

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

The University Senate met at 3:30 p.m. in the Peace Garden Room of the Memorial Union with Dr. J. Council presiding and the following senators present: T. Ambrosio, D. Andersen, I. Askelson, B. Bahrami, S. Balaz, S. Beck, E. Berry, K. Brooks, M. Christoffers, V. Clark Johnson, J. Coykendall, W. Dai, B. Duncan, M. Elnahas, T. Esslinger, J. Filpus, J. Garden-Robinson, J. Glower, C. Gustafson, J. Hageman, W. Hannon, M. Harvey, H. Hatterman-Valenti, K. Howatt, A. Kallmeyer, D. Klenow, T. Knoepfle, L. Langley, A. Little, M. Mallett, L. Manikowske, D. Miller, E.J. Miller, B. Montgomery, M. Ostlie, S. Panigrahi, C. Peterson, C. Presser, B. Randall, J. Ransom, S. Rasmussen, D. Redmer, J. Reimnitz, D. Rider, T. Riley, M. Robinson, N. Rogers, D. Schwert, D. Scott, G. Smith, D. Sperl, D. Steele, K. Teigen, D. Terbizan, J. Trowbridge, D. Webster, and D. Wittrock.

Substitutions: J. Shi for J. Cook, J. Venette for K. Grafton, C. Urness for R. Pinkston, A. Grazul-Bilska for D. Redmer, and R.S. Krishnan for R.C. Schnell

Reminder: Current senators may not serve as substitutes for other senators.

Previous Minutes

Minutes of the December 12, 2005, were approved by unanimous consent.

General Announcements

1. *Associate Vice President for Academic Affairs (on behalf of Provost Schnell):*
 - The five new B.S. and B.A. programs in Communication were approved by the SBHE. The English Ph.D. in Rhetoric, Writing and Culture has received Phase II approval.
2. *J. Council, President of University Senate:*
 - The service assessment project is underway, with a Senate report planned for February. Council thanked the chairs and deans who have responded to the phone survey to date.
 - Members of Staff Senate, University Senate and Student Senate were present at the SBHE conference call in mid-January. New resolutions are presented in New Business as a result of that meeting.
3. *D. Cooley, Parliamentarian*

Presented a tutorial on how to accurately and efficiently amend, refer (to committee) and withdraw motions. This information is posted on the University Senate web site at http://www.ndsu.edu/ndsu/deott/univ_senate/.

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Committee Reports

1. *Academic Affairs (Attachment 1):*

D. Meyer, chair, presented recommendations for new courses and course changes. MOTION (Peterson/Reimnitz): to approve the committee recommendations as presented. MOTION PASSED WITH UNANIMOUS CONSENT.

2. *General Education (Attachment 2):*

M. Christoffers presented one new general education course. MOTION (D. Miller/Teigen) to approve the committee recommendation as presented. MOTION PASSED WITH UNANIMOUS CONSENT.

3. *Policy Coordinating Committee:*

E. Berry presented the following policies for information only (available in PDF format on the University Senate web site):

1. [Section 123 – Payroll Proof Lists](#) - Policy deleted due to new automated process in PeopleSoft.
2. [Section 133 – Education Policy](#) - Changed wording of ‘regular’ employee to ‘benefited’ employee.
3. [Section 181 - Resignation](#) – Added language regarding last day of employment, use of sick leave time, and absence on last day of work.
4. [Section 701 – Telecommunications](#) – Added language regarding policy governing the use of over the counter long distance calling cards, and updated language regarding cell phone usage.

4. *Council of College Faculties:*

T. Barnhart announced the following:

- The Arts, Humanities and State of the Faculty conference and summit will be held at NDSU on October 27-28.
- Tom Petros at UND is working on a system-wide faculty grievance/adjudication process.
- A Statewide Education Task Force met to begin looking at approximately 80-90 issues pertaining to education from pre-school to higher education (P-16).

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

- The Compensation Task Force met and learned that the compensation report excludes faculty who do not receive salary increases and includes those whose raises result from promotions. The result is that faculty salary increases are being reported at a higher than actual rate.
- The ND Academy of Science Symposium will be held at Minot State University in April.

5. *NCA Accreditation / Assessment Report:*

R. Harrold distributed bookmarks with NDSU's mission statement. The accreditation team has requested full access to students. The current schedule includes open forums on the afternoon of Tuesday, February 14, in Century Theatre. Senators were encouraged to visit the University Assessment web site for schedule updates and to review the self-study document, <http://www.ndsu.edu/ndsu/accreditation/assessment/index.shtml>.

Unfinished Business

1. *Ombudsman Committee Composition and Chair:*

Berry reported that student, staff and faculty representatives have been named to a committee to study this issue and to determine if an ombudsperson is needed at NDSU. The ad hoc committee also will consider the scope of and funding for such a position. He plans to have a recommendation before the Senate by April.

2. *Policy 337 – Grade Appeals (Attachment 3):*

MOTION (Terbizan/Berry): to accept the policy changes as presented. The Bylaws language at the beginning of this policy is not being struck, but is not included in the proposed policy changes. The changes are mostly procedural in nature, and upon approval, a form as referenced in the policy will be developed. MOTION PASSED WITH UNANIMOUS CONSENT.

