

NORTH DAKOTA STATE UNIVERSITY

New Faculty Orientation



August 18, 2020

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A message from President Bresciani



Welcome to North Dakota State University, a truly special place. You will find it is a friendly, caring community of dedicated, talented and resilient faculty and staff and COVID-19 will not change that!

NDSU is widely known as a student-focused, land-grant, research university – a title we have gained through dedication, compassion and hard work.

This institution has a long history of achievement, and NDSU provides exceptional opportunities for students and the citizens we serve. Few, if any, other land-grant universities conduct research of our caliber, breadth and impact, and still remain focused on students. Our student-to-faculty ratio was 18 to 1 for the 2017-2018 academic year.

NDSU's total expenditures for research and development exceeded \$156 million in fiscal 2016, as reported for the National Science Foundation's Higher Education Research and Development survey. NDSU is listed among the top 100 universities, and as high as 84th in recent years.

In addition, our successful Research and Technology Park continues to expand in both size and productivity as our leading research helps create new technologies, businesses and jobs.

We have a strong national and international presence – students come from around the globe to receive a quality education at an affordable price. In fall 2017, NDSU had 14,358 students enrolled in its undergraduate, professional and graduate programs. Of that number, 3,306 are first time or transfer undergraduate students. A total of 792 international students from 82 countries are enrolled at NDSU, and we have 2,037 graduate students.

NDSU has more than 100 buildings on campus, eight major research and extension centers throughout the state, and Extension programs in every county of North Dakota. Our outstanding facilities include the A. Glenn Hill Center, a state-of-the-art building with classrooms and laboratories focused on science, technology, engineering and mathematics. Construction of the new Catherine Cater residence hall was recently completed. A \$28 million addition to Sudro Hall is near completion, and a new \$51 million science building, Sugahara Hall, is underway.

NDSU has a major presence in Fargo's historic and vibrant downtown. Our architecture and landscape architecture programs are taught in Renaissance Hall and Klai Hall; Renaissance Hall also is home to the visual arts department; and Richard H. Barry Hall is home to the College of Business and Department of Agribusiness and Applied Economics.

The North Dakota Agricultural Experiment Station and NDSU Extension Service are vital parts of the university, and the university is firmly committed to its land-grant traditions. In addition, NDSU participates in the Tri-College University consortium with neighboring Minnesota State University Moorhead, Concordia College, Minnesota State Community and Technical College, and North Dakota State College of Science.

NDSU has earned a reputation for excellence in education, research and service. Our over 90,000 living alumni will attest that NDSU has a profound, lasting impact on the lives of students and the economic prosperity of our state, region and nation.

Thank you for joining our university. By becoming one us, you make NDSU even stronger.

Sincerely,

Dean L. Bresciani
NDSU President

For information on Benefits see presentation (~30 minutes):

https://drive.google.com/file/d/1JYKbYBH4w5j6k_Eumpv3UKrLEd86gpSN/view?usp=sharing

For hiring, benefits, and immigration related questions contact:

- Academic Personnel Coordinator (angela.bachman@ndsu.edu, 231-7150)
- Human Resources Benefits Specialist (maria.wingenbach@ndsu.edu, 231-5602)
- Faculty Immigration Director (deborah.maertens@ndsu.edu, 231-8779)

8/16/2020

Tuesday, August 18 – Orientation for New Faculty 8:30 a.m. – 4:30 p.m. (All sessions will be through Zoom, unless otherwise noted.) Join Zoom Meeting: https://ndsu.zoom.us/j/96431281567?pwd=NIJmU1FmQ2Jqa05jY0FMaXN6bEY2dz09 Meeting ID: 964 3128 1567; Passcode: 473125	
8:30 a.m.	Welcome Remarks. New Faculty Orientation Activities for New Faculty. Canan Bilen-Green, Vice Provost, Angela Bachman, Academic Personnel Coordinator.
9:00 a.m.	Positive, Supportive, Equitable, and Inclusive Campus. Warren Christensen (Physics), Chris Ray (Education), Deirdre Voldseth (Natural Resource Sciences), Kristine Paranica (Ombud), Julie Nash (Excellence Programs Manager), Angela Bachman (Academic Personnel Coordinator).
9:50 a.m.	Break
10:00 a.m.	Academic Policies and Resources for Teaching, Advising & Research. Dr. Bilen-Green.
10:50 a.m.	Break
11:00 a.m.	Starting at the Finish Line: Developing Courses using Backward Design. Melissa Vosen Callens (Faculty Fellow, Communication). Provides a brief overview of Backward Design, a strategy used in course planning. Participants will use Backward Design to plan their first day of class.
11:00 a.m.	Getting Started: Research and Grants at NDSU. Amy Scott (Sponsored Programs) and Sheri Anderson (Research Development). Introduction to the processes one needs to know to get started with research and grants at NDSU. Topics covered include the grant proposal process, Novelution, proposal transmittal forms, and resources on the web.
11:50 a.m.	Break
12:15 p.m.	Faculty Panel Discussion. Things I Wish I Had Known My First Year. This panel discussion will provide insights into faculty life and help new faculty members navigate successfully their first year at NDSU. Beena Ajmera (Civil and Environmental Engineering), Kelly Buettner-Schmidt (Nursing), Sarah Crary (Education), Aaron Daigh (Natural Resource Sciences), and Benjamin Laabs (Geosciences). David Westerman (Communication) will facilitate the panel discussion.
1:15 p.m.	Break
1:30 p.m.	Mandatory EO/Title IX Training. This interactive training session covers the basics of Title IX and Equal Opportunity policies at NDSU, including prevention strategies, recognizing a policy violation, and what to do if someone reports a violation. This in-person training is required every three years.

2:50 p.m.	Break
3:00 p.m.	Getting Started: Research and Grants at NDSU. Amy Scott (Sponsored Programs) and Sheri Anderson (Research Development). Introduction to the processes one needs to know to get started with research and grants at NDSU. Topics covered include the grant proposal process, Novelution, proposal transmittal forms, and resources on the web.
3:00 p.m.	Teaching at NDSU. Learning & Applied Innovation Center staff. HyFlex at NDSU. Activate your NDSU/NDUS Account (New Employee Check List). How to access and log into Blackboard. Blackboard Basics (depending on the results of the participants). NDSU Teaching Tools: Yuja, TurningPoint (web) Clickers. Videoconferencing (Zoom, Collaborate). Where to get help. (90 minutes)

Wednesday, August 19 – New & Returning Faculty Professional Development Conference

8:30 a.m. – 4:30 p.m. (Sessions for new faculty. See schedule at <https://www.ndsu.edu/provost>)

Join Zoom Meeting

<https://ndsu.zoom.us/j/92470435401?pwd=ckJXTnY4bU4zNEoyR3B3S2JSSSs4UT09>

Meeting ID: 924 7043 5401; Passcode: 505615

Monday, August 24 – New Faculty Orientation, continued

Join Zoom Fair

<https://ndsu.zoom.us/j/92058302194?pwd=SkowUDZFeG1BeGZQN3AyTnZPdCtyQT09>

Meeting ID: 920 5830 2194;

Passcode: 923805

11:00 a.m.	Virtual Resource Fair. An opportunity to view exhibits and talk with representatives from various campus units that support faculty, staff, and students. (60 minutes)
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September 4 – New Faculty Orientation, continued

2 p.m.	President's Reception for New Faculty (President's House). (60 minutes, registration requested; space is limited.)
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October 6 or 7 – New Faculty Orientation, continued

(attend one session, 60 minutes, registration requested)

8:30 a.m.	Meeting with Provost.
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November 4 or November 5 – Promotion, Tenure, Evaluation (PTE)

(attend one session, 60 minutes, registration requested)

Wednesday, November 4

3:00 p.m.	New Faculty PTE Information Session (Rose Room, MU).
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Thursday, November 5

3:30 p.m.	New Faculty PTE Information Session (Rose Room, MU).
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Welcome to NDSU

New Faculty Orientation

August 18, 2020

Office of the Provost/
Faculty Affairs



Contact Information

Canan Bilen-Green, Vice Provost

Faculty Affairs & Equity, Title IX/ADA Coordinator
Professor, Industrial and Manufacturing Engr.

- Email: canan.bilen.green@ndsu.edu
- Website:
<http://www.ndsu.edu/provost>
<https://www.ndsu.edu/equity/>



NDSU Organization

- **Office of the Provost**
 - Faculty Affairs
- **Academic Colleges**
 - Academic Departments
- **Faculty Senate**
- **University Curriculum Committee**
- **Graduate Council**



Academic Policies and Resources

- **NDSU Policy Manual** (www.ndsu.edu/policy)
 - *Orientation pdf document*
- **New Faculty Website and Resources Page**
(www.ndsu.edu/provost)
- **New Faculty Workshops and Mentoring**
 - *Promotion, Tenure, and Evaluation Workshop, 11/4 & 5*
- **Faculty Luncheons**
- **Promotion to Professor Sessions**



Select NDSU Policies, Procedures

- **320: Faculty Obligations and Time Requirements**
 - Office hours
 - Sick leave, child bearing leave
 - Modified duties
 - Out-of-state travel authorization
- **Contact HR for**
 - Payroll, Benefits
 - Disability accommodation (Policy 168)
 - Family Medical Leave Act (FMLA)
- **325: Academic Freedom**
 - Teaching, research
 - Course, curriculum approval

Policies, Procedures, continued

- **352: Promotion, Tenure, and Evaluation (PTE)**
 - Annual review, third year review
 - Tenure credit, advanced rank – PTE committees
 - Tenure clock extension –
 - Requests/notification directly to
Office of the Provost/Faculty Affairs
 - Childbirth, adoption, illness, disability, institutional
 - Appeal of decision: Policy 350.3
 - Required training
- **Official Faculty File**
 - Maintained in Dean's Office
 - Right to review contents and who accessed the file

Discrimination, Harassment, and Retaliation (156, 156.1, 100, 162, 162.1)

- NDSU is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of our university community.
- Report any discrimination, harassment, or retaliation involving a student of which you are aware of. *Supervisors have further reporting responsibilities.*
- Recognize that harassment can occur:
 - On campus or off campus
- Intent does not matter; the impact of the behavior matters. “*I didn’t mean anything by it*” is not a valid defense for harassing behavior.
- Consensual relationships, where there is a definite power differential, are discouraged.

Policies, Procedures, continued

- **326: Academic Misconduct**
 - NDSU is committed to upholding the highest standards of integrity of its endeavors in the pursuit of academic activities
 - Inquiry and Investigation (by faculty committees)
 - Authorship, Data Ownership, and Working w/students
- **353: Grievances**
 - Decisions affecting terms and conditions of employment, such as salary adjustments, development leave, assignments/duties, periodic reviews and working environment
 - Conflicts

Policies, Procedures, continued

- **718: Public/Open/Confidential Records**
 - All NDSU records are public records, open and accessible for inspection by anyone
 - Email, text messages, notes, etc.
- **152: External Professional Activities** and **151.1: External Activities and Conflicts of Interest**
 - Time commitment, conflict of commitment
 - Obtain prior approval from chair to dean to provost (Consulting Authorization Request form)
- **103: EO/AA Policy on Announcement of ALL Position Openings**
 - Required training
 - Dual career hiring

Policies, Procedures, continued

- **151: Code of Conduct**
 - NDSU requires all employees to
 - Act professionally in their interactions with others;
 - Follow training and job specific requirements as stated in the job description or appointment letter, or as assigned by respective department or unit;
 - Respect the value, creativity, and diversity of all persons, which includes diversity of opinions and professional approaches to doing things;
 - Contribute to an environment of respectful and productive working relationships with those with whom the person interacts; and
 - Make good faith efforts to resolve differences constructively.

Teaching and Advising at NDSU

- **FERPA Guidelines**
 - Federal law to protect the privacy of student records
- Required content for **Course Syllabus** – Policy 331.1, See **template**
- **Campus Connection** – Official student information system (view class list, submit grades)
- **Student Success Collaborative**
- **Blackboard** – resources for students to access online
- **Academic Calendar and Final Exam Schedule**
 - Dead week
 - Commencement (December 18 and May 15)
 - Grades due (12:00pm, December 22 and May 18)
- **Student Accommodations** – Policy 606
- **Class Attendance Policy** – Policy 333



Research and Grants at NDSU

- **External Activities, Conflict** – Policy 152, 151.1
- **NDSU Proposal Submission**
 - Department and College approvals
 - Sponsored Programs Administration approval
- **External Grants**
 - New Investigator Programs
- **Internal Grants**
 - ND EPSCoR, ND NASA
 - Research and Creative Activity
 - NDSU Development Foundation
 - Graduate School Fellowships and Awards
 - Technology Fee Advisory Committee Awards



University Government

- NDSU and Academic Organization
- Faculty Senate Constitution

UNIVERSITY GOVERNMENT

1. **Constitution.** The University's Constitution provides a framework within which the faculty functions to determine, subject to presidential and Board acceptance, University-wide policies and regulations in the areas of resident instruction, research, and extension. The Constitution is found on the Faculty Senate's webpage.
2. **Faculty Senate.** The Constitution provides for a Senate as the legislative body of the University with an elected member as its president. The Senate meets on the second Monday of each month of the academic year. The By-laws provide for establishing standing University committees and subcommittees and standing committees within each college.
4. **Staff Senate.** The Staff Senate is an elected body of classified employees proportionally representing all the employee classification groups. Members are elected each May and serve specific terms ranging from one to two years. Senate meetings are held the second Wednesday of every month.
5. **Student Government.** Student Government works to represent and advocate for the diverse student body of NDSU. Activities include allocating Student Activity Fee, providing programs for students, engaging with state officials, and passing legislation that students deem necessary.

ACADEMIC ORGANIZATION

1. **Resident Instruction.** North Dakota State University consists of eight academic units with the following departments:
 - a. **The College of Agriculture, Food Systems, and Natural Resources (AFSNR):** Agribusiness and Applied Economics; Agricultural and Biosystems Engineering; Animal Sciences; School of Natural Resource Sciences; Plant Pathology; Plant Sciences; and Microbiological Sciences.
 - b. **The College of Business:** Accounting and Information Systems; Management and Marketing; Transportation, Logistics, and Finance.
 - c. **The College of Engineering:** Air Force ROTC; Agricultural and Biosystems Engineering; Army ROTC; Civil and Environmental Engineering; Computer Science; Construction Management and Engineering; Electrical and Computer Engineering; Industrial and Manufacturing Engineering; and Mechanical Engineering.
 - d. **The College of Human Science and Education:** Apparel, Design, and Hospitality Management; Human Development and Family Science; School of Education; and Health, Nutrition, and Exercise Sciences.
 - e. **The College of Arts, Humanities and Social Sciences:** • School of Design, Architecture, Art; Communication; Criminal Justice, Political Science; Public Policy; Emergency Management; English; History, Philosophy, and Religious Studies; Modern Languages; School of Music; Sociology and Anthropology; Theatre Arts; Visual Arts; and Women and Gender Studies.
 - f. **The College of Health Professionals:** Allied Sciences; Public Health; School of Nursing; and School of Pharmacy.
 - g. **The College of Science and Mathematics:** Biological Sciences; Chemistry and Biochemistry; Coatings and Polymeric Materials; Geosciences; Mathematics; Physics; Psychology; and Statistics.
 - h. **The College of Graduate and Interdisciplinary Studies** administers the advanced degree offerings of all departments of the participating colleges. The graduate faculty of NDSU consists of those individuals holding the rank of assistant, associate, or full professor. Graduate faculty teach graduate courses; advise graduate students; serve on and chair advisory, supervisory, and examination committees; direct graduate disquisitions; and participate in graduate governance through voting in assembly and representing their departments or programs on the Graduate Council.
2. **Agricultural Experiment Station.** The Agricultural Experiment Station was established under provisions of the Hatch Act of 1887 and authorized in 1890 by the first state legislature. Administrative and research costs are state and federal appropriations, grants, gifts, fees, and sales. In addition to the Main Station in Fargo, research centers are maintained in Carrington, Dickinson, Hettinger, Langdon, Mandan, Minot, Streeter, and Williston. An agronomy seed farm is located in Casselton. Many staff members have joint College of AFSNR and Experiment Station appointments.
3. **Extension Service.** The North Dakota State University Extension Service assists in delivery of information to the citizens of North Dakota and surrounding region. The NDSU Extension Service is the public service arm of North Dakota's Land Grant University. It is charged with fulfilling the lifelong learning needs of the state's citizens. This is accomplished by delivering information through its research-supported and knowledge-based educational efforts. These programs are delivered via a network of county, area, and state staff dedicated to servicing targeted issues and concerns identified by its grassroots advisors. NDSU's Extension Service operates under the provisions of the Smith-Lever Act of 1914 and supplementary state legislation.
4. **Institutes and Centers.** The various institutes and centers act to facilitate specialized missions and projects by taking advantage of the unique setting of the University. A list of centers and institutes is available at https://www.ndsu.edu/research/about_rca/ndsu_centers_and_institutes/.

Faculty Senate Constitution

Article I: Preamble

Section 1.

The administration and faculty of North Dakota State University share responsibility for governance and effective management of the academic affairs of the University. In addition, shared governance mandates involving stakeholders in all aspects of the University mission. As such, faculty, staff, and students exercise this responsibility in their respective domains. To this end, the faculty accepts the responsibility of crafting, reviewing, and approving policies concerning the Academic and Extension missions of NDSU.

Article II: Responsibilities

Section 1.

The Faculty Senate is the University's legislative body responsible for the review and approval of policy with respect to the following matters:

- a. Academic freedom, including rights and responsibilities
- b. All curricular matters, including establishment, dissolution, and substantial changes to degree programs
- c. Research and scholarship
- d. Admissions standards and prerequisites
- e. Requirements for regular certificates and degrees
- f. Regulations regarding attendance, examinations, grading, scholastic standing, and honors
- g. Teaching quality
- h. Professional standards and criteria for positions accorded academic rank
- i. Policies and procedures for promotion, tenure, and evaluation
- j. And other academic matters

Section 2.

The Faculty Senate will also review, recommend, and participate in the formulation and exercise of policy with regard to:

- a. Institutional priorities
- b. The allocation of institutional resources
- c. Academic organization
- d. Administrative procedures and organizational structure
- e. Appointment and promotion of administrators
- f. Issues related to intellectual property
- g. Honorary degrees
- h. Other matters of interest to the faculty

Article III: Membership

Section 1.

Membership in the Faculty Senate consists of elected representatives from non-administrative, half-time or greater appointments from the following groups: faculty who hold the academic rank of professor, associate professor, assistant professor, professor of practice, senior lecturer, instructor, or research faculty.

Section 2.

The following, whether full or part time or interim, are considered administrative positions: Chair/Head/or equivalent, Assistant/Associate Dean, Dean, Vice President, Assistant/Associate Vice President, Provost, and President.

Article IV: Amendments

Section 1.

Amendments to the Constitution may be proposed by the Senate or by a petition signed by twenty-five percent of the faculty. The Secretary of the Senate will distribute the proposed amendment to all faculty no later than nine days after the amendment is submitted for approval.

Section 2.

No later than thirty days nor earlier than seven days after the amendment is distributed, the faculty shall vote by secure electronic ballot on the proposed changes. If approved by two-thirds of the ballots cast, the change will be submitted to the University President for concurrence and then forwarded to the North Dakota State Board of Higher Education for consideration.

Section 3.

When approved by the North Dakota State Board of Higher Education, the changes shall become effective immediately.

NDSU Policies

- List of Faculty Policies
- Faculty Obligations and Time Requirements – [320](#)
- Academic Freedom - [325](#)
- Promotion, Tenure, and Evaluation – [352](#)
- Discrimination, Harassment, And Retaliation Complaint Procedures – [156](#)
- Title IX Complaint Procedures – [156.1](#)
- Academic Misconduct - [326](#)
- Faculty Grievances – [353](#)
- Public/Open/Confidential Records – [718](#)
- Announcement of Positions - [103](#)
- Code of Conduct - [151](#)

NORTH DAKOTA STATE UNIVERSITY
FACULTY POLICIES REFERENCE GUIDE

The policies listed below are available electronically at <http://www.ndsu.edu/policy>. Alternative formats are available upon request (see website for more information).

PROFESSIONAL RESPONSIBILITIES POLICIES

<u>Policy #</u>	<u>Policy Name</u>
326	Academic Misconduct
151	Code of Conduct
151.1	External Activities and Conflicts of Interest
152	External Professional Activities
162.1	Consensual Relationships
100	Equal Opportunity and Non-Discrimination Policy
320	Faculty Obligations and Time Requirements
159	Injury Claims Against NDSU and State Risk Financing
152.2	Membership in Professional and Service Organizations
100.1	Nondiscrimination on the Basis of Disabilities and Reasonable Accommodation
160	Political Activities and Voting Rights of University Employees
158	Acceptable Use of Electronic Communication Devices
180	Separation Procedure
321	Service
700	Service and Facilities Usage
162	Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy
153	Smoke-Free Facilities
155	Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees
700.2	Taking Equipment Off-Campus

ACADEMIC FREEDOM, PROMOTION, AND TENURE POLICIES

<u>Policy #</u>	<u>Policy Name</u>
325	Academic Freedom
350.1	Board Regulations on Academic Freedom and Tenure; Academic Appointments
350.4	Board Regulations on Hearings and Appeals
350.3	Board Regulations on Nonrenewal, Termination or Dismissal of Faculty
350.2	Board Regulations on Standing Committee on Faculty Rights
353	Grievances – Faculty
156	Discrimination, Harassment, and Retaliation Complaint Procedures
352	Promotion, Tenure, and Evaluation

POLICIES RELATED TO INSTRUCTION

<u>Policy #</u>	<u>Policy Name</u>
332	Assessment of Teaching
333	Class Attendance Policy
331	Classroom Assignments, Class Lists, and Instructor Initiated Drop Policy
335	Code of Academic Responsibility and Conduct
336	Examinations and Grading
334	Student Travel Policy (formerly titled Field Trips)
337	Grade Appeals Board
331.2	Instructors and Students as Family/Household Members
339	NDSU Policy on Communication Proficiency
338	Scheduling of Classrooms

NORTH DAKOTA STATE UNIVERSITY
FACULTY POLICIES REFERENCE GUIDE

323	Selection of Textbooks and Other Curricular Materials
330	Student Advising and Counseling

POLICIES RELATED TO RESEARCH

Policy # Policy Name

805	Allowable Cost Policies – Compensation for Personal Services
806	Allowable Cost Policies - Summer Salary for Faculty and Staff
807	Allowable Cost Policies – Overtime Payments Sponsored Agreements
346	Animal Welfare
344	Classified Research
343	Confidential Proprietary Information
823	Financial Conflict of Interest – Public Health Services Sponsored Research, National Science Foundation or Other Applicable Sponsored Research
166	University Health and Safety Policy
345	Research Involving Human Participants

POLICIES RELATED TO BENEFITS

~ COMPENSATION-RELATED POLICIES

Policy # Policy Name

310	Base Salary
360	Early Retirement
361	Emeritus Titles
165	Employee Suggestion Incentive Program
134	Faculty/Staff Assistance
137	Holidays
138	Insurance Benefits
170	Payment of Meals for Staff and Guests
311	Summer Session Teaching Salary
515	Travel – Employees

~ LEAVE OPTIONS

Policy # Policy Name

313	Annual Leave and Sick Leave
132	Developmental Leave
135	Family Medical Leave
147	Leave Sharing Program
139	Leave with Pay
149	Leave Without Pay
146	Military Leave
141	Retirement Services
182	Severance Pay Policy (Reduction in Force)
143	Sick/Dependent Leave
145	Unemployment Coverage
144	Worker's Compensation

North Dakota State University

Policy Manual

SECTION 320

FACULTY OBLIGATIONS AND TIME REQUIREMENTS

SOURCE: NDSU President

1. Basic Obligations

Regular faculty appointments carry those responsibilities and privileges traditionally identified with academic positions. While a minimum of specific restrictions are imposed on the activities of a faculty member, they are under obligation to render to the University the most effective service of which they are capable. Moreover, they are expected to increase their depth and range of competency with increased length of service. All members of the faculty have a responsibility to develop their professional proficiency.

Faculty member obligations fall into these four broad areas: 1) academic instruction, 2) research and other scholarly activities, 3) administrative and related duties, and 4) professional service to communities. Primary responsibilities for most appointees include the functions of teaching and research.

These broad statements of faculty responsibility mean that faculty members are accountable to the University during the term of their appointment (including summer school appointments) for all necessary or appropriate teaching, research, administrative, and service obligations. More specifically, this means that faculty members are obligated to meet all their scheduled classes, to schedule and be available for a reasonable amount of consultation hours in their office, and to attend scheduled meetings that are related to their professional obligations.

2. Office Hours

Faculty members are considered professional personnel responsible for accomplishing the tasks for which they are employed. Faculty members are responsible for making time available for student conferences and are expected to post a listing of office hours.

3. Annual Leave

While nine-month faculty members thus have considerable flexibility in scheduling and fulfilling these professional obligations, they should not regard as automatic vacations all those periods when University classes are in recess. It should be clearly understood that there is no formal **annual leave** policy established for faculty whose regular term of employment is less than 12 months either by the State Board of Higher Education or by the University, other than the obvious fact that all faculty members are entitled to take the holidays defined by the State of North Dakota for state institutions. This should not be interpreted to mean that nine-month faculty members are obligated to work from 8:00 AM to 5:00 PM on all other days of the academic year, just as it would be inappropriate to assume that faculty members are excused from all academic responsibilities during the breaks provided for students. Instead, the guiding principle should be the more flexible requirement of professional obligation and accountability referred to above.

4. Sick Leave

This same philosophy prevails at NDSU with regard to sick leave for faculty whose regular term of appointment is less than 12 months. Although there is no formal sick leave policy or provision for such faculty, the understanding is that they have the opportunity to reschedule their commitments or make appropriate voluntary arrangements with their colleagues during times when sickness makes it impossible or unwise for them to meet their professional obligations. This does not guarantee any certain amount of paid sick leave hours or days to faculty members whose regular term of appointment is less than 12 months, but the flexibility it provides seems to meet the needs of most faculty members. Where extended illness or disability is involved, however, the amount of such informal sick leave shall be limited to a maximum of two weeks for each year of academic service to NDSU, unless an exception is approved by the Provost. In any event, the University's TIAA-CREF disability insurance provides salary benefits after six months of disability.

5. Childbearing Leave

Academic appointees (tenured and tenure-track faculty, professors of practice, and senior lecturers) with less than twelve-month appointments who give birth are eligible for childbearing leave during the period of medical disability. This is a temporary leave from all duties without reduction in pay during the time the faculty member is temporarily disabled because of pregnancy and childbirth. Childbearing leave begins on the actual delivery date and ends six weeks after (including university breaks), although individual circumstances may require extending this period. Any extension beyond six weeks (before and after delivery) shall require medical certification from the attending physician or midwife and is approved by the Provost. Unpaid leave that extends beyond the period of medical disability is available through FMLA. Eligibility for childbearing leave begins upon hiring.

6. Modified Duties

- 6.1. Who is eligible: An academic appointee (tenured and tenure-track faculty, professors of practice, and senior lecturers) who 1) becomes a parent through childbirth, adoption, or foster placement of a child (as defined by the Family Medical Leave Act (FMLA); 2) has a health condition that makes them unable to perform their regular duties but does not necessitate a reduction in workload; or 3) who will be caring for a child, spouse/partner or parent who has a serious health condition (as defined by FMLA). Additional modifications for longer-term conditions may be made in accordance with the Americans with Disabilities Act and NDSU Policy 100.1.
- 6.2. Definition: "Modified duties" means a change to duties and goals without reduction of salary for a limited period of time. A person taking "modified duties" will still be at a 100% workload and 100% salary; however the nature of the responsibilities for this time period will be adjusted. Modified duties will include a revision of workload for up to the equivalent of a semester (e.g., release from or reassignment of teaching courses, committee assignments, advising, or alteration of research duties). When a period of modified duties immediately follows childbearing leave, the modified duties may be extended to the end of a semester to accommodate teaching schedules as necessary. Modified duties must conclude within 12 months of a birth or adoption.
- 6.3. Process: Modified duties, goals, and duration will be negotiated by the individual requesting modified duties with the department chair/head and approved by the dean. If agreement

cannot be reached between the faculty member, the department chair/head, and the dean, the negotiation will advance to the Provost.

- 6.4. Performance evaluation: Faculty members who use the modification of duties and goals must still submit an annual report when it is due in their department. The time period in which duties were modified, as well as the specific modifications in place, must be included in the annual report. The report must also include the agreed upon goals and a statement about how those goals were accomplished, but must not disclose confidential medical information. Those reviewing and evaluating the document should take this into account and adjust expectations accordingly. Acceptance of modified duties does not change the candidate's responsibility for meeting the department's PTE standards by the end of the probationary period, whether that period has been extended or not. A period of modified duties is not a necessary condition for an extension of the tenure probationary period. A period of modified duties also does not require that the individual extend the tenure probationary period.

