, or corridors, or suites.

In the Memorial Union, from the Memorial Union director.

Approval requires a confirmed reservation of space in the Memorial Union. Rental fees (if applicable) will be assessed for space utilized for these purposes.

In the Wallman Wellness Center, from the director of the center.

In all other areas, including exterior spaces, consult the Dean of Student Life Office for referral to the appropriate university official.

### 8.1.3 Parking Areas (Leaflets)

Placing flyers or other leaflets on vehicles on the NDSU campus, including those in NDSU parking lots, is prohibited.

Information left on vehicles will be removed and destroyed. If litter results from such activities, the sponsoring individual/group may be required to pick up discarded flyers or may be billed by the university for providing that service.

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### 8.1.4 Raffles or Lotteries

Raffles or lotteries require a permit ~~from the City of Fargo.~~

~~Obtained permit applications~~ from the City Auditor's Office. The permit must also be signed by the associate director of the Memorial Union-Student Activities. Student Organizations are required to get the permit signed by the Student Activity Office.

## 8.2 Solicitations/Distribution of Literature

8.2.1 All individuals or organizations responsible for distribution of literature on campus must be identified on

the literature.

8.2.2 All individuals or organizations distributing literature will be responsible for cleaning up all litter resulting from its distribution. Clean-up costs will be assessed to any such person or group ~~which that~~ does not clean up all such litter within a reasonable time.

8.2.3 Distribution by means involving shouting, pursuing, Hawking, or accosting individuals is prohibited, as is any interference with normal university functions or interruption of free flow of traffic, inside or outside any building.

8.2.4 Commercial literature may not be sold or distributed on campus unless rules governing advertising in the section "Commercial and Fundraising Activities" have been followed (see Section 8.1).

8.2.5 Any person or groups of persons who want to distribute literature to the public in the Memorial Union may use the following methods:

- a) Literature racks located on the main level;
- b) Contact tables in the main concourse area, available for reservation for up to two-week periods (a rental fee will be charged for off-campus entities that want to utilize the contact tables);
- c) Exterior locations as designated by the university. Exterior location distributions are limited to one location for no more than two consecutive weeks per group, with at least five class days between multiple registrations. In times when a large number of requests have been received, the Memorial Union director reserves the right to reduce the two-week time limit to accommodate as many users as possible. Distributor(s) must register in advance in the Memorial Union Administrative Office, at which time the following information will be required:
  1. Type, location, date(s), and time of distribution;
  2. Copy of the literature;
  3. Name of the organization represented, if any; and
  4. Name, address, and signature of the person or a group representative.

8.2.6 Literature may not be distributed in classrooms except by permission of the instructor or by registered student organizations at their scheduled meetings or events.

8.2.7 Posters may be distributed on campus in designated locations only. A list of all on campus posting locations is available in the Student Activities Office, Memorial Union 120. It is prohibited to place posters, signs, or handbills on areas not provided for that purpose by the university. To place flyers on bulletin boards in campus buildings, permission must first be obtained by contacting the

appropriate administrative representative as designated on the distribution list (for additional information, see NDSU Policy 154: [www.ndsu.edu/policy/154.htm](http://www.ndsu.edu/policy/154.htm)).

A poster distribution list of on campus locations where notices may be posted is available in the Student Activities Office, Memorial Union 120. It is prohibited to place posters, signs or handbills on areas not provided for that purpose by the university, unless it is one's own personal property. Bulletin boards in buildings on campus are restricted unless a notice on the board states otherwise. In general, individuals should seek permission to post from the individual(s) who has (have) administrative control of that location. For guidance where this person is unknown, contact the Dean of Student Life Office (see NDSU Policy 154: [www.ndsu.edu/policy/154.htm](http://www.ndsu.edu/policy/154.htm)).

8.2.8 Literature to be distributed within the residence halls or university apartments must be approved by the senior associate director of residence life.

### 8.3 Demonstrations/Parades

8.3.1 The university community is one of inquiry and persuasion. An individual or group may protest, rally, or demonstrate provided such protest or demonstration does not disrupt university operations or obstruct physical movement to, from, or within any place on campus, including university property located off the main campus.

While the campus must be open to the free exchange of ideas, the university may limit the time, place, and manner of demonstrations. All members of the community are expected to conduct dialogs with civility, dignity and courtesy.

Organizers and participants must allow other community members freedom of movement on campus and freedom to engage in performance of their duties or pursuit of their educational and co-curricular activities.

8.3.2 A protest, rally, or demonstration must not interfere with the missions, processes, procedures, or functions of the university. Therefore, organizers and participants must recognize and allow staff and faculty of the university to engage in performance of their duties, and for students to pursue their educational and co-curricular activities. Impeding or restricting these activities by making excessive noise, blocking entrances or exits from university facilities, or by using coercion, intimidation, or threats, or use of violence is unacceptable.

8.3.3 Organizers and participants are expected and required to vacate an area or university facility when directed to do so by an authorized official of the university or law enforcement personnel.



8.3.4 Any on-campus protest, rally, or demonstration must be registered with the director of the Memorial Union and University Police at least 24 hours prior to the event. The registration process will enable university officials to:

- a) Outline and discuss with organizers the guidelines necessary to keep the demonstration non-violent and non-disruptive,
- b) Plan for the control of possible counter-demonstrations that would infringe upon the rights of participants or result in violent or abusive action, and
- c) If demonstration/parade will involve a public street, applicants must also obtain ~~must get~~ a City of Fargo special event permit. Parades through campus buildings are not permitted.

#### 8.4 Chalking

~~These individuals~~ Individuals who want to chalk on sidewalks near the Memorial Union should seek permission from the director of the Memorial Union. Contact the director of facilities management to seek permission to chalk in any other area. Chalking on any other surfaces is prohibited.

~~The c~~Content of messages is limited to the promotion of a specific event.

#### 8.5 Posters, Signs, ~~Leaflets-Handbills~~

Placing posters, signs, or ~~handbill~~ leaflets except on one's own personal property or in areas authorized and provided for that purpose by the university is prohibited. ~~In general,~~ individuals should seek permission ~~to post~~ from ~~those~~ persons ~~individual(s)~~ who ~~has~~ have administrative control of that location. For guidance where this person is unknown, contact the Dean of Student Life Office.

### ~~9. Code of Student Behavior Sanctions, Terms and Conditions~~

~~A sanction is a consequence placed upon any student for conflicts with specified university policies. Sanctions help define the student relationship with the university in the context of current and potential future behavior, including a notice that further conflicts may lead to more severe behavioral sanctions. In assigning one or more sanctions for inappropriate student behavior, the hearing officer or board will consider:~~

- ~~a) Facts of the case as presented from all relevant sources, including the accused student,~~
- ~~b) Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses,~~

Comment [TS01]: Section 9 moved to Section 10



- e) Type and severity of the offense, and/or
- d) Previous incidents of inappropriate behavior committed by the student accused.

If a student is found not responsible for the alleged code violation(s), no action will be taken against the accused student. In cases in which the student is found responsible for violating one or more policies, one of the following terms and conditions may be imposed:

1. Warning,
  2. Behavioral probation (with or without supervision),
  3. Suspension,
  4. Voluntary withdrawal,
  5. Expulsion, or
  6. Recommendation to the provost to rescind a degree.
- With each sanction, other educational or restorative actions or other terms and conditions may be assigned. In addition, notification may be given to other university officials as necessary. Sanctions include, but are not limited to:
1. Restitution,
  2. Confiscation,
  3. Restricted access to university facilities and grounds,
  4. Loss of privileges,
  5. Participation in a specific program,
  6. Educational projects, and/or
  7. Alcohol or other drug testing and/or evaluation.

## 9.1 Sanctions

### 9.1.1 Written Warning

A warning is a written notification that subsequent code violations will normally result in more severe sanctions. This action results in no notation on the student's academic transcript.