3. *Policy 407 – Auxiliary Exclusive Services (see December 12 minutes):*

MOTION (Krishnan, on behalf of Provost Schnell): to withdraw the original motion as presented and amended at the December 2005 meeting. MOTION TO WITHDRAW PASSED WITH UNANIMOUS CONSENT.

4. *Revising Bylaws to Permit Consent Agendas:*

Council reported that Bylaws changes must be presented to the Senate and considered within 30 days. Too much time has lapsed since the December 2005 meeting for

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

consideration at the January meeting. MOTION (Reimnitz/Trowbridge) to consider the following Bylaws changes at the February Senate meeting:

Insert the following language into Section 10 of Part VII of the University Senate Bylaws:

1. "Consent Agenda " at agenda business order three, and the rest of the agenda business order lines be renumbered accordingly, and
2. Between the end of the second sentence and before the start of the third sentence of the first paragraph, "The consent agenda shall consist of any routine or non-controversial matters the Executive Committee or Senate President (presiding officer) adds to the consent agenda. When matters on the consent agenda are called up, they may be considered in gross or without debate or amendment. If one or more senators object to an item on the consent agenda, then it will be removed from the consent agenda to be restored to the ordinary process by which it is placed in line of consideration on the regular agenda."

MOTION PASSED WITH UNANIMOUS CONSENT.

New Business

1. *Review of Constitution and Bylaws:*

The current University Senate Constitution and Bylaws are being reviewed for necessary updates. C. Harter will lead the review process. Suggestions for change should be directed to his attention.

2. *University Senate Resolutions (Attachment 4):*

The following resolutions were developed following a special meeting with the SBHE to discuss NDSU's concerns related to equity funding and ConnectND:

- #1-University Senate Resolution Pertaining to Equity Funding at NDSU. MOTION (Beck/Teigen): to approve resolution #1 as presented. Discussion ensued on the perceived tone of the resolution by legislators. MOTION (Little/no second) to strike the word 'suffered' and insert the word 'struggled.' MOTION FAILED DUE TO LACK OF A SECOND.

MOTION (Coykendahl/Glower): to strike the entire first 'whereas' clause. Recommended to spell out NDSU in second (new first) clause. MOTION FAILED BY A VOTE OF 16-37-3. The following senators or their substitutes voted aye: Andersen, Bahrami, Brooks, Coykendall, Duncan, Glower, Grafton, Gustafson, Howatt, Klenow, Knoepfle, Langley, Panigrahi, Rasmussen, Rogers

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

and Steele. The following senators or their substitutes voted no: Askelson, Balaz, Beck, Berry, Christoffers, Clark Johnson, Cook, Elnahas, Esslinger, Filpus, Garden-Robinson, Hannon, Harvey, Hatterman-Valenti, Kallmeyer, Little, Mallett, Manikowske, Miller, D., Miller, E.J., Montgomery, Ostlie, Presser, Randall, Ransom, Redmer, Reimnitz, Rider, Robinson, Schwert, Scott, Sperl, Teigen, Terbizan, Trowbridge, Webster, and Wittrock. The following senators or their substitutes abstained: Riley and Schnell.

MOTION (Harvey/Miller): to change the language in the first whereas clause to read, "...has experienced the inequitable distribution of state funds to institutions of higher education..." Discussion on keeping "in the past" in the opening statement. MOTION TO AMEND PASSED WITH A VOTE OF 42-14-2. The following senators or their substitutes voted aye: Bahrami, Balaz, Beck, Berry, Christoffers, Clark Johnson, Duncan, Elnahas, Filpus, Garden-Robinson, Glower, Grafton, Gustafson, Hageman, Harvey, Hatterman-Valenti, Kallmeyer, Klenow, Knoepfle, Langley, Little, Mallett, Manikowske, Miller, D., Miller, E.J., Montgomery, Ostlie, Presser, Randall, Ransom, Rasmussen, Redmer, Rider, Robinson, Rogers, Schnell, Smith, Sperl, Steele, Teigen, Terbizan, and Webster. The following senators or their substitutes voted no: Ambrosio, Andersen, Askelson, Brooks, Cook, Esslinger, Hannon, Howatt, Panigrahi, Reimnitz, Schwert, Scott, Trowbridge, and Wittrock. The following senators or their substitutes abstained: Coykendall and Riley.

MOTION TO APPROVE THE RESOLUTION AS AMENDED PASSED WITH A VOTE OF 50-4-4. The following senators or their substitutes voted aye: Ambrosio, Askelson, Bahrami, Balaz, Beck, Berry, Brooks, Christoffers, Clark Johnson, Cook, Duncan, Elnahas, Filpus, Garden-Robinson, Grafton, Gustafson, Hageman, Hannon, Harvey, Hatterman-Valenti, Howatt, Kallmeyer, Klenow, Knoepfle, Langley, Little, Mallett, Manikowske, Miller, D., Miller, E.J., Montgomery, Ostlie, Panigrahi, Presser, Randall, Ransom, Rasmussen, Redmer, Reimnitz, Rider, Rogers, Schnell, Schwert, Scott, Smith, Sperl, Teigen, Terbizan, Webster, and Wittrock. The following senators or their substitutes voted no: Andersen, Esslinger, Robinson, and Trowbridge. The following senators or their substitutes abstained: Glower, Riley, and Steele.