HISTORY:

New	November 28, 1989
Amended	January 1998
Amended	December 2002
Amended	October 2007
Amended	April 25, 2012

North Dakota State University

Policy Manual

SECTION 325

ACADEMIC FREEDOM

SOURCE: SBHE Policy Manual, Section 401.1

1. *General principles:* The primary responsibility of the academic community is to provide for the enrichment of intellectual experience. Essential to the realization of this ideal is a free and open academic community, which takes no ideological or policy position itself. However, the responsible academic community welcomes those who do take such positions and guards, with vigilance, their right to do so. Thus, its meaningful pursuit of truth requires the academic community to be tolerant of disparate thinking and hospitable, even to closed minds. It must further welcome the conflict of ideas likely to ensue. Academic freedom provides a safe haven for the expression of diverse points of view by faculty, students and guests of the University, free from interference by administrators, SBHE members or other government officials.
2. *Faculty:* Members of the faculty are as entitled as any other member of the community in which they live to establish membership in voluntary groups, to seek or hold public office, to interact with their elected officials, to express their opinions as individuals on public questions and to take action in accordance with their views. Cognizant of their responsibilities to their profession and to their institution, faculty accept certain obligations; they should attempt to be accurate, to exercise sound judgment and to respect the right of others to express opinions. They must make clear that their actions, statements and memberships do not necessarily represent the views of either NDSU, or the ND University System. If there are controls to be exercised over faculty members, they are the controls of personal integrity and the judgment of their colleagues.
 - a. *Research and creative activities:* Members of the faculty have full freedom to pursue their research and/or creative activities and to publish their results, free from ridicule, recrimination, or reprisal by colleagues, administrators, SBHE members or other government officials. They are free to involve interested students and other professionals in their University research and to pursue extramural funding to support it.
 - b. *Instruction:* Faculty are entitled to freedom in teaching their assigned courses. That freedom includes, but is not limited to, design of pedagogical approach, selection and delivery of course content and reference materials beyond what is considered baseline in their degree program(s). Freedom further extends to conducting of class meetings and demonstrations, creating assignments and examinations to assess student performance, and assigning grades.
3. *Students:* Academic freedom affords students the right to be taught by instructors who are unconstrained by institutional and governmental political forces and to have access to all views and information pertinent to their subjects of study. They have the right to the widest possible latitude in selecting their plan of study and their instructors. Moreover, they have a right to intellectual disagreement with their instructors and classmates, and to question them without fear of ridicule, recrimination or reprisal. Academic freedom does not afford students the right of protection from exposure to ideas or points of view divergent from their own, even if they find them repugnant or offensive. Students are entitled to seek the publication of their views, to seek membership in groups, to seek or hold public office, and to take lawful action in accordance with their views. During academic discourse, students are responsible for being informed and respectful of others.

They are further responsible to make clear that their actions, memberships and statements represent neither the views of NDSU, nor the ND University System.

4. *Guest speakers, movies, theatrical presentations, exhibits and other programs:* Adherence to the tenets of academic freedom precludes colleges and universities from denying persons or organizations, even those with whom its students, faculty, administrators or SBHE members may disagree, the right to freedom of expression. Particularly pertinent to this issue is the above assertion that a free and open academic community takes no ideological or policy position itself. Accordingly, the university must not enact explicit policy or act upon any implicit policy that extends the right of freedom of expression to some persons while denying it to others, as this would place the institution in the position of aligning itself ideologically with the past record and views of those who are permitted to present or perform. Therefore, guest speakers, performers, or programs may be presented under the sponsorship of any duly recognized NDSU student, faculty, or administrative organization or any individual officer of instruction, regardless of the views they promote. The speaker must, to the most reasonable extent possible, be extended the courtesy of an uninterrupted presentation. Except for ceremonial occasions, such as graduation addresses and facility dedications, questions must be permitted from the floor after the presentation. Speakers must accept, as condition of their appearance, the right of their audience to question or challenge statements made in their address. They must further accept their responsibility to promptly address those questions and statements. The invitation or scheduling of such an event must represent the desire of the institutional sponsor and not the will of external individuals or organizations. The sponsor must establish full responsibility for the program and should help to make clear that the views expressed in an address or performance do not necessarily represent those of NDSU or the ND University System.

HISTORY:

New	May 11 1984
Amended	April 1992
Amended	December 2, 2016

North Dakota State University

Policy Manual

SECTION 352

PROMOTION, TENURE AND EVALUATION

SOURCE: NDSU President
NDSU Faculty Senate

1. INTRODUCTION

- 1.1 The promoting of faculty and awarding of tenure, and the prerequisite processes of evaluation and review, are of fundamental importance to the long-term ability of the University to carry out its mission. Promotion recognizes the quality of a faculty member's scholarship and contributions in the areas of teaching, research, and service. Promotion acknowledges that the faculty member's contribution to the university is of increasing value. Tenure assures academic freedom and enhances economic security for faculty members who show promise of sustained contributions in those three areas. Tenure aims to both recognize a candidate's potential long-term value to the institution as evidenced by professional performance and growth and to provide the expectation of continued employment. The decision to award tenure rests on criteria that reflect the potential long-term contribution of the faculty member to the purposes, priorities, and resources of the institution, unit, and program. With the individual autonomy derived from academic freedom and tenure comes the responsibility to create and/or maintain an ethical, respectful, and professional work climate for oneself, one's colleagues, one's students, and others with whom one relates professionally. Failure to meet this responsibility should be noted in periodic reviews of teaching, research, and service and may be addressed through the enforcement of other NDSU policies, such as Policy 151 Code of Conduct and Policy 326 Academic Misconduct. Due to the emphasis on institutional purposes and priorities, tenure recommendations should be reviewed at department, college, and university levels.
- 1.2 From the University's mission flows the expectation that each faculty member will make contributions of high quality to the areas of teaching, research, and service. "Teaching" includes all forms of instruction both on- and off-campus. "Research" includes basic and applied research and other creative activities. "Service" includes public service, service to the University, college, and department, and service to the profession. Because of the University's mission, the quality and quantity of contributions in all three areas will be considered at the times of promotion and tenure. But, because of variations among faculty in strengths and/or responsibilities, faculty members are not expected to exhibit equal levels of accomplishment in all areas. Moreover, disciplines will vary with respect to the kinds of evidence produced in support of quality of contributions.
- 1.3 Colleges are responsible for ensuring that promotion and tenure evaluation criteria be aligned with official position descriptions.
- 1.4 The policies and standards of each college should be congruent with the University's mission and its policies on promotion and tenure, and also should reflect the college's unique expectations of its faculty members. The policies and standards of academic units within each college should be consistent with the missions of the University and college and their

policies on promotion and tenure, and also should designate evidence of how faculty in the academic unit meet the expectations of the college and University.

2. UNIVERSITY PROMOTION, TENURE, POST-TENURE, AND EVALUATION: CRITERIA AND EVIDENCE

- 2.1 Promotion and granting tenure are not automatic. In addition to contributions in the areas of teaching, research, and service, consideration may be given to factors such as professional background and experience. Expectations for faculty in Professor of Practice and Research Professor positions may differ from those for tenure-line faculty.
- 2.2 The evaluation of a candidate's performance shall be based on the individual's contributions to teaching, research, and service, on- and off- campus, in regional, national, or international activities. Judgments will be based on evidence of both the quality and significance of the candidate's work.

2.2.1 TEACHING

- 2.2.1.1 CRITERIA In the areas of teaching (as defined above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure, and post-tenure review:
 - 2.2.1.1.1 the effective delivery of instruction to and the stimulation of learning by students and/or clients;
 - 2.2.1.1.2 the continuous improvement of courses or instructional programs;
 - 2.2.1.1.3 the effective advising and mentoring of undergraduate and/or graduate students.
- 2.2.1.2 EVIDENCE Consistent with NDSU Policy 332 Assessment of Teaching, a candidate demonstrates quality of teaching (encompassing both instruction and advising) by providing evidence and information from multiple sources such as:
 - 2.2.1.2.1 the receipt of awards or special recognition including certification or licensing for teaching;
 - 2.2.1.2.2 student, peer, and client evaluation of course materials, expertise, and ability to communicate knowledge (note that student ratings of instruction, by themselves, are insufficient evidence of teaching effectiveness);
 - 2.2.1.2.3 peer evaluation of an individual's contribution to the improvement of instructional programs through the development and/or implementation of new courses, curricula or innovative teaching methods;
 - 2.2.1.2.4 the dissemination of best practices in teaching;

- 2.2.1.2.5 evaluation by advisees of the quality of graduate and undergraduate advising.

2.2.2 RESEARCH

- 2.2.2.1 CRITERIA In the areas of research and creative activities (as defines above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure, and post-tenure review:
 - 2.2.2.1.1 contributions to knowledge, either by discovery or application, resulting from the candidate's research, and/or
 - 2.2.2.1.2 creative activities and productions that are related to the candidate's discipline.
- 2.2.2.2 EVIDENCE A candidate demonstrates quality of research by providing evidence of completed original work (i.e. published/in press, exhibited, or funded) from multiple sources such as:
 - 2.2.2.2.1 dissemination of scholarly or professional papers, and publication of books, book chapters or articles;
 - 2.2.2.2.2 juried or invited presentations or productions in the theater, music, or visual arts, design, and architecture;
 - 2.2.2.2.3 the development and public release of new products or varieties, research techniques, copyrights, and patents or other intellectual property;
 - 2.2.2.2.4 peer evaluation of research by colleagues from an individual's discipline or area of expertise;
 - 2.2.2.2.5 the receipt of awards or special recognition for research;
 - 2.2.2.2.6 the receipt of grants or other competitive awards.

2.2.3 SERVICE

- 2.2.3.1 CRITERIA In the areas of service (as defined above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure and post-tenure review:
 - 2.2.3.1.1 contributions to the welfare of the department, college, university, or profession, and/or
 - 2.2.3.1.2 contributions to the public that make use of the faculty member's academic or professional expertise.
- 2.2.3.2 EVIDENCE A candidate demonstrates quality of service by providing evidence and information from multiple sources such as:

- 2.2.3.2.1 the receipt of awards or special recognition for service;
- 2.2.3.2.2 evaluation of an individual's service contributions by peers, administrators, and constituents;
- 2.2.3.2.3 active participation in and leadership of societies which have as their primary objective the furtherance of scholarly or professional interests or achievements;
- 2.2.3.2.4 active participation and leadership in University governance and programs at the department, college, university and system levels;
- 2.2.3.2.5 contributions to fostering a campus climate that supports and respects faculty, staff, and students who have diverse cultures, backgrounds, and points of view;
- 2.2.3.2.6 contributions to the management or improvement of administrative procedures or programs;
- 2.2.3.2.7 contributions to knowledge as editors of scholarly publications, or service on editorial boards, juries, or panels;
- 2.2.3.2.8 contributions to the operation of public or private organizations, boards, and agencies;
- 2.2.3.2.9 contributions to NDSU's Land Grant mission.

2.3 The foregoing lists are not exhaustive, and other forms of information and evidence might be produced in support of the quality and significance of the candidate's work. The mission statements and specific promotion and tenure criteria of the individual academic units are important in defining the appropriate forms of evidence in the context of the candidate's discipline and distribution of responsibilities.

3. COLLEGE AND DEPARTMENTAL PROMOTION, TENURE, POST-TENURE, AND EVALUATION CRITERIA

- 3.1. Each academic unit is responsible for refining the University promotion, tenure, post-tenure, and evaluation criteria and applying those criteria within the special context of the unit. Thus, each academic unit will develop specific promotion, tenure, post-tenure, and evaluation criteria and designate the types of evidence to be used for evaluation of progress toward tenure, for renewal, promotion, and tenure decisions, and for post-tenure review. Within the framework of the University's promotion and tenure criteria, each academic unit shall specify the relative emphasis on teaching, research, and service, and the extent to which a faculty member's assigned responsibilities can be allocated among teaching, research, and service. Expectations for faculty in Professor of Practice and Research Professor positions may differ from those for tenure-line faculty.
- 3.2. A statement of promotion, tenure, post-tenure, and evaluation criteria specific to each college shall be developed by the Promotion, Tenure, and Evaluation (PTE) committee of the college in consultation with the Dean and approved by the faculty of the college. The faculty

of each department shall also develop a statement of criteria for promotion, tenure, post-tenure, and evaluation that shall be reviewed and approved by the college PTE committee and the Dean to assure consistency with the college promotion, tenure, post-tenure, and evaluation criteria. The college and departmental statements, and any subsequent changes, shall be reviewed and approved by the Provost assure consistency with University and State Board of Higher Education (SBHE) policies.

- 3.3. For probationary faculty, and for non-tenure-line faculty at the assistant rank, the basis for review of the candidate's portfolio and any recommendations on promotion and/or tenure shall be the promotion and tenure guidelines and criteria of the academic unit that were provided to the candidate at the time of the candidate's appointment to the position. The dean or director of the college or equivalent unit has the responsibility to provide to the appointee these documents, as well as a position description, contract, or other document that constitutes a tenure or work plan. Tenured and non-tenure-line candidates for promotion to the rank of full professor may choose to be evaluated by the criteria in effect at the time of the previous promotion, if the application is made within eight years of the previous promotion. Thereafter, candidates shall be evaluated by the criteria in effect at the time of application. Candidates applying for promotion to the rank of full professor more than eight years after the previous promotion may choose to be evaluated based on work completed in the eight years immediately prior to applying rather than on their entire post-promotion record.

3.4. Faculty Hired Without Previous, Relevant Experience

For a faculty member without previous academic-relevant experience, eligibility for tenure requires a probationary period of six years. Evaluations for promotion to Associate Professor and granting of tenure will ordinarily be conducted concurrently. However, exceptional academic accomplishments may warrant early promotion prior to the completion of the six years of the probationary period. Petitions for early promotion shall be initiated by department heads/chairs, and not by faculty members themselves.

3.5 Faculty Hired with Previous Relevant Experience

3.5.1 Individuals hired into a tenure-eligible position at a negotiable faculty rank may be hired with tenure and at a rank of Associate Professor or Professor when this is negotiated as a provision of the original contract. Decisions regarding tenure and advanced rank are made using the same process and standards as in the customary promotion and tenure process, although the timeline may be altered. The recommendation proceeds through the regular channels, including the respective Department and College PTE Committees, the Department Chair/Head, College Dean, Provost and President, prior to hire. The process of review is initiated by the Chair/Head of the unit in which the tenure line is housed.

3.5.2 A probationary faculty member with relevant professional/academic experience may be given credit toward tenure and promotion when this is negotiated as a provision in the original contract. The Department PTE Committee recommends to the Department Chair/Head the maximum number of years of tenure credit offered.

There are two options:

3.5.2.1 Faculty may be hired with one to three years of tenure credit. For each year of tenure credit awarded, one year shall be subtracted from the

tenure application deadline. For example, given one year of credit, promotion and tenure application would be due in the fifth year of service; given three years, the application would be due in the third year of service. Faculty accomplishments during the tenure credited years are included as accomplishments in the faculty member's promotion and tenure portfolio. Requirements for promotion and tenure shall be adjusted according to the years at NDSU to maintain productivity at the same rate as that expected for promotion and tenure without tenure credit; for example, if six quality publications are required in the six-year probationary period for promotion and tenure, then one quality publication shall be required for each year the faculty member is at NDSU.

3.5.2.2 Faculty may be allowed the full six-year probationary period with the option of applying for promotion and/or tenure at any time following three years of academic service. How prior work is considered must be specified in the appointment letter.

3.5.2.3 For either option, failure to achieve tenure will lead to a terminal year contract. 3.6 Extensions to Probationary Period, apply in all other cases.

3.5.3 Any exceptions to Section 3.5 must be approved by the President.

3.6 Extension of Probationary Period

At any time during the probationary period but prior to the sixth year (or prior to the year in which the portfolio is due), a faculty member may request an extension of the probationary period not to exceed a total of three years based on institutional, personal or family (pertaining to a child, spouse/partner or parent, as described in NDSU Policy 320) circumstances, personal illness or disability, which, according to reasonable expectations, impede satisfactory progress towards promotion and tenure. Faculty given promotion and tenure credit are also eligible for this extension. Faculty members are encouraged to request probationary period extension as soon as they recognize the need for extension. Written notification to the Provost must be submitted within one year of the beginning of the event for which the extension is requested and approved prior to July 1 of the year in which the tenure/promotion portfolio is due. A faculty member who submits an extension request during the academic year in which they are to undergo third year review must successfully undergo third-year review and renewal before any extension can take effect. The request must be in writing and will be submitted to the Provost who will review the request and will approve or deny the request. Denial of an extension may be appealed under NDSU Policy 350.4, however, appeals will not be granted for requests that are submitted outside the required timeline for extension.

3.6.1 Extension of Probationary Period for Childbirth or Adoption

A probationary faculty member who becomes the parent of a child (or children in case of twins, triplets, etc.) by birth or adoption, prior to the year in which the portfolio is due, will automatically be granted a one-year extension of the probationary period upon written notification to the Provost. While NDSU supports the use of the extension, the probationary faculty member has the option at any time after the birth or adoption to return to the original schedule of review. Any additional extensions beyond the one year (per birth/adoption occurrence, not to exceed three years total extension) must be requested under the provisions of 3.6 above.

3.6.2 Extension of Probationary Period for Personal Illness or Disability

A probationary faculty member who experiences a personal illness or disability may request an extension of his/her probationary appointment. Medical documentation of the personal illness or disability is required. Such documentation shall be collected and housed by the Office of Human Resources/Payroll following guidelines provided in NDSU Policy 168. However, the Office of Human Resources/Payroll shall not make recommendations to the Provost pertaining to probationary period extension requests. The faculty member will grant the Provost access to Human Resources records relevant to the request. The Provost shall maintain strict confidentiality of such documentation. Written notification of the request for an extension, along with supporting documentation, must be provided to the Provost.

3.6.3 Extension of Probationary Period for Institutional Circumstances

A probationary faculty member may be granted an extension of probationary period due to institutional circumstances, such as major disruption of work or faculty's ability to perform their duties beyond the reasonable control (e.g., natural or human-caused disaster, or lab-space unavailability) of the faculty member. Written notification of the request, along with supporting documentation, for an extension must be provided to the Provost.

3.6.4 Procedures for Initiating, Reviewing, and Approving Notifications/Requests for Extension of the Probationary Period

- 3.6.4.1 Notification of extension of the probationary period due to childbirth or adoption may be initiated by the faculty member, the Department Chair/Head, or the Dean of the college.
- 3.6.4.2 Request for extension of the probationary period due to personal or family circumstances, personal illness or disability shall be initiated by the faculty member. In the case of requests involving disability or illness, it is the responsibility of the faculty member to provide appropriate documentation to adequately demonstrate why the request should be granted.
- 3.6.4.3 Request for extension of the probationary period due to institutional circumstances may be initiated by the faculty member, the Department Chair/Head, or the Dean of the college.
- 3.6.4.4 Faculty members may inform their Department Chair/Head and/or Dean of the college of their request if they wish to do so, but they are not required to do so.
- 3.6.4.5 Extension of the probationary period requests shall be submitted to the Provost using the Request for Probationary Period Extension form.
- 3.6.4.6 Once an extension of the probationary period request is approved, the faculty member, Department Chair/Head, and the Dean of the college will be notified in writing by the Provost. If the request is denied, the faculty member will be notified in writing by the Provost.

3.6.5 Confidentiality

Individuals involved in the extension of the probationary period process (which may include the supervisor, the Department Chair/Head, the Dean of the college, the Provost, and/or the Office of Human Resources/Payroll) have the responsibility of keeping information pertaining to the request confidential and not sharing such information with individuals not involved in the process. Medical documentation provided by a faculty member requesting extension of the probationary period shall be maintained in a confidential file separate from the employee's official personnel file in the Office of Human Resources/Payroll. Other written documentation and forms pertaining to the request/notification of extension of the probationary period shall be maintained in a confidential file separate from the employee's official personnel file in the Office of the Provost. It is understood that some information provided pursuant to this policy may be subject to disclosure pursuant to North Dakota open records laws.

- 3.6.6 Granting of an extension does not increase expectations for performance. For instance if the department requires at least five refereed journal articles in the standard six year probationary period, and a faculty member receives an extension of the probationary period, then the department will still only require at least five refereed journal articles for that faculty member's probationary period.

Related Policies and Procedures:

Policy 156. Discrimination, harassment, and retaliation complaint procedures (<http://www.ndsu.edu/fileadmin/policy/156.pdf>)

Policy 168. Reasonable accommodation on the basis of disability - guidelines for employee requests (<http://www.ndsu.edu/fileadmin/policy/168.pdf>)

Policy 320. Faculty obligations and time requirements (<http://www.ndsu.edu/fileadmin/policy/320.pdf>).

- 3.7 As part of its statement on promotion, tenure, post-tenure review, and evaluation, each academic unit shall establish the criteria for promotion and tenure, including early promotion, and shall establish the minimum timeline for promotion from Associate Professor to Professor.

4. PERIODIC REVIEW

- 4.1 Periodic reviews of faculty serve multiple functions. The reviews assist faculty members in assessing their professional performance, assist the administration in delineating areas to which particular effort should be directed to aid in improving the professional achievement of the faculty members, and contribute to the cumulative base upon which decisions about renewal, promotion, and tenure are made. In addition, periodic reviews may result in changes in responsibilities, modified expectations, and/or altered goals for performance.
- 4.2 The procedures for periodic review that are developed by each academic unit shall be reviewed and approved by the college PTE committee and the Dean.
- 4.3 All full-time faculty will be reviewed annually. Unless college or department procedures provide otherwise, annual reviews of non-tenured faculty shall be conducted so that decisions and notifications can be made in accord with the deadlines listed in Section

- 4.4 Probationary faculty hired into tenure-track positions must receive special review during their third year of service to the institution. This third-year review shall recognize and reinforce areas of strength as well as point out areas of weakness that could jeopardize the case for promotion and tenure. Specific formative evaluations shall be provided to help candidates prepare their strongest case for promotion and tenure. Any extension granted prior to the third year review will delay the review by an equal period.
- 4.5 While faculty in Professor of Practice and Research Professor positions are not eligible for tenure, promotion through ranks is encouraged and is based on time in rank and satisfactory evaluations of assigned responsibilities. An application for promotion is initiated via a departmental recommendation and follows the same procedure and submission deadlines as for tenure-line faculty. Faculty in such positions are eligible to apply for promotion from assistant to associate after the completion of five years in rank.
- 4.6 Unless college or department procedures provide otherwise, the department chair or head of the academic unit will be responsible for the conduct of the reviews and the communication of their results. Periodic reviews shall result in a written report to the faculty member being reviewed. The report shall state expectations and goals for the coming review period. For probationary faculty, the report shall include an assessment of the faculty member's progress toward tenure and recommendations for improvement. Should the periodic reviews indicate that a faculty member is not making satisfactory progress toward tenure, the report may include a recommendation for nonrenewal. In making a judgment on satisfactory progress toward tenure, due consideration shall be given to the candidate's academic record, performance of assigned responsibilities, and potential to meet the criteria for promotion and tenure at the end of the probationary period.
- 4.7 Colleges and departments shall develop specific post-tenure review policies appropriate to their faculty. Annual reviews of tenured faculty shall include an evaluation of the faculty member's performance relative to the current position description. For Associate Professors, annual reviews must include specific recommendations to strengthen the case for promotion. Annual reviews of Professors must recognize and reinforce areas of strength, as well as discuss areas of weakness and recommend improvements. Should the annual reviews indicate that performance of a faculty member is unsatisfactory under the standards for post-tenure review, the report shall include a recommendation for appropriate remedial action.
- 4.8 The faculty member being reviewed shall have 14 days to respond in writing to the written report if the faculty member wishes to do so. The written report, and any written response from the faculty member, shall become part of the faculty member's official personnel file.

5. COMPOSITION OF PTE COMMITTEES

- 5.1 Each college shall have a PTE Committee consisting of at least three faculty members elected by the faculty of the college. The college PTE committee shall be as reflective as possible of the college's breadth of disciplines and fields of expertise. Ordinarily, at least three departments or sub-units of a college will be represented on the committee, and usually no more than one member of the same department may serve on the committee at one time.

- 5.2 Only tenured faculty members who have completed three years of full-time appointment with the University and who have attained the rank of associate professor or above are eligible for service with full voting rights on a college or department PTE Committee. When reviewing applications for promotion of Professors of Practice or Research Professors, PTE committees are encouraged to solicit advisory input from Associate/Full Professors of Practice or Research Professors. If allowed by department and college policies, PTE committees may include representation from Associate/Full Professors of Practice or Research Professors holding terminal degrees. Voting rights for Professors of Practice or Research Professors on applications for promotion shall be determined by the respective colleges or departments. Only in cases where unit policy allows can Professors of Practice or Research Professors who hold positions in the evaluating unit have voting rights on applications for promotion of Professors of Practice or Research Professors, respectively.
- 5.3 Prior to commencement of deliberations, the chair of any PTE committee must have received PTE committee training within the last three years, provided through the Office of the Provost. Nonadministrative faculty members who have applied for promotion and/or tenure may not be involved in the review and recommendation process of any candidate. Administrators who have applied for promotion may not be involved in the review and recommendation process of any candidate where there may be an actual or apparent conflict of interest. A candidate may provide input concerning selection of external reviewers if allowed by department and college policies.
- 5.4 The department and college PTE committees' reviews and recommendations are part of a process of peer review. Thus, faculty holding academic administrative appointments, including those with interim status, are not eligible to serve. ("Academic administrative appointment" includes appointments as President, Provost, Vice President or Provost, Associate or Assistant Vice President or Provost, Dean, Associate or Assistant Dean, Department Chair or Head, Associate, Assistant or Vice Chair or Head, and any other administrators who supervise and/or evaluate other faculty.) Center or Program Directors who do not supervise and/or evaluate other faculty are eligible to serve.
- 5.5 A college PTE committee member who has voted on the promotion/tenure of a candidate in the department PTE committee shall be recused from the vote by the college PTE committee. In such a case, college policy shall determine whether the committee member may or may not deliberate with the committee on the candidate.
- 5.6 Faculty members, including administrators, who participate in the PTE process shall be recused from deliberations and decisions regarding a candidate if there is a past or current relationship that compromises, or could have the appearance of compromising, a faculty member's judgment with regard to the candidate. The following list, while not exhaustive, illustrates the types of relationships that constitute a conflict of interest:
- A family relationship
 - A marital, life partner or dating/romantic/intimate relationship
 - An advising relationship (e.g., the faculty member having served as the candidate's PhD or postdoctoral advisor)
 - A direct financial interest and/or relationship
 - Any other relationship that would prevent a sound, unbiased decision

Recusal due to a conflict of interest with one candidate does not prevent a faculty member from participating in deliberations and decisions regarding other candidates.

6. PTE PROCEDURES

- 6.1 The candidate shall ensure that the electronically submitted portfolio is current, accurate and complete for review at the department level using procedures consistent with department and college policies. The chair or head must forward the electronic portfolio together with the department's recommendations, and an explanation of the basis for them, to the College Dean and the College's PTE Committee according to the PTE Timeline published by the Office of the Provost:
https://www.ndsu.edu/fileadmin/provost/PTE/PTE_Timeline.pdf
- 6.2 In the absence of an approved extension, faculty who do not submit a tenure portfolio during their final probationary year, or who withdraw a submitted tenure portfolio, shall receive a one-year terminal contract for the following year. Only the candidate may withdraw a submitted tenure or promotion portfolio.
 - 6.2.1 After the deadline for submission of the portfolio to the Dean's office, as stated on the PTE timeline, the information that may be added to the portfolio is limited to
 - a) Recommendations by the evaluating units considering the portfolio at that time;
 - b) the candidate's response to those recommendations;
 - c) any materials requested by the evaluators.
 - 6.2.2 Candidates may petition the college Dean and PTE committee to add additional materials after the deadline. The Dean and PTE committee must both agree to the addition in order for additional material to be added.
 - 6.2.3 Any additional materials added to the portfolio must pertain to information or material already in the portfolio, such as pending publications or grant proposals.
- 6.3 Unsolicited individual faculty input is limited to the department level of review.
- 6.4 Recommendations and any other materials collected as part of the evaluation process at the department, college, and university levels must be added to the candidate's portfolio before being sent forward to the next level of review. At the time that any written materials are added to the candidate's portfolio, copies of the added material must be sent to the candidate for review. The candidate shall have 14 calendar days to respond in writing to the additional materials. Any response from the candidate to such materials must be in writing and must be included in the portfolio for review at the next level.
- 6.5 Allegations of misconduct discovered after the deadline for submission of the portfolio to the Dean's Office that could be detrimental to a candidate's case (e.g. academic misconduct) shall be handled through the appropriate University policy and mechanisms. In such cases, the PTE process will be suspended until the allegations are resolved. Once the PTE process resumes, the candidate may update the portfolio.
- 6.6 Colleges and departments shall document that they have followed all procedures; e.g., by a comprehensive checklist of the steps in the PTE process. The documentation must be included in the portfolio.
- 6.7 The College PTE Committee and the College Dean shall separately and independently review and evaluate the candidate's portfolio without discussion or communication.

