

NDSU Faculty Senate

3:30 pm, 9 November 2015

Prairie Rose, Memorial Union

Agenda

- I. Call to Order
- II. Attendance
- III. Approval of 12 October 2015 minutes
- IV. Consent agenda
 - a. Academic Affairs Report ([attachment 1](#))
 - b. Policy changes ([attachment 2](#)) (All housekeeping changes/information only)
 - Policy 100 Equal Opportunity and Non-Discriminatory Policy
 - Policy 100.2 Use of Service Animals and Assistance Animals
 - Policy 104 Recruitment Period for Position Announcements
 - Policy 112 Pre-Employment and Current Employee Criminal Record Disclosure
 - Policy 127 Salary or Stipend – Part-Time Academic Staff or Graduate Assistant
 - Policy 129 Salary Administration Policy
 - Policy 130 NDUS Human Resources Policy Manual, Section 6
 - Policy 150 Commercial and Fund-raising Activities
 - Policy 154 Distribution of Literature
 - Policy 154.1 Sale or Distribution of Racially and Sexually Offensive Material
 - Policy 155 Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees
 - Policy 158 Acceptable Use of Communications Devices
 - Policy 163 Anti-Harrassment Policy
 - Policy 168 Reasonable Accommodation on the Basis of Disability – Guidelines for Employee Requests
 - Policy 190 Employee Responsibility and Activities: Intellectual Property
 - Policy 304 Academic Staff and Executive/Administrative Positions
 - Policy 515 Travel-Employees
 - Policy 601 Rights and Responsibilities of Community: A Code of Student Conduct
 - Policy 604 Jurisdiction of the Vice President for Student Affairs – Student Conduct Code Violations
 - Policy 611 Student Travel Policy
 - Policy 713 Records Management
 - Policy 718 Public/Open/Restricted Records
 - Policy 806 Allowable Cost Policies – Summer Salary for Faculty and Staff

Any Senator can request that an item on the consent agenda be placed on the regular agenda

V. Announcements

- a. Dean Bresciani, President
- b. Beth Ingram, Provost
- c. Dennis Cooley, Faculty Senate President
- d. Katie Gordon, Faculty Senate President-Elect
- e. Gennifer Sprecher, Staff Senate President
- f. Eric McDaniel, Student Government President

VI. Senate Committee Reports

- a. Ad hoc committee on safety
- b. Update

VII. Unfinished Business

V. New Business

- a. Policy 133.1 – Tuition Waivers - Spouse/Partner and Dependents ([attachment 3](#): input and vote)
- b. Policy 152 – External Professional Activities ([attachment 4](#): input and vote)
- c. Policy 337 – Grade Appeals Board ([attachment 5](#): input and vote)
- d. Policy 350.1 – Academic Freedom ([attachment 6](#): input and vote)
- e. Policy 352 – PTE ([attachment 7](#): input and vote)
- f. Policy XXX – Export Control ([attachment 8](#): input and vote)
- g. SROIs – Kathryn Gordon ([attachment 9](#): Discussion only)
- h. Policy 132 – Erin Gillam
- i. Brent Seewald-Marquardt: Assistant Director Course Material & Academic Resources / NDSU Bookstore
- j. [STEPS to Success at NDSU](#) – Student Services.

VI. Adjourn

**Academic Affairs Committee Report
For Faculty Senate Meeting on November 9, 2015**

New Courses				
Subject	No.	Title	Crs.	Effective Term
BIOL	479/679	Biomedical Genetics and Genomics	3	Spring 2016
CME	487/687	Building Automation and Control Systems	3	Spring 2017
ECE	713	Introduction to Lab-On-A-Chip Technology	3	Spring 2016
ECE	734	Modeling and Control of High Voltage Direct Current (HVDC) Systems	3	Spring 2016
ECE	749	Wireless Communication	3	Spring 2016
EDUC	455/655	Socio-Psycho-Linguistics for Teachers of English Language Learners	3	Fall 2016
ENGL	229	Introduction to Creative Writing	3	Spring 2016
PPTH	756	Fungicides: Development, Modes of Action, and Development of Resistance	2	Fall 2016
RELS	355	History of Global Islam	3	Spring 2016
RNG	451/651	Ecology of Fire-Dependent Ecosystems	3	Spring 2016
RNG	749	Applied Global Change Ecology	3	Spring 2016
Uniform	792	Graduate Teaching Experience	1-6	Spring 2016
Uniform	892	Graduate Teaching Experience	1-6	Spring 2016

Course Inactivation				
Subject	No.	Title	Crs.	Effective Term
CME	205	Building Construction	3	Spring 2016
CME	270	Intro/Const Estimating	2	Spring 2016
CME	310	Construction Quality Control Management	2	Spring 2016
CME	321	Timber Design/Technologists	3	Spring 2016
CME	325	Fluid Mechanics for Technologists	3	Spring 2016
CME	330	Computer Software Appl/Constrn	1	Spring 2016
CME	350	Construction Equipment	3	Spring 2016
CME	360	Construction Materials	3	Spring 2016
CME	370	Introduction to Cost Estimating	2	Spring 2016
CME	385	Construction Safety	2	Spring 2016
CME	402	Construction Techn/Equipment II	3	Spring 2016
CME	406	Soil as a Material	2	Spring 2016
CME	411	Construction Cost Estimating	4	Spring 2016
CME	413	Construction Capstone	2	Spring 2016
CME	420	Labor Productivity in Construction	3	Spring 2016
CME	425	Decision Making and Risk Analysis	3	Spring 2016
CME	454	Pavement Design/Technologies	3	Spring 2016
CME	455	Framework Design	2	Spring 2016
CME	460	Urban Public Works	3	Spring 2016
CME	480	Const Engineering Desn	4	Spring 2016
BUSN	792	Specialized Studies for K-12 Teachers	1-5	Spring 2016
EDUC	792	Specialized Studies for K-12 Teachers	1-5	Spring 2016
HDFS	792	Specialized Studies for K-12 Teachers	1-5	Spring 2016
MATH	792	Specialized Studies for K-12 Teachers	1-5	Spring 2016
RELS	210	Ethics	3	Spring 2016
RELS	243	Religion and Self	3	Spring 2016
ZOO	792	Specialized Studies for K-12 Teachers	1-5	Spring 2016