### 9.1.2 Behavioral Probation

Behavioral probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with university policies and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Behavioral probation may be supervised or unsupervised. Further inappropriate behavior may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion. This action results in no notation on the student's academic transcript. Supervised probations generally require meetings with

a member of the Division of Student Affairs at regularly established intervals to monitor progress in academic, social, vocational and other areas of the student's life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth.

#### 9.1.3 Suspension

Suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not less than one academic semester and not to exceed two academic years. An individual student may not re-enroll during the period of suspension.

a) A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the suspension.

b) The notice will include the conditions for readmission that must be met prior to application for readmission.

Students may obtain a reactivation of student status (after absence) form from Registration and Records, Ceres Hall, also online at <http://bisonconnection.ndsu.edu/forms/reactivate/>. An interview with the dean of student life also will be required prior to acceptance of the student's application for readmission.

e) While a student is under suspension from NDSU, no academic credit earned during the suspension period will be accepted for transfer from any other higher education institution. The student's transcript will carry a notation "may not register for nonacademic reasons" without further explanation. If the student is subsequently readmitted, the original notation will remain on the transcript and a new notation will be added, "eligible for registration effective ..."

d) The student's eligibility for any refund of tuition/fees will be subject to the university's normal withdrawal policy.

e) There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student also may be required to obtain prior written permission from the dean of student life before being on any portion of the NDSU campus during the period of suspension. Usually a student with restricted access to the campus will be allowed on campus to conduct business related to the university, but only through prior written approval

by the dean of student life.

f) Suspension is a matter of permanent record. A permanent record indicates that student behavior files may be obtained indefinitely at the discretion of the dean of student life, but not less than seven (7) years.

#### 9.1.4 Voluntary Withdrawal

In some circumstances, based on mutual agreement, the student may be allowed to withdraw on a voluntary basis. Conditions may be imposed concerning the period of time after which the student may petition for reenrollment and/or for other conditions to be met prior to application for re-enrollment. A meeting will be required with the dean of student life prior to approval of the student's petition for readmission. This action results in no notation on the student's academic transcript.

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#### 9.1.5 Expulsion

Expulsion is a written notification that the student is permanently ineligible to return to the university. The student must leave university residences and cease all use of university owned or controlled buildings, properties and services within the time frame established in the written notice of the expulsion. Requests for readmission will not be approved. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a matter of permanent record.

#### 9.1.6 Rescind Degree

If a student has been awarded a degree and it is subsequently discovered that the student committed a serious breach of this code while attending the university, the university may, upon separate proceedings, elect to rescind the degree.

### 9.2 Terms and Conditions of Sanctions

#### 9.2.1 Restitution

A student may be required to repair, pay the cost for repair, or pay for cost of replacement of any property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer or board, taking into consideration the fair market value or cost to repair the damaged item(s). When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to

achieve a fair and just result. In the case of personal injury, the responsible party may be required to cover cost of medical care for others harmed as a result of the student's actions.

Failure to make timely arrangements for restitution may result in cancellation of the student's registration, prevention of the student's re-registration, or more severe sanctions including, but not limited to, suspension or expulsion.

When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

#### 9.2.2 Confiscation

In addition to items already seized as evidence, goods used or possessed in conflict with university policies and/or local, state or federal laws including, but not limited to, falsified information or identification, may be confiscated and not be returned to the student.

#### 9.2.3 Loss of Privileges

A student may be denied various privileges customarily associated with being a student at NDSU. Such privileges include, but are not limited to, one or more of the following:

- a) Participating in or attending events sponsored by the university or by students;
- b) Holding office in any Congress of Student Organizations (CSO) recognized student organizations;
- c) Receiving guests in residence life facilities during regular visitation periods;
- d) Visiting residence life facilities or dining centers;
- e) Receiving financial aid;
- f) Being employed by the university;
- g) Representing the university;
- h) Sponsoring or hosting organization or campus-wide functions;
- i) Using network services; and
- j) Maintaining recognized status with the CSO.

#### 9.2.4 Participation in a Specific Program

A student may be required to participate in a specific program, such as counseling, public service, an alcohol and/or other drug education program, an educational class, or other program as assigned.

#### 9.2.5 Educational Projects

A student may be assigned an educational project including, but not limited to, writing a reflection or research paper;

preparing a bulletin board, or sponsoring a program.

#### 9.2.6 Alcohol/Drug Testing and/or Screening

The university reserves the right to require alcohol/drug testing and/or screening as a condition of enrollment or continued enrollment when:

- a) A student's behavior has been injurious to self or others while under the influence of alcohol/drugs, or
- b) When the student has had three or more separate violations involving alcohol/drugs.

All such testing and/or evaluation shall be at the student's expense. The student will be expected to sign appropriate releases to demonstrate to the university that the student is complying with any recommendations resulting from such testing and/or evaluation.

### 9.3 Special Circumstances and Conditions

#### 9.3.1 Registration/Graduation Hold

- a) If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code or if the student fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's ability to register or the student's current registration may be canceled. If canceled, the student's eligibility for any refund of tuition/fees will be subject to the university's withdrawal policy.
- b) Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending. If the student withdraws before NDSU becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.

#### 9.3.1 Temporary Emergency Suspension

A student may be temporarily suspended, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property. No hearing will be required before temporary suspension is imposed; however, one will be convened within five business days following suspension. If the suspension is upheld, the suspension remains subject to the rules outlined in suspension (see Section 9.1.3) and remains a matter of permanent record. Conditions under which emergency suspension may be imposed:

- a) To ensure the health, safety, or well-being of members of the university community;
- b) To preserve university property;
- c) To ensure the suspended student's own physical and emotional safety and well-being; or
- d) To ensure against the disruption of, or interference with, the normal operations of the university.

#### 9.3.2 Returning and/or New Students

If an act that violates this code is committed by a student during a period of nonenrollment, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about these holds at the time the university is first notified about the incident or notice may be provided when the student subsequently requests enrollment.

In addition, an administrative hearing officer, in consultation with the dean of student life, may place a registration hold to deny a student the right to register. Reasons may include, but are not limited to, the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the

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students or others in the university community, and/or as otherwise provided by NDSU Policy 607 Admission & Reenrollment Safety Risks,--

#### 9.3.3 Registration/Graduation Hold

a) If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code or if the student fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's ability to register or the student's current registration may be canceled. If canceled, the student's eligibility for any refund of tuition/fees will be subject to the university's withdrawal policy.

b) Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending. If the student withdraws before NDSU becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.

#### 9.3.4 Involuntary Withdrawal for Psychiatric Reasons

A student may be subject to involuntary withdrawal, if it is determined by clear and convincing evidence, that the student:

- a) Suffers from a mental disorder as defined by the current

American Psychiatric Association Diagnostic Manual or its equivalent, and as a result of such a disorder engages, or

b) Threatens to engage in behavior that:

1. Poses a significant danger of causing imminent harm to the student or others, or

2. Directly and substantially impedes the lawful activities of other members of the campus community.

These standards do not preclude North Dakota laws.

Consideration will be given first to use of normal disciplinary processes of counseling, voluntary withdrawal, use of state commitment laws, or use of other alternatives whenever appropriate.

#### Disciplinary Violations

A student accused of violating this code may not be subject to the disciplinary process if the student, as a result of a mental disorder:

a) Lacks the capacity to respond to pending disciplinary charges, or

b) Did not know the nature or wrongfulness of the conduct at the time of the offense.

Students subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the dean of student life in writing at least two business days prior to any disciplinary hearing. The dean of student life may elect to appoint a designee to act in administering this policy. If the dean of student life determines that the evidence may have merit, the case will then be resolved in accordance with these standards and procedures. If it is determined the student does not meet the criteria mentioned above, the case will be returned to the disciplinary process.