- #2-University Senate Resolution Pertaining to the Unique Needs of Institutions and Student Fees Associated with ConnectND. MOTION (D. Miller/Little): to approved the resolution as presented. MOTION TO AMEND (Beck/Hannon): to add the following language between the two originally proposed resolved clauses:

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Resolved, that the NDSU University Senate supports moving the control of the ConnectND fee from the NDUS Chancellor to the State Board of Higher Education, and setting a cap of no more than \$6.75 per credit, up to 12 credits, per student, per semester, and

Brief discussion on changing the control of this fee from the chancellor to the SBHE. The proposed language would align the fee cap to the amount currently paid by students to fund ConnectND. Clarification was sought on the purpose of the resolutions. The goal is to affect change in state policy.

MOTION TO APPROVE THE AMENDMENT PASSED WITH A VOTE OF 45-10-3. The following senators or their substitutes voted aye: Ambrosio, Andersen, Bahrami, Balaz, Beck, Berry, Brooks, Clark Johnson, Cook, Coykendall, Esslinger, Filpus, Garden-Robinson, Gustafson, Hannon, Harvey, Hatterman-Valenti, Howatt, Kallmeyer, Langley, Little, Mallett, Manikowske, Miller, D., Montgomery, Ostlie, Panigrahi, Presser, Ransom, Redmer, Reimnitz, Rider, Rogers, Schwert, Scott, Sperl, Steele, Teigen, Terbizan, Trowbridge, and Webster. The following senators or their substitutes voted no: Christoffers, Duncan, Glower, Hageman, Knoepfle, Miller, E.J., Randall, Rasmussen, Robinson, and Wittrock. The following senators or their substitutes abstained: Grafton, Klenow, and Schnell.

RESOLUTION AS AMENDED PASSED WITH UNANIMOUS CONSENT.

- #3-University Senate Resolution Pertaining to Support for Dr. George Wallman's Letter Regarding Problems Associated with ConnectND. MOTION (E.J. Miller/Trowbridge): to approve the resolution as presented. Brief discussion on keeping the word 'suffered' in the resolution. MOTION PASSED WITH A VOTE OF 45-10-3. The following senators or their substitutes voted aye: Ambrosio, Andersen, Askelson, Bahrami, Balaz, Beck, Berry, Brooks, Christoffers, Clark Johnson, Cook, Coykendall, Esslinger, Filpus, Garden-Robinson, Glower, Gustafson, Hageman, Harvey, Hatterman-Valenti, Howatt, Kallmeyer, Klenow, Knoepfle, Langley, Little, Mallett, Manikowske, Miller, D., Miller, E.J., Montgomery, Ostlie, Panigrahi, Presser, Randall, Ransom, Rasmussen, Redmer, Reimnitz, Rider, Robinson, Rogers, Schnell, Schwert, Sperl, Steele, Teigen, Terbizan, Trowbridge, Webster, and Wittrock. The following senator voted no: Duncan. The following senators or their substitutes abstained: Grafton, Hannon, and Scott.

3. Dr. Wallman's letter ([Attachment 5](#)).

Adjournment

The meeting adjourned at 4:45 p.m.

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Attachment 1

Academic Affairs Committee

Approved Curricular Recommendations

New Courses							
Dept.	No.	Title					Crs.
BIOL	777	Analysis of Population and Demographic Data					3
CSCI	476/ 676	Computer Forensics					3
ENGL	167	Introduction to English Studies					3
ENGL	336	Literature and the Environment					3
ENGL	381	American Road Book					3
ENGL	382	Film Genres and Styles					3
PHYS	370	Introduction to Computational Physics					3
Changes in Course Prefix, Number, Title, and Credits							
Dept.	No.	From	Crs.	Dept.	No.	To	Crs.
ENGL	320	Practical Writing	3	ENGL	320	<i>Business and Professional Writing</i>	3
ENGL	358	Intermediate Composition	3	ENGL	358	<i>Writing in the Humanities and Social Sciences</i>	3
ENGL	477	Modern Poetry	3	ENGL	377	Modern Poetry	3
PHYS	463/ 663	Statistical Mechanics	2	PHYS	463/ 663	Statistical Mechanics	3

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006
Attachment 2

Review of General Education Courses

Approved General Education Recommendations.