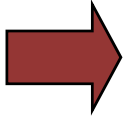
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Effective Term
BIOC	465/665	Principles of Physical Chemistry and Biophysics	4	CHEM	465/665	Survey of Physical Chemistry	Fall 2016
CED	709	Community Development Orientation	1	CED	709	Community Development Orientation	Spring 2016
ECE	463	Digital Control	3	ECE	463	Modern Control	Spring 2016
ENGL	322	Creative Writing	3	ENGL	322	Writing and the Creative Process	Spring 2016
ENGL	323	Creative Writing II	3	ENGL	323	Creative Writing	Spring 2016
ENGL	226	Poetry of Rock	3	ENGL	376	Poetry of Rock	Spring 2016
ENGL	752	Writing: Invention to Innovation	3	ENGL	761	Writing: Invention to Innovation	Spring 2016
TL	789	Academic Conduct, Leadership, and Ethics in Transportation	1	TL	789	Leadership, Ethics, and Academic Conduct in Transportation	Spring 2016

Change in Prerequisites/Corequisites and Change in Bulletin Descriptions				
Subject	No.	Title	Prerequisite/Co-requisite Change	Effective Term
BIOC	465/665	Survey of Physical Chemistry	Co-req: None. Desc: Conceptual approach to physical chemistry including thermodynamics, kinetics, and quantum mechanics. Application of fundamental concepts to the life sciences. 4 lectures.	Fall 2016
CED	709	Community Development Orientation	Desc: Introduces students in the on-line Master's degree program in community development to the on-line classroom environment, and to the science, practice, and profession of community development.	Spring 2016
ECE	463	Modern Control	Prereq: ECE 343 Desc: Analysis and design of controllers for linear and non-linear systems using state-optimization, and state-estimation. 3 lectures. Prereq: ECE 343.	Spring 2016
EDUC	452	Assessment and Testing of Culturally Diverse Students	Desc: Theories and strategies for selecting and implementing a variety of assessments focused on the needs of English Language Learners. Practice in using assessment results to adjust classroom instruction accordingly.	Spring 2016
ENGL	322	Writing and the Creative Process	Desc: Exploring genres that fuel creativity and critical awareness. Emphasis on flexibility and inventiveness in realizing any personal or professional project. Products may range from poetry/fiction to blogs to student-designed assignments based on major.	Spring 2016
ENGL	323	Creative Writing	Prereq: ENGL 120, ENGL 229, junior standing. Desc: Creative writing with a focus on one genre: Fiction in the fall semester, and Poetry in the spring. May be repeated for genre. Prereq: ENGL 229.	Spring 2016
TL	785	Spatial Analysis in Transportation Systems	Prereq: None.	Spring 2016
TL	789	Leadership, Ethics, and Academic Conduct in Transportation	Desc: This course focuses on academic conduct in student's educational programs, and then goes on to explore theories, concepts, and practices of leadership and ethics that students may apply to their academic programs and transportation careers.	Spring 2016

New Special Topics (FYI)				
Subject	No.	Title		
MGMT	499	Modeling the Supply Chain		Spring 2016
MIS	499	Managing Information Technology Security		Spring 2016
MRKT	499	Health Care Marketing		Spring 2016

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION: 100 EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☒ Yes ☐ No
 - Describe change: Effective August 1, 2015, the State Board of Higher Education changed SBHE Policy 603.2 per changes to N.D.C.C. § 14-02.4-03 (2). Changes have been made to NDSU Policy 100 to match their policy.
2. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted HR and Payroll/Equal Opportunity Colette Erickson/Lois Christianson 08/24/2015
 - Email address of the person who should be contacted with revisions Colette.erickson@nds.edu
 -

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

Policy Manual

SECTION 100

EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

SOURCE: NDSU President
SBHE Policy Manual, Section 603.2

North Dakota State University is fully committed to equal opportunity in employment decisions and educational programs and activities, in compliance with all applicable federal and state laws and including appropriate affirmative action efforts, for all individuals without regard to age, color, disability, gender expression/identity, genetic information, marital status, national origin, physical and mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, status as a U.S. veteran, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.

Discrimination against an employee or applicant for employment, with respect to working conditions, work place assignment, or other privileges of employment, merely because the employee's or applicant's spouse is also an employee is prohibited. ~~This prohibition does not apply to employment of the spouse of a person who has the power to hire or fire, or make evaluations of performance, with respect to the person involved.~~ Employment in a department or institution headed or supervised by the employee's spouse is permitted only if the spouse does not have the power to hire or fire or make evaluations of performance.

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

Non-Discrimination Policy:

North Dakota State University does not discriminate on the basis of age, color, disability, gender expression/identity, genetic information, marital status, national origin, physical and mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran. Direct inquiries to:

Equal Opportunity Specialist
Old Main 201
701-231-7708

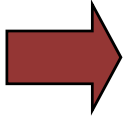
Title IX/ADA Coordinator
Old Main 102
701-231-6409

HISTORY:

New	May 1972
Amended	April 2, 1991
Amended	April 1992
Amended	August 1993
Amended	August 1999
Amended	February 2005
Amended	December 2007
Amended	June 12 2009
Amended	July 8, 2009
Housekeeping	September 2009
Amended	June 1, 2011
Housekeeping	June 22, 2011
Housekeeping	July 23, 2014

Policy Change Cover Sheet

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SECTION: 100.2 Use of Service and Assistance Animals

4. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Housekeeping change removing reference to the Office of Equity, Diversity and Global Outreach, and replacing one of the references to the ADA Coordinator
5. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted – Student Life / Mary Asheim / /15
 - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 100.2

USE OF SERVICE AND ASSISTANCE ANIMALS

SOURCE: NDSU President

1. Background

North Dakota State University is committed to ensuring equal access, as defined by law, for persons with disabilities who participate in NDSU programs and services and/or use campus facilities. This policy pertains to individuals relying on the aid of a service or assistance animal to mitigate the impact of a disability, while being mindful of health and safety interests of all those in the campus community. This policy is aimed at facilitating access and providing guidelines with regard to the use of a service or assistance animal in campus buildings. Requests will be evaluated on a case-by-case basis through an interactive process.