- 6.8 The college PTE Committee shall prepare a written report, including recommendations and an explanation of the basis for them, that shall be included in the candidate's portfolio. The report and recommendations shall be submitted to the Provost according to the PTE Timeline. A copy shall be sent to the Dean, the chair or head of the academic unit, and the candidate.
- 6.9 The College Dean shall also prepare a separate written report, including recommendations and an explanation of the basis for them that shall be included in the candidate's portfolio. The Dean shall forward the report and recommendations, and the portfolio of the candidate, to the Provost according to the PTE Timeline. A copy of the Dean's report shall be sent to the College PTE committee, the chair or head of the academic unit, and the candidate.
- 6.10 The Provost shall review the candidate's materials and the recommendations of the Department, College PTE Committee, and College Dean, and shall solicit input from a nonvoting advisory committee consisting of a faculty representative from each College PTE Committee, selected by the Provost with attention to diversity. The Provost shall submit a recommendation to the President in writing, including an explanation of the basis for it, by the deadline established in the PTE guidelines. Copies of the Provost's written recommendation shall be sent to the candidate, the Department Chair/Head, the College Dean, and the Department and College PTE Committees.
- 6.11 When appropriate, the President shall then make the final recommendation to the SBHE for tenure. When appropriate, the President shall notify the candidate of promotion or denial of promotion.
- 6.12 In the case of joint appointments, the primary responsibility for the review rests with the department and the college that hold the majority or plurality of the appointments. Such department or college shall solicit input from the other units holding the remainder of the appointment as appropriate to the allocation of effort. This input from other units which shall be included in the portfolio.
- 6.13 When evaluating faculty participating in interdisciplinary programs, the primary department may solicit input from the director of the interdisciplinary program as appropriate to the allocation of effort.

7. APPEALS

- 7.1. Appeals of periodic reviews are made by requesting a reconsideration by the evaluating party. If not satisfied, the faculty member may initiate the grievance process pursuant to Section 353.
- 7.2. Appeals of nonrenewal and nonpromotion decisions shall be pursuant to Policy 350.3.

8. DOCUMENT RETENTION

Electronic copies of portfolios shall be maintained by the appropriate college for the length of time specified by the university records management policy. Disposal of these documents, as well as filing of archival copies, will also conform to the university records management policy.

HISTORY:

Amended	May 13, 1974
Amended	February 10, 1975

Amended	December 12, 1988
Amended	May 14, 1990
Amended	April 1992
Amended	December 12, 1994 (Effective date July 1, 1995)
Amended	June 1997
Amended	November 2000
Amended	October 2001
Amended	October 2007
Amended	July 2008
Housekeeping	February 14, 2011
Amended	October 11, 2011
Amended	June 19, 2014
Amended	October 19, 2015
Amended	January 27, 2016
Amended	April 11, 2016
Amended	September 8, 2016
Amended	April 12, 2017
Housekeeping	April 19, 2017
Amended	March 29, 2018
Amended	February 27, 2019
Amended	June 18, 2019

North Dakota State University

Policy Manual

SECTION 156

DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURES

SOURCE: NDSU President

1. INTRODUCTION

- 1.1 North Dakota State University (NDSU) prohibits discrimination in its employment decisions and educational programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, status as a U.S. veteran, or participation in lawful activity off NDSU's premises during nonworking hours which is not in direct conflict with the essential business-related interests of NDSU, or other protected classes as defined by federal, state, or local law. (See [NDSU Section 100, Equal Opportunity and Non-Discrimination Policy](#)).
- 1.2 NDSU is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of its university community. Specifically, NDSU is committed to taking action to:
 - 1) Stop discrimination;
 - 2) Remedy the effects of discrimination;
 - 3) Prevent the recurrence of discrimination; and
 - 4) Educate the university community about their rights and responsibilities regarding discrimination.
- 1.3 NDSU has committed itself to the establishment and adoption of procedures to resolve complaints of discrimination in violation of NDSU's Equal Opportunity and Non-Discrimination Policy, including complaints of harassment or retaliation. A central purpose of these complaint procedures is to provide a system at NDSU to conduct adequate, reliable, and impartial investigations of complaints of discrimination. NDSU's primary concern is to enact and implement complaint procedures that encourage reporting of discrimination and that ensure the rights of NDSU students, employees, and all other participants in its educational programs and activities are protected.

2. DEFINITIONS

- 2.1 **Discrimination** – Different or unequal treatment of an individual (or group), based on one or more of the protected classes of the individual (or group), except as where permitted or required by law, that negatively affects their education, employment, or other participation in educational programs or activities.
 - 2.1.1 Protected classes for purposes of these procedures are: age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, status as a U.S.

veteran, or participation in lawful activity off NDSU's premises during nonworking hours, which is not in direct conflict with the essential business-related interests of NDSU. (See [NDSU Section 100, Equal Opportunity and Non-Discrimination Policy](#)).

- 2.2 **Discrimination complaint** – A complaint alleging discrimination in violation of NDSU's Equal Opportunity and Non-Discrimination Policy, including complaints of harassment or retaliation.
- 2.3 **Equity Director** – For purposes of these procedures, the Equity Director is NDSU's Vice Provost and Title IX/ADA Coordinator.
- 2.4 **Equity Office** – For purposes of these procedures, the Equity Office is NDSU's Office of the Vice Provost for Faculty and Equity.
- 2.5 **Harassment** - A form of discrimination; unwelcome oral, written, graphic, or physical conduct, based on one or more of the protected classes (see 2.1.1) of an individual (or group), that is sufficiently severe, persistent, or pervasive so as to unreasonably interfere with their education, employment, or other participation in educational programs or activities or that creates a working, learning, or educational program or activity environment that a reasonable person would find hostile, intimidating, or abusive. Harassment may include, but is not limited to, threats, physical contact or violence, offensive jokes, insults or put-downs, slurs or name calling, vandalism/graffiti, or offensive objects or pictures. Petty slights, annoyances, and isolated incidents (unless very serious) typically do not rise to the level of harassment.

3. FILING A DISCRIMINATION COMPLAINT

- 3.1 Current or former NDSU students or employees, applicants for admission or employment, or any other participants in NDSU's educational programs or activities, or any group thereof, are encouraged to file a complaint if they believe they have been discriminated against in violation of NDSU's Equal Opportunity and Non-Discrimination Policy, which may include a complaint of harassment or retaliation. A complaint may be filed concerning alleged discriminatory conduct that occurred on NDSU's premises or off campus.

- 3.1.1 **How to file a discrimination complaint** - A discrimination complaint is initiated by completing a NDSU Discrimination/Harassment/Retaliation Complaint Form (Complaint Form) and filing it with the Equity Director. The Complaint Form is available online at <https://www.ndsu.edu/equity/forms/> or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, Fargo, ND 58108, 701-231-7708, ndsu.eoaa@ndsu.edu. The Complaint Form is also available in the Student Affairs Office, Memorial Union 250, NDSU Main Campus, 701-231-8240. The Complaint Form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equity Office. The Equity Office is available to assist with completing the Complaint Form as needed.

The Equity Office will investigate all discrimination, harassment, retaliation, and sexual misconduct complaints involving employees utilizing the procedures set forth in this policy and will coordinate the resolution of those complaints.

The Equity Office will investigate all discrimination, harassment, retaliation, and sexual misconduct complaints utilizing Sections 1 through 8.8 of this policy if the complaint identifies an alleged violation by a student. The resolution of the

complaint, including pre-hearing, hearing and appeals, will be conducted by the Student Affairs Office, in coordination with the Equity Office, pursuant to NDSU Policy 601.

- 3.1.2 **Deadline for filing a discrimination complaint** - NDSU encourages those who believe they have been discriminated against to file a discrimination complaint as soon as possible. Unless the Equity Director agrees otherwise in writing, the Complaint Form must be submitted within 180 calendar days of the most recent incident of discrimination.
- 3.1.3 **Confidentiality cannot be guaranteed** - Depending on the nature of the discrimination complaint, NDSU will keep the complaint and its investigation confidential to the extent that it is possible. However, confidentiality cannot be guaranteed under these procedures as NDSU may have an obligation to take specific actions once aware of alleged discriminatory conduct.
- 3.1.4 **Confidential support resources** - If seeking a confidential resource, NDSU students may contact the NDSU Counseling Center at 212 Ceres Hall, NDSU Main Campus, 701-231-7671 and the Student Health Service (Wallman Wellness Center, NDSU Main Campus, 701-231-7331). The Faculty/Staff Assistance Program, as described in [NDSU Section 134](#), is a confidential resource for NDSU employees.
- 3.1.5 **Anonymous reporting** - NDSU students, faculty, and staff may submit an anonymous form to report acts of bias, bigotry, or hate at NDSU. NDSU may be limited in its ability to respond to a report if it is submitted anonymously. Additionally, in very limited circumstances, NDSU may need to take action to learn the identity of an individual who submitted an anonymous report. For more information, see <https://www.ndsu.edu/biasreport/>.

4. RETALIATION PROHIBITED

- 4.1 NDSU encourages reporting of discrimination and will not discipline any individual (or group) who makes a good faith report of discrimination. Any individual (or group) reporting discrimination or otherwise participating in these procedures is entitled to protection from retaliation as a result of their activity under these procedures. Retaliation may include, but is not limited to, intimidation, harassment, reprisal, or other negative changes in education or employment. Anyone who believes they have been retaliated against for their participation under these procedures is encouraged to file a Complaint Form, which will be processed under these procedures as a separate matter from the originally filed discrimination complaint, if any. Anyone found responsible for retaliation will be subject to disciplinary action, up to and including termination or expulsion.

5. REMEDIAL MEASURES

- 5.1 Upon receipt of a discrimination complaint or as otherwise informed of alleged discrimination under these procedures, NDSU will, where appropriate, take reasonable steps to remedy the harm to those affected by discriminatory conduct. Remedial measures may include, but are not limited to, a no contact directive, a safety plan, residence modifications, academic modifications and support, work schedule and/or location modifications, parking modifications, referral to counseling or other health services, administrative leave, temporary suspension, or any other measure deemed appropriate by NDSU.

6. PRELIMINARY EVALUATION OF DISCRIMINATION COMPLAINT

- 6.1 **Preliminary evaluation determination** - The Equity Director will evaluate the discrimination complaint and decide to either: (1) pursue further action; or (2) dismiss the discrimination complaint. A discrimination complaint may be dismissed if: (1) it fails to allege any facts that suggest discrimination, harassment, or retaliation; or (2) an appropriate resolution or remedy has already been achieved. NDSU will not dismiss a complaint because it alleges discriminatory conduct that took place off campus. Rather, in the course of its investigation of the complaint, NDSU will determine whether the alleged off-campus conduct: (1) occurred within the context of an educational program or activity; and/or (2) has created or reasonably may create a hostile educational or work environment.

Unless there are extenuating circumstances, the preliminary evaluation will be completed within 3 business days of receipt of the discrimination complaint and the decision will be provided in writing to the individual (or group) who filed the complaint. If the Equity Director requires further information from the individual (or group) who filed the discrimination complaint before making a decision, the decision will be made within 3 business days of receipt of the additional information requested. In the case of a dismissal, the Equity Director may provide information or guidance regarding other avenues for support or resolution of the complaint, if appropriate and available.

If the complaint is dismissed, the Reporting Party may submit a request for reconsideration of the complaint within 3 business days of receipt of the preliminary evaluation determination. The Reporting Party may submit additional documentation or information that supplements the original complaint. This may include, but is not limited to, additional evidence or names of witnesses. Complaints resubmitted with no additional information will not be reviewed for reconsideration. Submit all reconsiderations to the Equity Director or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, ndsuoaa@ndsuo.edu. As needed, the Equity Office is available to facilitate finding a resource to assist the party with completing a request for reconsideration.

- 6.2 **Notice of action** – If the Equity Director determines that further action on a discrimination complaint is warranted, the Equity Office will provide written notice to the individual (or group) who filed the discrimination complaint and the individual (or group) against whom the complaint was filed (collectively, the Parties) within 3 business days of the determination made pursuant to 6.1 unless there are extenuating circumstances that delay the proposed timeline. The written notice will include, at a minimum: (1) the names of the Parties; (2) the basis for the discrimination complaint; (3) a statement that retaliation is prohibited; (4) a statement that requested responses or documentation must be provided in a timely manner; and (5) a description of the resolution process, including a copy of the relevant procedures. A modified notice of action may also be provided to an administrator, supervisor, or the Student Affairs Office who has control over the environment in which the alleged discriminatory conduct took place. The intent of the modified notice of action is to preserve confidentiality to the extent possible while also putting the administrator, supervisor, or Student Affairs Office on notice of their responsibility to monitor for retaliation or further discrimination.

7. INFORMAL RESOLUTION

- 7.1 **Informal resolution defined** - Informal resolution is a process in which the Parties attempt to agree upon the resolution of a discrimination complaint without a comprehensive

investigatory and determination process. Unless there are extenuating circumstances, the entire informal resolution process will be completed within 30 calendar days of its initiation.

- 7.2 **Informal resolution is optional** - When providing the notice of action to the Parties, the Equity Office may inquire if the Parties are interested in attempting to resolve the discrimination complaint through informal resolution. The Parties will have 3 business days to individually decide if they would like to use informal resolution and should inform the Equity Office of their decisions in writing. The informal resolution process will only be used upon mutual agreement of the Parties. Either party may inform the Equity Office at any time that they want to discontinue their participation in the informal resolution process and the formal resolution process will commence. The Equity Director reserves the right to deny the Parties the option of using the informal resolution process if it is deemed to be inappropriate or inadequate as applied to a particular discrimination complaint.
- 7.3 **Informal resolution process** - Informal resolution may involve the Equity Office, the Student Affairs Office, administrators, supervisors, and/or external moderators working with the Parties to arrive at an appropriate and mutually agreeable resolution of the discrimination complaint. The informal resolution process will not require that the Parties meet face-to-face to resolve the discrimination complaint but may allow it, depending on the nature of the complaint and the power differential between the Parties.
- 7.4 **Informal resolution agreement** - If the Parties resolve the discrimination complaint through the informal resolution process, the Equity Office will draft an informal resolution agreement, which the Parties will sign. A signed copy of the informal resolution agreement will be provided to the Parties, as well as to any administrator, supervisor, or Student Affairs Office provided with a modified notice of action as described in 6.2. There is no available appeal of a signed informal resolution agreement.

8. FORMAL RESOLUTION

- 8.1 **Formal resolution applicability** - The formal resolution process will commence if: (1) either party elects to use the formal resolution process instead of the informal resolution process; (2) the Parties are unable to mutually agree upon a resolution under the informal resolution process; or (3) the Equity Director determines the informal resolution process is inappropriate or inadequate as applied to a particular discrimination complaint.
- 8.2 **Comprehensive investigation** – A properly trained investigator(s) will conduct a comprehensive investigation under the formal resolution process in an adequate, reliable, and impartial manner. Unless there are extenuating circumstances, including when the Parties are unable to mutually agree upon a resolution under the informal resolution process, a comprehensive investigation will commence within 5 business days of providing the notice of action to the Parties as described in 6.2. A comprehensive investigation will include the following steps, as relevant and available:
- (1) An interview with each of the Parties;
 - (2) Interviews with witnesses identified by the Parties or determined otherwise;
 - (3) A review of evidence provided by the Parties or collected otherwise; and
 - (4) An opportunity for the parties to submit questions of each other and/or the witnesses. Upon receipt of any such questions, the investigators will determine which questions, if any are relevant, and present them to the intended recipient for a response.

Equal opportunity will be given to the Parties to access and present evidence during the investigation. The Parties will be provided with periodic status updates throughout the course of the investigation.

- 8.3 **Investigator(s)** - A staff member(s) in the Equity Office may conduct the comprehensive investigation of the discrimination complaint or the Equity Director may delegate investigative duties to another properly trained investigator(s). Within 3 business days of notice of the identity of an investigator(s), either party may provide the Equity Director with a written request asking that another investigator(s) be assigned if the party believes there is a conflict of interest with the investigator(s). Where appropriate, a new investigator(s) will be assigned and the Equity Director will provide the Parties with written notice of the newly assigned investigator(s).
- 8.4 **Responsibilities of the Parties** – Deadlines for completing actions under these procedures will be communicated in writing to the Parties, who must make every effort to comply with the deadlines communicated to them. Timeliness is particularly important under the formal resolution process as determinations may be made based on available information if a party fails to respond in a timely manner to action requested by an investigator(s). In extenuating circumstances, an extension to a deadline may be granted by the Equity Director and will be communicated in writing to the Parties.
- 8.5 **Standard of proof** – In all cases, the applicable standard of proof for determining responsibility for an alleged violation is “preponderance of the evidence” – meaning, in order for an individual (or group) against whom a discrimination complaint was filed to be held responsible for discrimination, it must be determined that it is *more likely than not* that the individual (or group) violated NDSU’s Equal Opportunity and Non-Discrimination Policy, which may include harassment or retaliation.

In cases involving an alleged violation by an employee, the determination of responsibility shall be made by the investigator(s).

In cases involving an alleged violation by a student, the determination of responsibility shall be made by the Hearing Officer, consistent with the procedures detailed in NDSU Policy 601.

- 8.6 **Preliminary investigative report** – After an investigator(s) has finished the comprehensive investigation of a discrimination complaint, the investigator(s) will draft a preliminary investigative report.

For complaints involving an alleged violation by a student, the report shall include the findings of the investigation along with a recommendation for dismissal of the complaint or a recommendation of pursuing charges. If there is reasonable cause to believe that a violation has occurred, the recommendation shall be to pursue charges; if such reasonable cause is not present, the complaint shall be dismissed. Reasonable cause is a lower standard than preponderance of the evidence, and shall mean that there are just or legitimate grounds to believe that a violation has occurred.

For all other complaints, the report shall include the findings of the investigation along with a determination whether the individual (or group) against whom the discrimination complaint was filed is responsible for discrimination, including harassment or retaliation.

The report will also include, at a minimum, a summary of the relevant information gathered during interviews and otherwise that informed the preliminary investigation. Unless there are extenuating circumstances, the report will be drafted within 30 calendar days of initiation of the comprehensive investigation. The report will be provided to the Parties and, if applicable, a Review Committee as determined by the Equity Office (see 8.7). The Parties will have 5 business days from receipt of the report to respond to the preliminary investigative report and/or any information found in the report in writing. As needed, the Equity Office is available to facilitate finding a resource to assist a party with putting its response in writing.

- 8.7 **Review Committee** – A Review Committee, at the discretion of the Equity Office, may be utilized to provide feedback on the preliminary investigative report. Unless there are extenuating circumstances, a Review Committee will meet within 10 calendar days of issuance of the preliminary investigative report in order to finalize the investigative report. The Review Committee will be comprised of no fewer than 3 properly trained NDSU faculty or staff members that do not have a conflict of interest with the Parties. If a party believes there is a conflict of interest with a member(s) of the Review Committee, the party should follow the procedures and deadline established in 8.3 to dispute the member(s). Prior to meeting, Review Committee members will review the preliminary investigative report and any written response to the report made by the Parties. The Review Committee may ask the investigator(s) who issued the preliminary investigative report to be available during their meeting in order to answer questions related to the investigation and to provide access to documentation in the investigative file as needed. In limited circumstances, the Review Committee may request that the investigator(s) gather additional information if the committee decides it cannot make a recommendation without the additional information. In that case, each party will be provided with the additional information gathered and will have the opportunity to respond to it in writing.
- 8.8 **Final investigative report** – Upon completion of any feedback provided by a Review Committee, the preliminary investigation report will become the final investigative report. For complaints involving an alleged violation by a student, the final report shall be provided to the Student Affairs Office along with a recommendation for dismissal of the complaint or a recommendation of pursuing charges. If there is reasonable cause to believe that a violation has occurred, the recommendation shall be to pursue charges; if such reasonable cause is not present, the complaint shall be dismissed.

The final investigative report for employees will include recommended disciplinary action, if any, in addition to a finding as to whether, discriminatory conduct, including harassment or retaliation, occurred. The final investigative report as well as notice of the right to appeal for employees as afforded in 8.12, will be provided in writing to the Parties.

- 8.9 **Disciplinary action for discriminatory conduct** – NDSU does not tolerate discrimination, including harassment or retaliation, and will take appropriate disciplinary action against anyone found responsible for discrimination. Students found responsible for discrimination under the procedures in Rights and Responsibilities of Community: A Code of Student Conduct (Section 601) will be subject to disciplinary action, up to and including expulsion. Employees found responsible for discrimination under these procedures will be subject to disciplinary action, up to and including termination. The disciplinary action recommended by the Review Committee will depend on the severity of the discriminatory conduct and whether the individual (or group) was previously found responsible for discrimination.

- 8.10 **Imposition of disciplinary action** – If neither party exercises the right to appeal as afforded in 8.12, the Equity Director will either: (1) notify any administrator or supervisor provided with a modified notice of action as described in 6.2 that the matter has been resolved without recommended disciplinary action; or (2) provide the final investigative report to the appropriate administrator, supervisor, whether previously provided a modified notice of action as described in 6.2 or otherwise, and consult with the administrator or, supervisor regarding imposition of the recommended disciplinary action. If either party exercises the right to appeal, (1) or (2) will be conducted by the Equity Director once the appeal process has concluded.

Disciplinary action will be imposed for employees by the appropriate administrator or supervisor on behalf of NDSU. If the administrator or supervisor disagrees with the recommended disciplinary action, the administrator or supervisor must provide a basis for disagreement in writing to the Equity Director within 3 business days of receipt of the final investigative report.

- 8.11 **Conclusion of formal resolution** – Excluding any appeal, the formal resolution process will be completed within 60 calendar days of the date the discrimination complaint was filed unless there are extenuating circumstances. Any reason for an extension to the 60 calendar day deadline will be communicated in writing to the Parties.

- 8.12 **Appeal of investigative report** – Within 5 business days of receipt of the investigative report either party may appeal the report by completing a NDSU Discrimination Appeal Form (Appeal Form) and filing it with the Equity Director. The Appeal Form is available online at <https://www.ndsu.edu/equity/forms/> or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, ndsu.eoaa@ndsu.edu. The Appeal Form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equity Office. As needed, the Equity Office is available to facilitate finding a resource to assist a party with completing the Appeal Form.

The grounds upon which a party can request an appeal are: (1) the recommended disciplinary action is substantially disproportionate to the findings; (2) procedural error led to an improper investigative report; and/or (3) new evidence that was previously unavailable should be considered as it could have had a significant impact on the investigative report. If an appeal is granted under (3), the Equity Director will require that the Review Committee meet again to determine if the investigative report should be altered in light of the new evidence. The party who did not provide the new evidence will have the opportunity to respond to the evidence in writing. If the investigative report is altered under (3), the Parties will be afforded the opportunity to appeal again under (1) and/or (2) within 5 business days of receipt of the altered investigative report. If an appeal is granted under (1) or (2), the Equity Director will evaluate the investigative report in an impartial manner in light of the information found in the Appeal Form and will alter or reaffirm the investigative report accordingly. Unless there are extenuating circumstances, the appeal process will be completed within 10 business days of submission of the Appeal Form and the results will be provided in writing to the Parties. In cases in which there is a conflict of interest, such as when the grounds for appeal involve action taken by the Equity Director, the Provost will conduct the appeal process.

9. INTERSECTION WITH OTHER RELEVANT NDSU POLICIES

- 9.1 The procedures described above do not eliminate the rights of a party to participate subsequently in pre-disciplinary action review and/or an appeal as afforded elsewhere under NDSU policy. Furthermore, for purposes of these procedures, an appeal process available to the individual (or group) against whom a discrimination complaint was filed must be available to the individual (or group) who filed the discrimination complaint.
- 9.2 **Nonbanded, nonacademic staff** – The applicable policy for nonbanded, nonacademic staff regarding subsequent pre-disciplinary action review and/or an appeal is NDSU [Section 183, Nonrenewal and Dismissal of Nonbanded, Nonacademic Staff](#).
- 9.3 **Regular staff employees** – The applicable policies for regular staff employees regarding subsequent pre-disciplinary action review and/or an appeal are NDSU [Section 220, Staff Job Discipline/Dismissal](#) and NDSU [Section 231, Appeal Procedure for Disciplinary and Reduction in Force Actions](#).
- 9.4 **Faculty** – The applicable policies for faculty regarding subsequent pre-disciplinary action review and/or an appeal are NDSU [Section 350.3, Board Regulations on Nonrenewal, Termination or Dismissal of Faculty](#) and NDSU [Section 350.4, Board Regulations on Hearings and Appeals](#).

10. NOTICE OF MANDATORY REPORTING RESPONSIBILITIES AND TRAINING

- 10.1 It is the responsibility of the entire university community to foster a safe and non-discriminatory learning, living, and working environment. NDSU employees have specific responsibilities when they observe discrimination or receive a report of discrimination. NDSU employees must not dissuade an individual (or group) from providing them with a report of discrimination but should inform the individual (or group) of their mandatory reporting responsibilities as described below.
 - 10.1.1 **Observance of discrimination** – All NDSU employees who observe discrimination, including harassment or retaliation, must document the discrimination and contact the Equity Office in accordance with 10.2.
 - 10.1.2 **Report of discrimination** – All NDSU employees who receive a report of discrimination *involving a student*, including harassment or retaliation, must document the report and contact the Equity Office in accordance with 10.2. NDSU supervisors, managers, department heads, deans, directors, or administrators who receive a report of discrimination *involving employees*, including harassment or retaliation, must document the report and contact the Equity Office in accordance with 10.2. The provisions of 10.1.2 do not apply to confidential support resources providing services as described in 3.1.4.
- 10.2 To comply with 10.1.1 or 10.1.2, NDSU employees must promptly complete and submit an NDSU Discrimination/Harassment/Retaliation Report Form (Report Form) to the Equity Director. The Report Form is available online at <https://www.ndsu.edu/equity/forms/> or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, ndsu.eoaa@ndsu.edu. The Report Form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equity Office. The Equity Office can assist with completing the Report Form as needed. The Equity Office is the official university record holder for documentation under these procedures.
- 10.3 Upon receipt of a Report Form, NDSU will initiate its discrimination complaint procedures.

- 10.4 **Mandatory training** - All NDSU employees must complete equal opportunity and non-discrimination training on an annual basis. In addition to mandatory training, employees are encouraged to contact the Equity Office with any questions they may have related to equal opportunity and non-discrimination at NDSU, including inquiries regarding their responsibilities as mandatory reporters.

11. DISCRETIONARY INVESTIGATION

- 11.1 The Equity Office reserves the right to initiate an investigation under these procedures at its discretion in the absence of a discrimination complaint or report of discrimination in order to fulfill NDSU's commitment to taking action to stop discrimination, remedy its effects, and prevent its recurrence.

12. FILING WITH AN EXTERNAL AGENCY

- 12.1 An individual (or group) also has the right to file a discrimination complaint with one or more of the following external agencies. Please note that these agencies have their own deadlines for filing a discrimination complaint. Please contact the agencies directly for more information about applicable deadlines.