#### Evaluation Referral

The dean of student life may refer a student for an evaluation by an independent, licensed psychiatrist or psychologist chosen by the institution if the dean of student life reasonably believes the student may meet the criteria in Section 9.3.4, or if a student subject to disciplinary charges wants to introduce relevant evidence of any mental disorder. A student referred for evaluation will be informed in writing and the evaluation must be scheduled no later than five days from the date of the referral letter. The evaluation will be at the student's expense. If a student fails to complete an independent evaluation, he or she may be subject to the disciplinary process or an immediate interim withdrawal.

#### **Interim Withdrawal**

As stated above, an interim withdrawal may be implemented if a student fails to complete an evaluation with a licensed psychologist or psychiatrist. Also, an interim withdrawal may be undertaken immediately if the dean of student life determines a student may be suffering from a mental disorder, and the student's behavior poses an imminent danger.

A student subject to interim withdrawal shall be given written notice and may be assisted throughout this process by an individual of his or her choice. The student, whether or not an evaluation has been completed, shall be given the opportunity to appear personally before the dean of student life within 72 hours of the effective date of the interim withdrawal to review:

- a) Reliability of the information concerning the student's behavior, and
- b) Whether the student's behavior poses an imminent danger.

During an interim withdrawal, the dean of student life may place restrictions including, but not limited to, class attendance and use of campus services and facilities.

#### **Involuntary Withdrawal**

A student under consideration for involuntary withdrawal will be accorded an informal hearing with the dean of student life. The informal hearing will be held within seven business days after an evaluation by a licensed psychologist or psychiatrist has been completed. Prior to the informal hearing, the dean of student life and the student will have an opportunity to review independently the psychological or psychiatric evaluation.

- a) Informal hearing proceedings are conducted by the dean of student life. The student may be assisted in the informal hearing by an individual of his or her choice. The student will remain withdrawn on an interim basis pending completion of the informal hearing.
- b) A written decision shall be rendered by the dean of student life containing a statement of reasons for any determination leading to involuntary withdrawal. The student also should be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The student may appeal the decision to the president.

#### **940. Reporting, Investigating, and Resolving Complaints**

The complaint resolution procedures in this code are



used to determine whether a student is responsible for alleged violations of the Code of Student Behavior, ~~and~~. The purposes of the complaint resolution procedures include the following purposes:

- a) To provide for the education of students;
- b) To promote the health, safety, and well-being of university community members;
- c) To provide for fair inquiries concerning alleged violations of university policies;
- d) To determine whether or not any individual student has violated a university policy;
- e) To allow for consideration of extenuating or mitigating factors when a violation has been found to exist;
- f) To determine a resolution that will be appropriate; ~~and~~
- g) To help the student make a constructive response toward self-discipline; ~~and~~
- ~~h) Will include a temporary emergency suspension, if imposed.~~

#### 940.1 Reporting Alleged Violations

Complaints should be reported as soon as possible following the discovery of ~~the~~ alleged inappropriate behavior.

~~The complaint~~ and may be initiated by law enforcement or any member of the NDSU community, including students, faculty, staff members, and guests of the campus.

An alleged violation should be reported to the:

- a) Dean of Student Life Office, 250 Memorial Union, ~~and/or~~
- b) Department of Residence Life, West Bison Court, and/or
- c) Memorial Union Administrative Office, 246 Memorial Union.

#### 940.2 Investigating Reports of Alleged Violations

940.2.1 No form of harassment may be used by institutional representatives to coerce admissions of guilt or information about one's behavior or that of other suspected persons.

##### 940.2.2 Search and Seizure

University ~~P~~policy on the privacy of student rooms stipulates that entry and search of university residences by university officials will be permitted only in one or more of the following instances; ~~when~~:

- a) ~~The~~A student consents to the search;
- b) The officials responsible fear an imminent danger to health, safety, life or property;

- c) The vice president for student affairs or designee provides Aa written administrative authorization specifying reasons for the search, objects of information sought, and area to be searched; ~~or has been given by the vice president for student affairs, dean of student life, or director of residence life, or a person acting in their capacities during their absences from the campus;~~
- d) University officials fear imminent destruction of evidence relevant to a suspected violation of university regulations; ~~or~~
- e)

When Ss students ~~are~~ suspected of violating ~~the~~ NDUS or NDSU Acceptable Use Policies, student computers, associated peripheral devices, and media storage devices may be taken into temporary custody on authority of the Information Technology Services Officer, ITSO, to collect and preserve evidence of possible violations of local, state or federal laws (see NDSU Policy 158: Acceptable Use of Electronic Communications Devices: [www.ndsu.edu/policy/158.htm](http://www.ndsu.edu/policy/158.htm) and State Board of Higher Education (SBHE) Policy 1901.2, Computing Facilities: [www.ndus.edu/policies/ndus-policies/subpolicy.asp?ref=2551](http://www.ndus.edu/policies/ndus-policies/subpolicy.asp?ref=2551)). If additional questions remain, contact the Information Technology Services Officer ITSO.

The university requires that the dean of student life be notified of searches by university officials. The university will not intervene between students and searches authorized under law by any law enforcement agencies. At the conclusion of those actions, and when provided information by law enforcement agencies, the university reserves the right to initiate action under this code when alleged violations of the code are believed to have occurred.

The ~~R~~ right to ~~i~~ inspect residence hall rooms and university apartments without notice is reserved by the university for purposes of maintenance, cleaning, fire, personal safety, and ~~for purpose of~~ administering provisions of the license contract. The university will provide reasonable notice, when possible. Such entry by the university shall not be regarded as a search, but is separately agreed to and authorized by the student through ~~the~~ provisions in the residence life license contract.

#### 940.3 Resolution of Conflicts

The conflict resolution process generally includes the following steps:

- a) Receipt of an incident report received,
- b) Creation of a conduct file,
- c) Implementation of interim actions, if necessary
- d) Investigation of incident, if necessary
- ee) Notice of alleged violations,
- fd) Prehearing conference,
- ge) Hearing (administrative or complaint resolution board),
- hf) Notification of findings, including sanctions, and terms and conditions, as assigned,
- ig) Appeal (if student chooses),
- jh) Notification of appeal decision (if applicable).

A detailed description of these steps may be found in Section 11, Guaranteed Student Rights and Complaint Resolution Process.

#### 9.34 Special Circumstances and Conditions

##### 9.43.1 Registration/Graduation Hold

- a) If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code, or fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the university's withdrawal policy.
- b) Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending. If the student withdraws before NDSU becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.

##### 9.43.2 Returning and/or New Students

If an act that violates this code is committed by a student during a period of nonenrollment, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about these holds at the time the university is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, an administrative hearing officer, in consultation with the dean of student life, may place a registration hold to deny a student the eligibility to register. Reasons

may include, but are not limited to, the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the student or others in the university community, and/or as otherwise provided by NDSU Policy 607-Admission & Reenrollment Safety Risk; [Background Checks](http://www.ndsu.edu/policy/607.htm) [www.ndsu.edu/policy/607.htm](http://www.ndsu.edu/policy/607.htm).

#### 9.43.3 Temporary Emergency Suspension

A student may be temporarily suspended, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five business days following the suspension. If the suspension is upheld, the suspension remains subject to the rules outlined in suspension (see Section [9.4.310.1.4](#)) and remains a matter of permanent record. Conditions under which emergency suspension may be imposed:

- a) To ensure the health, safety, or well-being of members of the university community,
- b) To preserve university property,
- c) To ensure the suspended student's own physical and emotional safety and well-being, or
- d) To ensure against the disruption of, or interference with, the normal operations of the university.

#### 9.43.4 Administrative Withdrawal for Psychiatric Reasons

A student may be subject to administrative withdrawal, if it is determined by clear and convincing evidence, that the student:

~~a) S~~uffers from a mental disorder as defined by the current American Psychiatric Association Diagnostic Manual ~~or its equivalent,~~ and as a result of such a disorder engages, or

~~b) T~~hreatens to engage in behavior that:

~~1-a)~~ Poses a significant danger of causing imminent harm to the student or others, or

~~2-b)~~ Directly and substantially impedes the lawful activities of other members of the campus community.