"Service Animal", as defined by the Americans with Disabilities Act, means a dog individually trained to do work or perform tasks for people with disabilities. Service animals perform some of the functions and tasks that an individual with a disability cannot perform for him/herself in activities of daily living. A service animal is a working animal, not a pet. Examples of service include, but are not limited to, guiding a person with impaired vision, alerting persons with hearing loss to intruders or sounds, interrupting distressing or harmful behavior (example: compulsions), and aiding persons with impaired mobility by steadying the person when walking. Their service for the individual entitles them to access public places and common areas. Note: Under specific circumstances, a miniature horse may qualify as a service animal; however, a service animal will commonly be referred to as a dog when explaining policy details.

2. Use of Service Animals at NDSU

- a. To qualify for having a service animal on campus, an individual must:
 1. Have a disability as defined by the Americans with Disabilities Act, AND
 2. Be accompanied by a dog that is trained to do specific tasks or work for the individual with a disability.
- b. If the work of the animal is not readily identifiable, NDSU may make the following inquiries:
 1. Is this animal required because of a disability?
 2. What work or tasks is the animal trained to perform?
- c. **Students with disabilities** accompanied by a service animal are encouraged to open a file with the Disability Services office on campus. Registering with Disability Services can be useful to students to review additional disability-related needs and to identify reasonable accommodations. While having a service animal does not obligate the student to register with Disability Services, making requests for classroom or other reasonable accommodations does require registration with Disability Services. Students applying for campus housing are strongly encouraged to notify the Residence Life department and Dining Services of their plans to bring a service animal to

campus. This can be very important when making room assignments and considering building configurations as well as identifying roommates for compatibility.

- d. **Employees with disabilities** are subject to consideration under Title I of the Americans with Disabilities Act. As such, employers can expect employees to submit disability documentation to establish the need for a service animal as a reasonable accommodation at work, as warranted. Employees with disabilities seeking approval for a service animal are expected to register with the Human Resources/Payroll Office and, if necessary, establish that an animal meets the service animal definition.
- e. **Visitors with disabilities** who utilize a service animal at NDSU are invited to request accommodations related to their needs (if any) or that of the service animal. If additional information or accommodations are needed, visitors may contact the hosting department or event sponsor. Both the visitor and the hosting department are invited to consult with the [ADA Coordinator](#) if accessibility questions surface.
- f. The University may prohibit the use of service animals in certain locations due to health or safety restrictions, where service animals may be in danger or where their use may compromise the integrity of research (e.g., work in the life sciences.) Such restricted locations may include, but are not limited to, the following areas: research laboratories, classrooms with demonstration/research animals, wood shops and metal/machine shops, electrical shops, medical and veterinary surgical areas, mechanical rooms, custodial closets, and nuclear research areas. Exceptions to restricted areas may be granted on a case-by-case basis by contacting the Disability Services office and the appropriate department and/or laboratory representative. The person directing the work in the restricted area will make the final decision based on the nature of the research and the best interest of the service animal.

3. Use of Assistance Animals at NDSU

a. Assistance animals (those that do not meet the criteria for being a service animal)

Assistance animals, often referred to as therapy or emotional support animals (ESA's), are prescribed to mitigate the impact of a disability by providing emotional support, comfort, calming, stability, socialization and/or other types of assistance. Assistance animals may or may not have specific certifications, but are prescribed or deemed necessary by a qualified professional to allow an individual equal access to use and enjoy campus housing facilities. Unlike service animals, the type of animal to qualify may vary and does not need to be trained to perform specific work for the individual with the disability. **The university can and does require relevant disability documentation to evaluate the potential need for an assistance animal, while considering the reasonableness of the requested accommodation.**

b. The following documentation needs to establish the basis for an assistance animal in campus housing:

1. Verification of a documented disability from a qualifying professional (examples: psychiatrist, psychologist, neuropsychologist etc.)
2. Clear correlation between the functional limitation(s) of the disability and the role of the animal.
3. Verification that the animal is necessary for the student to use and enjoy campus housing.

c. **Students with disabilities** are required to contact the Disability Services office to begin the disability eligibility process by completing an application, submitting disability documentation and meeting with a staff member to make accommodation request(s) and to develop an accommodation plan.

Incoming or currently enrolled students should provide the Disability Services office with appropriate documentation at least **60 days before housing is needed**. Such advance notice helps ensure accommodations are appropriate and necessary, while fostering a smooth transition to University Housing.

The Disability Services office staff will review the documentation and arrange for conversations between the Associate Director of Operations for Residence Life, the person making the request, and a Disability Services staff person to facilitate the accommodation. Accommodation needs for the individual and/or assistance animal will be determined on a case-by-case basis.

- d. **Employees with disabilities** are required to contact the Human Resources/Payroll office to begin the disability eligibility process, submit disability documentation and make their accommodation request(s). See NDSU [Policy 168](#) Reasonable Accommodation on the Basis of Disability-Guidelines for Employee Requests for procedures and forms. Documentation required to establish the basis for an assistance animal will be the same as required of a student in section 3.b. above.
- e. **Visitors with disabilities** are required to contact the primary sponsoring/hosting department of the program/event for which they plan to attend for consideration to bring an assistance animal on campus to mitigate the impact of a disability. Documentation required to establish the basis for an assistance animal will be the same as required of a student in section 3.b. above. Both visitor and the sponsoring/hosting department are invited to consult with the [ADA Coordinator](#) if accessibility questions surface.

4. Responsibilities of Persons Using Service or Assistance Animals (formerly section 3)

- a. The care and supervision of an approved animal is the responsibility of the individual who uses the animal's service. This person is considered the "handler" of the animal. It is important for the handler to maintain control of the animal at all times. Requirements for clean-up of animal waste are based on the [City of Fargo Policy](#). If the handler is unable to physically remove the waste, an alternative arrangement should be coordinated through Disability Services, Residence Life, Human Resources/Payroll for employees or the sponsoring/hosting department for visitors. When appropriate, spaces will be designated as animal toileting areas by NDSU Facilities Management and Residence Life staff.
- b. Animals need to be immunized against diseases common to that animal. Dogs should wear a current rabies vaccination tag.
- c. Animals housed in a University residence hall or apartment (University Housing) must have an annual clean bill of health from a licensed veterinarian. When necessary, the university has authority to direct that a service animal receive veterinary attention.
- d. Students and employees utilizing a service animal will be required to follow the [City of Fargo](#) licensing and animal tag policy.
- e. The City of Fargo has an [ordinance](#) requiring pets to remain on a leash when not on the owner's property; service animals are subject to this ordinance, except when doing so would interfere with the task(s) they're trained to perform to mitigate the impact of the disability. Under such circumstances, the animal's behavior may be managed through voice commands (for example).
- f. A person who has a service or assistance animal on campus is financially responsible for property damage caused by his or her service or assistance animal.