North Dakota Department of Labor and Human Rights

Phone: 1-800-582-8032

TTY: 1-800-366-6888

humanrights@nd.gov

www.nd.gov/labor

U.S. Department of Education

Office for Civil Rights

Phone: 1-800-421-3481

TDD: 1-800-877-8339

OCR@ed.gov

www2.ed.gov/ocr

U.S. Equal Employment Opportunity Commission

Phone: 1-800-669-4000

TTY: 1-800-669-6820

info@eeoc.gov

www.eeoc.gov

HISTORY:

New	December 20, 1977
Amended	September 1993
Amended	January 1996
Amended	June 2000
Amended	October 2007
Housekeeping	September 2009
Amended	March 16, 2010
Housekeeping	February 14, 2011
Amended	April 25, 2016
Housekeeping	May 20, 2016
Amended	August 22, 2017
Housekeeping	February 6, 2019

North Dakota State University

Policy Manual

SECTION 156.1

TITLE IX COMPLAINT PROCEDURES



SOURCE: SBHE

1. It is the policy of NDSU to fully comply with all aspects of Title IX of the Education Amendments of 1972 and the regulations promulgated under its authority. These procedures are based off North Dakota University System Policy 520. In the event of direct conflict between these procedures and NDUS Policy 520, NDUS Policy 520 shall prevail. Similarly, any conflict between NDUS Policy 520 and any existing NDSU or NDUS policy or procedure shall be resolved in favor of NDUS Policy 520.
2. **Definitions.** For the purposes of NDSU's Title IX Complaint Procedures, the listed terms shall have the following definitions pertaining to the 2020 Title IX regulations and NDUS Policy 520:
 - a. *Actual Knowledge.* Notice of sexual harassment or allegations of sexual harassment to NDSU's Title IX Coordinators, Chairs, Heads, Deans, Directors, or any NDSU official with authority to institute corrective measures on the behalf of NDSU.
 - b. *Complainant.* An individual who is alleged to be the receiver of conduct which could, after investigation, constitute sexual harassment.
 - c. *Dating Violence.* Violence committed by the Respondent:
 - i. Who is or has been in a romantic or intimate relationship with the Complainant; and;
 - ii. Where the existence of such a relationship shall be determined by considering the length of the relationship, the type of relationship, and the frequency of interactions between the Complainant and Respondent.
 - d. *Deliberate Indifference.* When NDSU's response to sexual harassment is clearly unreasonable considering the information known to NDSU at the time.
 - e. *Domestic Violence.* Violence committed by the Respondent, who is:
 - i. a current or former spouse or intimate partner of the Complainant;
 - ii. a person with whom the Complainant shares a child in common;
 - iii. cohabiting with or has cohabited with the Complainant as a spouse or intimate partner;
 - iv. similarly situated to a spouse of the Complainant; or
 - v. any person against whose acts the Complainant is protected by N.D.C.C. ch. 14-07.1.
 - f. *Educational program or activity.* Includes locations, events, or circumstances over which NDSU exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, as well as in any building owned or controlled by a student organization that is officially recognized by NDSU.
 - g. *Fondling.* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- h. *Formal Complaint.* A document filed by a Complainant (which either contains the Complainant's signature or indicates that the Complainant is the one filing the complaint) or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that NDSU investigates.
- i. *Incest.* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- j. *Rape.* Penetration, no matter how slight, of the vagina or anus of the complainant with any body part or object by the Respondent, or oral penetration of the Complainant by a sex organ of the Respondent, without the consent of the Complainant.
- k. *Respondent.* An individual who has been reported to be responsible for the conduct that could constitute sexual harassment.
- l. *Sexual Assault.* Either rape, fondling, incest, statutory rape, or any of the sexual offenses listed in N.D.C.C. ch. 12.1-20 or by the FBI's Uniform Crime Reporting system.
- m. *Sexual Harassment.* Conduct, on the basis of sex, constituting one (or more) of the following:
 - i. An employee of NDSU conditioning the provision of an aid, benefit, or service of NDSU on an individual's participation in unwelcome sexual conduct;
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NDSU's educational program or activity; or
 - iii. Sexual assault, dating violence, domestic violence, or stalking, as defined in this section.
- n. *Stalking.* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.
- o. *Statutory Rape.* Sexual intercourse with a person who is under the statutory age of consent
- p. *Supportive Measures.* Non-disciplinary, non-punitive individualized services offered as appropriate (as reasonably available) and without fee or charge to the Complainant or Respondent.

3. Pre-Grievance Process.

- a. **Timing.** This grievance process shall be carried out using reasonably prompt time frames, including time frames for filing and resolving appeals, and for informal resolution processes if offered. The informal resolution process will follow the process as outlined in Policy 156, Section 7, including the option that NDSU reserves the right to deny the Parties the option of using the informal resolution process if it is deemed to be inappropriate or inadequate. Notwithstanding, temporary delays or extensions of the time frames must be offered for good cause, with written notice to the parties setting forth the cause for the action.
 - i. *Good cause.* May include considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for accommodations for language or disability.
- b. **Actual Knowledge of Sexual Harassment.** With or without the filing of a formal complaint, once NDSU has actual knowledge of sexual harassment within its educational program or activity in the United States, NDSU must respond promptly and without deliberate indifference pursuant to

these Procedures and any applicable NDSU policies.

- i. Once NDSU has actual knowledge of sexual harassment, the Title IX Coordinator must contact the Complainant and:
 - 1. Discuss the availability of supportive measures;
 - 2. Consider the Complainant's wishes regarding supportive measures;
 - 3. Inform the Complainant that supportive measures are available with or without the filing of a formal complaint; and
 - 4. Explain the process of filing a formal complaint.
- ii. No disciplinary sanctions or other actions which are not supportive measures may be imposed against any Party prior to the conclusion of the grievance process. Exceptions are Emergency Removal (section 1d) and Administrative Leave (section 1e).
- c. **Supportive Measures.** NDSU shall offer supportive measures designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the Parties, including measures designed to protect the health and safety of all Parties or the educational environment, or to deter further sexual harassment.
 - i. Supportive Measures may include but are not limited to:
 - 1. Counseling;
 - 2. Extensions of deadlines or other course-related adjustments;
 - 3. Modifications of work or class schedules;
 - 4. Campus escort services;
 - 5. Mutual restrictions on contact between the Parties;
 - 6. Changes in work or housing locations;
 - 7. Leaves of absence; and
 - 8. Increased security or monitoring of certain areas of campus.
 - ii. NDSU must maintain confidentiality with respect to supportive measures unless disclosure is required to implement the supportive measures.
 - iii. The Title IX Coordinator or other designee shall coordinate the effective implementation of supportive measures.
 - iv. Supportive measures may not restrict any Party's rights under the United States Constitution.
- d. **Emergency Removal.** NDSU may remove a Party from the educational program or activity on an emergency basis, provided that NDSU determines, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.
 - i. NDSU will provide the Respondent with notice and an opportunity to challenge the Emergency Removal decision immediately following the removal. In challenging the Emergency Removal decision, the Respondent shall have the burden to show why removal should not be implemented or be modified. While this challenge process may produce facts and evidence relevant to the grievance process, this challenge process need not follow all of the requirements of the grievance process. As such, this meeting

is not a hearing on the merits of the allegation(s) but rather is an administrative process intended to determine solely whether the emergency removal is justified.

- e. **Administrative Leave.** NDSU may place a non-student employee on administrative leave during the pendency of a grievance process.

4. Grievance Process.

a. Formal Complaint and Notice of Allegations.

- i. Once a formal complaint is received by NDSU, NDSU must provide the following written notice to the known Parties:
 - 1. Notice of the grievance process, including any informal resolution process as delineated in Policy 156, Section 7;
 - 2. Notice of the allegations of sexual harassment, including:
 - a. Sufficient details known at the time and with enough time to prepare a response, including, but not limited to, the names of the Parties, the conduct allegedly constituting sexual harassment, as defined by Title IX, and the date and location of the alleged conduct.
 - 3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - 4. A statement that the Parties may have an Advisor of their choice, who may be an attorney, and may inspect and review evidence. At the onset of the complaint resolution, an Advisor will be offered to each Party. The statement should also indicate that if the Party does not have an Advisor of choice, NDSU will appoint an Advisor to assist with cross-examination for the live hearing.
 - 5. Notice of any provisions in NDSU's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- ii. If during the grievance process, additional allegations are added to the investigation which were not included in the initial notice, NDSU must provide notice of the additional allegations to the Parties.

There is no deadline on when a Complainant may file a complaint.

b. Advisors.

- i. Parties to a grievance proceeding must be afforded the opportunity to select the Advisor of their choice to assist them during the proceeding, including during the live hearing.
- ii. If a Party does not choose an Advisor, NDSU shall provide the Party with an Advisor free of charge. At minimum, NDSU shall provide an Advisor to conduct the Party's cross-examination at the hearing. However, nothing in this policy or the Title IX regulations should be read to prohibit NDSU from providing an Advisor for the full duration of the grievance process, provided that the Parties are treated equally as to timing if NDSU

appoints Advisors for all Parties.

- iii. NDSU is not required to provide attorneys to Parties to act as Advisors, but appointed Advisors should be provided with access to appropriate training to ensure an understanding of the grievance process, though the same training provided to Title IX Coordinators, decision-makers, and Investigators is not required.
- iv. NDSU is not required to attempt to create equality of Advisors between the Parties, particularly where one Party selects an outside Advisor, but will endeavor to seek parity of Advisors where NDSU provides Advisors to all Parties.

c. Investigation.

- i. NDSU is required to investigate every filed formal complaint unless the complaint is subject to dismissal, as outlined in Section D.
- ii. At all times, the burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility rests on NDSU, and NDSU may not seek to shift that burden to the Parties.
 - 1. Notwithstanding, NDSU may not restrict the Parties' ability to discuss the allegations or to gather or present relevant evidence.
- iii. At all times, NDSU shall observe a presumption that the Respondent is not responsible for the alleged conduct until and unless there is a determination of responsibility at the conclusion of the grievance process Investigators will avoid prejudgment of the facts presented by the Parties.
- iv. NDSU may not access, consider, disclose, or otherwise use a Party's medical records made or maintained in connection with the provision of treatment to the Party, unless voluntary, written consent to do so is provided by the Party (or the Party's parent, if the Party is not eligible to provide consent).
- v. NDSU may not require, allow, rely upon, or otherwise use evidence that constitutes, or questions that seek disclosure of, information protected under a legally recognized privilege, unless that privilege is waived.
- vi. NDSU must provide to the Parties written notice of the date, time, location, participation, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare. Dates and times of other interviews not involving the Party will not be provided beforehand.
- vii. The Parties must be afforded an equal opportunity to have others present during any grievance proceeding. This includes up to two Advisors, one who conducts the cross examination, and one who provides support. , — NDSU may establish restrictions regarding the extent to which the Advisors may participate in the proceedings, so long as the restrictions apply equally to all Parties and comply with this policy.
- viii. All Parties must have an equal opportunity to inspect and review any evidence obtained as part of the investigation related to the allegations raised in a formal complaint, including any evidence upon which NDSU does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, from

whatever source.

- ix. At least 10 calendar days prior to the preparation of the Preliminary Investigative Report, NDSU must provide each Party and the Party's Advisor the evidence obtained in the investigation in an electronic format or hard copy. The Parties may submit a written response to the evidence, which the Investigator shall consider prior to completion of the Preliminary Investigative Report.
- x. At the conclusion of the investigation, the Investigator must create a Preliminary Investigative Report that summarizes the relevant evidence in an adequate, impartial, and reliable manner. At least 10 calendar days prior to the hearing, the Investigator must send a copy of the Preliminary Investigative Report to each Party and the Party's Advisor, if any, for review and written response.

d. Dismissal of the Complaint under Title IX.

i. Mandatory Dismissal

- 1. NDSU must dismiss the Formal Complaint if, at any time during the investigation or hearing:
 - a. The alleged conduct would not constitute sexual harassment or sexual violence as defined in these procedures;
 - b. The alleged conduct did not occur in an Educational Program or Activity; or
 - c. The conduct alleged did not occur against a person in the United States.
- 2. If the formal complaint is subject to mandatory dismissal, NDSU may act under another policy, including but not limited to [Policy 100: Equal Opportunity and Non-Discrimination](#), without that action constituting retaliation under this Policy. The procedures would then follow [Policy 156: Discrimination, Harassment, and Retaliation Complaint Procedures, or any other applicable NDSU policy](#).

ii. Permissive Dismissal.

- 1. NDSU may dismiss the formal complaint if, at any time during the investigation or hearing:
 - a. A Complainant notifies the Title IX Coordinator, in writing, that the Complainant would like to withdraw the formal complaint, or any allegations contained in the formal complaint;
 - b. The Respondent is no longer enrolled or employed by NDSU; or
 - c. Circumstances prevent NDSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the formal complaint.
- 2. If a formal complaint is permissively dismissed, NDSU may consult with its legal counsel prior to acting under another policy to avoid taking actions constituting retaliation.

- iii. **Notice of Dismissal.** Upon a dismissal pursuant to this section, NDSU must promptly send written notice of the dismissal under Title IX and reason for the dismissal to all Parties simultaneously.

- e. **Consolidation of Formal Complaints.** NDSU may consolidate formal complaints against more than one Respondent, by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment or sexual violence arise out of the same facts or circumstances.
- f. **Live Hearing.**
 - i. The grievance process must provide for a live hearing after the completion of the Preliminary Investigative Report. All evidence obtained by the Investigator as part of the investigative process must be made available to the Parties and the decision-maker at the live hearing.
 - ii. The live hearing will be presided over by the decision-maker, who will be free of all conflicts of interest, and who may not be the Investigator or the Title IX Coordinator.
 - 1. Decision-maker for student Respondents
 - a. In cases involving a student Respondent, the decision-maker will be the Assistant Dean of Students or the Dean of Students. In the event a conflict of interest precludes the participation of the Asst. Dean of Students or the Dean of Students, NDSU shall assign a properly trained individual to serve in the role of decision-maker.
 - 2. Decision-maker for non-student employees
 - a. In cases involving a non-student employee, the decision-maker will be a three-person panel of non-student employees. The three-person panel will be chosen out of the pool of trained individuals. These individuals will consist of full-time faculty and staff
 - 3. Notwithstanding the foregoing, if the need arises, NDSU reserves the right to contract or utilize the services of a properly trained third party to perform the role decision-maker. The need for such a third-party shall be in the sole discretion of NDSU.
 - iii. At the request of either Party, the hearing must be conducted with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or witness answering questions. Hearings may be conducted with all Parties physically present in the same geographic location, or, any Parties, witnesses, and other participants may appear at the live hearing virtually, so long as the participants are able to simultaneously see and hear each other.
 - iv. At the live hearing, the decision-maker must permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those regarding credibility. This cross-examination must be conducted directly (the questions may not be asked by the decision-maker), orally, and in real time by the Party's Advisor and never by a Party personally.
 - 1. Prior to a Party or witness answering a question, the decision-maker must rule on the relevance of the question and explain any decision to exclude a question as not relevant.
 - 2. Decision-makers may request, but may not require, that questions by the Parties be submitted in advance, to permit the decision-maker to rule on the relevance of questions.
 - 3. NDSU may otherwise limit the extent to which the Party's Advisor may participate in the hearing.

- v. *Rape Shield*. Questions and evidence about the Complainant's sexual predisposition or sexual history are not relevant, unless such questions are offered to prove that someone other than the Respondent committed the alleged conduct, or regard specific incidents of the prior sexual behavior with respect to the Respondent, and are offered to prove consent. These questions may be submitted prior to the start of the live hearing.
- vi. *Cross-Examination*. If a Party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that Party or witness in reaching a determination regarding responsibility. Decision-makers may not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence or refusal to answer cross-examination or other questions. There are no exceptions to this exclusion as there are in legal proceedings.
- vii. *Hearing Decorum*. Decision-makers may enforce rules to ensure hearing decorum, such as requiring respectful treatment, specifying any objection process, governing timing of hearing and length of breaks, etc.
- viii. NDSU must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

g. Determination Regarding Responsibility.

- i. In all cases, the applicable standard of proof for determining responsibility for an alleged violation is "*preponderance of the evidence*" meaning, in order for Respondent(s) to be held responsible it must be determined that it is more likely than not that the Respondent(s) violated these procedures.
- ii. After the conclusion of the live hearing, the decision-maker must issue a written determination regarding responsibility, which must include:
 1. Identification of the allegations potentially constituting sexual harassment under these procedures;
 2. Description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 3. Findings of fact supporting the determination;
 4. Conclusions regarding the application of any other institution's policy;
 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies will be provided to the Complainant; and;
 6. The procedures, timelines, and permissible bases for the Complainant and Respondent to appeal.
- iii. The written determination must be provided to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that notice of the result of any appeal is provided to the Parties, if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- iv. The Title IX Coordinator shall be responsible to implement any remedies provided by the written determination.

5. **Disciplinary Sanctions.** Disciplinary sanctions imposed after the conclusion of the grievance process shall be assessed pursuant to [Policy 151: Code of Conduct](#); [Policy 601: Code of Student Conduct](#), or any similar documents which set possible disciplinary sanctions for violations of Title IX and shall be proportional to the determination of responsibility.

Remedies. Remedies offered after the conclusion of the grievance process on a finding of responsibility must be designed to restore or preserve equal access to the educational program or activity. Remedies may be disciplinary or punitive and may create a burden for the Respondent.

6. **Appeals.**

- a. Regardless of the finding (responsible, not responsible, dismissal) all Parties have the right to file an appeal. The following may form the basis for an appeal:
 - i. Procedural irregularity that affected the outcome of the grievance process;
 - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could have affected the outcome of the matter; or
 - iii. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent, that affected the outcome of the grievance process.
 - iv. Other basis set forth in the campus-level processes, but which must be offered equally to all Parties (for example, an appeal based on the severity of the sanctions).
- b. Upon filing of an appeal, NDSU must:
 - i. Notify the non-appealing Party in writing when an appeal is filed and implement appeal procedures equally for all Parties.
 - ii. Ensure that the appeal's decision-maker is not: the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator.
 - iii. Give all Parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - iv. Issue a written decision describing the result of the appeal and the rationale for the result; and
 - v. Provide the written decision simultaneously to all Parties.
- c. If a disciplinary sanction of suspension or expulsion for students or termination for employees is imposed by the decision-maker, NDSU shall provide a method of reviewing an appeal from a determination regarding responsibility or dismissal for a period of at least one year following the original decision. For sanctions other than suspension, expulsion, or termination, an appeal must be submitted within 5 business days of receipt of the sanctions.

7. **Training.**

- a. All persons involved in the grievance process, including, but not necessarily limited to, Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the following areas:
 - i. The definition of sexual harassment;
 - ii. The scope of the educational program or activity;

- iii. How to conduct an investigation and understanding of the grievance process, including hearings, appeals, and informal resolution processes, as applicable;
 - iv. How to serve impartially, including by avoiding prejudgment of the facts at issue; conflicts of interest, and bias.
- b. Additionally, decision-makers must receive training on the following areas:
 - i. Any technology to be used at a live hearing; and
 - ii. Issues of relevance or questions and evidence, including when questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
- c. Investigators must also be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d. All materials used to train the foregoing individuals must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- e. All training materials used to train the foregoing individuals must be made available to the public by posting on NDSU's website.

8. Recordkeeping.

- a. NDSU shall retain, for a period of seven years, records of:
 - i. Each sexual harassment investigation, including any determination regarding responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom;
- b. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, which the institution must make available on its website; and NDSU must create and maintain for seven years, records of any actions, including records of supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, NDSU must document the basis for its response was not deliberately indifferent, and document that it took supportive measures, or, if supportive measures were not provided, an explanation of why such a response was not clearly unreasonable considering the known circumstances.

9. **Confidentiality.** Notwithstanding Chapter 44-04 of the North Dakota Century Code, the identity of any individual who has made a report or complaint of sex discrimination or sexual harassment, any Complainant, any Respondent, and any witness, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, shall be confidential.

10. Retaliation.

- a. NDSU or any other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.
- b. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

- c. The exercise of rights protected under the First Amendment does not constitute retaliation.
- d. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, although a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.
- e. Complaints alleging retaliation may be filed pursuant to the grievance procedures for sex discrimination under Title IX.

HISTORY:

New

August 14, 2020

North Dakota State University

Policy Manual

SECTION 326

ACADEMIC MISCONDUCT

SOURCE: NDSU President
NDSU Faculty Senate

1. PHILOSOPHY AND PURPOSE

- 1.1 North Dakota State University is committed to upholding the highest standards of integrity of its endeavors in the pursuit of academic activities including research, instruction, and service. The University will promote an open and honest atmosphere in reviewing and reporting possible academic misconduct.
- 1.2 Scholarly inquiry creates the expectation for strict integrity in its pursuit. Integrity is defined as a commitment to intellectual honesty, and personal responsibility. As a public institution engaged in research, NDSU has an obligation to ensure public trust and confidence in our academic programs and publications. NDSU is committed to creating an environment which promotes responsible conduct that embraces attitudes of excellence, trust, and lawfulness in all our endeavors. It is essential to create this environment in order to maintain academic integrity, which in turn will promote academic excellence leading to reliable and accurate research results.¹ Because misconduct in scholarly inquiry, including the improper expenditure of funds, threatens the confidence in the academic endeavor, it is the responsibility of the University to foster an academic environment that discourages misconduct in all endeavors of scholarly activity and to develop policies and procedures to deal forthrightly with possible misconduct associated with scholarly activity.
- 1.3 These policies and procedures deal with academic misconduct and define a process to report, review, investigate, and resolve, allegations of academic misconduct. They are directed toward governing behaviors to maintain integrity in the pursuit of scholarly, academic activities, and they are consistent with the principle of self-regulation in maintaining integrity in scholarly inquiry.²

2. APPLICABILITY

- 2.1 These policies are applicable to all persons employed at NDSU and associated with NDSU through academic activities. These would include, but are not limited to faculty, adjunct faculty, research professors, lecturers, collaborators, staff, technicians, post-doctoral fellows, graduate, and undergraduate students, and volunteer assistants. However, allegations against graduate and

undergraduate students which are course related will be handled under [NDSU Policy 335: Code of Academic Responsibility and Conduct](#).

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

3. DEFINITIONS

- 3.1 **Academic or scientific misconduct** shall mean fabrication, falsification, plagiarism, misrepresentation of sources, breach of confidentiality, or other practices, including fiscal impropriety, that seriously deviate from those that are commonly accepted within the discipline for proposing, for conducting, or reporting research; or material failure to comply with a sponsor's requirements that uniquely relate to the conduct of the research. It does not include honest error, or honest differences in interpretations or judgments of data.
- 3.2 **Allegations** shall mean any written or oral accusation by any University official or other Complainant, from inside or outside of NDSU, of possible misconduct that is forwarded to the Office of the Provost.
- 3.3 **Complainant** means any person who makes a formal allegation of research or scholarly misconduct under this Policy.
- 3.4 **Fabrication** is making up data or results and recording or reporting them.
- 3.5 **Falsification** is manipulation of research materials, equipment, processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- 3.6 **Inquiry** shall mean informal information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- 3.7 **Investigation** shall mean the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.
- 3.8 **Plagiarism** shall mean taking over ideas, methods, or written words of another without acknowledgment of and with the intention that they be credited as the work of the deceiver. Different academic disciplines may have their own separate definition which may add additional elements that need to be taken into consideration in an allegation of plagiarism.
- 3.9 **Respondent** shall refer to the accused or the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

- 3.10 **Scholarly inquiry, creative activity, and research** shall be considered synonymous terms.

4. PRINCIPLES

- 4.1 Due to the wide variety of endeavors of scholarly activity, no one set of guidelines can cover all situations. Also, because of the seriousness of the nature of this subject, several basic principles must be used to guide the processes.
- 4.2 Allegation(s) must receive immediate, appropriate, thorough, and impartial consideration.
- 4.3 The Complainant who in good faith reports apparent academic misconduct shall be protected from recrimination. Good faith allegations are those that are made with the honest belief in the truth of the allegation based on the information the Complainant had reasonable access to at the time of the allegation.
- 4.4 The Respondent, Complainant, witnesses, and committee members must be afforded confidential treatment during the entire process to the extent reasonably possible. Disclosure of the charges and evidence under this policy will be made only as specified in the regulations of the sponsoring agency or as required by the North Dakota Open Records Act. Any violation of this rule is also considered a matter for disciplinary action. Further, the Respondent must be afforded confidential treatment to the extent reasonably possible while being given an opportunity to respond to the allegations and provide a defense during the Inquiry or Investigation phases. A confidentiality agreement can be required.
- 4.5 From receipt of the initial allegation to the completion of the investigation, every effort will be made to obtain and secure evidence that will be directly applicable to the case. All evidence must be carefully weighed to determine whether an allegation has been made in good faith or malice.
- 4.6 In order to determine misconduct, NDSU must find (1) that there was a significant departure from accepted practices of the relevant academic or professional community; (2) it was committed intentionally, knowingly, or recklessly; and (3) the allegation must be proven by a preponderance (greater than 50%) of the evidence.
- 4.7 If allegations of apparent academic misconduct are shown to be unfounded and have been made with the malicious intent of destroying a career and reputation, the evidence of this fabrication is to be presented to the Provost for appropriate examination and possible disciplinary action.

- 4.7.1 Malicious allegations to harm or harass other individuals will not be tolerated by the University, nor will retaliation against the Respondent, Complainant, witnesses, or inquiry or investigative committee members. Further actions against Complainants who have acted in bad faith may be taken under NDSU policies that apply to employment and termination procedures. Actions that may be taken by NDSU could include, but are not limited to, termination of employment or expulsion.
- 4.8 Any University action imposing sanctions must comply with the procedural requirements of the applicable personnel or student policies (see Policies [220](#), [335](#), [350.3](#), or [601](#)).
- 4.9 Challenges against a member of the Academic Integrity Committee for a conflict of interest shall be handled by the committee first and then, if the matter is not resolved, by the President of the Faculty Senate.

5. ACADEMIC MISCONDUCT PROCEDURES

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

6. PHASE I: RECEIPT OF ALLEGATION

- 6.1 Initially, the Complainant should report the allegation and provide evidence to the university official who is the immediate supervisor of the Respondent. The person receiving the allegation is hereafter referred to as the receiver of the allegation.
 - 6.1.1 Any National or Federal agency involved could also be notified. Most agencies will not investigate initially and will allow NDSU to proceed as the primary investigating body. The funding agency will review the submitted reports to determine if further actions need to be taken. Federal agencies expect each institution to handle these proceedings and will only take charge if there is an immediate need to handle the case themselves.
- 6.2 Upon receipt of an allegation, the receiver of the allegation must immediately inform the Provost (or specified designee) formally, in writing of the nature of the allegation. The Provost will inform the President.
- 6.3 Allegations of academic misconduct by a Complainant (other than the University acting through its administration) must normally be received within

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

7. PHASE II: INQUIRY

- 7.1 Upon receipt of an allegation, the Provost will prepare a statement of allegation which identifies the Complainant, and notifies the Respondent, the appropriate department chair(s), and academic dean(s) of the allegation with available evidence.
- 7.2 The Respondent and Complainant will be offered initial consultation at the time of the receipt of the allegation to assist all parties in understanding the extent of this policy and procedures, and the potential and real consequences. They shall be provided copies or informed of the location of relevant policies and/or rules.
- 7.3 The Provost shall appoint an inquiry committee of three persons consisting of non-administrative, tenured faculty with the rank of professor (emeritus and emerita professors are eligible). Members of the committee may be external to the University and non-faculty members may be appointed if a specific case warrants their inclusion to review the allegation(s).
 - 7.3.1 The inquiry committee will determine if there is sufficient basis to conduct an investigation based on whether (1) the allegation falls within the definition of academic misconduct as defined above; (2) the allegation is sufficiently credible; and (3) the allegation is specific enough so that potential evidence of academic misconduct may be identified. "Sufficient basis" means that there is enough evidence that could be adequate to establish a violation if proven.
 - 7.3.2 Interviews must be conducted, where possible, with both the Respondent and the Complainant and any other persons who may have information relevant to the allegation and purpose of inquiry. The Complainant and the Respondent must comply with appropriate requests by the inquiry committee for documents and other relevant evidence.
 - 7.3.3 The committee may seek an opinion by a recognized authority in the Respondent's field.

- 7.3.4 Upon completion of the inquiry, the committee will prepare a report which shall include: (1) the name and position of the Respondent(s); (2) a description of the allegation of misconduct; (3) list of persons interviewed; (4) a summary of the evidence; (5) the conclusions of the inquiry; (6) a rationale for the recommendation that the alleged misconduct did or did not warrant an investigation; (7) any comments by the Complainant and Respondent; and (8) identification of relevant grants or other funding involved.
- 7.4 The Complainant and Respondent shall be given a complete copy of the report. Each will be given 10 working days to respond to the report and their comments will become part of the record.
- 7.5 The inquiry report will be completed and submitted to the Office of the Provost within 60 calendar days from the receipt of the initial allegation, unless circumstances which can be documented indicate reasons for exceeding this 60 day period.
- 7.6 If the Provost determines that there is no basis to conduct an investigation, a copy of the inquiry report shall be maintained for a period of seven years in the Office of the Provost. This is to permit a later, independent assessment of the reasons for determining that an investigation was not warranted should this be requested by an appropriate agency.
- 7.7 Seven years after the completion of the inquiry, all documentation shall be destroyed.
- 7.8 If, at any time, the documentation is requested by any party, the Respondent shall be notified.
- 7.9 All work of those involved should, to the extent possible, remain confidential. Breaches of confidentiality may be subject to appropriate sanctions.
- 7.10 The Complainant can appeal a decision not to conduct an inquiry to the Committee on Academic Integrity within five (5) working days of receiving notice that an inquiry is not warranted.

8. PHASE III: INVESTIGATION

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

- 8.2 The investigation will be conducted by the standing committee of the Faculty Senate, the Committee on Academic Integrity (<https://www.ndsu.edu/fileadmin/facultysenate/docs/Bylaws.pdf>).
- 8.3 The Provost Affairs shall forward the inquiry report to the Committee on Academic Integrity (Investigation Committee) which shall investigate the allegations in substantial compliance with all Federal Regulations.
- 8.4 The Investigation Committee shall comply with the following guidelines:
- 8.4.1 Respondent must be notified in writing that an investigation is being conducted, must be interviewed by the Investigation Committee, and has the right to call any witnesses or produce any evidence in defense. In addition, the Respondent has the right to have an attorney accompany him/her/them to the interview. If an attorney for the Respondent is present, the Investigation Committee may request that the University provide legal counsel to assist it as well.
- 8.4.2 The Investigation Committee may request, and must use diligent efforts to secure, any evidence considered necessary to conduct a complete investigation of the allegation. Whenever possible, interviews should be conducted of all individuals involved including the Respondent and the Complainant as well as other individuals who might have information regarding key aspects of the allegations. Because of the possible specialized nature of the evidence to be investigated, the Committee may seek advice from experts within or from outside the University. Complete summaries of these interviews should be prepared and provided to the interviewed person(s) for comment and shall be included as part of the investigation file and furnished to the Respondent.
- 8.4.3 The Investigation Committee will deliberate and reach its conclusions and write its final report in executive session. Further, the Investigation Committee must prepare and maintain all documentation to substantiate its findings.
- 8.4.4 The investigation by the Investigation Committee is to remain confidential unless disclosure is required by the North Dakota Open Records Act or by the sponsor's guidelines.
- 8.5 If it is determined that the allegations of misconduct are groundless, a report with supporting documentation shall be forwarded to the Office of the Provost to be retained appropriately for a period of seven years.
- 8.6 If the allegations are substantiated by a preponderance (greater than 50%) of the evidence, the Investigation Committee shall forward the report to the Provost and the President with recommendations for appropriate disciplinary action (sanctions).