These standards do not preclude North Dakota laws. Consideration will be given first to use of normal disciplinary processes of counseling, voluntary withdrawal, use of state commitment laws (NDCC 25.03.1), or use of other alternatives whenever appropriate.

#### 9.4.4.1 Disciplinary Violations

A student accused of violating this code may not be subject to the disciplinary process if the student, as a result of a mental disorder:

- a) Lacks the capacity to respond to pending disciplinary charges, or
- b) Lacks the capacity to know the nature or wrongfulness of the conduct at the time of the offense.

Students subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the dean of student life in writing at least two business days prior to any disciplinary hearing. The dean of student life may elect to appoint a designee to act in administering this policy. If the dean of student life determines that the evidence may have merit, the case will then be resolved in accordance with these standards and procedures. If it is determined the student does not meet the criteria mentioned above, the case will be returned to the disciplinary process.

#### 9.4.4.2 Evaluation Referral

The dean of student life may refer a student for an evaluation by an independent, licensed psychiatrist or psychologist chosen by the institution if the dean of student life reasonably believes the student may meet the criteria in Section 9.34.4, or if a student subject to disciplinary charges wants to introduce relevant evidence of any mental disorder. A student referred for evaluation will be informed in writing by NDSU email -and the evaluation must be scheduled no later than five days from the date of the referral letter. The evaluation will be at the student's expense. If a student fails to complete an independent evaluation, he or she may be subject to the disciplinary process or an immediate interim withdrawal.

#### 9.4.4.3 Interim Withdrawal

As stated above, an interim withdrawal may be implemented if a student fails to complete an evaluation with a licensed psychologist or psychiatrist. Also, an interim withdrawal may be undertaken immediately if the dean of student life determines a student may be suffering from a mental disorder, and the student's behavior poses an imminent danger.

A student subject to interim withdrawal shall be given written notice and may be assisted throughout this process

by an individual of his or her choice. The student, whether or not an evaluation has been completed, shall be given the opportunity to appear personally before the dean of student life within 72 hours of the effective date of the interim withdrawal to review:

- a) Reliability of the information concerning the student's behavior, and
- b) Whether the student's behavior poses an imminent danger.

During an interim withdrawal, the dean of student life may place restrictions including, but not limited to, class attendance and use of campus services and facilities.

#### 9.4.4.4 Involuntary Withdrawal

A student under consideration for involuntary withdrawal will be accorded an informal hearing with the dean of student life. The informal hearing will be held within seven business days after an evaluation by a licensed psychologist or psychiatrist has been completed. Prior to the informal hearing, the dean of student life and the student will have an opportunity to review independently the psychological or psychiatric evaluation.

- a) Informal hearing proceedings are conducted by the dean of student life. The student may be assisted in the informal hearing by an individual of his or her choice. The student will remain withdrawn on an interim basis pending completion of the informal hearing.
- b) A written decision shall be rendered by the dean of student life containing a statement of reasons for any determination leading to involuntary withdrawal. The student also should be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The student may appeal the decision to the president.

#### 9.540.4 Interim Actions

In the interest of safety and security, interim actions may include the issuance of a No Contact Order and/or loss of privileges as defined in Section [10.2.6](#)????

#### 9.640.4 Crimes of Violence

In cases of crimes of violence, the dean of student life may increase but not decrease timelines stated in the code and may determine by whom the case is heard.

The term "crime of violence" means:

- a) An offense that has an element of use, attempted use,

or threatened use of physical violence against the person or property of another, or  
b) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Examples include, but are not limited to, arson, auto theft, assault, aggravated assault, burglary, kidnapping/abduction, manslaughter, murder, resisting arrest through the use or threat of physical force, robbery, vandalism, and forcible and nonforcible sexual offenses.

In cases of crimes of violence, the dean of student life may increase, but not decrease, timelines stated in the code and may determine by whom the case is heard.

#### 9.6.140.4.4 Notification of Hearing Outcomes for Crimes of Violence

Individuals ~~Complainants~~ who are victims of crimes of violence have a right to be notified of the outcome of complaint resolution procedures, upon written request to the dean of student life. If the complainant is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

Notification shall be limited to the responsible student(s), part(s) of the code violated, and assigned sanction(s). Complainants in receipt of this information may assume personal civil liability for releasing this information to others.

#### 9.740.5 Conditions Under Which Emergency Suspension May Be Imposed:

- a) To ensure the health, safety, or well-being of members of the university community,
- b) To preserve university property;
- c) To ensure the suspended student's own physical and emotional safety and well-being, or
- d) To ensure against disruption of, or interference with, normal operations of the university.

No hearing will be required before ~~temporary emergency~~ suspension is imposed; however, one will normally be convened within five business days following the suspension. In unique circumstances, any alteration to this timeline will be at the discretion of the dean of student life.  
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If the suspension is upheld following the hearing, the suspension remains subject to the rules outlined in suspension (Section ~~9.4.3~~10.1.4) and remains a matter of permanent record (see 17.1.32 for a definition of permanent record).

#### 9.8~~9.40.6~~ Incarcerated Students

In cases involving incarceration, a hearing will be held when the student is available for a hearing. Under these circumstances, the dean of student life may ~~choose to determine that~~ hold an administrative hearing be held rather than a Code of Student Behavior Complaint Resolution Board hearing.

#### 9.9~~9.40.7~~ Default Proceedings for Current Students

A student who fails to appear for a hearing ~~on the date set appointment to answer or contest the alleged charges of a violation of university policies~~ will be considered in default. The case may be decided based on information available at that time. Default decisions may be reexamined only when the student shows ~~that~~ the absence was for a good-reasonable cause.

#### 9.10~~9.40.8~~ Student/Organization Leaves the University with Unresolved Charges

When a student/organization leaves the university with unresolved charges, the administrative hearing officer or a complaint resolution board may make a decision in the student/organization's absence, providing the student/organization was issued an advance written notice of the date, time, and place of the scheduled hearing.

In certain cases, the administrative hearing officer reserves the option to place a registration hold on the student's records and archive the case until such time the student requests re-registration or a resolution of the pending matter. The administrative hearing officer also may place a notation, "may not register for non-academic reasons," after recommendation to and approval from the dean of student life.

#### 9.11~~9.40.9~~ Student Organizations in Default

In the event a student organization becomes inactive rather than appear for a hearing, the default decision will typically be withdrawal of recognition granted by the Congress of Student Organizations. In addition, officers of the organization at the time of the incident may face conduct proceedings individually for failure to comply



(see Section 4.1<sup>12</sup>) and also may be charged with one or more of the original alleged violations of the code arising from the alleged misconduct by the organization. If found responsible for this violation, the original incident that led to allegations against the student organization will be considered in the determination of sanctions for the organizational officers.

If the organization requests registration at a later date, the dean of student life will assign a hearing officer to~~will~~ meet with the student organization leadership to determine responsibility for the original charges, determine or recommend the appropriate sanction, and if that sanction is less than suspension or expulsion, will assess the need for any current remedial actions.

#### **109. Code of Student Behavior Sanctions, Terms and Conditions**

A sanction is a consequence placed upon any student for conflicts with specified university policies. Sanctions help define the student's relationship with the university in the context of current and potential future behavior, including a notice that further conflicts may lead to more severe behavioral sanctions.

If a student is found not responsible for the alleged code violation(s), no action will be taken against the accused student; however, having been through the Code process, the student is considered knowledgeable regarding the Code's provisions and expectations, and that knowledge may be taken into consideration in the event of future Code actions.

In cases in which the student is found responsible for violating one or more policies, a sanction may be imposed. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

1. Warning.
2. Behavioral probation.
3. Supervised behavioral probation.
4. Behavioral suspension.
5. Voluntary withdrawal.
6. Expulsion, or
7. Recommendation to the provost to withhold or rescind a degree.