5. Expectations for Service and Assistance Animals' Behavior

An animal whose behavior is disruptive or presents a direct threat to the safety of others may be removed from NDSU. For purposes of public health and safety, service and assistance animal users

are asked to keep animals well groomed and provide prompt and ongoing attention to the overall care of the animal.

6. Service Animals in Training

A trainer with a service-animal-in-training may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited, without being required to pay an extra charge for the service animal in training (ND 25-13-02.1). The trainer must notify the designated office regarding the presence of the animal, and have current immunization records available. The trainer is liable for any damage done to the premises or facility by a service animal in training.

7. Conflicting Disabilities

The university will work with qualified individuals with disabilities who request accommodations to identify a solution that serves those with disabilities who have competing needs. Individuals who are adversely impacted by the presence of an animal due to a disability must submit documentation of their condition to the appropriate office for consideration when requesting reasonable accommodations. Students are required to submit documentation to the Disability Services office and apply for services. Employees would submit documentation and accommodation requests to the Human Resources/Payroll department. Visitors should contact the sponsoring/hosting department. Consult the [ADA Coordinator](#) if accessibility questions surface.

8. Dispute Resolution Procedure

In the event of a dispute or disagreement about a disability determination, appropriateness of an accommodation, service quality, or an animal restriction, a student should confer with the [Disability Services Director](#). The student would follow the dispute resolution procedure on the [Disability Services webpage](#). If the student remains dissatisfied after following the dispute resolution procedure, he or she may contact the ADA Coordinator to discuss the matter and file a formal equal opportunity grievance, if desired.

An employee with a dispute or disagreement would confer with a staff member in the [Office of Human Resources/Payroll](#) and if the concern is not resolved, he or she may contact the ADA Coordinator to discuss the matter and file a formal equal opportunity grievance, if desired.

A visitor with a dispute regarding the use of a service or assistance animal at NDSU should contact the sponsoring/hosting department. If the concern is not resolved contact the ADA Coordinator.

Students, employees and visitors have the option, at any point, to consult with the ADA Coordinator regarding concerns about possible discriminatory conduct.

9. Responsibility of University Community Members Regarding Service or Assistance Animals

Members of the university community are expected to follow these guidelines regarding service or assistance animals:

- a. Allow service animals to accompany the handler at all times and everywhere on campus except where animals are specifically prohibited due to safety or health restrictions, or where the animal may be in danger, or where the integrity of research may be compromised due to the presence of chemicals and/or organisms;

- b. Allow assistance animals to reside with the handler in their on-campus residence once proper approval has been obtained;
- c. Do not touch or feed a service or assistance animal unless invited to do so;
- d. Refrain from distracting, startling or taunting the animal, and;
- e. Do not separate or attempt to separate the animal from its handler.

Relevant NDSU policies and City of Fargo ordinances include:

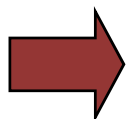
- * [NDSU Policy 100.1 - Nondiscrimination on the Basis of Disabilities and Reasonable Accommodation](#)
 - * [NDSU Policy 606 - Guidelines for Student Requests for Reasonable Accommodation](#)
 - * [City of Fargo regulations](#)
-

HISTORY:

New	December 2006
Amended	July 2007
Amended	September 2007
Housekeeping	December 2009
Housekeeping	July 2010
Amended	February 9, 2015

Policy Change Cover Sheet

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SECTION: 104 Recruitment Period for Position Announcements

7. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Housekeeping change replacing reference to Office for Equity and Diversity with Office of the Provost
8. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted – Student Life / Mary Asheim / 10/5/15
 - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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Policy Manual

SECTION 104

RECRUITMENT PERIOD FOR POSITION ANNOUNCEMENTS

SOURCE: NDSU President

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

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

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

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

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

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

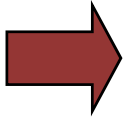
4. Occasionally, circumstances will dictate an exception to these posting period requirements. In such cases, the employing department should contact the Office of the Provost or the Office of Human Resources/Payroll prior to submitting the Request to Recruit.

HISTORY:

New	July 1990
Amended	April 1996
Amended	October 2000
Amended	October 2007
Amended	December 2007

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SECTION: 112 Pre-Employment and Current Employee Criminal Record Disclosure

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: NDUS Board Policy Change to add expand the requirement for additional criminal background checks prior to hire.
- 10/9/15 per Matt Hammer – changing NDUS to NDSU in Section 2.

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

- Office/Department/Name and the date submitted Human Resources and Payroll, Colette Erickson, 09/08/2015
- Email address of the person who should be contacted with revisions Colette.erickson@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

Policy Manual

SECTION 112

602.3 Job Applicant/Employee Criminal History Background Checks

~~PRE-EMPLOYMENT AND CURRENT EMPLOYEE CRIMINAL RECORD DISCLOSURE~~

SOURCE: NDSU President
SBHE Policy Manual, Section 602.3
NDUS Procedure 602.3

~~1. Job Applicants – Criminal Record Disclosure.~~

- ~~1.1 NDSU uses two forms (paper and online) for capturing applicants' criminal record disclosure information. All applicants for employment at NDSU, whether full time or part time, including student employment, must answer the [criminal record disclosure questions](#) prior to being hired. The nature of the position (full-time or part-time) will determine if the paper form is used or if this information is captured through the online PeopleAdmin system. Any offer is contingent on return and review of the signed form and verification. The hiring unit is responsible for obtaining the signed form prior to the final offer.~~
- ~~1.2 A positive response (that is, the potential offeree answers that they have a criminal record) does not preclude employment. A determination will be made based on the type of conviction, how recent the conviction is, and the relevance of any conviction to the position for which the person has applied. An offer may be withdrawn as a result of these considerations. Disclosure by an applicant for employment under this policy does not prevent the University from enforcing any other policy or requirement with regards to pre-employment criminal record disclosure.~~
- ~~1.3 The information shall be kept in the employee's official personnel file (<http://www.ndsu.edu/policy/718.pdf>) (or, for individuals not hired, with the applicant's file).~~
- ~~1.4 Supervisors who have a situation under this policy should consult, prior to making a final hiring determination, with appropriate personnel, for example, Vice President in the Office of Equity, Diversity, and Global Outreach (for non-broadbanded positions), Director of Human Resources/Payroll (for broadbanded positions), University General Counsel, or their Department Chair or Dean.~~