- 8.7 The Respondent and Complainant shall be given a complete copy of the report. Each will be given ten (10) calendar days to respond to the report and their comments will become part of the record.
- 8.8 All persons and agencies involved in the investigation shall be notified of the conclusion. A copy of all documents shall be furnished to the Respondent and the Complainant. If the documents are requested by any party, the Respondent shall be notified.
- 8.9 In the case of a federal grant, a final report (in substantial compliance with all Federal regulations) prepared by the Provost describing policies and procedures under which the investigation was conducted, the nature of the allegations, how information was obtained, all persons interviewed with text or summary of interviews, the findings, the basis for the final decision, and a description of disciplinary action taken by the institution, must be sent to the appropriate agency.³
- 8.10 It shall be the responsibility of the Provost to communicate the results of the investigation to collaborators, journals, publishers, professional societies, licensing agencies, and sponsoring agencies with whom the accused has had professional contact as appropriate.
- 8.11 The investigation should ordinarily be completed within 120 calendar days of its initiation. If it cannot be completed within that time, then a request to the Office of Research Integrity (ORI) (or other applicable agency(ies)), will be made by the Provost to extend the time, and documentation for the reasons for exceeding this period must be made available in the report.

9. SPECIAL REPORTING REQUIREMENTS

- 9.1 Normally, the inquiry or investigation will be conducted in such a manner as to protect the privacy/confidentiality of all involved.
- 9.2 However, if at any stage of the inquiry or investigation, any of the following conditions exist, there must be immediate notification to the sponsoring agency or other affected parties:
 - 9.2.1 There is an immediate health safety risk or immediate need to protect human or animal subjects;
 - 9.2.2 Research activities should be suspended;
 - 9.2.3 There is an immediate need to protect agency funds, equipment, or the integrity of the research process;

- 9.2.4 There is an immediate need to protect the interests of the person(s) making the allegation or the individuals who are subject to the allegations as well as his/her co-investigators and associates;
- 9.2.5 It is probably that the alleged incident is going to be reported publicly;
- 9.2.6 There is reasonable indication of possible violation of civil or criminal law. In this instance, the institution must inform the appropriate sponsoring agency, if necessary, within 24 hours of obtaining that information; or
- 9.2.7 There is a reasonable belief that the research community or public should be informed.

10. SANCTIONS

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

11. APPEALS

- 11.1 Appeals of the Committee on Academic Integrity finding of misconduct will be handled through federal agencies of oversight where applicable or through NDSU's President's Office.
- 11.2 NDSU appeals must be made directly in writing to the President of NDSU within 30 days of the notice of determination by the Committee on Academic Integrity.
- 11.3 Review of the appeal is by the President. The President has the option to appoint a technical review committee for advice.
- 11.4 NDSU may suspend an internal appeal until further determination by the agencies.
- 11.5 NDSU appeals will be restricted to the evidence presented and will be limited to the University's failure to follow published procedures or arbitrary or capricious decision making.
- 11.6 Upon review of the appeal, the determination made by the President of the University is final.
- 11.7 Grievances and appeals to sanctions and disciplinary actions will be handled accordingly to the applicable policies. Faculty (policy [157](#), [350.3](#), [353](#)); Staff/employee (policy [157](#), [230](#), [231](#)); and Students (policy [601](#) and [335](#)).

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1. *Integrity in Scientific Research, Institute of Medicine, National Research Council, (2002).*
 2. *See Office of Science and Technology's Research Misconduct Policy (2000)*
http://www.ostp.gov/cs/federal_policy_on_research_misconduct *In addition, these policies and procedures are necessary since the federal government requires that each entity applying for research grants or agreements under the Public Health Service must establish explicit, uniform policies and procedures for investigating and reporting instances of alleged or apparent misconduct involving research activities that are supported with funds made available under the Public Health Service Act. The appropriate acts providing authority are: 42 CFR Part 50, Section 493, Public Health Service Act, as amended, 99 Stat. 874-875, (42 u.s.c. 289b); Section 501(f), Public Health Service Act, as amended, 102 Stat. 4213 (42 u.s.c. 290aa(f)).*
 3. *For example, the Office of Research Integrity (ORI), in the Office of the Director of the National Institutes of Health.*
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HISTORY:

New	May 14, 1990
Amended	April 1992
Amended	June 1995
Amended	December 2002
Amended	October 2003
Amended	October 2007
Amended	November 2008
Housekeeping	February 14, 2011hk
Housekeeping	September 2015

Housekeeping March 27, 2018

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SECTION 353 GRIEVANCES – FACULTY

SOURCE: SBHE Policy Manual, Section 612
NDSU President

1. This Policy is intended to provide a fair, internal process for resolving certain employment-related disputes that arise between faculty and administrators.
2. "Grievance" means an allegation of a violation by an NDSU administrator 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. Discretionary actions, such as salary increases 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.

"Grievance" does not include any matters covered under NDSU policies 350.1-350.5 and 352 or equal opportunity grievances which are governed by NDSU Policy 156. Grievances cannot be filed against written SBHE or NDSU policies, per se.

3. This policy applies only to faculty as defined in NDSU Policy 350.1
1. Grievant may only initiate the grievance process described in this policy after communicating with the administrator whose decision is the subject of the grievance (the "respondent") in a good-faith attempt to resolve the matter. In the event that such communication fails to achieve a satisfactory result, then the grievant must attempt to discuss the matter with the respondent's immediate supervisor. The grievant shall put the basis for the grievance in writing if requested by either the respondent or the respondent's supervisor. In the event that communication with the supervisor fails to achieve a satisfactory result, then the grievant may appeal to a Special Review Committee (the "SRC") by filing a written grievance with the presiding officer of the Faculty Senate no later than 120 calendar days from the date when the grievant is notified of the grievable issue. The grievant is permitted to file an appeal to the SRC prior to the outcome of the previous steps in order to retain the right of appeal. The SRC shall review the written grievance in order to determine if the grievance was timely filed and if the matter is properly grievable. The SRC shall dismiss the grievance if the matter was not timely grieved or properly grievable. Such decision to dismiss by the SRC shall be appealable by either party to the Standing Committee on Faculty Rights ("SCOFR") by filing a written request for an opinion within 10 calendar days of receiving the SRC's decision to dismiss the grievance. The SCOFR shall offer the non-appealing party an opportunity to respond to the appeal in writing and provide the non-appealing party a reasonable opportunity to provide such response. The SCOFR, after reviewing the written positions of each party shall issue its opinion within 30 calendar days of the time of the filing of the request for an opinion.

2. The SRC shall attempt to resolve the grievance on an informal basis. The SRC may, in its discretion, require the parties to participate in mediation (NDSU Policy 350.5) and/or use other dispute resolution options available through the University Ombudsperson. Should the grievance remain unresolved after mediation and/or informal dispute resolution, then the SRC shall proceed to the formal resolution process.
3. Hearings for the formal resolution process shall be scheduled as expeditiously as possible and with due regard for the schedule of both parties. Grievances involving faculty who hold academic year (AY) appointments will normally not be held during summer semester unless the faculty member has a summer appointment. The grievant bears the burden of proving that there has been a violation of policy or established practice. The SRC shall report its findings and recommendations in writing within 21 days of the completion of the hearing to the grievant, the respondent, the President, the Provost and to the administrator who is the respondent's immediate supervisor.
4. The SRC shall consist of the following members:
 - (a) Three members, none of 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 from each of the colleges in the University), 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.
 - (b) The SRC Chair shall be selected by the President of the Faculty Senate.
 - (c) 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.
 - (d) Emeritus professors are eligible for memberships on the SRC.
 - (e) 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, Department Chair or Head, or Associate or Assistant Department Chair or Head of an Academic Unit.
5. The final decision will be made by the Provost so long as the grievance is not against the Provost or any individual who reports directly to the Provost. In those situations, the President shall make the final decision. The Provost (or when applicable, the President) shall, within 30 days of receipt of the recommendation, provide written notice of her/his decision to the grievant, the respondent, and to the administrator who is the respondent's immediate supervisor. That decision shall be final.

HISTORY:

Amended	June 26, 1986
Amended	November 18, 1990
Amended	June 1995
Amended	June 1998

Amended	November 2000
Amended	March 2002
Amended	August 2003
Amended	March 2005
Housekeeping	June 2009
Housekeeping	February 14, 2011
Amended	June 1, 2011
Amended	April 10, 2017

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SECTION 718 PUBLIC/OPEN/CONFIDENTIAL RECORDS

SOURCE: NDSU President
SBHE Policy 1912

Pursuant to N.D.C.C. Section 44-04-18, except as otherwise specifically provided by law, all records of North Dakota State University are public records, open and accessible for inspection during regular office hours. NDSU shall comply with the public records laws. NDSU will not disclose information which is considered exempt under the public records laws.

This policy applies to all records, including all University information and University resources, regardless of format.

Definitions

Record N.D.C.C 44-04-17.1.16	“Recorded information of any kind, regardless of the physical form or characteristics by which information is stored, recorded, or reproduced, which is in the possession or custody of NDSU or its agent and which has been received or prepared for use in connection with public business or contains information relating to public business. ‘Record’ does not include unrecorded thought processes, but does include preliminary drafts and working papers.”
Closed Record N.D.C.C 44-04-17.1.2)	“All or part of an exempt record that NDSU, in its discretion, has not opened to the public.”
Confidential Record N.D.C.C. 44-04-17.1.3	“All or part of a record that is either expressly declared confidential or is prohibited from being open to the public.”
Exempt Record N.D.C.C. 44-04-17.1.5	“All or part of a record that is neither required by law to be open to the public, nor is confidential, but may be open in the discretion of NDSU.”
Public Record N.D.C.C. 44-04-18.1	“All records of a public entity are public records, open and accessible for inspection during reasonable office hours.”
Public Employee N.D.C.C. 44-04-18.1	Public employee includes any individual who has applied for employment, is employed, or has been employed by a public entity.

I. Public/Open Records

- A. Copies of records classified as public shall be provided upon request, after all exempt and/or confidential material has been removed from the records.
- B. State law mandates that responses to open record requests cannot be unreasonably delayed; these requests must be given a high priority.

II. Exempt/Confidential Records

A. Student Records

- 1. Student education records are confidential, and access to those records is restricted according to the Family Education Rights and Privacy Act (FERPA) of 1974.

B. Personnel Records

- 1. Personnel records, other than personnel records that relate to individuals employed as a result of his or her status as a student, are public records and open to inspection by the public.
- 2. Employee medical and employee assistance program records are confidential and are not to be placed in an employee's personnel file and are not to be released without written consent of the employee.
- 3. Personal information, as defined in N.D.C.C. Section 44-04-18.1, including a person's home address; home telephone number; photograph; medical information; motor vehicle operator's identification number; Social Security number; payroll deduction information; the name, address, phone number and date of birth of any dependent or emergency contact; credit, debit or electronic fund transfer card number; and any account number at a bank or other financial institution, are exempt from the open records law and may be released only as required by law, pursuant to an institution policy or with the employee's written consent.

C. Campus Police Records

- 1. Access to, and disclosure of, campus police records is governed by N.D.C.C. Section 44-04-18.7. Accordingly, active criminal intelligence information and active criminal investigative information are exempt from the open records law. Other law enforcement records which are exempt include, but are not limited to:
 - a. Law enforcement records and files concerning a child, as that term is defined in N.D.C.C. Ch. 27-20, shall be kept separate from the records and files of adults, shall not be open to public inspection and may not be disclosed except according to the provisions of N.D.C.C. Ch. 27-20.
 - b. Records of undercover law enforcement officers are confidential and exempt from the open records law as provided by N.D.C.C. Section 44-04-18.3.

III. Procedures and Materials

Procedures and materials required to support and enforce this policy will be developed and maintained by the Records Management Advisory Committee and the Director of Records Management.

IV. Imposition of Sanctions

Failure to follow and comply with this policy may result in employee discipline, including termination of employment.

PUBLIC/OPEN RECORDS PROCEDURES

I. Public Records Procedures

- A. Responses to open records requests, other than routine requests in the normal course of business in an office or department, shall be coordinated as follows:
 - 1. Through the Office of the Vice President for University Relations, if the request is from a media source.
 - 2. Through the Chief of Staff to the University President, if the request is from a non-media source.
- B. Copies shall be made of records and documents in the format filed, or kept in the normal course of business.
- C. Employees are not required to retrieve, collate and/or summarize data or prepare other special reports or documents not required by law or otherwise prepared in the normal course of business.
- D. A fee for allowing access to documents may not be assessed; however, each institution shall establish and collect a fee to cover reasonable copying costs, including reasonable costs of computer generated documents. The fee for standard paper copies may not exceed twenty-five cents per copy.
- E. A fee not to exceed twenty-five dollars per hour, excluding the first hour, may be charged per request for locating records if locating the records requires more than one hour.
- F. A fee not to exceed twenty-five dollars per hour, excluding the first hour, may be charged per request for excising confidential or closed material if doing so requires more than one hour.
- G. Access to electronically stored records is free if the records are recoverable without the use of a computer backup. If a request is made for access to records on a backup for copies of electronically stored records, a reasonable fee may be charged to cover costs attributable for retrieving the information.

II. Student Education Records

- A. Student education records, including those of former students, are confidential, and access to those records is restricted according to FERPA.
- B. Pursuant to FERPA, NDSU will:
 - 1. Annually notify currently enrolled students of their rights under FERPA.
 - 2. Except as provided under FERPA and 34 CFR Section 99.31, relating to conditions under which personally identifiable information may be disclosed without consent, obtain a signed and dated written consent of a student before disclosing personally identifiable information from the student's education records;
 - 3. Maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student as required by FERPA, 34 CFR Section 99.32;
 - 4. Provide required notice concerning disclosure of directory information pursuant to FERPA, 34 CFR Section 99.37;
 - 5. Adopt procedures implementing FERPA provisions governing release and transfer of confidential student disciplinary records;
 - 6. Comply with all other requirements of FERPA and applicable regulations;
 - 7. Eliminate the use of the Social Security number (SSN) as an identification number for university-related business transactions;
 - 8. Increase awareness of the confidential information; and

9. Ensure appropriate and consistent handling of confidential information throughout the University.

III. Personnel Files

- A. N.D.C.C. Section 54-06-21 states that the “official” personnel file is “the file maintained under the supervision of the agency head or designated representative.” At NDSU, the “official file” location is designated as follows:

Non-Broadbanded Employees	
Faculty (ranked)	Dean’s Office
Lecturers and Graduate assistants	Dean’s Office
Extension/Ag. Experiment staff	VP of Agriculture
Other non-broadbanded staff	Office of Human Resources/Payroll
All Broadbanded employees	Office of Human Resources/Payroll

- B. Personnel files must include an access record. The access record must contain the date and name of any person viewing the file except when the custodian of the file is inserting salary, insurance, medical, tax, Workers Compensation, pretax benefits, deferred compensation information or employment forms pursuant to N.D.C.C. Section 54-06-21.

HISTORY:

New	May 1998
Amended	April 2003
Amended	October 2005
Amended	October 2007
Amended	November 2008
Housekeeping	October 2, 2015
Amended	April 28, 2016

North Dakota State University

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SECTION 103

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS

SOURCE: NDSU President

This policy addresses requirements and procedures for position openings. Regardless of the position announcement procedures that are followed, all employment decisions within the University are subject to equal opportunity laws and regulations and NDSU's Equal Opportunity and Non-Discrimination [Policy 100](#). For equal opportunity purposes, all appointments to payroll budget positions and equivalent positions supported by non-appropriated funds are subject to the search, recruiting, and hiring processes in Sections [202](#) and [304](#) of this manual.

Section 1 pertains to staff positions. Section 2 pertains to faculty and executive/administrative positions. Section 3 pertains to all positions.

STAFF

1. Staff (as defined in [NDSU Policy 101.1](#) generally referred to as “broadbanded employees” include those positions in the following job band: 1000, 3000, 4000, 5000, 6000, and 7000).
 - 1.1 If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting area as defined in Section [200](#) of this Manual.
 - 1.2 Generally speaking, the recruiting areas are as follows for staff positions:
 - 1.2.1 Administrative/managerial positions in the 1000 band: national.
 - 1.2.2 Professional positions in the 3000 band: regional.
 - 1.2.3 Technical/Paraprofessional (4000); Office Support (5000) Crafts/Trades (6000); and Services (7000): local (Fargo-Moorhead community and/or surrounding counties as applicable).
 - 1.3 When a benefitted staff position vacancy occurs and there is a pool of regular employees appropriately qualified for transfer or promotion (including former employees covered by Reduction in Force policy [Section 223](#)), a unit supervisor may choose to advertise a vacant position internally for a minimum of five working days prior to initiating an external search. The procedures, which involve utilizing the online application system for these internal searches, will be the same as those external searches as mentioned in subsection 1 (see Section [202](#)). The Human Resources/Payroll Office, in consultation with the unit supervisor, will be responsible to determine whether a pool of appropriately qualified employees exists.
 - 1.4 If the appointment is either less than .50 FTE or clearly stipulated to be for a total duration of less than twenty weeks (non-benefitted), no formal position announcement posting to the online employment application system is required. Unit supervisors are, however, encouraged to announce benefitted positions. The announcement may be distributed within

the University to the eligible staff of the particular administrative unit involved. Affirmative action efforts must still be undertaken to ensure that qualified minority individuals, females, and individuals with disabilities are included in the applicant pool. Proof of affirmative action efforts will be required, such as documentation reflecting an open announcement to all eligible staff of an appropriate unit or adequate written documentation on why the candidate is being selected for the opportunity without an announcement to the appropriate unit. Distributing the position announcement to the other Tri-College University institutions or within the Fargo-Moorhead community is also encouraged.

- 1.5 Recruitment for all benefitted staff positions in the 1000 and 3000 bands shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees.
 - 1.5.1 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists of the individual to fill the position is the responsibility of the unit administrator. A member of the Human Resources shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.
- 1.6 Although unit leaders are encouraged to post throughout the University any staff position that offers an important promotional opportunity to employees in other departments, the formal procedures for filling positions that involve utilizing the online application system for job announcements (see Sections [202](#) for broadbanded positions and [304](#) for non-banded) shall be optional in the following cases. (Whenever an appointment is based on one of the following options, the request to recruit must be completed online for benefitted positions and the specific option should be noted in the appropriate section of the online request to offer or on the NDSU [Change Form \(101\)](#) with relevant documentation attached.)
 - 1.6.1 Timeslip employment that is not identified as a payroll budget appointment.
 - 1.6.2 The transfer or promotion of an employee within a department or office, provided that the employee is fully qualified for the new position and was originally hired through a competitive search. This exception excludes faculty positions. This option is governed by [NDSU Policy 240](#) which provides procedures and the requirement of the hiring department to obtain permission from the Director of Human Resources/Payroll who will review for appropriateness of the promotion including equitable issues.
 - 1.6.3 When there is concurrence by the hiring department, reassignment due to:
 - 1.6.3.1 An injury resulting in worker's compensation award and subsequent retraining; or
 - 1.6.3.2 A reduction-in-force.
 - 1.6.4 When an employee, at time of hire or within two years of employment, has a spouse or partner who is fully qualified and interested in a university position. (Please note the responsibilities lie with the employed spouse/partner's unit supervisor to encourage the spouse/partner to locate positions that they feel they are fully qualified for and make an appointment with a staff member in Human Resources/Payroll Office and/or with the head/chair of the appropriate unit to review

the spouse's/partner's education and experience. The hiring department will make the final hiring decision.

- 1.6.5 At the request of the appropriate supervisor, the reinstatement of a former NDSU employee who has left his/her employment within the previous nine (9) months, provided that:
 - 1.6.5.1 The employee had a satisfactory performance record; and
 - 1.6.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and
 - 1.6.5.3 The position is within the department where he/she worked at the time of resignation.
- 1.6.6 The appointment of an employee to fill a vacant administrative position on an acting basis, normally for a period not to exceed one year, while a search is being conducted for a regular appointee.
- 1.6.7 With prior approval, the temporary appointment of a person to a grant-funded position when the individual has been instrumental in the development of the project or is identified by name in the proposal as having unique expertise necessary to the project. This temporary appointment may not be continued beyond the period of the grant project, and the individual may not be transferred to any other University appointment without an appropriate search.

Note: To use this option, proposal writers should indicate their intention on the transmittal form and provide a letter of explanation when the proposal is submitted to the Office of Sponsored Programs Administration. Those submitting proposals for internal funding that are not reviewed in Sponsored Programs Administration should contact the Office of the Provost prior to submitting the proposal.
- 1.6.8 An externally funded appointment as a broadbanded research professional in a department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

Faculty and Executive/Administrative Staff

- 2. Executive/Administrative (primarily in 0000 job bands) and benefitted Academic Staff (in 2000 band – bands are defined in [NDSU Policy 101.1](#)), generally referred to as “non-banded employees,” include such positions as tenured and tenure-track faculty and deans. Recruitment falls under two primary categories: half time or less or interim (2.1) and more than half time (2.2).
 - 2.1 Titled and/or Compensated Positions (Less Than .50 FTE or Interim)

If the appointment is less than .50 FTE or stipulated to be for less than twenty weeks, the titled or compensated position shall be announced internally within the unit (and to other relevant internal units as appropriate to the position). The unit supervisor must ensure transparency and equal opportunities for individuals to learn about and apply for the positions. This means the unit supervisor must announce the position to appropriate unit(s) internally and accept applications for at least ten working days. Documentation of

the announcement and review of applications must be provided to the Office of the Provost before the position is offered so the Office of the Provost can ensure compliance with this policy. Even when using internal searching, for any positions that come with fringe benefits, the formal search process detailed in [Policy 304](#) must be followed.

2.2 Equal to or Greater Than .50 FTE, Non-Interim Positions

If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting areas as defined in [Section 103.1](#) of this Manual (with the exception of graduate level degree seeking students).

2.2.1 Generally speaking, the recruiting areas are:

2.2.1.1 Executive/Administrative positions in the 0000 band: national.

2.2.1.2 Benefitted Academic staff such as tenure/tenure track faculty in the 2000 band: national.

2.2.1.3 The 2000 level: lecturer, assistant coach, assistant experiment station specialist, Extension district directors, Extension area specialists, and Extension field staff: regional.

2.2.2 Recruitment for all benefitted executive/administrative and academic staff positions (all those in the 0000 and 2000 job bands) shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees. NDSU Policy 339 requires for every faculty recruiting committee to include faculty from the unit and at least one student. A unit may wish to include both an undergraduate and a graduate student on the committee.

2.2.3 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists is the responsibility of the unit administrator and is based on the recommendation of the search committee. The Vice Provost for Faculty and Equity, or designee shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.

2.2.4 Exceptions to searches for benefitted executive/administrative, and academic and professional broadbanded staff positions listed (greater than .50 FTE and longer than 4 months) are limited to the following:

2.2.4.1 The transfer of an academic staff member from a lecturer line to a probationary appointment as outlined in the employee's original contract provided that he or she had secured the appointment on a nationally competitive basis.

2.2.4.2 An externally funded appointment as a postdoctoral fellow, research scientist, or broadbanded research professional in a

department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

- 2.2.4.3 With prior approval, the temporary appointment of a person to a grant-funded position when the individual has been instrumental in the development of the project or is identified by name in the proposal as having unique expertise necessary to the project. This temporary appointment may not be continued beyond the period of the grant project, and the individual may not be transferred to any other University appointment without an appropriate search.

Note: To use this option, proposal writers should indicate their intention on the transmittal form and provide a letter of explanation when the proposal is submitted to the Office of Sponsored Programs Administration. Those submitting proposals for internal funding that are not reviewed in Sponsored Programs Administration should contact the Office of the Provost prior to submitting the proposal.

- 2.2.4.4 When a faculty member has a spouse or partner who is fully qualified and interested in a university position, a dual career exception to the search process may be made. The department or unit administrator is responsible to contact the Vice Provost for Faculty and Equity as soon as possible. Hiring a spouse or partner depends upon the qualifications of the spouse or partner, the availability of a suitable and acceptable position in each case, and is subject to the approval of the department or unit into which the spouse or the partner will be hired, following an interview process within that unit. For positions in the 0000 job band and positions in the 2000 job band not defined as faculty, 1.6.4 applies.

- 2.2.4.5 At the request of the appropriate supervisor and with unit support, the reinstatement of a former NDSU employee who has left his/her employment within the previous nine (9) months, provided that:

- 2.2.4.5.1 The employee had a satisfactory performance record; and
- 2.2.4.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and
- 2.2.4.5.3 The position is within the department where he/she worked at the time of leaving.

- 2.2.4.6 When there is concurrence by the hiring department, reassignment due to:

- 2.2.4.6.1 An injury resulting in worker's compensation award and

subsequent retraining; or

2.2.4.6.2 A reduction-in-force.

All Positions

3. Exceptions to this policy may be authorized by the President in unique circumstances. A written request for the Presidential exception is initiated by the hiring department and forwarded through the appropriate supervisory line to the unit's dean or director. If there is support from the dean or director, the request is forwarded to the Provost or the appropriate vice president. If the request is supported by the vice president after consultation with the Vice Provost for Faculty and Equity and the unit's dean and director, it is forwarded by the Provost or Vice Provost to the President for consideration.

HISTORY:

New	May 15, 1978
Amended	February 6, 1979
Amended	April 21, 1981
Amended	November 13, 1989
Amended	September 24, 1991
Amended	April 1992
Amended	August 1993
Amended	December 1994
Amended	May 4, 1999
Amended	October 2001
Amended	October 2004
Amended	April 2005
Amended	October 2006
Amended	October 2007
Amended	May 2008
Housekeeping	September 2009
Housekeeping	July 2010
Amended	October 2010
Housekeeping	December 2010
Housekeeping	March 2011
Amended	September 30, 2012
Amended	February 4, 2014
Housekeeping	March 20, 2014
Amended	April 24, 2014
Amended	December 12, 2014
Housekeeping	June 4, 2015
Housekeeping	April 14, 2016
Housekeeping	March 16, 2017

North Dakota State University

Policy Manual

SECTION 151 CODE OF CONDUCT

SOURCE: State Policy Manual, Section 308.1
State Policy Manual, Section 611.4
NDSU President

1. Introduction and Application.

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

2. General Conduct.

NDSU supports an environment that is free of discrimination, harassment, and bullying. All NDSU employees are expected to conduct themselves in a businesslike manner. Unlawful consumption of alcoholic beverages or use of illegal drugs, being at work while under the influence of alcohol or drugs, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of NDSU, are prohibited. Violation of applicable laws or policies governing possession and use of alcoholic beverages or drugs, including the Drug Free Workplace Act, SBHE Policy 615 or NDSU Policy 155 Alcohol and Other Drugs – Unlawful and Unauthorized Use by Students and Employees are prohibited. Likewise, sexual or other harassment (including actions contributing to a hostile work environment) in violation of federal or state law, as outlined in NDSU Policy 162: Sexual Harassment, Gender-based Harassment, Sexual Misconduct and Title IX, SBHE Policy 603.1, or NDSU Policy 100 Equal Opportunity and Non-Discrimination Policy is prohibited. NDSU Policy 156.1 governs sexual harassment which violates Title IX of the Education Amendments of 1972.

All NDSU personnel are subject to the rules and policies of the North Dakota State Board of Higher Education, NDSU, and their respective department or unit. NDSU expects all University personnel to be aware of, and comply with, NDSU's policies and procedures that apply to them, and requires those reporting to them to do the same. Employees are expected to uphold the values of honesty, respect, integrity, and trust.

NDSU requires all employees to act professionally in their interactions with others including:

- A. Following training and job specific requirements as stated in the employee's job description or appointment letter, or as assigned by respective department or unit,
- B. Respecting the value, creativity, and diversity of all persons, which includes diversity of opinions and professional approaches to doing things, (See Policy 100: Equal Opportunity and Non-discrimination Policy, Policy 325: Academic Freedom, or other relevant policies for guidance.)
- C. Contributing to an environment of respectful and productive working relationships with those with whom the person interacts, and
- D. Making good faith efforts to resolve differences constructively.