When certain mitigating circumstances exist, such as an extended period of time between the incident and reenrollment, a finding of responsibility may result in no sanctions required.

With each sanction, terms and conditions and/or restorative actions may be assigned. In addition, notification may be given to other university officials as necessary. Terms and conditions include, but are not limited to:

1. Restitution,
2. Confiscation,
3. Restricted access to university facilities and grounds,
4. Loss of privileges,
5. Participation in a specific activity or project,
6. Alcohol or other drug testing and/or evaluation, and/or,
7. No contact orders.

In assigning a sanction and/or terms and conditions for inappropriate student behavior, the hearing officer or board will consider:

- a) Facts of the case as presented from all relevant sources, including the accused student,
- b) Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses,
- c) Type and severity of the offense,
- d) Previous incidents of inappropriate behavior committed by the accused student, and
- e) the ability and/or willingness of the student to accept responsibility.

#### 109.1 Sanctions

##### 109.1.1 Written Warning

A warning is a written notification that subsequent code violations will normally result in more severe sanctions. This action results in no notation on the student's academic transcript.

##### 109.1.2 Behavioral Probation

Behavioral probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with university policies and local, state, and federal laws, and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Behavioral probation may be supervised or unsupervised.

Further inappropriate behavior may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion. This action results in no notation on the student's academic transcript.

#### 10.1.3 Supervised Behavioral Probation

9.1.3 Supervised behavioral probations generally requires meetings with a member of the Division of Student Affairs at regularly established intervals to monitor progress in behavioral, academic, social, vocational, and other areas of the student's life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth.

#### 10.1.4 Behavioral Suspension

Behavioral suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not less than two academic semesters and not to exceed two academic years.

a) A student may not re-enroll during the period of behavioral suspension.

b) A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the behavioral suspension.

c) The notice of behavioral suspension will include the conditions for readmission that must be met prior to application for readmission.

Students may obtain a reactivation of student status (after absence) form from Registration and Records, Ceres Hall, also online at <http://bisonconnection.ndsu.edu/forms/reactivate/>. An interview with a member of the dean of student life staff also will be required prior to acceptance of the student's application for readmission.

d) While a student is under behavioral suspension from NDSU, no academic credit earned during the suspension period will be accepted for transfer from any other higher education institution at any time. The student's transcript will carry a notation "may not register for nonacademic reasons" without further explanation. If the student is subsequently readmitted, the original notation will remain on the transcript and a new notation will be added, "eligible for registration effective ..."

e) The student's eligibility for any refund of tuition/fees will be subject to the university's normal withdrawal policy.

f) There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities,

or portions of specified campus facilities. The student also may be required to obtain prior written permission from a member of the dean of student life staff before being on any portion of the NDSU campus during the period of suspension.

Usually a student with restricted access to the campus will be allowed on campus to conduct business related to the university, but only through prior written approval by a member of the dean of student life staff.

g) Behavioral suspension is a matter of permanent record. A permanent record indicates that student behavior files may be retained indefinitely at the discretion of the dean of student life, but not less than seven (7) years.

h) Student organizations placed on suspension may have all rights and privileges provided by CSO revoked for the duration of their suspension. In order to regain all rights and privileges, the student organization is required to comply with and complete any and all sanctions and terms and conditions.

#### 109.1.5 Voluntary Withdrawal

In rare circumstances, based on mutual agreement, the student may be allowed to withdraw on a voluntary basis. Conditions may be imposed concerning the period of time after which the student may petition for reenrollment and/or for other conditions to be met prior to application for re-enrollment. A meeting will be required with a member of the dean of student life staff prior to approval of the student's petition for readmission. This action results in no notation on the student's academic transcript.

#### 109.1.6 Expulsion

Expulsion is a written notification that the student is permanently ineligible to return to the university. The student must leave university residences and cease all use of university owned or controlled buildings, properties and services within the time frame established in the written notice of the expulsion. Requests for readmission will not be approved. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a matter of permanent record.

#### 109.1.7 Degree ~~Withhold~~/Rescission

If a person has been awarded an NDSU degree and it is subsequently discovered that the person committed a serious breach of this code while attending the university, the university may, upon separate proceedings, elect to rescind the degree. See section 9.4.1 regarding graduation holds for similar reasons.

## 109.2 Conditions Associated with Behavioral Sanctions

### 109.2.1 Restitution

A student may be required to repair, pay the cost for repair, or pay for cost of replacement of any property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer or board, taking into consideration the fair market value or cost to repair the damaged item(s). When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. In the case of personal injury, the responsible party may be required to cover the cost of medical care for others harmed as a result of the student's actions.

Failure to make timely arrangements for restitution may result in the cancellation of the student's registration, prevention of the student's re-registration, or more severe sanctions including, but not limited to, behavioral suspension or expulsion.

When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

### 109.2.2 Confiscation

In addition to items already seized as evidence, goods used or possessed in violation of university policies and/or local, state or federal laws including, but not limited to, falsified information or identification, may be confiscated and not be returned to the student.

### 109.2.3 Loss of Privileges

A student may be denied various privileges customarily associated with being a student at NDSU. Such privileges include, but are not limited to, one or more of the following:

- a) Participating in or attending events sponsored by the university or by students,
- b) Holding office in any Congress of Student Organizations (CSO) recognized student organizations,
- c) Receiving guests in residence life facilities,
- d) Access to parts of or all university property, including eligibility to reside in university facilities,
- e) Receiving financial aid,

- f) Being employed by the university,
- g) Representing the university,
- h) Sponsoring or hosting organization or campus-wide functions,
- i) Using IT network services, and
- j) Maintaining recognized status with the CSO.

#### 109.2.4 Participation in a Specific Activity or Project

A student may be required to participate in a specific activity or project, such as public service, an alcohol and/or other drug education program, an educational class, meeting with a designated university official, or other assignment.

#### 109.2.5 Alcohol or Other Drug Testing and/or Evaluation

The university reserves the right to require alcohol/drug testing and/or evaluation as a condition of enrollment or continued enrollment when:

- a) A student's behavior endangers or may endanger the safety of others, property, or themselves
- while under the influence of alcohol/drugs, or
- b) When the student has had three or more separate violations involving alcohol/drugs.

All such testing and/or evaluation shall be at the student's expense. The student will be expected to sign appropriate releases to demonstrate to the university that the student is complying with any recommendations resulting from such testing and/or evaluation.

#### 109.2.6 No Contact Order

Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include, but are not limited, to any and all forms of communications, access to university owned or controlled locations, and specified minimum distances.

## **11. Student Rights Guaranteed in the Complaint Resolution Procedures**

### **11.1 Burden of Proof**

The burden of proof will rest upon the complainant. The complainant is usually a university staff member who is presenting the complaint on behalf of the university.

### **11.2 Standard of Proof**

A student is considered found to have violated this code when the student:

- a) Admits to the violation; or
- b) The evidence available at the time of the hearing supports a finding of responsibility under this code.

The standard of proof will be that it is “more likely than not” that the Code of Student Behavior has been violated.

### 11.3 Notice of Charges

Within a reasonable number of business days (generally 15) of receipt of the complaint, ~~the designee of the dean of student life will send~~ a written notice will be sent, usually via authorized university email, to the accused student to arrange a prehearing conference.

The notice of charges will include:

- a) Nature of the alleged inappropriate behavior;
- b) Date, time, and place of the alleged inappropriate behavior;
- c) Source of the complaint;
- d) Summary of the evidence to be presented;
- e) Maximum sanction applicable if found in violation of the Code of Student Behavior;
- f) Notice that a decision may be made in the student's absence, if the student chooses not to appear at the hearing and that the failure to appear will be considered in reaching a decision whether or not the behavior code has been violated; and
- g) URL directing the student to the online copy of the code or a printed copy of the code.

The student and the complainant must be given notice in writing of a summary of the charges and evidence to be presented in sufficient time to ensure an adequate opportunity to prepare for the hearing. The university will do all it reasonably can to provide the student and complainant oral or written notification of the hearing 48 hours prior to the hearing date.