1. Definitions:

- a. CHRC: Criminal History Records Check
- b. SOR: Sex Offender Registry
- c. FBI: Federal Bureau of Investigation
- d. BCI: Bureau of Criminal Investigation
- e. Benefited positions: as defined in SBHE Policy 703.2
- f. New hires: includes

1. Re-hires, transfers, and promotions within the same institution, except when a CHRC and SOR check has been completed at the employing institution within the last 120 days. Promotions do not include faculty promotions when moving from one faculty rank to another faculty rank (e.g. instructor to assistant professor, etc.); and,
2. Transfer from another NDUS institution.

2. ~~Criminal History Background Checks.~~ A nationwide FBI CHRC is authorized for all NDSU positions.

3. A nationwide FBI CHRC ~~criminal history background check is required before beninning employment in the following positions:~~ authorized for the following positions:

- a. Police officer;
- b. Security guard; and
- c. University Police Dispatchers/Call Center Operators.

4. CHRC and SOR checks are required for new hires for the following positions:

a. All benefited positions; and

b. ~~The following positions, whether benefited or non-benefited:~~ Non-benefited positions, including volunteers who:

1. have access to confidential or proprietary information;
2. have master keys;
3. have access to cash, credit, debit or other financial transactions;
4. are resident hall and/or apartment managers, directors or assistants;
5. are child care employees and other employees who have unsupervised contact with minor children;
6. are responsible for, or with access to, controlled substances and other drugs, explosives or potentially dangerous chemicals and other substances;
7. are instructional faculty and staff, including graduate teaching assistants; and,
8. are counselors and coaches.

~~1. Chancellor, institution president and vice presidents;~~

~~2. Police officer and security guard;~~

~~3. Resident hall and apartment manager or director and assistants;~~

~~4. Information technology staff;~~

~~5. Employees responsible for or with unsupervised access to cash, credit, debit or other financial transactions or numbers, or confidential or other protected information, including medical records, social security numbers, tax, retirement, or vendor or contractor proprietary or other confidential information;~~

- ~~6. Custodians and other employees with master keys or other means of unsupervised access to residence halls or secure buildings or facilities;~~
- ~~7. Child care employees and other employees who have unsupervised contact with children;~~
- ~~8. Part time instructional staff;~~
- ~~9. Employees responsible for or with access to controlled substances and other drugs, explosives or potentially dangerous chemicals and other substances; and~~
- ~~10. Counselors and coaches.~~

- ~~4.1 As stated in SBHE Policy 602.3, a nationwide FBI criminal history background check is required before beginning employment in the following positions:~~
- ~~a. Police officer; and~~
 - ~~b. Security guard.~~

5. A criminal history records check **The CHRC**, which may be a North Dakota BCI check, a **nationwide** FBI nationwide check or check of another state or multiple jurisdictions, **is required** before beginning employment in the following positions:

- ~~a. All new benefitted hires;~~
- ~~b. Chancellor, president, provost, and vice presidents;~~
- ~~c. Resident hall and apartment manager or director and assistants;~~
- ~~d. Custodians and other employees with master keys or other means of unsupervised access to residence halls or secure buildings or facilities;~~
- ~~e. Child care employees and other employees who have unsupervised contact with children;~~
- ~~f. Employees responsible for or with access to controlled substances and other drugs, explosives or potentially dangerous chemicals and other substances; and~~
- ~~g. Counselors and Coaches.~~

~~The level of check will be determined by the hiring department upon consultation with the central administrative office conducting the search.~~

~~5. Current Employees~~

- ~~5.1 Current employees have a duty to immediately report a criminal conviction covered under this policy (all felonies; and misdemeanors involving violence and theft; or any offense requiring one to register as a sex offender) to their supervisor and the Director of Human Resources/Payroll. See Policy 155 for arrests and convictions involving drugs and alcohol in the workplace. Additional evidence about the conviction (example, the judgment of conviction) may be placed in the employee's official personnel file. The employee can add a statement pertaining to the conviction. Whether the conviction has an effect on employment status will be determined by the supervisor after consultation with appropriate personnel. (See section 4 above.) The employee can request that the conviction information be removed~~

~~from the employee's official personnel file after misdemeanors are over 5 years old and 10 years for felonies.~~

- ~~5.2 Information regarding this subsection shall be provided to employees as part of the NDSU Annual Notice of Policies Covered under the ND Risk Management Program.~~
- ~~5.3 All current employees are required to sign a Criminal Record Disclosure Form.~~
- ~~5.4 Employees arrested or charged by summons to appear for crimes covered by this policy, or for a crime otherwise job related (e.g., a DUI if driving is a job requirement), have a duty to notify their supervisor and the Director of Human Resources/Payroll within five days of the arrest or receipt of the summons. While an arrest is not a conviction, NDSU will determine any potential actions or consequences on a case by case basis.~~

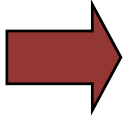
6. The CHRC and SOR checks must be completed before beginning employment. If there is an urgent documented need to start employment within seven working days of selection and prior to the completion of the check, the employee may begin work as scheduled, under proper supervision; however, continued employment is subject to successful completion of the checks.