Outcomes Key:

- | | |
|---|--|
| 1. Communicate effectively in a variety of contexts and formats. | 5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society. |
| 2. Locate and use information for making appropriate personal and professional decisions. | 6. Integrate knowledge and ideas in a coherent and meaningful manner. |
| 3. Comprehend the concepts and perspectives needed to function in national and international societies. | 7. Comprehend the need for lifelong learning. |
| 4. Comprehend intrapersonal and interpersonal dynamics. | |

New General Education Course with Outcomes

Course No.	Course Title	Categories	Outcomes
ENGL 336	Literature and the Environment	A, G	1, 6

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Attachment 3

SECTION 337: GRADE APPEALS BOARD - **Revision**

SOURCE: University Senate

NDSU President

- ~~1. A University Senate Grade Appeals Board shall be established with authority to hear charges of inequitable or prejudiced academic evaluations and to provide redress for any improper evaluations as it may find to have actually taken place.~~
- ~~2. The Board shall consist of the following persons:
 - ~~1. One faculty member and one alternate from each representation unit (except the College of University Studies) to be elected by the faculty of each college for three year terms. The term shall commence on the Tuesday following the May Senate meeting.~~
 - ~~2. Three full time students and three alternates, each with a minimum 2.0 grade point average and a standing of at least second semester sophomore, to be appointed by the Student Senate. Terms shall be for one year, commencing on the Tuesday following the May University Senate meeting.~~
 - ~~3. A chair, in addition to the foregoing members, to be elected by the Senate membership. The chair shall serve for three years with the term to commence on the Tuesday following the May Senate meeting of the first year for which he/she was elected.~~~~
- ~~3. The Grade Appeals Board shall act in accordance with procedures approved by the University Senate.~~

GRADE APPEALS BOARD PROCEDURES

PREREQUISITES FOR APPEAL:

1. The Board may be utilized only after the student has exhausted possible appeal routes within the college offering the course involved. Each individual college will be expected to specify such appeal routes, but the following guidelines should be adhered to as closely as possible and will apply in the absence of any specialized procedures.
 - a. A student must initiate a request for a change of a grade with the instructor within fifteen (15) instructional days ~~three weeks~~ of the first day of the semester immediately following the semester in which the grade was awarded. For Spring Semester courses, the request may be made within fifteen (15) instructional days ~~three weeks~~ of the start of Fall Semester, if the student is not enrolled for a summer term, but is enrolled in ~~the~~ Fall Semester. An appeal is deemed formally initiated when the student presents the Grade Appeal Form to the instructor. The instructor must date and initial the form at that point. Within five (5) instructional days, the instructor shall inform the student of his/her decision, record the steps

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Attachment 3

taken to resolve the appeal and the decision on the Grade Appeal Form, and date and sign the Form.

b.

The student must consult (1) the instructor, (2) the department chairman, and (3) If there is an unsatisfactory decision, the student must consult the department head, and the dean or a designated college committee, proceeding from one level to the next only after an unsatisfactory ~~decision resolution~~ of the conflict at that level. In the event that the instructor is also the department ~~head chairman~~ or dean, he or she need only be consulted in the capacity of instructor. The student shall have five (5) instructional days following an unsatisfactory outcome of the appeal to continue with the appeal at the next level. At each stage, the individual considering the appeal shall inform the student of his/her decision, record the steps taken to resolve the appeal and the decision of the Grade Appeals Form, and date and sign the Form.

c.

The instructor must be informed of all proceedings in Section b above ~~by the person in charge at the level.~~

d.

Both the instructor and the student shall have the right at any time during the proceedings to call a meeting of all persons involved in submitting and considering the ~~appeal complaint~~ and, optionally, to invite the Board to send an observer to that meeting.

e. In the event that the instructor is no longer employed by North Dakota State University, or is on leave from the University, the instructor may designate another faculty member from within the department to represent his/her interest in the grade appeal. If the instructor is not available to designate a substitute, the department head shall represent the absent faculty. If the department head cannot act impartially, a substitute shall be designated by the dean.

2. In the event of an unsatisfactory ~~decision resolution of the conflict~~ within the college, the student may submit a formal written appeal to the Board Chair. Such an appeal shall be made within fifteen (15) instructional days ~~three weeks~~ after conclusion of the college proceedings as stated above. ~~At that time the Board may either hear or refuse the appeal, depending on its analysis of the questions raised by the written appeal. Prior to making the decision, the Board may require that additional information be provided in writing by either the instructor or the student. If the Board decides to hear the appeal, it shall provide the instructor and student with a copy of any written statement provided to the Board by the other party.~~
3. In extraordinary circumstances (such as avoiding a clear injustice or mistake, e.g., an instructor leaves, refuses to respond to inquiries about the grade, there is a mathematical error or violation of the syllabus), and after the procedures in Subsection 1 above have been completed, a department head, with approval of the dean of the college, can change a grade without the instructor's approval. In such cases, a note of record shall be filed with the Registrar. An instructor can appeal such a grade change to the Grade Appeals Board pursuant to this Policy. Colleges