- 2.1 For purposes of this policy, bullying is defined as:
 - 2.1.1 Conduct directed at another that is severe, pervasive, or persistent;
 - 2.1.2 Is of a nature that would cause a reasonable person in the target's position substantial emotional distress and undermine their ability to work, study, or participate in their regular life activities; and
 - 2.1.3 Actually does cause the target substantial emotional distress and undermines the target's ability to work, study, or participate in the target's regular life activities.
- 2.2 Bullying by electronic means is prohibited under NDSU Policy 158 and N.D.C.C. 12.1-17-07.
- 2.3 It is not bullying when a supervisor, or peer acting in an evaluative capacity, notes unsatisfactory performance or misconduct; institutes proceedings for workplace sanctions, nonrenewal, or dismissal for cause; provides feedback regarding work behavior or performance; or engages in discretionary actions related to the evaluative capacity, so long as the actions are made in accordance with the appropriate criteria and are not a clear abuse of discretion. A target of bullying does not have to be a member of a protected class listed in NDSU Policy 100.
- 2.4 NDSU values and promotes freedom of expression and inquiry as provided under applicable law. Nothing in this policy is intended to limit or restrict a person's First Amendment rights or rights to academic freedom; however, such rights do not include the right to engage in workplace bullying.
- 2.5 Resources to assist with an informal resolution are available through the Office of the Ombuds. If informal resolution is not feasible or any party wishes to follow the formal process, suspected violations should be reported to the impacted party's immediate supervisor and to the NDSU Equity Office, 701.231.7708 or ndsu.eoaa@ndsu.edu. In the case the immediate supervisor is involved in the suspected violation, the violation should be reported to the next level of supervisor.

3. Conflicts of Interest.

All NDSU employees are expected to perform their duties conscientiously, honestly, and in compliance with Policy 151.1 regarding conflicts of interest and Policy 152 regarding external activities. All employees must comply with applicable federal and state laws. Employees may not unlawfully use their position, or the knowledge gained as a result of their position for private or personal advantage. All employees are responsible for their own actions. Any individual who has concerns or questions regarding a perceived or potential conflict or regarding application or interpretation of federal or state law or SBHE policy or NDSU policy is encouraged to communicate with a superior or appropriate administrative official at NDSU.

4. Outside Activities and Employment.

Employees are encouraged to support the community by participating in religious, charitable, educational, and civic activities. However, employees must comply with applicable federal and state laws, as well as Policy 151.1 regarding conflicts of interest and Policy 152 regarding external activities. At all times, employees must avoid outside activities that create an excessive demand upon their time and attention, thus depriving NDSU of their best efforts in fulfilling their job duties or that create a conflict of interest, or an obligation, interest, or distraction that interferes with the independent exercise of judgment in NDSU's best interest.

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

Excluding *de minimus* contributions, such as purchase of a meal at reasonable value as part of a

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

6. NDSU Funds and Other Assets

Employees who have access to NDSU funds and other assets in any form must follow the prescribed procedures for recording, handling, and protecting money and other assets as detailed in applicable NDSU procedure manuals or other explanatory materials. Any person who has information concerning possible fraud or dishonesty shall immediately report such information to a superior or appropriate administrative official at NDSU. .

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

7. NDSU Records and Communications.

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

8. Dealing with Outside People and Organizations.

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

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

Pursuant to N.D.C.C. Section 48-01.2-08, employees may not have any interest in a public construction or repair contract.

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

- a. N.D.C.C. Sections 12.1-13-03 and 48-01.2-08 do not apply; and
- b. The contract is approved by the NDSU President or designee or, if the employee in question is the chief financial officer or president of an institution or an officer of the Board, by the Board, following full disclosure of the employee's interest.

Employees have an obligation to act in the best interests of NDSU. Employees must comply with Policy 151.1 regarding conflicts of interest and Policy 152 regarding external activities.

9. Prompt Communications.

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

10. Privacy, Confidentiality and Open Records.

Employees must at all times comply with applicable laws, regulations and SBHE and NDSU policies concerning privacy, confidential records, access to open records and records retention.¹¹. Employees shall report suspected violations of this Code to their superior, or appropriate administrative official at NDSU. In cases that involve the employee's superior, suspected violations shall be reported to the superior's supervisor or designee. Alleged violations of this Code involving NDSU employees shall be investigated by the appropriate NDSU officer. Investigations may be conducted by, or in conjunction with, the Office of Human Resources and Payroll and/or the Office of the Vice Provost for Faculty Affairs and Equity. Investigations shall occur using procedures and best practices developed by the Office of Human Resources and Payroll and/or the Office of the Vice Provost for Faculty Affairs and Equity. All employees shall cooperate in investigations of alleged violations. A violation of this Code is cause for dismissal or other appropriate disciplinary action, in addition to any criminal or other civil sanctions that apply.

11. 1 Suspected violations of this policy related to fraud should be reported utilizing the NDSU [fraud hotline](#)

11.2 Any employee who makes a report in good faith shall be protected against retaliation of any kind; any employee who retaliates or attempts retaliation in response to a good faith report shall be subject to dismissal or other discipline.

11.3 Failure to report known or suspected violations is in itself a violation and may lead to dismissal or other disciplinary action.

Institution Codes.

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

- a. A Statement of the organization's values;
- b. The people or groups of people affected;
- c. A brief description or list of key behaviors that are accepted and not accepted;
- d. How to identify and resolve conflicts of interest;

- e. How to report violations and to whom;
- f. Consequences of violating the Code;
- g. Consequences of failure to report known or suspected violations; and
- h. How reports will be investigated.

NDSU requires that each new employee reviews the Code of Conduct and sign a statement certifying the employee has read and agrees to comply with the Code. Further, all benefited employees are required to annually certify in writing that they have read and are in compliance with the Code of Conduct.

Resources and Related Policies:

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

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

[NDSU Policy 100.1: Nondiscrimination of the Basis of Disabilities and Reasonable Accommodation](#)

[NDSU Policy 112: Pre-employment and Current Employee Criminal Record Disclosure](#)

[NDSU Policy 151.1: External Activities and Conflicts of Interest](#)

[NDSU Policy 152: External Professional Activities](#)

[NDSU Policy 155: Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees](#)

[NDSU Policy 160: Political Activities and Voting Rights of University Employees](#)

[NDSU Policy 161: Fitness for Duty](#)

[NDSU Policy 162: Sexual Harassment Policy](#)

[NDSU Policy 162.1: Consensual Relationships](#)

[NDSU Policy 169: Employee Responsibility and Activities: Theft and Fraud](#)

[NDSU Policy 169.1: Employee Misuse of Property Reports - - Protections](#)

[NDSU Policy 190: Employee Responsibility and Activities: Intellectual Responsibility](#)

[NDSU Policy 323: Selection of Textbooks and other Curricular Materials](#)

[NDSU Policy 326: Academic Misconduct](#)

[NDSU Policy 345: Research Involving Human Subjects](#)

[NDSU Policy 340.1: Coursepacks](#)

[NDSU Policy 400: Purchasing - General Policies](#)

[NDSU Policy 406: Surplus Property](#)

[NDSU Policy 505: Property, Plant and Equipment](#)

[NDSU Policy 700: Services and Facilities Usage](#)

[NDSU Policy 700.1: Use of University Name](#)

[NDSU Policy 700.2: Taking Equipment Off-Campus](#)

[NDSU Policy 700.3: Personal Use of State Property](#)

[NDSU Policy 710.1: Web Advisory Board](#)

[NDSU Policy 712: Contract Review](#)

[NDSU Policy 718: Public/Open/Restricted Records](#)

[NDSU Policy 823: Financial Conflict of Interest – Public Health Service Sponsored Research](#)

[NDUS Policy 603.3: Nepotism](#)

[NDUS Policy 611.2: Employee Responsibility and Activities: Intellectual Responsibility](#)

[NDUS Policy 611.4: Employee Responsibility and Activities: Conflict of Interest](#)

[NDUS Policy 611.9: Selection of Textbooks and Other Curricular Materials](#)

[NDUS Policy 803.1: Purchasing Procedures](#)

[Conflict of Interest Form](#)

[NDSU Consulting Authorization Request Form](#)

[NDSU Fraud Hotline](#)

[AAUP Statement of Professional Ethics](#)

[NDSU Research Foundation](#)

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

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

[N.D.C.C. Ch. 44-04: \(See section 44-04-09: Nepotism.\)](#)

HISTORY:

New	July 1990
Amended	November 1996
Amended	June 2000
Amended	October 2001
Amended	December 2002
Housekeeping	August 2009
Amended	March 25, 2011
Housekeeping	June 24, 2011
Housekeeping	August 18, 2011
Housekeeping	February 1, 2012
Housekeeping	November 19, 2012
Amended	May 6, 2014
Amended	December 2, 2016
Amended	March 5, 2020
Amended	June 9, 2020
Amended	August 14, 2020

Research, External Activity & Conflicts of Interest

- External Professional Activities – [152](#)
- External Activities And Conflicts Of Interest – [151.1](#)
- Proposal Transmittal Form

North Dakota State University

Policy Manual

SECTION 152

EXTERNAL PROFESSIONAL ACTIVITIES

SOURCE: NDSU President
NDSU Faculty Senate

1. INTENT

- 1.1 North Dakota State University, within stated guidelines, encourages employees to participate in professional activities providing information, advice, or services to those outside of the University as a means of gaining additional professional experience and maintaining professional competency within their specialized disciplines. Participation in external professional activities is expected to contribute to the mission of the University.
- 1.2 Acceptance of full-time employment at NDSU carries a commitment to the University that is understood to be full-time in the most inclusive sense. Full-time faculty and staff ("Employees") are expected to devote their primary loyalty and energy toward meeting their instructional, research, service, and administrative duties. External activities and financial interests must not interfere with the expected primacy of these commitments, nor present a conflict-of-interest to the University, nor create a public relations problem for the University. Prior to accepting appointments, engaging in a business, or otherwise diverting their attention from university duties, employees must make disclosure of the activity and, if appropriate, obtain approval.
- 1.3 Approval to participate in external professional activities does not permit use of the University's name in any announcement, advertisement, publication, or report if it implies University endorsement of a product or service. The University does not assume any responsibility for the professional services rendered during an external professional activity.
- 1.4 By participating in external activities, an employee creates a greater potential for a conflict of interest. Employees need to be thoughtful and deliberate about analyzing their proposed external activities for potential conflicts of interest. When evaluating external activities, employees and their supervisors must ensure compliance with Policy 151.1.

2. PROFESSIONAL SERVICE WITHOUT REMUNERATION

- 2.1 Employees of NDSU are often asked to participate in professional, discipline-related activities, such as officers of national organizations, journal editors, editorial boards, etc. Such participation is viewed as desirable, and University approval to engage in these activities is necessary only if substantial use of University facilities or resources will be needed for support of these activities.

3. EXPERT TESTIMONY

- 3.1 Because of their unique expertise, faculty or staff may be asked to serve as expert witnesses in a court of law. Because of the nature of the legal process, such activity may place the University employee in an unintentional adversarial position.
- 3.2 Therefore, University employees are encouraged to appear as "juris amici" (friend-of-the court) instead of as expert witnesses representing one party. If a University employee serves as an expert witness for compensation, the University Consulting Form must be completed and approved, and the consulting guidelines apply (see Section 5 below).

4. PROFESSIONAL SERVICE WITH REMUNERATION (HONORARIA)

- 4.1 University employees are encouraged to provide public service by making presentations to various groups and organizations or serving on proposal review committees. Often the employee may be given an honorarium in appreciation of such service.
- 4.2 An honorarium is defined as a monetary gift which is meant to express appreciation or honor to the recipient which is not covered under the consulting policies.
- 4.3 Provided there is no prohibitive conflict of interest pursuant to Policy 151.1, employees can accept honoraria from non-NDSU or non-State (North Dakota) related entities. Unless Section 5 below applies, employees shall regard the services for other departments within the University or for other state agencies or entities for which they might receive honoraria as part of their public service obligation and refuse or return such honoraria.

5. PROFESSIONAL SERVICE WITH REMUNERATION (CONSULTING)

- 5.1 Employees of NDSU are often requested to provide professional expertise as consultants to private agencies, governmental (state and national) agencies, industries, or individuals for which they receive remuneration or retainer fees. In general, the following policies must be followed when participating in consulting activities. For purposes of this policy, teaching a course or teaching a substantial portion of a course for another educational institution or other business or organization shall be treated as consulting and governed by this policy. This policy applies to both teaching in person or by means of an electronic communication.
 - 5.1.1 Consulting by employees in areas related to their academic discipline may be performed only after prior approval by the line of administration through the appropriate Vice President. For example, faculty need the approval of the chair, dean, and Provost. In addition, those faculty with a major Experiment Station or Extension Service appointment also need the approval of the appropriate Director and the Vice President for Agriculture and University Extension. Employees with full-time Agricultural Experiment Station positions (e.g., branch stations) or full-time, off campus Extension appointments, approvals are required from the appropriate Director and Vice President for Agriculture and University Extension. Staff would need the approval of the appropriate Vice President. Vice Presidents and members of the President's staff require

the approval of the President. Decisions for such approval will depend upon the nature of the employment responsibility to the University and the conditions of employment. Approval may only be granted for periods up to the maximum of one year. Approval must be sought each year if any activity extends beyond the one year maximum.

- 5.1.1.1 Any consulting agreement which attempts to assign ownership rights in intellectual property or provides that the ownership rights will belong to a third party and which arise in an area related to the employee's academic discipline or work at the University must be submitted for review and approval by the University. The reason is to protect the interests of the University in any employee invention or other discovery. Unless otherwise expressly authorized, employees have no authority to assign any ownership rights in any invention or discovery which may arise out of or relate to their work at the University or the use of any University property or equipment.
- 5.1.2 The consulting activity must not interfere with normal duties or activities.
- 5.1.3 The consulting activity must not represent an actual or potential conflict-of-interest.
 - 5.1.3.1 If there is an actual or potential conflict of interest, the employee must comply with Policy 151.1.
- 5.1.4 The consulting activity must not compete directly with University sponsored services. Because of the land grant mission, fees should not be charged for consulting with North Dakota clients when the same services are provided by a defined program or staff function at NDSU.
- 5.1.5 The time limit on the consulting activity is limited to the equivalent of one day per week, during the contract period at NDSU, and consulting should not be performed on a regular, ongoing basis. In addition,
 - 5.1.5.1 individuals should keep a record of time spent consulting;
 - 5.1.5.2 travel time, office visits, correspondence, telephone calls, and other on campus consultation related activities are included in the time committed to consulting;
 - 5.1.5.3 consulting conducted outside the regular work week is not counted as part of consulting time; however, the same policies and procedures for disclosures and approval apply;
 - 5.1.5.4 the consulting activity should not require an absence from campus longer than 10 consecutive working days without special approval.
- 5.1.6 Consultants must make clear that they are not representing the University or that the name and authority of University are in no way connected with service rendered, and that reports cannot be made on University stationery.

- 5.1.7 Travel Authorization forms must be filed as necessary.
- 5.1.8 Special approval must be obtained in advance for the use of University facilities and resources which may require payment of a reasonable fee, and the individual is responsible for payment of these fees. If University facilities or equipment is used, proof of professional liability insurance coverage for consulting activities may be required.
- 5.2 Grievances for matters involving this policy shall follow the appropriate grievance procedure (faculty, policy 353; staff, policy 230).
- 5.3 Approval for consulting or other external activities may be revoked if unforeseen problems occur after the initial approval. The revocation of approval may be appealed in the same manner as a denial.
- 5.4 Failure to follow this policy will be reported to the President who may impose sanctions that are appropriate to the seriousness of the violation.

6. RESPONSIBILITIES

6.1 Individual

- 6.1.1 obtain prior approval, completing Consulting Authorization Request form prior to initiation of consulting activity;
- 6.1.2 ensure that activity does not conflict with primary responsibilities;
- 6.1.3 ensure activity does not pose an actual or potential conflict-of-interest and complies with Policy 151.1;
- 6.1.4 maintain appropriate records of consulting activities;
- 6.1.5 do not use College or University endorsement;
- 6.1.6 secure advance approval to use University equipment, and make any necessary payments;

6.2 Department Chair, Director

- 6.2.1 evaluate all requests for interference with normal duties or conflicts-of-interest;
- 6.2.2 identify and resolve any actual or potential conflicts-of-interest and ensures that the employee complies with policy 151.1;
- 6.2.3 review requests to determine that they meet policies of University;
- 6.2.4 forward recommendation to Dean;
- 6.2.5 ensure activities are reviewed annually.

6.3 Dean, Director

6.3.1 review recommendation from Chair;

6.3.2 review any special circumstances;

6.3.3 forward recommendation to the appropriate Vice President.

HISTORY:

New	September 1995
Amended	November 1997
Amended	February 1998
Amended	September, 1995
Amended	October 2000
Amended	October 2003
Amended	October 2007
Amended	January 2008
Housekeeping	February 14, 2011
Amended	November 29, 2015
Amended	September 26, 2019

North Dakota State University

Policy Manual

SECTION 151.1

EXTERNAL ACTIVITIES AND CONFLICTS OF INTEREST

SOURCE: SBHE Policy Manual, Section 611.4
NDSU President
NDSU Faculty Senate

1. PHILOSOPHY AND NEED

- 1.1 Beyond the traditional academic responsibilities of teaching, research, and service, and in response to the rapidly changing external realities, universities and their employees are increasingly involved in external activities*, including economic development, technology transfer*, consulting*, and other types of public service.
- 1.2 North Dakota State University recognized the need, and actively encourages its employees, to participate in sponsored activities* and external activities as an important component of its land-grant mission. NDSU also recognizes that this may create conflicts of interest and/or commitment with the traditional academic responsibilities. An investigator's* engagement in sponsored and external activities is subject to the principles that:
 - 1.2.1 Full-time employees (and part-time employees that are over 50%) have as their primary responsibility their professional obligation to NDSU.
 - 1.2.2 Employee conduct must conform to the highest standards of professional integrity and ethics, thereby avoiding even the appearance of impropriety.

* These and other terms marked with an asterisk are defined in [Section 12 - Definitions](#). See especially [Conflict of Interest](#) and [Conflict of Commitment](#).

2. APPLICABILITY

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

3. GUIDING PRINCIPLES AND MAJOR CONSIDERATIONS: INSTITUTIONAL

- 3.1 Institutional Approval. Institutional approval must be obtained prior to engaging in any external activity in which there is a potential or actual conflict. Full-time NDSU employees owe their primary loyalty and professional commitment to the institution during the terms of their employment. They must not neglect their university responsibilities to seek financial interest or advantage for themselves, their immediate families, their close associates, or a business over which they or their families have a direct or indirect financial interest. Any commitment of time and effort to serve another institution, agency, or industrial organization other than NDSU, therefore, should be made only after satisfying an employee's primary commitment to NDSU and after appropriate disclosure and approvals.

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

3.1.2 Conflict of interest is categorized as

3.1.2.1 Clearly allowable;

3.1.2.2 Allowable after disclosure, review, approval and oversight;

3.1.2.3 Not allowable or prohibited.

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

3.2 Institutional Encouragement. When a relationship enhances the professional skills of NDSU employees or constitutes public service, interactions involving service, consulting, and research activities between institutional employees and external entities for reasonable periods of time and for personal remuneration are acceptable and encouraged. *(The reasonableness of time allowable will vary among individuals, discipline, activity, and will be affected by specific departmental or unit needs.)*

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

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

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

4. GUIDING PRINCIPLES AND MAJOR CONSIDERATIONS: EMPLOYEE

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

4.2 Employee Obligations & Representations. When arranging relationships with external agencies, NDSU employees are expected to make known their NDSU obligations. Where

appropriate, they should provide copies of relevant NDSU policies to their contracted entities and inform the external agencies that their work is contracted in their individual capacity and does not in any way represent NDSU. Listing of an employee's institutional affiliation in public or commercial documents needs to comply with Policies [152 - External Professional Activities](#) and [700.1 - Use of University Name](#).

- 4.3 Academic Freedom. Subject to University policies and requirements, NDSU employees are free to choose the subject matter and strategies of their individual teaching and research activities on the basis of scientific or scholarly criteria, insofar as they are unencumbered by external commitments.
- 4.4 Freedom to Publish. Subject to limited delays to permit filing of document(s) to protect intellectual property* or findings as in a patent application, or to allow a third party to review documents to protect confidential information pursuant to sponsored program agreements or contracts, NDSU will vigorously ensure its employees' free and open dissemination of information including the right to publish.
(See also NDSU Policy regarding [Classified Research, Policy 344](#))
- 4.5 Accountability for Review. NDSU expects that responsible individuals will exercise their duty and responsibility, at all levels of review and action, to evaluate carefully all potential conflict situations disclosed or known to them before acting to approve or disapprove the same.
- 4.6 Time Commitment. NDSU will allow an average of up to one day per week (40 days for academic year and 52 days for calendar year appointments) within the contract period for acceptable and approved external professional activities ([Policy 152](#)). This released time, subject to unit needs, is not an automatic entitlement but is approved at the administrative head's discretion. Such released time is not available for:
 - 4.6.1 Activities or businesses that are purely personal in nature.
 - 4.6.2 Activities that are neither related nor contribute to the advancement of the employee's professional skills.
 - 4.6.3 Activities, which do not provide an opportunity for professional growth.

5. SPECIFIC RESPONSIBILITIES

- 5.1 NDSU employees are required and expected to take the initiative to report promptly and in detail to the administrative head of their units, for prior written approval, all activities or situations which may involve, or appear to involve, a conflict of commitment, a conflict of interest, or an incompatible obligation* or commitment, and to respond to inquiries from the administrative head in connection with any such report. The mere existence of a conflict, real or potential, however, will not necessarily preclude a particular activity.
(See also NDSU Policies [151 – Code of Conduct](#) and [152 - External Professional Activities](#).)
- 5.2 Administrative heads of units* have the duty and responsibility to evaluate carefully all potential conflict situations reported or known to them before acting to approve or disapprove the same. As a public institution, NDSU is expected to possess sufficient information and control to discharge its obligations of public accountability.
 - 5.2.1 In a specific conflict situation, it may be appropriate for the administrative head to inquire into a number of factors, including:

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

6. DISCLOSURE

- 6.1 The policy on disclosure is the key mechanism to identify potential conflict(s) of interest and commitment for further evaluation, oversight, and remediation. Usually, and most importantly, this will involve financial disclosure*. For situations subject to review and approval, an NDSU employee shall submit a request in writing, explaining all pertinent circumstances, to the administrative head of the unit in which he or she is employed. Items that need consideration in the written request may include:
- 6.1.1 Listing any consulting relationship, managerial role, or a significant financial interest* in a company that does business with the University;
 - 6.1.2 Disclosing a company that is involved with, or sponsors activities, related to the field of research and/or service;
 - 6.1.3 Listing any non-University income-producing activities that involve NDSU students or other staff.
 - 6.1.4 Employees of NDSU authorized (including delegated authority) by [NDSU Policy 712](#) to enter into contracts on behalf of the University must sign the North Dakota State University Conflict of Interest Disclosure Statement. All other employees will be provided notice about this Policy but need only sign the statement if they have a conflict. Notices and collection of statements shall be administered by the Purchasing Office.
- 6.2 If an actual or potential conflict of interest is not believed to exist, the reviewing authority will complete the Administrative Review Form. One copy each will be returned to the individual submitting the form, forwarded to the respective Vice President, and retained on file with the Administrative Head. The action requested may be approved, provided it is in compliance with all other University policies and procedures.
- 6.3 If an actual or potential conflict of interest is determined to exist, there are three options. These include:
- 6.3.1 Permitting the requested action or activity.
 - 6.3.2 Attaching conditions to the approval.
 - 6.3.3 Prohibiting the activity.
- 6.4 If the administrative head believes that an actual or potential conflict of interest situation exists, he or she shall refer the matter to the appropriate Vice President. The Vice President shall exercise his or her authority to approve, disapprove, or approve with conditions any actual or potential conflict of interest, or refer the matter to the Conflict of Interest Advisory Committee (CIAC; see Section 9) for recommendation. Where special arrangements to accommodate an actual or potential conflict of interest are desired, they shall be reduced in writing, on the basis of which the Vice President may appoint an individual to monitor the approved arrangement.
- 6.5 The Vice President shall indicate his or her decision on the Administrative Review Form, a copy each of which will be forwarded to the individual submitting the request, the initial reviewing authority, and filed with the office of the Vice President.

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

7. CONFLICTS INVOLVING ADMINISTRATORS

- 7.1 In the case of potential conflicts of interest and/or commitment involving administrators at the level of dean, director, or higher, initial disclosure shall be made with the appropriate Vice President, who shall then make a recommendation consistent with policy, and who may exercise the option to make the final decision. Disclosures for Vice Presidents shall be fixed with the President, who shall have the final approval authority, but who may also consult with CIAC for its recommendation.

8. UNIVERSITY REVIEW OF SPONSORED ACTIVITIES

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

9. REVIEWS AND APPEALS

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

10. VIOLATIONS

- 10.1 Violation of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at the University. In addition, any

NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded research and management of NDSU facilities and other property. Such enforcement measures may include, but not be limited to:

10.1.1 Freezing research funds or accounts.

10.1.2 Rescinding contracts entered in violation of this policy or state law.

10.1.3 Bringing legal action for restitution to the appropriate entity or entities of the amount of financial benefit received by the NDSU employee as a result of the employee's violation of this policy.

11. EXAMPLES OF CONFLICT OF INTEREST SITUATIONS

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

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

11.2.1 Adverse effects on educational programs;

11.2.2 Bias/subversion of research agendas;

11.2.3 Unreasonable impairment of the flow of information/knowledge

11.2.4 Misuse of NDSU resources and facilities for private gain; and

11.2.5 Theft and/or misuse of NDSU intellectual property.

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

11.3.1 Clearly allowable;

11.3.2 Allowable after disclosure, review, approval and oversight;

11.3.3 Not allowable or prohibited.

11.4 Activities that are clearly allowable:

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

11.4.1.1 Acceptance of royalties and honoraria for published scholarly works and intellectual property (if disclosed to and managed by NDSU or the

NDSU Research Foundation), occasional lectures, commissioned papers, and creative works;

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

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

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

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

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

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

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

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

11.5.1.1 Any ownership or majority control in a commercial enterprise that conducts activities closely related to the employee's area of academic work;

- 11.5.1.2 Holding an executive position in a commercial (private or public) enterprise or participation in the day-to-day operation of an enterprise directly related to one's University responsibilities;
- 11.5.1.3 Assuming a "key" continuing consulting role in an enterprise (including serving as a director of a company);
- 11.5.1.4 Consulting for additional compensation (e.g., providing services to individuals or firms, presenting educational programs sponsored by private firms or independently by faculty members) through approval (see [Policy 152, External Professional Activities](#));
- 11.5.1.5 Situations in which the time or creative energy devoted to external activities appear substantial enough so as to compromise the amount or quality of the employee's participation in the instructional, scholarly, or administrative work of the University;
- 11.5.1.6 Situations in which a faculty member directs students in a research area from which the faculty member may realize a financial gain, thereby diminishing the faculty member's ability to render objective, independent judgment on the student's efforts.
- 11.5.1.7 Conducting research for any commercial entity.

11.5.2 In such cases, approval is required for use of University resources and facilities that lie outside usual work responsibilities that result in clearly identifiable additional costs to the University. Approval of such situations will generally be conditioned on reimbursement of costs. The executive head of the administrative unit in which the activity occurs must approve the exceptions to the requirement for reimbursement. Examples include writing a book for outside compensation, hosting a conference, giving private lessons, performing research utilizing University research instruments for an external entity, or serving as an editor for a journal.

11.5.3 In such cases where an activity will personally benefit the recipient approval is required for the use of services of other University employees. If the costs are more than trivial, approval shall only be granted if the requested services are in keeping with the usual University activities of both employees, and the activity is in keeping with the mission of the University.

11.5.4 Approval must be granted for student involvement in research activities that have the potential to substantially benefit a business entity in which a University employee has a significant financial interest.

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

11.6 Activities that are clearly prohibited:

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

- 11.6.1.1 Any circumstances in which a substantial body of research or services that could and ordinarily would be carried on within the University are conducted elsewhere to the detriment of the University and its legitimate interests;
- 11.6.1.2 Any activity outside the purview of the University:
 - 11.6.1.2.1 Involves or appears to involve the University significantly through the use of its resources, facilities, or the participation of academic colleagues, students, and staff, except in those cases where prior approval has been granted;
 - 11.6.1.2.2 Involves the use of the University's name or implied endorsement; or,
 - 11.6.1.2.3 Violates any of the principles set forth in the University Research Policy ([805](#)) (for example, giving the outside organization the right to censor or prohibit publication rights for research, any part of which is performed under University auspices);
- 11.6.1.3 Any use for personal profit, unpublished information or data emanating from sponsored agreements or confidential University sources, or assisting an outside organization by giving it exclusive access to such information.
- 11.6.1.4 Consulting with outside organizations that impose obligations upon the faculty member or the University that conflict with the faculty member's or University Intellectual Property Policy or with the University's obligations under sponsored activity.
- 11.6.1.5 Any use of the University's name in connection with private activities in a manner that inappropriately suggests that the University endorses, sponsors, promotes, advertises, or approves the activities or views of the faculty or staff member.
- 11.6.1.6 Any evaluation of junior faculty, staff, or students based on participation in (or refusal to participate in) outside activities involving business entities in which the evaluating faculty member has a significant financial interest.
- 11.6.1.7 Any assignment of students to research and/or creative activities that involve secrecy or confidentiality requirements beyond best institutional practice.
- 11.6.1.8 Any use of uncompensated student labor for research or creative activity outside of the University that will result in personal gain for the supervising University employee.