HISTORY:

New	July 1, 2002
Amended	February 2006
Amended	October 2007
Amended	December 2007
Amended	June 23, 2009
Housekeeping	November 15, 2010
Housekeeping	December 28, 2010
Amended	February 7, 2012

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: 127 Salary or Stipend – Part-Time Academic Staff or Graduate Assistant

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping change updating the area for non-banded part-time academic staff to report from Vice President for Equity, Diversity, and Global Outreach to Vice Provost for Faculty and Equity

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 10/5/15
- Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 127

SALARY OR STIPEND – PART-TIME ACADEMIC STAFF OR GRADUATE ASSISTANT

SOURCE: NDSU President

1. The Hiring Form 100 and/or Change Form 101 should be used to set up or make changes for individuals who will be paid on the installment method including part-time academic staff and graduate assistants.
2. Process payroll forms for part-time academic staff as follows:
 - 2.1 Complete the front and back page of the Hiring Form 100 and/or Change Form 101 completely and accurately, excluding those areas marked Human Resources/Payroll Use Only. Submit the original to:

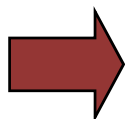
<p>Non-Broadbanded Vice Provost for Faculty and Equity</p>	<p>Broadbanded Associate Director of Human Resources/Payroll</p>
---	---
3. The processing of appointments (Form 100) and Change Forms (Form 101) for graduate assistants is as follows:
 - 3.1 Complete the front and back page of the Hiring Form 100 and/or the Change Form 101 completely and accurately, excluding those areas marked Human Resources/Payroll Use Only. Submit the original to the Graduate School.
4. These procedures will not affect the processing of work-study or timeslip payroll procedures, see Section 128.

HISTORY:

New	July 1990
Amended	June 1996
Amended	December 1999
Amended	October 2007
Amended	September 2008
Housekeeping	July 2010

Policy Change Cover Sheet

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SECTION: **129 Salary Administration Policy**

16. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
- Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Housekeeping change updating the name of the reporting office from Equity, Diversity, and Global Outreach to the Office of the Provost, and updating the title from Vice President for Equity, Diversity, and Global Outreach to the Vice Provost for Faculty and Equity
17. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 10/5/15
 - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 129

SALARY ADMINISTRATION POLICY

SOURCE: NDSU President
NDUS Human Resource Policy Manual, Section 5

1. Philosophy and Objectives

The primary purpose of salary administration at North Dakota State University is to attract and retain well-qualified individuals who can best contribute to the University's stated mission. Decision-makers in the salary administration process will strive to make salary decisions fairly and communicate them effectively. To provide the University with the ability to use its limited resources most effectively, salary administration aims, in priority order, to:

first, be responsive to market influences with consideration for internal equity (see Definitions portion of this policy);

second, recognize different performance levels among employees;

third, acknowledge the basic financial needs of all employees; and

fourth, take into consideration the costs of turnover (for training, research start-up and indirect as well as direct recruitment) and the adverse effects of inadequate salaries on the need for supervision, employee morale and institutional image.

2. Methods and Guidelines

NOTE: The ability to make salary adjustment decisions at the campus level depends on legislative action and State Board of Higher Education (SBHE) guidelines. In years when no campus discretion is authorized, most of the following process will not be applicable.

2.1 Salary adjustments are divided into two main categories:

- a) annual budgeted salary adjustments and
- b) other salary adjustments.

2.1.1 **Annual budgeted salary** adjustments are based on one or more of the types described in Definitions portion of this policy. **When campus-wide salary adjustments are provided by legislative and SBHE action**, the campus decision process is as follows:

- a) President's Office provides any relevant legislative or Board directives regarding salary adjustments after consultation with the NDUS office staff and the Chancellor's Cabinet.
- b) The President and Vice Presidents determine priority needs of the institution that

require use of salary dollars (faculty promotions, new positions and/or reallocations) based on information from sources such as deans, directors, department chairs, the Office of Human Resources/Payroll, the Office of the Provost, the President of the Faculty Senate, the President of the Staff Senate, the Program Review Committee, and Planning, Priorities and Resources Committee.

- c) The President and the Vice Presidents establish guidelines, using institutionally recognized market and internal equity data and input from the campus community. They communicate the guidelines to be used in making adjustment decisions, indicating the proportion of salary dollars allocated to each type (see Definitions). These types and proportions are determined according to institutional needs and initiatives whenever campus-wide adjustments are possible.
- d) Once the types and proportions have been determined, the President and Vice Presidents allocate remaining salary adjustment pools to their respective administrative units.
- e) Unit administrators, using the guidelines established by the President and Vice Presidents, allocate the salary pools within their units.
- f) Within the units, each administrator/supervisor develops individual salary adjustment recommendations using performance documentation and other data appropriate to that year's guidelines (institutionally recognized internal equity or market studies, for example).
- g) Unit administrators review and discuss recommendations and documentation for the recommendations (performance documentation, institutionally recognized market or internal equity data) with the administrator/supervisor, adjust the recommendations and/or forward the recommendations to the appropriate vice president.
- h) Prior to recommending the final salary adjustments to the President, each Vice President will consult with the Director of Human Resources/Payroll and/or the Vice Provost for Faculty and Equity to review implications of the recommended adjustments for the campus as a whole and to advise the Vice Presidents on whether there is appropriate documentation for the adjustment, the potential impact on equity generally or whether the proposed adjustment is in compliance with policy.
- i) President presents the budget including salary adjustments to the Chancellor.
- j) Following SBHE approval of the budget, administrators/supervisors, when possible, will inform each employee of his/her salary for the coming fiscal year and the basis for the salary decision prior to the distribution of the University's annual salary notifications.

2.1.2 Other salary adjustments job family or band reassignment adjustments (if applicable), promotions (nonfaculty), market, internal equity and responsibility adjustments including interim appointments and significant administrative assignments (see Guidelines for Other Salary Adjustments portion of this policy.).

3. Process for Impartial Review of Salary Adjustment Decisions

Current grievance policies are available as a means to provide an impartial review of a salary adjustment decision. An employee who thinks that the decision concerning his/her salary is inappropriate may request a review by choosing one of the following options.

3.1 The first is based on the type of appointment the individual holds:

- a) **Staff employees:** NDSU Policy Manual, Section 230, Grievance Procedure for Conditions of Employment.
- b) **Faculty:** NDSU Policy Manual, Section 353, Grievances - Faculty. This grievance procedure is available to instructors, assistant, associate and full professors, lecturers and graduate teaching assistants.
- c) **Nonfaculty, nonbanded employees:** NDSU Policy Manual, Section 230, Grievance Procedure for Conditions of Employment. The Staff Personnel Board described in Step 4 will consist of other nonfaculty, nonbanded employees.

3.2 The second is available to **any employee** when his/her salary decision is alleged to have been made on the basis of an employee's age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, status as a U.S. veteran, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer: NDSU Policy Manual, Section 156, Equal Opportunity Grievance Procedures.