#### 11.3.1 Verbal Notice

In some cases a verbal request for a pre-hearing conference may be made (followed by a written request if the student so chooses), particularly in minor cases or cases in which an expedited hearing is appropriate. Examples include, but are not limited to, Verbal notice of expedited hearings may be used the two weeks prior to any university break of more than one week or when the student has indicated a decision not to return the following semester.

### 11.4 Prehearing Conference

During the prehearing conference, the administrative hearing officer-~~or designated official~~ will discuss the:

- a) Student's rights and responsibilities and

- b) Nature of the complaint and how the Code of Student Behavior may have been violated.

The student has a right to make a written and/or oral statement describing the event(s) that led to the charges.

~~and the~~ The student may also request to proceed with an immediate hearing take place with the administrative hearing officer.

The administrative hearing officer may refuse to hear the case and refer it to another administrative hearing officer or complaint resolution board.

~~Cases involving student organizations will be forwarded to an administrative hearing officer for investigation.~~

#### 11.5 Administrative Hearing and Complaint Resolution Board

The Code of Student Behavior complaint resolutions procedures at NDSU include:

- a) An administrative hearing officer designated by the dean of student life or
- b) A complaint resolution board.

#### 11.6 Conflicts of Interest

~~Any~~No administrative hearing officer or board member who has a conflicting interest in the particular case may not sit in judgment during that proceeding. Each party has the right to challenge the appointment of an administrative hearing officer or board member. for good cause in writing Challenges must be submitted in writing to the dean of student life at least two business days~~48 hours~~ prior to the hearing. If an ~~charged-accused~~ student or a complainant fails to raise a perceived conflict by objecting to that person two business days in advance, any objection is deemed to be waived. An individual may not be disqualified solely on the basis of his or her position in the university community.

#### 11.7 Witnesses and Evidence

The accused student and the complainant shall be given reasonable opportunity to present their cases, including presentation of other evidence beyond written and verbal testimony by themselves and their witnesses. Witnesses will remain only for the duration of their own testimonies.

~~If both parties agree, the hearing may be limited to a consideration~~



~~of written statements.~~ All testimony and other evidence upon which the decision will be based must be introduced into evidence at the hearing. Determination as to whether the accused student is or is not responsible for the alleged code violations will be based on the information provided prior to or during the hearing. Hearing officials have the discretion to verify accuracy of information and are required to notify the accused prior to issuing a decision if discrepancies are noted. ~~proceeding or must~~ have been provided in writing to the administrative hearing officer or chair of a complaint resolution board 48 hours prior to the hearing for distribution to the board members. The decision must be based solely upon such information presented in the proceeding. ~~Any evidence~~ acquired in violation of the university rules ~~concerning an~~ investigation of student behavior shall not be admissible (see Section 912.1 Evidence). ~~The focus of the complaint resolution proceedings shall be to determine whether the accused student is responsible or not responsible for the alleged code violations.~~ Formal rules of evidence shall not be applicable, ~~nor shall it~~ Deviations from prescribed procedures ~~shall not necessarily~~ invalidate a decision or proceeding, unless significant prejudice to a student or the university may result.

If both parties agree, the hearing may be limited to a consideration of written statements. If the accused student is going before a complaint resolution board, the written statements must be presented to the chair of the complaint resolution board two business days prior to the hearing for distribution to the board members. For administrative hearings, the written statements may be provided ahead of time or at the hearing.

#### 11.8 Hearsay Evidence

Hearsay evidence is permitted and will be given any consideration weight deemed appropriate by individual decision makers. A term applied to testimony given by a witness who speaks about information received from others, rather than information directly given by that witness. The value of such evidence rests with the discretion of hearing officials and their individual judgment of the witnesses' credibility.

#### 11.9 General Character Witnesses

Character witnesses are ~~usually~~ not permitted to appear before the hearing officer/board, but the accused student may submit up to three written documents to the hearing officer/chair of the board two business days~~48 hours~~ prior to the hearing. Each statement must be dated and signed, with the name of the individual signing printed below to ensure

legibility. If the accused student is found responsible for violating this code, the hearing officer/chair of the board may consider the sem. statements during sanctioning, ~~if the accused student is found responsible for violating this code.~~

#### 11.10 Questioning Witnesses

The student and the complainant have the right to address questions through the hearing officer/board to other witnesses at the hearing. If both parties agree, however, the hearing may be limited to a consideration of written statements. A witness may testify in the absence of the accused student with prior approval of the administrative hearing officer or the complaint resolution board chair.

An absolute right of cross-examination is not granted under this code. All questions will be addressed to the administrative hearing officer or complaint resolution board chair. The administrative hearing officer or complaint resolution board chair will then rephrase relevant and reasonable questions, if necessary, and will retain the right to exclude questions that are redundant or irrelevant to determining responsibility. Persons answering questions will be given reasonable latitude to respond fully to questions ~~fully~~.

#### 11.11 Hearing Advisor

The student and complainant each have the right to have a person present who may act in an advisory capacity.

This person is not an advocate for the accused and cannot address the Code of Student Behavior complaint resolution board, the hearing officer, or ask questions of witnesses.

#### 11.12 Attorneys

If the student chooses to have an attorney present as his or her hearing advisor, the NDSU general counsel may be present to observe the proceedings. The complainant, if not a university staff member, also may choose to have an attorney present during his/her presentation. The role of the attorneys shall not be to participate in the hearing other than to advise their own clients. Attorneys who do not respect this provision may be cautioned by the hearing officer/chair of the board and if they persist, may be asked to leave.

#### 11.13 Self Incrimination

Accused students and witnesses shall not be compelled to incriminate themselves by being ~~forced~~ obligated to testify that they engaged in behavior constituting a violation of this code and/or local, state, or federal law.

#### 11.14 Closed Hearings

All hearings are normally open only to those persons who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the charged student and the dean of student life. Witness(es) will remain only for the duration of his/her (their) own testimony. The dean of student life may permit a limited number of NDSU personnel to be present as observers for the purpose of training. Other ~~E~~ exceptions may also be made as deemed necessary by the dean of student life.

#### 11.15 Appeals

Students sanctioned for violations of any part of this Code of Student Behavior or related university policies may appeal. Students Appeals are limited to one appeal and that decision is final (see Section 16).

### 12. Hearings

Cases are normally heard through administrative hearings. In certain situations, a student may request a complaint resolution board hearing (see Section 14, Complaint Resolution Board Jurisdiction). The university also reserves the right to submit the case to a complaint resolution board either initially or at any point in an administrative hearing if:

- a) It becomes apparent the case may warrant suspension or expulsion, or
- b) The hearing officer is unable to hear the case due to a conflict of interest or any other reason.

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University administrators who have direct responsibility for Greek life and student organizations will process judicial cases related to fraternities, sororities, and student organizations. Individual organizational boards will address only violations of those organizational standards, not violations of this code.

The student's rights remain the same whether or not the student receives an administrative hearing or a complaint

resolution board hearing.

~~Complaint resolution hearings are normally open to those individuals who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the charged student and the hearing officer or board chair. The dean of student life may permit a limited number of NDSU personnel to be present as observers for the purpose of training.~~

#### 12.1 Evidence

Because this is an educational hearing, formal rules of evidence do not apply. Every effort will be made to allow all pertinent information to be presented for ~~the board's~~ consideration during the hearing (see section 11.7 Witnesses and Evidence).

#### 12.2 Written Documents and Other Items

Parties planning to bring items to a hearing must generally provide copies of those items to the hearing officer or board chair 2 business days~~48 hours~~ prior to the hearing to allow for a review of the items and development of any pertinent questions. The hearing officer or board chair may permit deviations to this time restriction as long as ~~all parties~~the student has ~~yes~~ sufficient time to prepare for the hearing. Either party or their witnesses will be permitted to elaborate on written documents previously submitted.