- 11.6.1.9 Any use of the services of University employees for personal gain such as answering telephones for a private business, typing reports, or conducting research activities or accepting personal compensation for work performed by University employees for external activities.
- 11.6.1.10 Any conduct of library research by librarians on a product/technology for personal gain or any use of University facilities or resources for personal financial gain or conducting a private business and using University supplies for non-university activities.
- 11.6.1.11 Any use of University employees and students, on University time and without reimbursement, for work motivated primarily by commercial concerns or intended to benefit a business entity in which the University employee has significant financial interest;
- 11.6.1.12 Any soliciting or receiving, either by the University employee or a member of his or her immediate family, a gift, compensation, loan of money, or a non-pecuniary gift, the value of which exceeds the amount permitted by state law; any soliciting or receiving of remuneration from a person or business entity that is an actual or potential provider of goods or services to the University, in connection with any transaction between the University and any persons or business entity, or under circumstances where it would tend to influence the University employee's performance of his or her University duties;
- 11.6.1.13 Any use of university resources (databases, subscriptions, tools, software, etc.) for personal gain or for the gain of a business in which the employee has an interest, except in those cases where prior approval has been granted.

12. DEFINITIONS

- 12.1 Administrative Head of a Unit is defined as a Department Chair or Head, Dean, Director, Vice President, President or equivalent officer who has primary authority for administering an administrative unit.

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

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

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

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

- 12.3.2 The University is influenced in such a way as to lead to improper financial gain for either the University, its employee, the employee's immediate family* or for others; or,
- 12.3.3 The employee's involvement in and/or commitment to external activities interferes with the employee's primary obligations to his or her students, colleagues, and the institutional mission.
- 12.4 Consulting is defined as a professional activity related to the University employee's academic field or discipline that involves a fee-for-service or equivalent relationship with a third party (See [Policy 152](#)).
- 12.5 External Activities are defined as activities (e.g., consulting) in which an outside organization or entity provides remuneration directly to the faculty member who, in turn, provides a service directly to the entity. There is no direct university involvement except the employment of the faculty/staff member.
- 12.6 Financial Disclosure is defined as the formal filing of information with a designated NDSU administrator, disclosing any direct and indirect financial interests that the employee, or spouse, or any dependent(s) has in the sponsor of a sponsored activity for which the person filing the disclosure is serving or will serve as an investigator.
- 12.7 Immediate Family is defined as the spouse, parents, siblings, and children (*see also under Investigator*).
- 12.8 Incompatible Obligation is defined as any agreement:
- 12.8.1 Between an NDSU employee and an external entity which is incompatible with the employee's obligations to NDSU;
- 12.8.2 Which unduly restricts or impairs the employee's ability to perform research or other activities at NDSU;
- 12.8.3 Which results in the transfer or compromise of existing or potential NDSU rights in intellectual property; or,
- 12.8.4 Which utilizes NDSU resources without prior written approval of the appropriate University official or designee.
- 12.9 Intellectual Property is defined as any ideas, inventions, technology, biological organisms, software, creative expression (and derivatives thereof), in which a proprietary interest may be claimed including, but not limited to, patents, patent applications, plant variety protection, copyrights, trademarks, data sets, know-how, show-how, and biological materials. (See [Policy 190](#).)
- 12.10 Investigator is defined as the principal investigator, co-investigator, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by an external sponsor. (*As it relates to financial interests, "Investigator" also includes the investigator's immediate family.*)

12.11 Significant Financial Interest is defined as:

- 12.11.1 Anything of monetary value, including, but not limited to, salary or other payment for services (e.g., consulting fees or honoraria);
- 12.11.2 Equity interests (e.g., stocks, stock options, or other ownership interests);
- 12.11.3 Intellectual property rights (e.g., copyrights, trademarks, patents, PVP, and royalties for such rights).
- 12.11.4 The term does not include:
 - 12.11.4.1 Salary, royalties, or other remuneration from North Dakota State University or the NDSU Research Foundation, if such payments have not originated with the sponsoring agency;
 - 12.11.4.2 Income for seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
 - 12.11.4.3 Income from service on advisory committees or review panels for public or nonprofit entities; or,
 - 12.11.4.4 Financial interest in business enterprises or entities if the value of such interests (industry equity interest, salary, fees, or other continuing payments) does not exceed \$10,000 per annum or represents more than 5% ownership interest for any one enterprise or entity when aggregated for the investigator, the investigator's spouse, and children.

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

- 12.12.1 The agreement binds NDSU to a line of scholarly or scientific inquiry or service that is specified to a substantial level of detail;
- 12.12.2 A line-item budget is involved which details expenses by activity, function, or project period.
(The designation of overhead [indirect costs] qualifies for inclusion in a budget as "line-item.")
- 12.12.3 Financial reports are required, as also progress, technical, and other reports as appropriate;
- 12.12.4 The award is subject to external audit;
- 12.12.5 Unexpended funds must be returned to the sponsor at the conclusion of the agreement;
- 12.12.6 The agreement provides for the disposition of either tangible (buildings, equipment, records, technical reports, theses, or dissertations) or intangible (rights in data, software copyrights, or inventions), or patent, patent applications, or other intellectual property that may result from activity.

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

HISTORY:

New	December 2007
Amended	January 2008
Housekeeping	August 2009
Housekeeping	February 14, 2011
Housekeeping	November 8, 2011

Proposal Transmittal Form North Dakota State University Sponsored Programs Administration			Sponsored Programs Use	
Address: 1735 Research Park Drive Dept. 4000 – PO Box 6050 Fargo, ND 58108-6050			Date Received:	
E-mail: NDSU.Research@ndsu.edu Phone: (701) 231-8045 Fax: (701) 231-8098			Proposal Number:	
			Access/P.S. Entered:	
			Date Sent to GCA:	
SECTION A: PROPOSAL DATA				
NDSU Primary Principal Investigator Name		PI's Dept. / Center Name		Dept. #
P.I. Phone		Project Title		
Start Date		End Date		
Submission Type <input type="checkbox"/> Pre-Proposal <small>(Sponsor requires preliminary information before final submission)</small> <input type="checkbox"/> New (New proposal/award, not part of an existing award) <input type="checkbox"/> Revision – Original Project #: <small>(changes to existing proposal - i.e. budget increase or decrease)</small>			Purpose Type <input type="checkbox"/> Research-Basic <input type="checkbox"/> Research-Applied <input type="checkbox"/> Research-Development <input type="checkbox"/> Instruction <input type="checkbox"/> Other	
<input type="checkbox"/> Renewal - Original Project #: <small>(i.e. 2nd through 5th year of an existing award)</small> <input type="checkbox"/> Supplemental Original Project #: <small>(additional money to an existing project)</small>				
Subaward/Subcontract NDSU to <u>Issue</u> Subaward to External Entity <input type="checkbox"/> Yes <input type="checkbox"/> No <small>If yes, must attach external entity approvals for each recipient.</small> NDSU to <u>Receive</u> Subaward from External Entity <input type="checkbox"/> Yes <input type="checkbox"/> No		Primary Project Location Building Name: Room/Lab #:		
Match/Cost Sharing Is Match/Cost Sharing Required? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>If yes, see question below. If no, do not include in proposal.</small> Is Match/Cost Sharing Included? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>If yes, attach sponsor guidelines highlighting requirement.</small>		Match/Cost Sharing Sources (Attach documentation of commitment documentation of NDSU in kind salaries, fringes and un-recovered indirect costs are not required) Department: \$ VPAA: \$ College/Center: \$ Other: \$		
NDSU Information Technology Considerations Will the Project Affect or Require Significant IT <input type="checkbox"/> Yes <input type="checkbox"/> No Does the Budget Include Funds for IT? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>If either answer is yes, please contact Marc Wallman, 231-8640.</small>		Check if Project is/does One or More of the Following: <input type="checkbox"/> Extension <input type="checkbox"/> Agricultural Experiment Station Federal Government Relations Project (FGR)? <input type="checkbox"/> Yes <input type="checkbox"/> No Will Project Generate Program Income? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Section B: SPONSOR/PROGRAM DATA				
Primary Sponsor (NDSU Receives Funds From)		Primary Source of Funds (Flow Through Funding)		
Funding Program (If Available)		Sponsor Due Date		Electronic Submission Date
SECTION C: BUDGET DATA				
Total Direct Costs \$	F&A Costs (i.e. in-directs) \$	Total Requested From Sponsor \$	F&A % Used In Proposal <small>Attach sponsor guidelines if other than NDSU negotiated rate.</small> %	
SECTION D: COMPLIANCE DATA (All three compliance areas <u>must</u> be fully completed)				
Animals <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(All Live Vertebrate Animals)</small> If yes: IACUC Approval is <input type="checkbox"/> Pending <input type="checkbox"/> Current - Protocol Number: Certification of IACUC Approval	Human Subjects Research <input type="checkbox"/> Yes <input type="checkbox"/> No If yes: IRB Approval is <input type="checkbox"/> Pending <input type="checkbox"/> Current - Protocol Number: Certification of IRB Approval	IBC <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(Recombinant DNA, Blood, Infectious Agents)</small> If yes: IBC Approval is <input type="checkbox"/> Pending <input type="checkbox"/> Current - Protocol Number: Certification of IBC Approval		

SECTION E: APPROVAL SIGNATURES

CONFLICT OF INTEREST DISCLOSURE. The proposed project or relationship with the Sponsor requires disclosure of significant financial interests that present an actual or potential conflict of interest for investigators involved in this project. By signing this form, all investigators certify that they have read and understand NDSU's Conflict of Interest policy as addressed by the NDSU policy manual chapter and have made all disclosures required. Indicate Yes or No for each PI/Co-PI below.

College/Unit Approvals Type or Print Name	Department/College/Center	Signature	Date
Primary NDSU PI Name		Conflict of Interest <input type="checkbox"/> Yes <input type="checkbox"/> No	
Department Chair/Head			
College Dean/Director			
Co-PI Name		Conflict of Interest <input type="checkbox"/> Yes <input type="checkbox"/> No	
Department Chair/Head			
College Dean/Director			
Co-PI Name		Conflict of Interest <input type="checkbox"/> Yes <input type="checkbox"/> No	
Department Chair/Head			
College Dean/Director			
Co-PI Name		Conflict of Interest <input type="checkbox"/> Yes <input type="checkbox"/> No	
Department Chair/Head			
College Dean/Director			
Co-PI Name		Conflict of Interest <input type="checkbox"/> Yes <input type="checkbox"/> No	
Department Chair/Head			
College Dean/Director			
Co-PI Name		Conflict of Interest <input type="checkbox"/> Yes <input type="checkbox"/> No	
Department Chair/Head			
College Dean/Director			
Co-PI Name		Conflict of Interest <input type="checkbox"/> Yes <input type="checkbox"/> No	
Department Chair/Head			
College Dean/Director			
Institutional Approvals	Signature		Date
SPA Budget and Program Officer			
If Construction or Additional Space Needed, Appropriate VP Must Sign			
RCA/SPA Authorized Official			

SECTION F: Facilities and Administrative Distribution (SPA Programs Use)

Central Administration %	Generating College %	Research Office %	Other Distribution %	FGR %

All NDSU applications for external funding must receive approval before they are sent to the proposed funding agency for consideration (NDSU Policy Manual Section 801).

The Vice President for Research and Creative Activities (RCA) or a designee is the university official authorized to commit the university to grants, contracts, subcontracts, or other formal agreements. The Vice President acts on behalf of the President and reviews proposals for consistency with institutional mission and policies; with public and private policies; and federal, state, and local laws, regulations, and certifications. This signature also assures a check for availability and commitment of institutional support, services, and resources.

At least three business days prior to the date you plan to send your proposal to the funding agency; you must submit the following to the Sponsored Programs Administration (SPA) Office, Research 1 - 1735 Research Park Drive. A complete final copy of the proposal must be sent to Sponsored Programs Administration after submission.

1. The NDSU Proposal Transmittal Form, complete with signatures through the Approval Signatures section
2. Funding agency pages requiring an authorized university official's signature (e.g., cover page, certifications)
(If the funding agency does not have such forms, the SPA Office will prepare a signature page for you to send with your proposal.)
3. The budget, with any budget narrative that explains or justifies the budget figures
4. Project description, summary, or abstract
5. Documentation from the sponsor regarding a) indirect cost policy, if less than full indirect costs and b) matching requirements, if match is required

Section A	Proposal Data
<i>NDSU Primary PI Name</i>	Name of NDSU's primary principal investigator.
<i>Department/College/Center</i>	Identify the Department/College/Center that will administer the award (i.e. administering department may be Center for Science and Math even though the primary PI department is Statistics).
<i>P.I. Phone</i>	Principal Investigators telephone number.
<i>Project Title</i>	Project title of proposal.
<i>Start Date/End Date</i>	Project start and end dates.
<i>Submissions Type</i>	Check the appropriate proposal submission type.
<i>Subawards/Subcontracts</i>	Subawards/Subcontracts are agreements that are written under the authority of, and consistent with, the terms and conditions of a prime award, and authorize a portion of the effort to be performed by another organization.
<i>Primary Project Location</i>	List NDSU building name and room number where majority of project activities will occur. Extension centers can list appropriate REC. If the majority of project activities will occur off campus, list "off campus" as the location.
<i>Purpose Type</i>	Check the appropriate purpose type. Research includes three types of research. Basic is research undertaken primarily to acquire new knowledge without any particular application or use in mind. Applied is research conducted to gain the knowledge or understanding to meet a specific, recognized need. Development is the systematic use of the knowledge or understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including the design and development of prototypes and processes. Instruction includes University level teaching, course and curriculum development. Other includes all other sponsored program activity that is not considered research or instruction such as public outreach activities.
<i>Match/Cost Sharing</i>	Match/Cost share is a contribution, either mandatory or voluntary, of cash or in-kind services provided by the grantee institution or a third party to the overall costs of the project. If match/cost share is required, attach sponsor guidelines. Match/cost share should not be included on a proposal unless required by sponsor guidelines.
<i>Match/Cost Sharing Sources</i>	List sources of match/cost share.
<i>NDSU IT Considerations</i>	Check yes or no if project affects or requires significant IT services. Indicate whether budget includes funds for IT.
<i>Ext. or Ag. Experiment Station</i>	Indicate whether proposal is through Extension or Experiment Station.
<i>FGR Project</i>	FGR projects are funded by federal earmarked dollars that have been obtained by a joint effort between NDSU and North Dakota's congressional delegation.
<i>Program Income</i>	Refers to income generated by this grant-supported activity, e.g., conference registration fees, sale of brochures, or fees from services performed or grant equipment used.
Section B	Sponsor/Program Data
<i>Primary Sponsor Name</i>	The primary sponsor is the sponsor that NDSU will be getting the direct source of funds from.
<i>Primary Sponsor Source of Funds</i>	If the primary sponsor is receiving funds from another source, list the primary sponsor's source of funds. (i.e. primary sponsor - University of Minnesota, primary sponsor's source of fund - USDA/NIFA).
<i>Funding Program</i>	List program solicitation (e.g., CAREER, REU, New Investigator Awards, AREA, DEPSCoR).
<i>Sponsor/Electronic Due Date</i>	List date proposal is due to the sponsor. If proposal is submitted electronically, list electronic due date.
Section C	Budget Data
<i>Total Direct Costs</i>	All costs requested from the primary sponsor (direct source of funds). This does NOT include match/cost share funds, F&A costs or costs to be borne by other sources.
<i>F&A Costs (indirect costs)</i>	NDSU's policy is to charge the full F&A cost rate on all requests for external funding. The current approved F&A cost rate should be used - see NDSU Policy Manual Section 813.
<i>Total Request from Sponsor</i>	Add the total direct costs and the total F&A costs to determine total request to Sponsor.
<i>F&A % Used in Proposal</i>	Indicate the % rate used to calculate F&A. If the full rate is not included in the proposal budget, written documentation from Sponsor regarding their F&A cost policy must be attached.
Section D	Compliance Data
<i>Animals, Human Subjects, IBC</i>	Check whether protocol is pending or approved. If project has an approved protocol number, list it on the form. IRB Director Review space is for Sponsored Programs use only.
Section E	Approval Signatures
<i>Approval Signatures</i>	The signature of the PI all CO-PI's and their respective Department Chairs, College Deans/Center Directors are required before submission of paperwork to the SPA Office.
Section F	Facilities and Administration Distribution (Sponsored Programs Use)
<i>F&A Distribution</i>	If a split of the F&A distribution other than the 42% to the primary PI's college, attach a memo of understanding signed by the PI, Co-PI's and their respective Department Chairs, College Deans/Center Directors.
Section G	Approval Signatures (Additional Signature Page)
<i>Approval Signatures</i>	Use this page if extra space is needed for signatures.

Questions regarding completion of this form should be directed to Sponsored Programs Administration - 231-8045.

Teaching Resources

- FERPA Guidelines for Faculty & Staff
- Course Syllabus Policy – [331.1](#)
- Syllabus Template
- Constructing an Effective Syllabus Handout
- Campus Connection – Handout
- 2020-2021 Academic Year Calendar
- Fall 2020 Final Exam Schedule
- Student Accommodations - [606](#)
- Proposing New Courses - See CourseLeaf
- Class Attendance - [333](#)
- Grade Appeal Board- [337](#)

FERPA for faculty and staff

It is Your Responsibility

As a faculty or staff member, you have a legal responsibility under FERPA to protect the confidentiality of student educational records in your possession. You have access to student information only for legitimate use in the completion of your responsibilities as a university employee. **Need to know is the basic principle.**

Your access to student information, including directory information, is based on your faculty or staff role within the university. You may **not** release lists or files with student information to any third party outside your college or department.

Student educational records (other than directory information) are considered confidential and may not be released without written consent of the student. Student information stored in electronic format must be secure and available only to those entitled to access that information.

If you're in doubt about a request for student information, contact the Office of Registration and Records at 701-231-7981.

FERPA is Federal Law

FERPA (Family Educational Rights and Privacy Act), also known as the Buckley Amendment, was passed by Congress in 1974. It grants four specific rights to a postsecondary student:

- to see the information that the institution is keeping on the student.
- to seek amendment to those records and in certain cases append a statement to the record.
- to consent to disclosure of his/her records.
- to file a complaint with the FERPA Office in Washington.

FERPA applies to all educational agencies or institutions, including North Dakota State University, that receive funds under any program administered by the Secretary of Education. FERPA governs what may be released but does not require that any information be released.

Student Information Types

Directory/Public Information and NDSU Directory Information

"Directory information is . . . information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, 34CFR, Par 99.3.)

Directory information at NDSU

Directory Information is considered public and can be released without the student's written permission. *However, the student may opt to keep this information confidential.*

- Student Name *
- Hometown (city, state)
- Campus E-mail address **
- Height, weight and photos of athletic team members
- Major field of study (all declared majors)
- Minor field of study (all declared minors)
- Class level
- Dates of attendance
- Enrollment status (withdrawn, less than half-time, half-time, three-quarter-time, full time)
- Names of previous institutions attended
- Participation in officially recognized activities and sports

- Honors/awards received
- Degree earned (all degrees earned)
- Date degree earned (dates of all degrees earned)
- Directory photos, photographs and video recordings of student in public or non-classroom settings (photographs from classrooms or class-related activities are NOT directory information)

* If a student provides a preferred name, NDSU tries to use it when communicating directly with the student. The preferred name is also used in class/grade rosters, academic requirement reports, email addresses, etc. Preferred name is a supported business practice, unless there is a documented business or legal reason to use the student's legal name. When communicating with outside third parties, including parents, NDSU generally uses a student's legal name.

**Campus email addresses are only disclosed to requestors who agree not to use them for solicitation.

Directory Information can never include:

- Social security number
- Student identification number

- Race
- Ethnicity
- Nationality
- Gender

Student education records include information directly related to the student and maintained by North Dakota State University such as the following:

- Personal information (name, etc)
- Enrollment records
- Student's exam or paper
- Grades
- Class schedules
- Disciplinary files
- Financial aid information
- Student employment records

Storage media for an educational record may vary and can include one or more of the following:

- Document in the registrar's office
- Electronic document or e-mail
- Computer printout in your office
- Class list on your desktop
- Computer display screen
- Notes from an advising session

Can student directory or public information always be released?	NO! Before releasing any information about a student, check for a suppression in Campus Connection (blue window shade icon). If the student has requested that directory information be withheld, no information can be released. If the student does not have a restriction on the release of directory information, directory/public information may be released. Note that FERPA does not require that directory information be released. University faculty and staff who have a need to know may obtain directory information for a student with a suppression, but must not release this information to anyone.
I like to post course updates on various forms of social media – is this permitted?	It depends. Be sure to not post any course related information about grades, course enrollment, or the class schedule. In addition, asking students to “check in” on social media can raise safety and privacy concerns. Avoid taking or sharing any photos of students in any course activities, unless signed permission is obtained from each student.
How can a student withhold release of directory information?	Students can request to suppress directory/public information by contacting the Office of Registration and Records. A blue window shade icon will appear on all Campus Connection screens for students who elect to withhold information.
What are parental rights under FERPA?	FERPA allows parental access to student’s educational records if the student requests that academic and/or financial information be released to the parent(s) or if the parent claims the student as a dependent for Federal income tax purposes. A red star icon is indicated in Campus Connection if a student has authorized third party discussion. Verify names and security question and answer.
What must I do if I receive a subpoena concerning student educational records?	A copy of any incoming subpoena should be sent immediately to the Office of Registration and Records for review. It can be faxed to 701-231-8959. The original subpoena should be retained in the office that received it unless the Registrar requests it be sent to them. You should also send the Registrar a short description of how and when the subpoena was received. The Office of Registration and Records and NDUS General Counsel will determine whether and how to comply with the subpoena, and will also determine whether student notification of compliance with the subpoena is required.
For more information . . .	Contact the Office of Registration and Records, 701-231-7981, or ndsu.edu/registrar .

DO NOT!

- Use the Student ID number of a student in public posting of grades or any other information.
- Link the name of a student with that student’s ID number in any public manner.
- Leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students.
- Circulate a printed class list with student name and Student ID number, photo, or grades as an attendance roster.
- Discuss the progress of any student with anyone other than the student (including parents) without the consent of the student.
- Provide anyone with lists or files of students enrolled in your classes for any commercial purpose.
- Provide anyone with student schedules or assist anyone other than university employees in finding a student on campus.
- Access the records of **any** student for personal reasons.
- Store confidential student information on any computer unless that information is required and secure from intrusion.

North Dakota State University

Policy Manual

SECTION 331.1 COURSE SYLLABUS

SOURCE: NDSU Faculty Senate

Each course taught at NDSU shall have a syllabus to provide 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, catalog number, credits, and title
- Instructor and contact information
 - Include campus address, phone number, email address, office hours
- Bulletin description
 - 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
 - List objectives, goals, aims and/or outcomes for the course.
 - 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 Requirement](#).
 - For courses offered for both undergraduate and graduate credit, course objectives should be written to clearly define the increased expectations for graduate students in these courses.
- Evaluation procedures and criteria
 - Indicate how students are evaluated, including tests, quizzes, papers, assignments, weight of the assignments, etc.
 - Clearly identify how course grades are determined.
 - If a course is offered for both undergraduate and graduate credit, the additional requirements for graduate students must be clearly described on the syllabus. These courses require a significant, identifiable higher level of expectations for the performance of the graduate students.
- Attendance
 - 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](#) for faculty and student responsibilities related to attendance, including for university-sponsored activities.
 - Faculty are encouraged to provide the following statement on syllabi: “Veterans and student servicemembers with special circumstances or who are activated are encouraged to notify the instructor as soon as possible and are encouraged to provide Activation Orders.”
- Course schedule/outline/calendar of events
 - Provide students with a tentative projected outline of significant events that occur throughout the semester, including assignments, projects, examinations, field trips, guest speakers, etc.
 - 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](#).

- Student resources
 - 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
 - The following statement must appear on all syllabi:
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.
 - The following statement must appear on all syllabi:
The academic community is operated on the basis of honesty, integrity, and fair play. [NDSU Policy 335: Code of Academic Responsibility and Conduct](#) applies 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.

In addition to the above, a statement of a college honor code, if applicable, should be included.

HISTORY:

New	September 28, 2000
Amended	February 2009
Housekeeping	December 2010
Housekeeping	February 14, 2011
Amended	June 1, 2011
Amended	February 11, 2014
Amended	April 24, 2014

SYLLABUS TEMPLATE – MINIMUM REQUIRED INFORMATION

This template reflects NDSU Policy 331.1 Course Syllabus (www.ndsu.edu/fileadmin/policy/331_1.pdf). Please check your College policy for any additional elements required by your College.

BASIC INFORMATION

Course prefix, catalog number, and title:

Number of credits: (Note for faculty calculating credit hours: Using the Carnegie Unit system, one semester credit is equivalent to one lecture period [50 minutes] in class per week for one regular semester [15 weeks, not including final examination week]. A minimum of two 50-minute laboratory periods per week for one semester is equivalent to one credit [See <https://bulletin.ndsu.edu/academic-policies/academic-credit/>])

Term and year:

Instructor's name:

Office location:

Office hours:

Phone Number:

Email Address:

BULLETIN DESCRIPTION

Description on syllabus must be consistent with the description listed in the current NDSU Bulletin (bulletin.ndsu.edu/course-catalog). Additional information may be included after the bulletin description.

COURSE OBJECTIVES

List the objectives, goals, aims, and/or outcomes for the course.

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.

For courses offered for both undergraduate and graduate credit, course objectives should be written to clearly define the increased expectations for graduate students in these courses.

REQUIRED STUDENT RESOURCES

List books, lab manuals, technology, supplies, calculators, and any other materials required or recommended for the student to complete the course requirements.

COURSE SCHEDULE/OUTLINE/CALENDAR OF EVENTS

Provide students with a tentative projected outline of significant events that occur throughout the semester, including assignments, projects, examinations, field trips, guest speakers, etc. *For example:*

Week	Topic	Reading /Assignment
1	Introductions; Role of Cultural Competence	Chapter 1
2	Cultural Self-Assessment	Chapter 2; Articles 1-4
3	Cultural Identity	Chapter 3; "White Like Me" due
4	EXAM #1	
5	Cross Cultural Communication	Chapter 4 – 5
etc.	Working with Interpreters	Article 4-6; Reflection Paper due

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 336: Examinations and Grading (www.ndsu.edu/fileadmin/policy/336.pdf).

EVALUATION PROCEDURES AND GRADING CRITERIA

Indicate how students are evaluated, including tests, quizzes, papers, assignments, weight of the assignments, etc. Clearly identify how the course grades are determined.

If a course is offered for both **undergraduate and graduate credit (400/600 or 500/600)**, the additional requirements for graduate students must be clearly described on the syllabus. The same amount of credit for the course is earned by all students, but additional work is required of students enrolled under the graduate level number. These courses require a significant, identifiable higher level of expectations for the performance of the graduate students.

Evaluation procedures and criteria includes the grading scale used for the course. If points are earned, be sure the total number of points is correct and all points are accounted for in the grading scale. If using percentages indicate percentage of what. *See examples below:*

Ex.	Assignment "A"	50 points
	Assignment "B"	50 points
	Mid-Term Exam	100 points
	<u>Final Exam</u>	<u>100 points</u>
	Total Points	400 points

Ex.	A =	> 360 points
	B =	320 to < 360 points
	C =	280 to < 320 points
	D =	240 to < 280 points
	F =	< 240 points

Ex.	Assignment "A"	20% of final grade
	Assignment "B"	20% of final grade
	Mid-Term Exam	20% of final grade
	<u>Final Exam</u>	<u>40% of final grade</u>
		100%

Ex.	A =	> 90%
	B =	80 to < 90%
	C =	70 to < 80%
	D =	60 to < 70%
	F =	< 60%

ATTENDANCE STATEMENT

"According to [NDSU Policy 333 \(www.ndsu.edu/fileadmin/policy/333.pdf\)](http://www.ndsu.edu/fileadmin/policy/333.pdf), attendance in classes is expected." The course instructor must clearly inform students on the first day of class and in writing in the syllabus of their (1) policy regarding class absence and (2) policy, if any, for making up missed assignments. If class attendance is a component of the course grade, the course instructor must clearly communicate this to the class in writing in the syllabus. See NDSU Policy 333 for faculty and student responsibilities related to attendance, including for university-sponsored activities.

Faculty are encouraged to provide the following statement on syllabi: "Veterans and student service members with special circumstances or who are activated are encouraged to notify the instructor as soon as possible and are encouraged to provide Activation Orders."