4. Distribution and Communication of the Policy

To facilitate the understanding of salary administration at NDSU, this policy will be included in the NDSU Policy Manual, the Faculty Handbook and any employee handbooks prepared by units within the University. In addition, an annual notice about this policy will be published in an appropriate spring issue of the University's staff and faculty newsletter (currently It's Happening at State).

5. Definitions

At NDSU, annual salary adjustments are based on one or more of the following:

- 5.1 **Cost of living adjustment** is an across-the-board amount related to—but not necessarily the same as—the changes in the cost of living (determined by the Consumer Price Index which reflects the changes in the cost of various consumer items during the previous 12 month period). Cost of living adjustments become part of an individual's salary base.
- 5.2 **Internal equity** is a comparison of salaries for similar positions at NDSU (or in the University System and/or State government when there is a limited basis for comparison at NDSU) based on appropriate and relevant data including these factors: **previous related experience** outside the university, a sustained change in **responsibility** that is more or less than what is considered normal for that type of position, **education**, or **responsibility level** within a group of similar positions at NDSU. Internal equity adjustments become part of an individual's base salary.

NOTE: **length of service** is relevant for internal equity ONLY in the context of performance; that is, consideration of performance should override length of service in salary decisions.

- 5.3 **Market or external equity** is the comparison of NDSU salaries with those of other employers in the applicable recruitment area based on bona fide and relevant data. While NDSU may recruit nationally to fill a position, the salary may be established by using institutionally recognized, regional data. Market or external equity adjustments become part of an individual's base salary.
- 5.4 **Performance adjustment** is one based on level of performance identified through documentation, including an established review process. Performance adjustments may be made in one of two ways:
- a) As a one-time payment when performance has been **exceptionally meritorious in the preceding year**. This type of adjustment does not become part of the salary base and is made as a single payment. The source of salary funding may dictate the availability of this option.
 - b) As a range of adjustments based on **sustained** meritorious performance. This type of adjustment becomes a part of the salary base.

6. Guidelines for Other Salary Adjustments

All staff positions are assigned to a salary band. The bands include job families with market levels for each position. (NDUS Human Resource Policy Manual 5.1)

Individual salary adjustments may be made throughout the year for the following reasons:

- 6.1 **Non-broadbanded staff.** When an employee moves from one position to another involving an increased level of responsibility, the employee may receive a salary adjustment appropriate for the new level of responsibility. The adjustment must be consistent with internal equity and market and is subject to approval of the appropriate dean/director, vice president and the President.
- 6.2 The equity adjustments for staff are normally limited to ten percent but may exceed that amount with supportive documentation (NDUS Human Resource Policy Manual 5.1.6).
- 6.2.1 **Equity adjustments.** On a case-by-case basis, significant internal inequities may arise outside the annual salary review process described in 2.1. In these unusual situations, a request for an adjustment may be initiated. Factors generally considered are directly related experience, job performance and level of responsibility. The decision to request an equity adjustment should include consultation with the Office of Human Resources/Payroll and/or the Office of the Provost, whichever is appropriate, and appropriate documentation should accompany the NDSU Change Form 101.
 - 6.2.2 **Market adjustments.** A market adjustment is intended to mitigate a documented external inequity using North Dakota University System recognized market data. Market adjustments are normally limited to ten percent but may exceed that amount with supportive documentation and appropriate administrative approval. Market adjustment proposals must consider institutional internal equity.
- 6.3 **Responsibility adjustments** including interim and administrative appointments
- 6.3.1 Adjustments for substantial, documented reassignments or changes in the duties/responsibilities within the same position may be initiated after consultation with the appropriate vice president or president. Documentation should accompany the

NDSU Change Form 101.

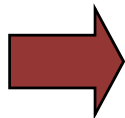
- 6.3.2 For staff employees, rationale will include changes in the level of responsibility as documented by a Position Description; and changes in band and/or job family.
- 6.3.3 Adjustments for interim appointments and administrative assignments are limited to the period for which these assignments are made and do not become part of the salary base. For staff interim appointments, increases should not be given for interim periods of less than thirty days and staff employees may not retain the higher compensation level for more than thirty days after the interim period ceases to exist. (NDUS Human Resource Policy Manual 5.1.3.1).
- 6.4 The **attainment of a degree or license** does **not** automatically result in a salary adjustment. In some cases an adjustment for market and/or internal equity may be appropriate. Such adjustments should be recommended on the basis of the same type of documentation required for other market or internal equity adjustments.

HISTORY:

New	November 1995
Amended	November 1996
Amended	January 1997
Amended	May 1997
Amended	December 1998
Amended	July 1999
Amended	August 1999
Amended	October 2005
Amended	October 2007
Housekeeping	July 2010
Amended	October 2010
Housekeeping	February 14, 2011
Housekeeping	April 8, 2011
Amended	January 3, 2013
Housekeeping	July 17, 2013

Policy Change Cover Sheet

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If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION: 130 NDUS Human Resources Policy Manual, Section 6

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: There is a job family listed that is no longer a job family that can be used.

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

- Office/Department/Name and the date submitted Human Resources and Payroll 10-2-2015
- Email address of the person who should be contacted with revisions Colette.erickson@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 130

ANNUAL LEAVE

SOURCE: NDUS Human Resources Policy Manual, Section 6
NDSU President

1. Annual leave with pay is earned by eligible employees for the purpose of freeing them from their regular duties to spend time in rest and recreation or to attend to personal matters. Upon approval, annual leave may only be used in place of regularly scheduled work hours and shall not cause overtime. Such leave should be programmed to insure that leave is taken rather than carried forward from year to year.
2. University operations govern annual leave periods. Consideration is given first to the convenience of the administration, departmental needs, then the employee's departmental seniority and finally to the employee's preference. Annual leave is computed on the basis of the employee's hours/week, and months/year.
 - 2.1 The employee must obtain authorization from his/her department head before taking annual leave. The form of this authorization is to be determined by the respective department head.
 - 2.2 The employee is responsible for furnishing their supervisor or department head with a completed "Notification of Employee Leave" card upon returning to work.
3. Annual leave with pay for full-time benefited, broadbanded staff employees is earned on the basis of continuous service from date of employment as follows:

First through third year - the equivalent of 12 days per year
 Fourth through seventh year - the equivalent of 15 days per year
 Eighth through twelfth year - the equivalent of 18 days per year
 Thirteenth through eighteenth year - the equivalent of 21 days per year
 Over eighteen years - the equivalent of 24 days per year

Annual leave for full-time, non-banded employees in the following job categories is earned on the same basis as for staff employees: graduate research fellows (2230), graduate teaching fellows (2235), post doc research fellows (2240), research scientists (2420), ~~extension program assistants (2530)~~, and international exchange scientists (2810).