#### 12.3 Standard of Proof

In reaching a decision, only information produced at the hearing will be considered and evaluated using the "more likely than not" standard of proof.

#### 12.4 Recommendation and Approval of Sanctions

~~In Cases of code in which~~ violations of the code are serious enough to warrant suspension or expulsion, the hearing officer or board chair will make a recommendation to the vice president of student affairs. When approval of the recommended sanction is received, the hearing officer or board chair will issue the written decision.

#### 12.5 Decisions

Written decisions are generally rendered within 10 business days from the date of the hearing.

### 13. Administrative Hearings

(In addition to the information provided in Section 12, the following statements specifically apply to administrative hearings.)

An administrative hearing can result in a more timely resolution of the conflict and the involvement of fewer individuals.

13.1 An administrative hearing involves the ~~accused~~alleged student ~~(alleged to have violated the code)~~, hearing officer, and any other individuals necessary to determine whether or not there has been a violation of university policies. The administrative hearing officer is the NDSU representative assigned to process an alleged violation of university policies.

13.2 Sanctions imposed following an administrative hearing may not include suspension or expulsion unless the student receives prior written notice that the ~~student's~~ case was serious enough to warrant suspension or expulsion, and the student voluntarily waived the right to a hearing by a complaint resolution board.

#### **14. Complaint Resolution Board Hearings**

(In addition to information provided in Section 12, the following statements specifically apply to board hearings.)

##### **14.1 Jurisdiction**

A student shall be granted a hearing before a complaint resolution board to determine whether or not a specific behavior has violated the Code of Student Behavior or related policies identified in the code, if the:

- a) Sanction normally administered for such behavior might include suspension or expulsion from NDSU, or
- b) Student's prior behavior record, plus a finding of responsibility for the current alleged violation, might result in a recommendation for suspension or expulsion from NDSU.

##### **14.2 Pool Composition and Board Selection**

The pool of potential members of a complaint resolution board may include students, faculty, and staff. The dean of student life may draw upon this pool to constitute a board of at least three members.

The dean of student life may draw from the hearing pool to make substitutions as needed to avoid the delay of a hearing.

#### 14.3 Board Chair

A complaint resolution board chair will be appointed by the dean of student life. The chair's role is to conduct the hearing in an orderly fashion, determine whether evidence presented or questions asked are relevant to the proceeding, and assign appropriate sanctions if the accused student is found responsible for violating the code. Normally the chair does not ask questions during the hearing; however, if the chair believes that questions have not been asked that would help the board determine whether the accused student is responsible for violating the code, the chair may ask those questions.

#### 14.4 Recording of Proceedings

All hearings of a complaint resolution board will be recorded up to the point of the board's deliberations necessary to render a decision, and will be retained as part of the student's file. In some situations, the chair of the board may recommend to the dean of student life that a video recording may be more appropriate than an audio recording. Notice will be provided to the student no less than 48 hours before the hearing. Access to the recording will be made available for the purpose of preparing an appeal. Requests for access should be directed to the Dean of Student Life Office.

#### 14.5 Board Decisions

The board will determine, by a majority vote, whether or not the student violated one or more sections of this code. Following a finding of responsibility, the chair of the complaint resolution board may choose to meet with the student to request additional information so that an appropriate sanction can be determined. The chair of the board will take into consideration any prior code violations when determining or recommending an appropriate sanction.

### 15. Complaint Resolution Board Procedures

15.1 With all parties present, the chair will call the meeting to order and will introduce members of the complaint resolution board and their function within the university. (The chair also will ask all other parties participating in the hearing to introduce themselves and identify their role in the proceedings.)

15.2 The chair will describe the general outline of the

hearing to the board and will read the following honesty statement:

The university expects that all information presented in this hearing will be true and correct to the best of each person's knowledge. If students willfully provide false information, they will be in violations of NDSU's Code of Student Behavior. As a result, they also may be subject to additional disciplinary action.

Dishonest behavior by any faculty or staff members will be reported to that person's supervisors for any necessary disciplinary action.

15.3 The chair will dismiss witnesses until they are called to speak before the board.

15.4 The chair will introduce the complainant who will present the case on behalf of the university, making additional comments necessary to ensure the complaint has been presented accurately and clearly. The complainant is an NDSU representative appointed by the dean of student life.

15.5 The chair will introduce the accused student who will be permitted to present information to the board that is relevant in determining whether the student violated one or more sections of the code. ~~This statement may include accepting responsibility for the violations outlined by the complainant.~~

15.6 At the chair's discretion, questions may be placed directly between parties. Permission to address parties directly may be withdrawn at any time.

15.7 The complainant will be allowed to present witnesses who may be asked questions by the complainant, accused student, members of the board, and dean of student life. Questions may be directed to the chair who will determine relevancy to the proceeding, request clarification if necessary, ask if the respondent understands the question, and request a response.

15.8 The accused student will be allowed to present witnesses who may be asked questions by the accused student, complainant, members of the board, and dean of student life. Questions may be directed to the chair who will determine relevancy to the proceeding, request

clarification if necessary, ask if the respondent understands the question, and request a response.

15.9 The complainant and accused student will be permitted to ask questions of each other.

15.10 Questions will be permitted by board members and dean of student life, who may question either party ~~and/or their witnesses.~~

15.11 At the discretion of the board chair, the complainant and accused student may be permitted to ask additional questions of each other.

15.12 Both parties will have an opportunity for closing statements. The complainant will present first, followed by the accused student.

15.13 All parties will be dismissed for deliberations by the board. Only board members and the chair may be present during deliberation and recording will stop at this point. The board chair may request consultation with the dean of student life for interpretation of the code.

15.14 A complaint resolution board may suggest one or more sanctions and related terms and conditions from those listed in the code. Suggested sanctions are not binding upon the chair of the complaint resolution board who issues the final decision for the board and selects appropriate sanctions.

15.15 If the chair believes that suspension or expulsion is warranted, the chair will make this recommendation to the vice president of student affairs. When approval of the ~~recommendation~~ sanction is received, the board chair will issue the written decision as outlined in section 14.5.

15.16 The chair of the complaint resolution board will send written notice of the board's findings to the student stating whether or not the Code of Student Behavior was violated. The written notice will include sanctions, if necessary, issued by the chair of a complaint resolution board. The notice will generally be sent within 10 business days following the hearing. Time extensions may be granted by the dean of student life.



## 16. Appeal Procedures

Students sanctioned for violations of this code may make one appeal. Cases resulting in suspension or expulsion are appealed to the president of NDSU. All other appeals are addressed to the dean of student life, or an administrator of residence life, depending upon who served as the complainant.

### 16.1 Deadline for Appeals

An appeal ~~off from~~ any decision must be made in writing by the student within five business days following the date the sanction ~~is assigned and~~ notice is ~~received by~~ sent to the student via the NDSU email account. ~~The date of the letter shall be the date the letter is sent. When necessary to utilize if sent by U.S. mail, students will be afforded tenfour business days from the date of letter to submit an appeal. will be added to the date the letter was mailed and that date will be used in starting the five business days.~~ If hand-delivered, a notation of that date will be made in the student's behavioral file. In extraordinary circumstances, time extensions may be granted by the dean of student life. ~~The person to whom to appeal will be specified in the decision letter.~~ The university reserves the right, however, to reduce the time allowed for a student appeal in cases which may have the potential to result in harm to persons and/or property. The reduced time for appeal will be specified in the letter of disciplinary sanction along with the rationale for allowing reduced time for an appeal. An appeal shall be written and contain the student's name, date of the decision or action, and reason(s) for the appeal.

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### 16.2 Appeal letters

Appeals must be submitted to the person specified in the decision letter and must specify in detail one or more of the following bases of appeal:

- a) The severity of the sanction was not consistent with the severity of ~~too severe~~ for the offense,
- b) The decision for nonaction/action/sanction was made in an arbitrary or capricious manner,
- c) The finding of the code having been violated was not substantiated by the evidence, and/or
- d) The student's rights were violated (specify those rights believed to have been violated).