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Attachment 3

- can adopt procedures to implement this subsection. (Note: The purpose of this provision is to avoid compelling the student go through the formal appeal to the Grade Appeals Board where the outcome is certain and clear in the student's favor.)
4. The Board Chair may designate a Board member as Appeal Chair or process the appeal personally. If the instructor is the Board Chair, the Board members shall designate an Appeal Chair. If the Appeal Chair is not the Board Chair, the Board Chair will forward the appeal document to the Appeal Chair within five (5) instructional days of receiving the appeal. The Appeal Chair should be from a college outside that of the instructor whose grade is being appealed.
 5. The Appeal Chair will send a copy of the appeal document to the instructor within ten (10) instructional days. The instructor will have fifteen (15) instructional days to respond to the student's appeal.
 6. The Appeal Chair will then distribute copies of the appeal document and the instructor's response to all Board members and the instructor within five (5) instructional days. If a Board member is unable to participate in the proceedings, his or her alternate will act for the member.
 7. Each Board member (or alternate) must inform the Appeal Chair in writing within five (5) instructional days indicating whether there is a need to hold a meeting to discuss the appeal. If two-thirds of the members indicate that the student has not made a case, the appeal is denied and the student is notified, in writing, within five (5) instructional days of the Board's decision. Otherwise, the Appeal Chair will call a meeting of the Board within ten (10) instructional days.
 8. At this meeting, the Board will raise any questions unanswered by the appeal and instructor's response. The Board will then vote to decide whether to hold a hearing based on the following criteria: the student presented evidence of prejudicial grading or raised questions of the possibility of prejudicial grading. A hearing will be scheduled within fifteen (15) instructional days if a simple majority of members vote to hold a hearing.
 9. If the Board decides to hear the appeal, it shall provide the instructor and student with a copy of any written statement provided to the Board by the other party.

HEARING PROCEDURES (APPROVED MAY 12, 1986)

1. General Provisions
 - a. If the Board decides to hear an appeal, it shall designate from among its total membership a panel of seven members to hear the appeal. Four members of the panel shall be chosen by lot from the faculty membership of the Board, and two additional members of the panel shall be chosen by lot from the student membership of the Board. The seventh member of the panel shall be the Board ~~Chair~~ ~~chairperson~~, who shall serve as a non-voting moderator of the hearing panel. In order to avoid any conflict of interest, a board member who believes that he/she may not be able to hear a case fairly shall recuse him/herself and shall be replaced by his/her alternate. Additionally, the student and instructor shall each have one preemptory challenge to remove a board member from service on the hearing panel. A challenged board member shall be replaced by his/her alternate. In the event that a challenged board

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Attachment 3

member is an alternate, another member of the board shall be chosen by lot to serve on the hearing panel. The word "Board" shall be used hereafter in these hearing procedures to describe the seven-member hearing panel so elected, or the full Board, in the event it decided to hear an appeal of a hearing panel decision.

b. All hearings are normally open only to those people who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the student, instructor, and Board chair.

c. The student, the instructor, and the Board, each shall have the right to be assisted during Board procedures by an advisor or other counsel who may observe the proceedings and advise his/her party. Under no circumstances will this advisor/counsel be permitted to address the Board or witnesses.

2. Evidence. Because this is an educational hearing, formal rules of evidence do not apply. Every effort will be made to allow all reasonable and relevant information to be presented for the Board's consideration. ~~The Board shall allow an initial presentation by the student and then by the instructor involved, after which it may call such other witnesses as it deems necessary. In order to be able to accomplish this, the Board shall have the authority to compel the appearance or testimony of essential witnesses from the NDSU academic community.~~

a. Hearsay evidence is permitted; the members of the Board may consider such evidence and assign it any weight appropriate by each individual Board member.

b. An absolute right of cross-examination is not granted under this policy. The Board Chair will allow all relevant and reasonable questions to be placed to either party or their witnesses, but retains the right to exclude questions that are redundant or irrelevant to determining responsibility. Persons answering questions will be given reasonable latitude by the Board Chair to respond to those questions fully.

c. Either party or their witnesses before the board will be permitted to elaborate on written documents previously submitted to the board in their oral presentations to the board.

d. Parties planning to bring exhibits to a hearing must generally provide copies of those exhibits to the other parties and the members of the board three (3) instructional days prior to the hearing to allow for a review of exhibits and the development of any pertinent questions. The Board Chair may permit deviations to this time restriction so long as the other party has sufficient time to prepare an adequate response.

e. The Board Chair shall have the right to exclude from the hearing and the record any unreliable, biased, or redundant evidence.

f. On questions requiring academic expertise, the Board shall rely heavily on the testimony of other members of the department involved, or throughout the NDSU academic community.

g. In reaching a decision the board shall consider only information produced at the hearing and will evaluate the information using the "more likely than not" standard of proof. The burden of proof shall be on the student to establish that his/her grade should be changed.

h. The voting members of the board will determine, by two-thirds majority vote, if the student's appeal should be granted. A second vote shall then be held to determine

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Attachment 3

by simple majority vote what the student's revised grade should be. All votes shall be conducted by secret ballot.

i. All hearings of the board will be recorded up to the point of the board's deliberations necessary to render a decision. A copy of the recording shall be retained in the Office of the Provost and Vice President for Academic Affairs for a period not less than three (3) years. The board will allow controlled access to the tape for review or transcription by either the student or the instructor.

j. The Board shall allow an initial presentation by the student and then by the instructor involved, after which it may call such other witnesses as it deems necessary. In order to be able to accomplish this, the Board shall have the authority to compel the appearance or testimony of essential witnesses from the NDSU academic community.

3. Hearing outline.

a. The Board Chair will call the meeting to order and will introduce the members of the board and their function within the University community.

b. The Board Chair will describe the general outline of the hearing and read the evidentiary rules to the board. The Board Chair 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 a student willfully provides false information, he/she will be in violation of NDSU's Code of Student Behavior. As a result, he/she may be subject to disciplinary action. Dishonest behavior by any faculty or staff member will be reported to that person's supervisor for any necessary disciplinary action.