AMERICANS WITH DISABILITIES ACT FOR STUDENTS WITH SPECIAL NEEDS STATEMENT

The following statement must appear on all syllabi: "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 \(www.ndsu.edu/disabilityservices\)](http://www.ndsu.edu/disabilityservices) as soon as possible."

APPROVED ACADEMIC HONESTY STATEMENT

The following statement must appear on all syllabi: "The academic community is operated on the basis of honesty, integrity, and fair play. [NDSU Policy 335: Code of Academic Responsibility and Conduct](#) applies 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."

In addition to the above, a statement of a college honor code, if applicable, should be included.

SYLLABI ON WEB PAGES

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

Constructing an effective syllabus: Getting the semester off to a good start

General Advice

There are 4 critical components to an effective syllabus:

1. Clearly articulate Learning Goals and Learning Objectives:
 - a. Goals are broad statements identifying general educational outcomes for your course. When designing your course start here. Your goals should answer this question: What do you want students to be able to do or know when they leave your class at the end of the semester?
 - b. Objectives are concrete measures of how goals will be attained. Be sure your objectives are measureable....it is really hard to measure "appreciation or understanding".
 - c. Word bank to help construct objectives: analyze, compare, demonstrate, discuss, identify, justify, outline, state, appreciate, compute, direct, display, infer, list report, synthesize, classify, contrast, derive, evaluate, integrate, name, respond, define, collaborate, designate, explain, interpret, organize, solicit.
2. Content and sequencing:
 - a. Establish direct relationships between the objectives and the course content
 - b. Think of your course like a flowchart and decide what information and skills students need to meet the aims and objectives by the end of the course. Let this be your guide for the semester.
 - c. You don't have to cover everything; a course is not a textbook.
3. Assessment and evaluation:
 - a. The purpose of assessment is to establish to what extent have students achieved course objectives.
 - b. Set firm deadlines, provide feedback in a timely manner, carefully consider class size when determining frequency and depth of assignments.
4. Administration and presentation:
 - a. See practical advice below
 - b. Try to keep syllabi to about one page in length.

Practical Advice

The Academic Affairs committee of Faculty Senate has a set of guidelines for the minimum information that must be included in syllabi for courses taught at NDSU (<http://www.ndsu.edu/facultysenate/acadaffairs/syllabi/>). If your course is a General Education course there are additional requirements for the syllabus (and course content), which are detailed here (<http://www.ndsu.edu/facultysenate/gened/syllabi/>). Some additional practical information to keep in mind as you develop your syllabus:

- We have a 17-week semester (16 with classes and a final exam week). Many faculty schedule tests either every 4th week or every 5th week of the semester for either 4 or 3 tests plus a final exam. These are busy weeks in the semester for the students.
- If you have an attendance policy, you will need to include that in your syllabus, as well as a policy for missed assignments (also a policy for make-up tests; See [Policy 333](#)).
- We do have a dead week policy: only one exam can be scheduled in the last two weeks of the semester (including exam week). This means that if you schedule an exam finals week, you may not schedule a test for the last week of classes. All classes are required to meet during the exam week, regardless of what you have planned for your final assessment.

- Most classes start Tuesday, August 25 (the exception are evening classes that start on Monday the 24th)
- NDSU Holidays (no classes scheduled) for the 2020-21 academic year include:
 - Labor Day, September 7
 - Veteran's Day, November 11
 - Thanksgiving, November 25, 26, and 27
 - Dead Week: December 14-18 (we do have a dead week policy: <http://www.ndsu.edu/fileadmin/policy/336.pdf>)
 - Final Exams: December 16-20 (exam schedule: <https://www.ndsu.edu/registrar/dates/finals/>)
 - See this link for the academic calendar: (<https://www.ndsu.edu/registrar/dates/2021/>)
- Talk with your colleagues about teaching and syllabus development.

References:

- M. J. V. Woolcock. Constructing a Syllabus: A handbook for faculty teaching assistants and teaching fellows. The Harriet W. Sheridan Center for Teaching and Learning, Brown University: http://brown.edu/Administration/Sheridan_Center/. This handbook is helpful and includes workbook-style exercises to help you as you think about a syllabus. Much of the general advice presented here was gleaned from this handbook.
- Carnegie Mellon's site has practical advice: <http://www.cmu.edu/teaching/designteach/design/syllabus/index.html>
- Washington State University in St. Louis has:
 - Tips for Faculty Teaching for the First Time: <https://teachingcenter.wustl.edu/resources/course-design/tips-for-faculty-teaching-for-the-first-time/>
 - Tips for Teaching on the First Day of Class: <https://teachingcenter.wustl.edu/resources/course-design/using-class-time-effectively-on-day-one/>
- Ten Tips for Dealing with Nervousness on the First Day of Class from Faculty Focus: <https://www.facultyfocus.com/articles/effective-teaching-strategies/ten-tips-for-dealing-with-nervousness-the-first-day-of-class/>
- First Day of Class Activities that Create a Climate for Learning from Faculty Focus: <https://www.facultyfocus.com/articles/teaching-professor-blog/first-day-of-class-activities-that-create-a-climate-for-learning/>

Campus Connection

- **Official Student Information System**
- **Students use Campus Connection self-service to:**
 - Register for classes; View official grades; Order transcripts; Monitor degree progress; Check account balance and financial aid awards; Update contact info; Check holds; Obtain enrollment verifications; See ‘to-do’ lists, etc.
- **Faculty use Campus Connection self-service to:**
 - View class rosters; Enter mid-term and final grades; Access advisee info (contact, transcripts, academic requirement reports, photos, etc.)
 - Maintain personal contact information
- **Blackboard Online Learning Management System**
 - A web-based classroom management tool that allows faculty to provide materials and resources for students to access
 - Not official system for grade entry or roster updates

Obtaining Campus Connection Security Access

<https://www.ndsu.edu/registrar/facstaff/access/>

1. Obtain User ID & Password by Claiming ConnectND Account:
 - [Go to Claim Page](#)
2. [Complete NDUS Data Privacy Training](#)
 - This ***MUST*** be completed prior to submitting forms below
3. Complete & Submit Campus Connection Security Access Form:
 - [Faculty, Adjunct Faculty and Teaching Assistants](#)
 - [Professional Advisors](#)
4. **Log-in Assistance / NDUS Help Desk** 1-866-457-6387 / ndus.helpdesk@ndus.edu

Campus Connection Help

See Registration & Records website: <https://www.ndsu.edu/registrar/facstaff/cchelp/>

...**FACULTY & ADVISERS:**

- [Academic Requirement Report](#)
- [Advisee Information](#)
- [Class Schedule, Class Rosters, and Grade Rosters](#)
- [Departmental Course Evaluations Using TES](#)
- [Holds & Service Indicators \(Placing/Releasing\)](#)
- [Sending Student Notifications](#)
- [Setting System Defaults](#)
- [Transfer Credit Reports \(for Faculty & Advisers\)](#)
- [View/Update Personal Contact Information](#)

Academic Calendar 2020-2021

Select dates. Full calendar at <https://www.ndsu.edu/registrar/dates/2021/>

Fall 2020

Date	Day	Description
Aug 24	Mon	Classes begin at 4:00 p.m.
Aug 25	Tue	First full day of classes
Sep 7	Mon	HOLIDAY — Labor Day (no classes, offices closed)
Nov 11	Wed	HOLIDAY — Veterans Day (no classes, offices closed)
Nov 25-27	Wed-Fri	HOLIDAY — Thanksgiving (no classes, offices closed Thursday, offices open Wednesday and Friday)
Nov 30	Mon	Fall Commencement Participation deadline
Dec 7-11	Mon-Fri	Dead Week
Dec 11	Fri	Last day of Fall classes
Dec 14-18	Mon-Fri	Final Examinations
Dec 18	Fri	Commencement ceremony (2:00 p.m. in Sanford Health Athletic Complex)
Dec 22	Tues	Grades due (12:00 p.m.)

Spring 2021

Date	Day	Description
Jan 11	Mon	Classes begin at 4:00 p.m.
Jan 12	Tue	First full day of classes
Jan 18	Mon	HOLIDAY — Martin Luther King, Jr. Day (<i>no classes, offices closed</i>)
Feb 15	Mon	HOLIDAY — Presidents' Day (<i>no classes, offices closed</i>)
Mar 15-19	Mon-Fri	Spring Break Week (<i>no classes, offices open</i>)
Apr 2-5	Fri-Mon	HOLIDAY -- Spring Recess (<i>no classes, offices closed Friday, offices open Monday</i>)
May 3-7	Mon-Fri	Dead Week
May 7	Fri	Last day of Spring classes
May 10-14	Mon-Fri	Final Examinations
May 15	Sat	Commencement ceremonies (10:00 & 2:00 in Fargodome)
May 18	Tue	Grades due (12:00 p.m.)

FINAL EXAMINATION SCHEDULE

<https://www.ndsu.edu/registrar/dates/finals/>

Please Note:

1. **Dead Week** allows for only one exam or quiz to be given, per course, during the last two weeks of the semester (prorated accordingly for variable length courses), which includes finals week. Exceptions include summer classes, self-paced/correspondence courses, make-up exams, courses in which a laboratory is incorporated with a lecture, one-credit courses, block-taught courses, approval of students enrolled in a course, and quizzes that account for less than 5% of the students' overall grade. If a professor gives an exam during the last week of classes, he/she is expected to make some instructional use of the final examination time. The Dead Week policy is available at www.ndsu.edu/registrar/dates/deadweek/.
2. No student shall be obligated to take more than three (3) final examinations on the same calendar day. In the event that a student has four (4) or more final examinations on the same calendar day, the student shall notify the instructor(s) from the highest numbered course(s) no later than two weeks before the last day of class to schedule a make-up examination to be administered at a mutually acceptable time.
3. Final exam times for downtown classes beginning on the half hour will be the same as main campus classes beginning at the previous full hour (e.g. 8:30 a.m. downtown = 8:00 a.m. on main campus).
4. **NOTE:** Classes scheduled MW, MTuWF, MWThF, MF, or WF are to follow the MWF exam times.
5. Classes offered at non-standard class meeting times do not have designated final examination periods. Instructors are to make arrangements to administer examinations at times that are not disruptive to students' existing schedule of final exams. Classes scheduled during summer terms typically have final examinations scheduled on the last regular meeting day/time.

Fall 2020

Determine the day and time of the final exam by finding the regular class meeting time in the table below.

Exam Time	Monday	Tuesday	Wednesday	Thursday	Friday
8:00 a.m.	MWF 2:00 PM	T TH 11:00 AM	MWF 10:00 AM	MWF 11:00 AM	MWF 9:00 AM
10:30 a.m.	MWF 4:00 PM	T TH 3:30 PM	T TH 12:30 PM	MWF 3:00 PM	MWF 8:00 AM
1:00 p.m.	T TH 09:30 AM	T TH 2:00 PM	MWF 1:00 PM	T TH 8:00 AM	
3:30 p.m.	<i>All sections of:</i> MATH 98 MATH 103 MATH 105 ME 212	<i>All sections of:</i> MATH 104 MATH 107 MATH 144 MATH 146 MATH 147 ME 223	<i>All sections of:</i> ME 221 ME 222	MWF 12:00 PM	

NOTE: Classes scheduled MW, MTuWF, MWThF, MF, or WF are to follow the MWF exam times.

North Dakota State University

Policy Manual

SECTION 606

GUIDELINES FOR STUDENT REQUESTS FOR REASONABLE ACCOMMODATION

SOURCE: NDSU President

North Dakota State University (NDSU) is committed to providing access to and inclusion in academic and campus programs for students with disabilities by providing reasonable accommodations. To fulfill this commitment, North Dakota State University has established the following guidelines and expectations:

1. Students are responsible for identifying themselves to the NDSU Disability Services Office as having a disability requiring reasonable accommodation. Even when parents are involved in requesting services, it is primarily the student's responsibility to initiate the request.
2. The University President has assigned the Disability Services Office the responsibility to make decisions regarding provision of accommodations necessary to provide equal access for prospective, newly admitted or currently enrolled students.
3. The Disability Services Office will address requests for accommodation in a timely manner.
4. Prospective students may request reasonable accommodation (e.g. for testing, campus tours or freshman orientation) at any time during the application process. Requests may be submitted orally or in writing. Because arranging accommodations may take significant amounts of time, notification as early as possible is encouraged.(<http://www.ndsu.edu/disabilityservices/>)
5. A newly-accepted or currently-admitted student whose disability requires reasonable accommodation to have access to campus programs and facilities may request accommodations at any time. The request may be made orally or in writing at the Disability Services Office. Because arranging accommodations may take significant amounts of time, notification as early as possible is encouraged. (<http://www.ndsu.edu/disabilityservices/>)
6. To be considered as a student with disabilities under the law, the individual is responsible to provide documentation that substantiates his/her claim. Unless both the disability and the need for accommodation are obvious, the student will be asked to provide relevant written documentation of a disability for which accommodations are needed. Documentation should be from an appropriate professional and clearly specify the existence of a disability as defined in Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. It should explain the need for reasonable accommodation.
 - 6.1 Documentation provided by the student and should include the following:
 - 6.1.1 A diagnostic statement identifying the disability, date of the current diagnostic evaluation and the date of the original diagnosis.
 - 6.1.2 A description of the diagnostic criteria and/or diagnostic test used.
 - 6.1.3 A description of the current functional impact of the disability.

- 6.1.4 Treatment, medications, assistive devices/services currently prescribed or in use.
- 6.1.5 A description of the expected progression or stability of the impact of the disability over time should be included.
- 6.1.6 The relevant credentials of the diagnosing professional(s) such as medical specialty and professional licensure.
- 6.2 Occasionally, the documentation a student provides may not be sufficient to make a determination of the appropriate reasonable accommodation. Under these circumstances, Disability Services may require the student to provide additional or more current information. This documentation should be from an appropriate health-care or rehabilitation professional and should clearly specify the disability, functional limitations and need for accommodation.
- 6.3 Any costs related to the university's request for documentation as noted in 6.1 and 6.2 will be the responsibility of the student.
- 6.4 Any written documentation regarding a student's disabilities should be sent to the Disability Services Office where it will be filed in a secure place for purposes of confidentiality.
- 7. Students providing documentation and requesting services/support are assigned a Disability Services case manager.**
- 8. The student and his/her Disability Services case manager will meet to discuss reasonable accommodation and agree on a plan of services.**
 - 8.1 The student must sign a service plan that delineates the services he/she will receive.
 - 8.2 Disability Services provides verification of the documented disability and need for accommodation.
 - 8.3 The student is responsible to take the documentation to the instructor during office hours and make arrangements for the accommodations.
 - 8.3.1 Occasionally, the Disability Services case manager will contact the instructor regarding the student's accommodations. In such cases, the student remains responsible to follow up by meeting with the instructor.

For policy regarding the use of service animals by persons with disabilities please see [NDSU Policy 100.2](#).

HISTORY:

New	January 26, 2000
Amended	December 2006
Amended	January 2008

Proposing New Courses

University Curriculum Committee – CourseLeaf

<https://www.ndsu.edu/facultysenate/acadaffairs/proposals/>

COURSE PROPOSAL CATEGORIES

The routine categories of curricular proposals are listed below:

1. Proposals for new permanent courses

These involve new permanent courses which are to be listed in the [University Course Catalog](#). Typically these courses have been taught as temporary courses at least once and meet a demonstrated need. However, in special cases, a new permanent course may be added without having been taught as a temporary course. It is helpful to the approval process if these special circumstances are explained in an attachment to the [New Course Proposal Request](#) (via CourseLeaf) at the time of submission.

2. Proposals for course changes

This category covers changes in existing permanent courses, typically changes in course titles or credits. Minor title changes are considered editorial and need to be approved only by the college curriculum or academic affairs committee and the Senate University Curriculum Committee. Other more significant changes must also be approved by the Faculty Senate and signed by the Provost before implementation or changing of the [University Course Catalog](#).

3. Proposals for cross-listing courses

This category is to request approval of an identical course to be offered under more than departmental/unit prefix. The proposal is to be submitted by the department(s) wishing to add this as a new course to their inventory. The rationale should clearly state why the [cross-listing](#) is essential. A letter supporting the cross-listing is needed from the "parent" department (department from which the existing or new course originated).

4. Proposals for course deletions

This category removes a course from the master catalog. This action is appropriate if a course has not been taught for a long period of time, is no longer required for a curriculum, or has been replaced by a new or modified course.

- **Proposals for temporary or trial courses**

- Special Topics (199, 299, 399, 499, 596, 696, 796)**

- This category includes new special topic courses to be offered only for a limited time or trial courses for which permanent numbers will eventually be sought. These courses are given the numbers 199, 299, 399, 499, 596, 696, or 796 depending on the level of course (dependent on the level of course material and student audience—see [Course Descriptions](#) page of the [NDSU Bulletin](#)). This type of course requires approval at the level of the college in which the course is to be taught. The completed form is then sent to the University Curriculum Committee and Graduate Council for information purposes. Individual colleges must set limits on the length of time for which a temporary course is approved (e.g., for 3 years, starting with the date of approval or with the first semester in which the course is taught). After that time period, the course must be either dropped or resubmitted, unless it has been approved as a permanent course (see number 1 above). These courses are not to be included in curricular requirements.

- **Temporary/Trial courses (791)**

- These courses are temporary courses at the graduate level. Thus, this designation is used for courses expected to become permanent courses for graduate programs of study. They go through the approval process (including the Graduate Council) as if they were permanent courses. However, after being taught as a temporary course, they must be resubmitted to gain a permanent course number.

North Dakota State University

Policy Manual

SECTION 333

CLASS ATTENDANCE POLICY

SOURCE: NDSU Faculty Senate Policy

1. ATTENDANCE

Attendance in classes is expected and important. (The term “class” includes class, online class, laboratory, field trips, group exercises, or other activities.) However, there are instances in which students are unable to attend class and in which those absences must be excused. These instances are described in the following sections. Absences not covered by this policy are excusable at the discretion of the instructor. Class attendance policies may not have discriminatory effect (intentional or unintentional) on members of a protected class (see [NDSU Policy 100](#)). Students and instructors should note that the [NDSU Student Health Service](#) does not provide students with excuses for class absences or tardiness due to illness or injury.

2. INSTRUCTOR RESPONSIBILITY

- a. Students must be clearly informed on the first day of class in writing in the syllabus (1) of class policy regarding class absence (including if supporting documentation is required); and (2) of class policy for making up missed coursework. It is recognized that sometimes an assignment is impossible to make-up.
- b. Excused students must be given an opportunity to address any missed coursework in a reasonable amount of time

3. STUDENT RESPONSIBILITIES AND RECOURSE

Students who anticipate excusable absences shall notify the instructor as soon as possible, preferably by the third week of class. In the case of unanticipated excusable events, the student needs to contact the instructor as soon as possible. Students have the responsibility to visit with the instructor if exams or assignments are scheduled during times where absences are required.

Unless covered by another policy, students who feel that they are being treated unfairly through class policies may file a grievance or complaint through the Provost's Office by following directions at https://www.ndsu.edu/provost/administrative_units/academicaffairs/student_grievances/.

4. UNIVERSITY SANCTIONED EVENTS

North Dakota State University values and supports the required participation of students in university-sanctioned activities. A university sanctioned event or activity shall be as defined by the Congress of Student Organizations as Tier 1 or Tier 2. Sanctioned activities also include mandatory participation as a student athlete in NCAA-sanctioned competition, performing arts outreach, exhibitions, competitions, academic meetings, and conferences.

5. PREGNANT STUDENTS

Absences due to pregnancy or related conditions, including recovery from childbirth, shall be excused for as long as the student's health care provider deems the absences medically necessary. When the student returns to class the student must be provided the opportunity to make up any work missed. Alternatives include allowing the student to take an incomplete and complete the course at a later date, or retaking the course or taking an online course. Further, recognizing the need for flexibility when childcare responsibilities impact a student, instructors are encouraged to accommodate students with childcare responsibilities.

6. RELIGIOUS ACCOMMODATIONS

Religious observances may require absence from a class session and other required class activities. A student who is to be excused from class for a religious observance is not required to provide a second party certification of the reason for the absence. A list of common religious holidays and events is available through the [Office of Multicultural Programs](#).

7. OTHER EXCUSED ABSENCES

- a. Legally mandated absences such as jury duty or court subpoena.
- b. Absences due to military duty or veteran status, including service related medical appointments, where failure to appear might result in a loss of benefits.

HISTORY:

New	May 20, 1970
Amended	December 12, 1977
Amended	April 1992
Amended	October 2004
Amended	June 2007
Housekeeping	February 14, 2011
Amended	January 28, 2014
Amended	April 24, 2014
Amended	August 20, 2018

North Dakota State University

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SECTION 337

GRADE APPEALS BOARD

SOURCE: NDSU President Faculty Senate Policy

The Grade Appeals Board purpose and membership are established in Part XI of the [Faculty Senate Bylaws](#).

GRADE APPEALS BOARD PROCEDURES AND PREREQUISITES FOR APPEAL:

1. The Board may be utilized only after the student has exhausted all 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.

The academic freedom of instructors is acknowledged in this policy and as such, the evidence for overturning a grade assigned by an instructor must be overwhelming and clearly demonstrate that the instructor used inappropriate or irrelevant factors in determining a course grade. Situations in which a student might consider an appeal include but are not limited to the following:

- perceived violations of the grading policy, as stated in the course syllabus
- other violations of NDSU policy pertaining to student grading
- influence of irrelevant factors such as race, sex, or personal animosity
- erroneous grading (e.g. mathematical error)
- inequitable grading
- medical or other hardship that 1) could justify either a course grade of "incomplete" or exemptions from specific grading components in the grade computation, and 2) was communicated with the instructor in a timely manner when the issue(s) arose.

Grade assigned as a result of Policy 335: Code of Academic Responsibility and Conduct may not be appealed using this policy and its processes.

a) A student who disputes an assigned grade may initiate a request for a change of a grade with the instructor within fifteen (15) instructional days of the first day of the semester immediately following the semester in which the grade was awarded. For Spring Semester courses, the request must be made within fifteen (15) instructional days of the start of Fall Semester.

An appeal is deemed formally initiated when the student presents the [Grade Appeal Form](#) to the instructor. The Grade Appeal should also include the following as supplementary material:

- the course syllabus including grading procedures
- the grade originally assigned and the requested grade change
- the justification for the proposed grade change based on the specific disputed criterion (e.g. an assignment, project, or exam grade) and the grading system outlined in the course syllabus.

The instructor must date and initial the form upon receipt. Within five (5) instructional days, the instructor shall inform the student, via NDSU email, of his/her decision, record the steps taken to resolve the appeal and the decision on the [Grade Appeal Form](#), date and sign the Form. If the appeal

is approved, the form along with a memo and/or Grade Reporting Form indicating the new grade shall be returned to Registration and Records. If the appeal is denied by the instructor, the Form is returned to the student to proceed to the next level if desired.

b) If there is an unsatisfactory decision at the instructor level, the student may present the appeal to the department chair/head within five (5) instructional days. The chair/head should return his/her decision on the appeal to the student. If the instructor is also the department chair/head or dean, he or she need only be consulted in the capacity of instructor and the appeal may be continued at the college level.

c) If an unsatisfactory decision is rendered at the department level, the student may proceed to the college dean within five (5) instructional days.

d) At each stage, the individual considering the appeal shall inform the student and instructor of his/her decision within five (5) instructional days, record the steps taken to resolve the appeal and the decision on the [Grade Appeal Form](#), and date and sign the Form.

e) 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 and, optionally, to invite the Board to send an observer to that meeting.

f) In the event that the instructor 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 no longer employed by North Dakota State University, or is not available to designate a substitute, the department chair/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 at the college level, the student may submit a formal written appeal to the Grade Appeals Board Chair. Such an appeal shall be made within fifteen (15) instructional days after conclusion of the college proceedings as stated above.
3. A college dean or a department chair/head, with approval of the college dean, may change a grade without the instructor's approval in extraordinary circumstances. Such circumstances include avoiding a clear injustice or mistake (e.g., a clear mathematical error, violation of policy, or instructor refusal to respond to inquiries about the grade). In such cases, a note of record explaining the basis for the decision and the new grade shall be filed with the Registrar. An instructor can appeal such a grade change to the Grade Appeals Board pursuant to this Policy. Colleges can adopt procedures to implement this subsection.
4. The Grade Appeals Board Chair will handle appeals that proceed to that level.
5. In case of student appeal to the Grade Appeals Board, the Chair will send a copy of the appeal documents to the instructor within ten (10) instructional days. The instructor will have fifteen (15) instructional days to respond directly to the Board Chair with any additional information regarding the student's appeal.
6. The Board 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 Board Chair in writing within five (5) instructional days indicating whether there is a need to hold a meeting to discuss the appeal. If at least two-thirds of the members indicate that the student has not made a legitimate case for appeal, the appeal is denied

and the student is notified, through NDSU email, within five (5) instructional days of the Board's decision. Otherwise, the Chair will schedule a meeting of the Board within ten (10) instructional days.

8. A quorum for the meeting will consist of at least 50% of the faculty members and at least 50% of the student members. 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 evidence presented by the student and instructor. A hearing will be scheduled within fifteen (15) instructional days if a majority of members present vote to hold a hearing. If the appeal is denied, the Board Chair may provide a brief explanation for the decision.
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.
10. If an appeal is made by the instructor of the course against the grade change instituted by the chair/head or the dean, the instructor will have recourse to the same procedures outlined for student appeal in 337.7.8.9.

HEARING PROCEDURES

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 by the Board Chair from the faculty membership of the Board, and two additional members of the panel shall be chosen by lot by the Board Chair from the student membership of the Board. The seventh member of the panel shall be the Board Chair, 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 himself/herself and shall be replaced by his/her alternate. Both the student and the instructor shall be informed of the members slated to serve at the hearing. The student and the instructor shall each have one peremptory 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 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. Because the hearing involves non-directory academic record information, as defined by the Family Educational Rights and Privacy Act of 1974, it is not open to the public and the content may not be further disclosed without explicit written consent of the student involved.

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. Unless allowed by the Board Chair, the advisor/counsel will not 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.

- a) The Board shall allow an initial presentation by the student and then by the instructor involved (or by the instructor and then by the student, in case of instructor appeal), after which it may call on 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.
- b) Hearsay evidence is permitted; the members of the Board may consider such evidence and assign it any weight appropriate by each individual Board member.
- c) An absolute right of cross-examination is not granted under this policy. All questions will be directed through the Board Chair. 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.
- d) 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.
- e) 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 five (5) 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.
- f) The Board Chair shall have the right to exclude from the hearing and the record any unreliable, biased or redundant evidence.
- g) 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.
- h) 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, or on the instructor that the original grade should be retained.
- 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 for a period not less than three (3) years. The board will allow controlled access to the record for review or transcription by either the student or the instructor.

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/instructor who will present the appeal and any evidence.
- e) The Board Chair will introduce the instructor/student who will respond to the student's/instructor's appeal and present any additional evidence.
- f) The student or the instructor 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 must 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 Board 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 or the student 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 must 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 Board 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 Board 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) Final questions will be permitted by the members of the board, who may question either party and/or their witnesses.
- j) The student shall have an opportunity to make a closing statement.
- k) The instructor shall have an opportunity to make a closing statement.
- l) 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.
- m) The voting members of the Board will determine, by two-thirds majority vote, if the student's/instructor's appeal should be granted. If the student's/instructor's appeal is granted, the Board Chair shall propose upholding the instructor's original grade, in case of instructor's appeal, or a revised grade in case of student appeal. A second vote shall then be held to determine by two-thirds majority vote whether the original, proposed, or alternate grade be accepted by the Board. The grade determination process shall be repeated until the board either approves a grade by a two-thirds majority in case of student appeal, or sustains the original grade in case of instructor's appeal. All votes shall be conducted by secret ballot.
- 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. If the original grade is retained, the relevant parties, including the Registrar, will be notified. 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. All Grade Appeals information is confidential and may not be disclosed in whole or in part except as provided under the Family Education Rights and Privacy Act (FERPA) or other applicable law or policy.

APPEAL

Either the student or the instructor may request within fifteen (15) instructional days of a hearing panel decision, that the full Board hear an appeal from the decision, citing the material error(s) of process or procedure that could have affected the outcome by the hearing panel that would justify a new hearing. Appeals of outcome are not permitted. 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 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 shall serve as a non-voting moderator at the appeal hearing, and a two-thirds vote by secret ballot of the full Board shall be required to uphold the student's appeal and approve a change in grade or to uphold the instructor's appeal and approve a grade change to what was originally posted. A separate simple majority vote shall determine what the student's new grade shall be. The decision of the Board is final.

HISTORY:

New	May 15, 1972
Amended	May 1986
Amended	April 1992
Amended	April 2000
Amended	April 2001
Amended	March 2002
Amended	December 2006
Amended	October 2007
Amended	February 2008
Amended	June 2009
Housekeeping	August 2009
Housekeeping	February 14, 2011
Housekeeping	May 31, 2011
Amended	November 07, 2011
Amended	April 28, 2016