### 16.3 Emergency Provisions

Normally a properly filed notice of appeal suspends the imposition of sanctions until the appeal is decided; however, some emergency provisions may be sustained throughout the appeal to protect persons and/or property. Such provisions will be explained in the original letter to the student outlining the decision, along with the rationale for maintaining those emergency provisions throughout the appeal.

### 16.4 Appeal Advisory Board

The president and the dean of student life reserve the right to appoint an appeal advisory board to review appeals. In such instances the appointed advisory board will make a recommendation that the president and dean of student life may accept or reject. The decision of the administrator will generally be issued within 10 business days of receiving the recommendation from the advisory board and that decision will be final.

### 16.5 Review

The appeals person/body will review the written letter of appeal from the student and materials from the original hearing. After reviewing these materials, the appeals person/body may decide to do one of the following:

- a) Issue a decision based solely on the written materials,
- b) Issue a decision based on a review of written materials and discussion with the involved principals,
- c) Recall one or more witnesses,
- d) Return the case to the body conducting the original hearing for presentation of new evidence and reconsideration of the decision and/or sanctions.

### 16.6 Decision/Sanction

When the appeal is made by the accused student, the appeals person/body may uphold or lessen the original decision/sanction but not increase the sanctions/actions imposed by other persons or bodies. The decision on the appeal will generally be made within 10 business days of receipt of the appeal, but may take longer during university recesses or in the event of complex cases, or when an advisory board has been appointed to make an appeal recommendation.

### 16.7 Appeals by Accuser/Complainants

Appeals by the accuser/complainants may only be allowed when it is

alleged that the ~~accuser~~complainant was the subject of a crime of violence, including forcible and non-forcible sexual assaults, as defined in this code. In some cases, an ~~accuser's~~ complainant's appeal could result in a different decision and/or stronger sanctions than originally imposed.

#### 16.8 Rehearings

Rehearings will only be granted if there is substantial:

- a) Evidence to determine that the student was not afforded appropriate due process, or
- b) New evidence that has been discovered about the alleged violation and that was not available at the time of the earlier hearing.

#### 17. Behavior Conflict Records

All behavior conflict records are confidential and may not be disclosed in whole or in part except as provided under laws including but not limited to the Family Education Rights and Privacy Act (FERPA), the USA Patriot Act, and lawful court orders.

The disciplinary record shall be separate from the student's academic record, but shall be considered a part of the student's educational record. All disciplinary records shall be retained in the Dean of Student Life Office or other offices as authorized by the dean.

As provided under FERPA, information concerning code violations for alcohol and/or drugs may be shared with parents in accordance with the Parental Notification Policy. In addition, code violations may also be shared with some academic departments upon request and as necessary to fulfill their professional obligations. A memorandum of understanding exists that provides for full exchange of information concerning code violations by student athletes with the pertinent coaches and the athletic director.

Suspension and expulsion are the only completed behavior actions reflected on the official academic transcript of the student (see section 10.81.4 & 10.1.6). At the direction of the dean of student life, the registrar shall place on the student's permanent academic record the words "may not register for nonacademic reasons." When the student is determined eligible to return to NDSU following a suspension, the original transcript notation will remain and a new transcript notation will be added: "eligible for registration effective... to return to NDSU for the ### term."

#### 17.1 Behavior Conflict Records Retention and Destruction

17.1.1 Sanctions Less than Suspension or Expulsion

In cases in which students are found in violation and receive a sanction less than Suspension or Expulsion, with or without additional terms and conditions, all records related to that students' cumulative behavioral history will be retained for seven years from the date of the student's last behavioral incident. Student disciplinary records may be retained indefinitely at the discretion of the dean of student life.

17.1.1 Not Responsible

Records of not responsible will be retained in the office from which these findings were issued. These records will be kept for a period of two years and will then be destroyed if no further inappropriate behavior occurs.

17.1.2 Behavioral Probation and Written Warnings

In cases in which students are found in violation and receive a written warning or a sanction of behavioral probation, with or without additional terms and conditions, records related to the hearing will be retained for seven years from the date of the student's last behavioral incident, regardless of whether or not the student has graduated. Student disciplinary records may be retained indefinitely at the discretion of the dean of student life.

17.1.23 Suspension or Expulsion

In cases in which students are found in violation and receive a sanction of suspension or expulsion, disciplinary records will be considered retained on a permanent basis.

17.1.34 Student Organization Records

Student organizations are considered to have a continuing relationship with NDSU as long as the organization maintains its official recognition status with NDSU. Records of behavioral conflicts involving student organizations will be retained for seven (7) years following the date of the incident. Student organization disciplinary records may be retained indefinitely at the discretion of the dean of student life.

FINAL NOTE Occasionally there are changes of staff titles mentioned in this document. The vice president for student affairs may make editorial changes relating to this document, in relation to titles of individuals, as long as the substance of the document is not affected.

\_\_\_\_\_  
Name, President

\_\_\_\_\_  
effective date 8/122/2011

**Part A: Appeal Chart**

**Part B: Related University Policy Statements**

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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:** *NDSU Policy 700: Services and Facilities Usage*

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

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

**Policy Committee:** presented 02/11/10; 09/22/10 presented to PCC as carryover; 10/13/10 presented as carryover to PCC; 10/13/10 tabled until further information is received from the committee.; 12/08/10 V4 presented to the PCC; some housekeeping changes will be done and then V5 will be routed for input;

04/13/11: Vv6 presented to PCC with changes recommended by Faculty Senate – some minor updates to section 4 and the deletion of section 5 (bikes). This section will be developed into a separate policy.

04/13/2011 Version 6 brought to the PCC;

04/26/2011: Version 7 rerouted to Faculty and Staff Senate and PCC; highlighted phrase "and other educational and/or owned/leased animals by the University" in section 4 was inadvertently omitted when revising version 6. This was one of the recommendations made by Faculty Senate at their March 21, 2011 meeting for incorporation into the policy.

**University Senate:** routed for input 04/19/2010; routed v5 for input; 04/18/2011 for input

**Staff Senate:** routed for input 04/19/2010; routed v5 for input; 01/26/2011 brought back to pcc; 04/18/2011 for input

**President's Council:** routed for input 04/19/2010; routed v5 for input; 04/18/2011 for input

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

VPFA

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## SECTION 700: SERVICES AND FACILITIES USAGE

### SOURCE:

#### NDSU President

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

#### ~~1.1~~

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

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#### ~~1.2~~

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

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

#### ~~2.1~~

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

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

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

4. ~~Pets are not allowed within University academic, administrative and auxiliary buildings. Service dogs and other service animals as defined by NDSU Policy Manual Section 100.2, animals on University farm properties, horses~~ animals at the Equine Science Center, any animals used for research or classroom study as allowed by NDSU Policy Manual Section 346, ~~and those animals recognized by the University Institutional Animal Care and Use Committee and other educational and/or owned/leased animals by the University~~ shall be excluded from these requirements. Individuals in Residence Life

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buildings will comply with the NDSU Student Code of Behavior. Additionally, individuals with pets on campus must comply with all City of Fargo pet related ordinances.

~~Animals are prohibited in campus buildings. Outdoors, animals must be on a leash or must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible to clean up after their animal(s) and for any health or safety issues that may arise concerning the presence of these animals on University properties and at NDSU sponsored or supervised events.~~

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

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~~4.2 Exceptions:~~

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

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

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

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

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

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

~~4.2.7 Animals used in law enforcement.~~

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

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

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

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

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

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

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

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

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

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

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

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See also NDSU Code of Student Conduct Behavior and, NDSU Parking Regulations and City of Fargo bicycle related ordinances.

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

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

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

Policy 700 ~~V3 v5 v7-12/16/10 04/14/10 04/13/11 04/26/11~~

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