All potential witnesses will be advised of this honesty statement in advance.

c. The Board Chair will excuse witnesses from the room at this point.

d. The Board Chair will introduce the student who will present the appeal and any evidence.

e. The Board Chair will introduce the instructor who will respond to the student's appeal and present any additional evidence.

f. The student will be allowed to present witnesses, who will be allowed to make statements and may be asked questions by the student, instructor, and/or members of the Board. Questions by both parties may be directed to the Board Chair, who will then determine if the question is relevant to the proceeding, ask if the respondent understands the question, and request a response. At the chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.

g. The instructor will be allowed to present witnesses, who will be allowed to make a statement and may be asked questions by the student, instructor and/or members of the board. Questions by both parties may be directed to the chair, who will then determine if the question is relevant to the proceeding, ask if the respondent

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Attachment 3

understands the question, and request a response. At the chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.

h. The board may compel the attendance of any essential witnesses from the NDSU academic community to present testimony. Such witnesses will be allowed to make a statement and may be asked questions by the student, instructor, and/or members of the board. Questions by both parties may be directed to the Board Chair, who will then determine whether the question is relevant to the proceeding, ask whether the respondent understands the question, and request a response. At the chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.

i. The student and instructor will be permitted to ask questions of each other.

j. Final questions will be permitted by the members of the board, who may question either party and/or their witnesses.

k. The student shall have an opportunity to make a closing statement.

l. The instructor shall have an opportunity to make a closing statement.

m. Both parties and their witnesses will be dismissed for deliberations by the board and recording will stop at this point. Only board members, the Board Chair, and the board's counsel/advisor (if designated) may be present during deliberation.

n. The Board Chair will send a written notice of the board's findings to the student, instructor, department head, and dean within ten (10) instructional days of the hearing. If the board votes to change the student's grade, notice shall also be sent to the University Registrar regarding the grade change. The written notice shall include an explanation of the board's rationale in making its decision and a signed copy of the Grade Appeal Form attesting to the board's decision.

4. The board may not release any information about its investigation to anyone but the parties directly involved.

~~4. Both the student and the instructor shall have the right to be present during the presentation of any testimony before the Board and to address questions to any person presenting such testimony.~~

~~5. The student, the instructor, and the Board, each shall have the right to be assisted during Board procedures by an advisor or other counsel who may observe the proceedings, advise their party, and, with the consent of the Board chairperson, question witnesses, present arguments, and summarize evidence.~~

~~6. The Board chairperson shall have the right to exclude from the hearing and the record any unreliable, prejudiced, or redundant evidence.~~

~~7. Board hearings shall be closed to all but the parties directly involved except where both the student and instructor request an open meeting.~~

~~8. In addition to keeping minutes of its proceedings, the Board will provide for the tape recording of all testimony presented to the Board and will allow controlled access to the tape for review or transcription by either the student or the instructor.~~

~~9. The Board may not release any information about its investigation to anyone but the parties directly involved.~~

~~10. The burden of proof shall be on the student.~~

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Attachment 3

~~11. The Board's final decision in any particular case must be based solely upon testimony and other evidence given to the Board in that case.~~

~~12. A two-thirds vote by secret ballot of the Board, i.e., four of the six voting members of the hearing panel, shall be required to uphold the student's appeal and approve a change in grade.~~

APPEAL

Either the student or the instructor may request within fifteen (15) instructional ~~thirty~~ days of a hearing panel decision, that the full Board hear an appeal from the decision, citing the error(s) by the hearing panel that would justify a new hearing. The Board shall meet to consider such a request, but no voting member of the hearing panel shall be eligible to vote on granting a new hearing. Instead, alternate members shall replace those Board members who served on the hearing panel. If a majority of the full Board ~~decided~~ votes to accept the appeal, it shall proceed to hold a hearing in accordance with the hearing procedures above, again using alternate members in place of those who served on the hearing panel. The Board Chair chairperson shall serve as a non-voting moderator at the appeal hearing, and a two-thirds vote by secret ballot of the full Board, ~~i.e., seven of its ten voting members,~~ shall be required to uphold the student's appeal and approve a change in grade. A separate simple majority vote shall determine what the student's new grade shall be.

INTERPRETATION

No provision in this statement of procedures shall be construed to deny or disparage the full rights of either the student or the instructor as a citizen under the Constitution and laws of the United States.

HISTORY: May 15, 1972; Amended May 1986; April 1992; April 2000; April 2001; March 2002.

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006

Attachment 4

University Senate Resolution 1 (January 23, 2006): Pertaining to Equity Funding at NDSU

Whereas, North Dakota State University has experienced the inequitable distribution of state funds to institutions of higher education, and

Whereas, representatives of the faculty, staff, students, and administration of NDSU have been privy to the deliberations of the North Dakota State Board of Higher Education on this matter; therefore be it

Resolved, that the University Senate of North Dakota State University extends its sincere appreciation to the Board for its attention to issues of equity, and its award of \$900,000 in equity funding to NDSU; and

Resolved, that the NDSU University Senate encourages the State Board of Higher Education to continue working through the equity problem, in conjunction with the North Dakota State Legislature, until fairness in funding is finally achieved.

University Senate Resolution 2 (January 23, 2006): Pertaining to the Unique Needs of Institutions and Student Fees Associated with ConnectND

Whereas, North Dakota State University has suffered unduly from problems related to the implementation of the PeopleSoft/ConnectND system, and

Whereas, representatives of the faculty, staff, students, and administration of NDSU have been privy to the deliberations of the North Dakota State Board of Higher Education on this matter; therefore be it

Resolved, that the University Senate of North Dakota State University extends its sincere appreciation to the Board for its frank discussion of issues related to PeopleSoft/ConnectND, and for the Board's recognition of each institution's unique needs in relation to the implementation of the PeopleSoft/ConnectND system; and

Resolved, that the NDSU University Senate supports moving the control of the ConnectND fee from the NDUS Chancellor to the State Board of Higher Education, and setting a cap of no more than \$6.75 per credit, up to 12 credits, per student, per semester, and

Resolved, that the NDSU University Senate encourages the State Board of Higher Education to continue working through problems related to PeopleSoft/ConnectND, and to address the unique needs of the state's research universities while implementing this system.

University Senate Minutes

Fargo, ND 58105

North Dakota State University

January 23, 2006
Attachment 4

University Senate Resolution 3 (January 23, 2006): Pertaining to Support for Dr. George Wallman's Letter Regarding Problems Associated with ConnectND

Whereas, North Dakota State University has suffered unduly from problems related to the implementation of the PeopleSoft/ConnectND computer system, and

Whereas, our former Vice President for Student Affairs George H. Wallman has written an open letter which frankly discusses the difficulties that the PeopleSoft/ConnectND system has caused for our university, and

Whereas, the faculty, staff, students, and administration of NDSU are in agreement with the contents of Dr. Wallman's letter, therefore be it

Resolved, that the NDSU University Senate offers strong institutional support for Dr. Wallman's letter detailing the serious problems at NDSU which have resulted from the implementation of the PeopleSoft/ConnectND computer system.

Attachment 5
January 23, 2006

Date: December 30, 2005
To: Grant Crawford
NDUS CIO
From: George H. Wallman
Vice President for Student Affairs
Re: ConnectND

I appreciated your effort to meet with me on Friday, November 18, and discuss my concerns. That gesture on your part has been accepted as an act of good faith. At the end of that meeting I asked if you would be willing to respond to me in writing regarding our conversation and that I would use your response with our staff to build hope that things were going to change in regard to their concerns about ConnectND. On December 2, 2005 you followed up our conversation with an email responding to the things we talked about. That too was appreciated, and I have been pondering a response to it.

Because my response takes this way beyond what we talked about, I am sharing it with others as well. It will therefore go to Board members and system office people. This is not to create a problem but to provide some insight into my views after these many years of experience at NDSU. I hope to create discussion about important issues.

After reading your email several times, I came to the conclusion that we are miles apart. Our paradigms are very different. Yours is one of systemness, mine is one of a research university. I see HECN and ConnectND as being a service unit, serving our needs. Your system approach sees NDSU as something to control and that we work for you.

I see no future for a System other than what individual universities and colleges bring to it themselves. A strong central control over individual universities and colleges limits rather than encourages each institution to be more than just a part of a system. A vanilla implementation forces sameness rather than building on unique characteristics honed over many decades by the values of the academy and our interactions with students and external groups. To carry this further the implementation process focused on the needs of the project staff not on institutional needs. It was difficult for the institution to be heard beyond the boundary of: **this has to be a vanilla implementation**. Sameness is another term for this and it is apparent that it caused a lot of problems and if not changed will continue to do so, ultimately having a negative impact on the individual universities and colleges.

There has been a pattern of comments over the years that our people didn't want to change the way they were doing things, and that they liked the old system. I have never heard anything but a sense of optimism, hope and potential for the new system that made many people excited. However, that was tempered by the way the project was managed, beginning with the total lack of experience and insight of Maximus to the top down approach in decision-making made by the project staff.

It is ironic to me that we have been told how important change is and that we should be thinking differently about the way we do our work. Yet the process you told me to use to bring about the changes that are important to NDSU is of a design that I would characterize as resisting change. It might be easier for me to propose a relocation of a graveyard than to work the process you described for ConnectND. Councils, interfunctional teams, and an executive committee insulate the project from change and force individual needs into a cumbersome arena of systemness pitting one institution against others.

When the Chancellor visited NDSU and spoke to the President's Council he told us that NDSU and UND needs would be met and that things would not go forward without our support. I have not seen anything different in the governance structure you now have to reflect that. The process you told me to use does not take anything like that into consideration. Nor has the decision-making process been explained within your new governance structure. Is it by consensus, vote, by-laws etc? When you met with our Student Affairs Council for the system, and presented your plan to make decisions for major projects, there were many questions about that process including monetary cost; yet there was never any further follow-up after we ran out of time. A later reference to that meeting made it look like the plan was presented; there was discussion; and that it ended there; when, in fact, the questions and issues never got answered. Was that part of the decision process?

I understand your paradigm, but it makes it difficult for us to function. We are unlike most of the other universities and colleges except for UND. I do not say this to demean or put down others. It is simply a fact. While there might be things we share there are many things we do not share. The extent of grants and contracts would be one example. Another would be the volume we deal with in registration and records, financial aid and admissions.

I understand your desire for us to accept the fact that there has been a steep learning curve for your staff and ours, and that as a result of the uniqueness of this project, tension between us is inevitable. However, it is also possible that this project has been poorly managed from the start and that has contributed to poor communication and tension. The fact that staff from the project have been successful in the past working for HECN doesn't necessarily mean that they had the right skills for this project. This project required both people and technical skills and it has been apparent from my time on the executive steering committee, when people were confiding in me about how they were being treated, and in my time with staff from our university, that people skills were lacking. Add to this the problems with Maximus and the management part of this left a lot to be desired. The grants and contracts issue is an example of how we were told many times that this was a functional piece to the software. It wasn't until we were up against a time crunch that we find out it wasn't functional. Was this something to simply blame on Maximus, or is it a reflection of the management of the project? It probably has been both.

The project is underfunded and as a result of this is understaffed. We have never thought otherwise and understand this as it affects us as well. We are in a similar situation and have had to use what few discretionary funds we have to add staff way beyond what we ever thought would be needed. Yes, we have added staff, but that has been so our basic business needs could be met and students served. Work-arounds and manual processes have contributed a great deal to our work load.

The issue about the enrollment formula is interesting. Here we are about two to three weeks from another reporting cycle, and nothing has happened. Nobody has contacted us, and we still know that the data is bad; we cannot figure it out without the formula. Give us some credit for being intelligent and capable of understanding the formula. Certainly there will be questions asked of your people, but you made such an important point in your email to me about database integrity. I cannot understand why, if this is so important to your people, you wouldn't want to jump at the opportunity for us to work with you and get this cleaned up. Would a bank that couldn't balance its books not place a priority on correcting that? I was promised the formula so many times that I wonder how long I should stand at the altar and wait. Is this a management problem or is there something else going on here that has to do with control? Will I be told it is a workload issue?

Originally, we were told that prospective students would enter an NDUS portal and be routed to wherever the appropriate courses were offered losing our identity as NDSU. When the institutions voiced extreme opposition to this we were told to not worry, that it wouldn't happen that way. Over two years ago our President's Cabinet was told the portal would be redesigned. This has not happened. In fact we now know that the portal is costing us prospective student interest. It is frustrating to use. Why would anyone want to frustrate a potential student? Why would an institution that has over 100 years of brand loyalty with children and grandchildren of alumni showing interest in us want a portal that says: PeopleSoft and then lists all the institutions of the system instead of our name, our colors etc? Is this a management issue? Or is it something else?

In another memo I referred to frustration as: potential that is unmet. We have now lost our most important ConnectND person at NDSU. His level of frustration over this project was a major factor. With his departure we lose the person who may have had the most experience of anyone in the System with PeopleSoft software, from a user's perspective.

I retire from this world of ConnectND and the System feeling that the potential that was there is vanishing and to believe that things are going to get better or can be fixed is a bit like Don Quixote trying to take on a windmill. If there isn't dramatic change in how this is being managed to the extent that an institution as complex and large in volume as ours isn't given more influence over its business processes, then things will go from bad to worse. When I am told something will be done and it isn't and this pattern goes on and on, then it is reasonable to wonder who is in charge. I do wonder about that but then it is easy to arrive at the cynical point of saying: of course the System is in charge and a Council, interfunctional team or Steering Committee is there so everyone's voice is heard. Yet hearing is different from understanding and caring and doing something.

Here are my comments regarding the future.

- The management of this project has to change.
- The yoke of sameness or a vanilla approach has to give and bend to allow us to have more control over our destiny. I would expect UND feels the same. Another way of saying this is that we need to be allowed to control those things we determine to be vital to our interests such as: access to information, the correcting of errors by ourselves not through a bureaucratic process, making our own decision about who from our university should be able to have security access, and the interfacing of our other systems with PeopleSoft, Blackboard, Kronos, and Win-Star are all examples. The governance structure you currently have changes very little from before. It is too bureaucratic.

December 30, 2005
Grant Crawford
Page 4

- Poor communication has been a common complaint from the universities and colleges. I suggested that poor communication could also be a symptom of poor management. Perhaps this entire discussion has reached a point that our different paradigms resemble the differences between a unionist philosophy versus state's rights. It is possible that the ConnectND project is but a symptom of a unionist approach or as I called it earlier: systemness. The governance is far too bureaucratic and system oriented. The potential for change is tempered with the yoke of sameness.

These issues go way beyond moving to the next stage for ConnectND, they are issues that confront the vitality of the universities and colleges and our ability to do our work and serve our constituents whether they are prospective students, enrolled students or agencies we answer to regarding fiscal management of grants and contracts.

c: President Chapman, NDSU
SBHE Members
Chancellor Potts
VC Hillman
VC Glatt
President Balch, Mayville State University