Graduate teaching, research or service assistants and experiment station project assistants do not earn annual leave.

- 3.1 Years of service shall be computed from the employment anniversary dates.
- 3.2 Annual leave for part-time staff employees and the non-banded employees identified above in 3 is earned on a prorated basis.
4. Presidents, executive deans, provosts, vice presidents, positions excluded from the broadbanding system, and other positions approved by the President or chancellor at the time of hire are entitled to

accrue a minimum of twelve working days and a maximum of 24 working days of annual leave each year to be taken at the convenience of the administration. Accrual rates for these employees are determined by the institution president. For any of these employees who are less than full-time, the annual leave will be prorated.

Each department may negotiate annual leave accrual on a case-by case basis during the recruitment, with prior Presidential approval. Current benefitted employees are not eligible.

5. Annual leave for 12 month faculty and other non-banded job categories not identified in #3 above is earned at the rate of 16 hours per month, 24 days per year. Annual leave will be prorated for those who are less than full-time. For non-banded employees on 9, 10, or 11, month appointments, see Section 320.
6. All eligible employees may accumulate annual leave hours. Full-time employees may accumulate up to 30 working days or 240 hours which shall be carried forward on January 1st of each year. Part-time employees may accumulate up to the equivalent number of days or hours on a prorated basis. Any accumulation in excess of 30 days or 240 hours (or the equivalent on a prorated basis for part-time employees) on December 31st of each year shall be cancelled.
7. All employees eligible to accumulate annual leave must take at least forty hours (or the equivalent on a prorated basis for part-time employees) of annual leave each year, except for the year during which they are hired.
8. When a holiday occurs during annual leave, the holiday is not considered a day of annual leave time.
9. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll, an employee may be granted annual leave in advance of the accumulation thereof.
10. Benefited employees terminating employment must be paid for earned unused annual leave subject to all approved payroll matched reductions/deductions. "Unused annual leave" shall include any leave carried over from the previous year and all accrued leave up to the date of termination. Proper termination notice must be given and any unearned annual leave taken shall be deducted from the employee's last paycheck.
 - 10.1 Annual leave earned by an employee on a 12 month appointment may not be carried forward by the employee to be used or paid for during the term of a subsequent appointment for less than 12 months and must be paid out.
11. In case of death, payment of all earned, unused annual leave shall be paid according to Section 34-01-12 of the North Dakota Century Code. (See Section 183.)
12. Accrued annual leave for employees previously employed with other North Dakota institutions or agencies may be transferred to institutions under the State Board of Higher Education according to agreements between the employee and the institution. If re-employment occurs within one calendar year, the re-employing institution shall credit the employee with prior years of service from any state agency in computing annual leave accrual rate.
13. When employment begins or ends during a pay period, the accrual of annual leave shall be prorated for the pay period when the employee is hired or terminated and does not work a full pay period.

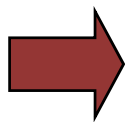
14. "Notification of Employee Leave" cards are processed on an on-going basis. Each department is responsible for verifying the Departmental Leave Record. Late Leave Cards and errors must be submitted to the Office of Human Resources/Payroll for entry and/or correction.

HISTORY:

New	July 1990
Amended	April 1996
Amended	March 1998
Amended	October 1999
Amended	April 2002
Amended	October 2003
Amended	March 2006
Housekeeping	April 2010
Housekeeping	May 15, 2012
Housekeeping	April 11, 2013
Housekeeping	July 12, 2013
Amended	March 26, 2014
Amended	November 7, 2014
Amended	June 22, 2015

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: 150 Commercial and Fund-Raising Activities

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping change updating references to the title of Policy 601 from Code of Student "Behavior" to Code of Student "Conduct"

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
- Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 150

COMMERCIAL AND FUND-RAISING ACTIVITIES

*SOURCE: Rights and Responsibilities of Community: A Code of Student Conduct
NDSU President*

1. Recognized student organizations must register fundraising activities with the Associate Director of Memorial Union/Student Activities at least two (2) weeks prior to advertising or initiating fundraising efforts.

Activities or items associated with fundraisers must be consistent with University policies.

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

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

In all University apartments, from the Assistant Director for University Apartments and Residence Services. Commercial activities in public areas of University Apartments will not be allowed.

In residence halls, from the Associate Director of Housing and Residential Life. Commercial activities in public areas of residence halls will not be allowed.

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

In Memorial Union, from the Memorial Union Director or the Director's designee. Approval requires a confirmed reservation of space in the Memorial Union. Rental fees (if applicable) will be assessed for space utilized for these purposes.

In the Wellness Center, from the Wellness Center Director or the Director's designee.

In all other areas, please consult the Dean of Student Life Office for referral to the appropriate University official.

3. Parking areas (Leaflets) Placing flyers or other leaflets on vehicles on the NDSU campus, including those in NDSU parking lots, is prohibited. Information left on vehicles will be removed and destroyed. If litter results from such activities, the sponsoring individual/group may be required to pick up discarded flyers or may be billed by the University for providing that service.

4. Raffles or lotteries require a permit from the City of Fargo. Permit applications may be obtained from the City Auditor's office or the Memorial Union Student Activities Office.

Fundraisers specifically for employees or students due to severe emergencies or hardships may be performed on University property only if it is sponsored by a University department or by a recognized student organization. These fundraisers shall be for those NDSU employees and students who have experienced severe emergencies or hardships such as losing their home and/or all their belongings due to fire or natural disaster, or financial hardship through overwhelming and unforeseeable medical expenses. In the event of such fundraisers, no state funding shall be used, nor shall there any use of consumable state property.

There shall be strict accounting of the costs associated with the fundraiser, as well as an accounting of both donated cash and donated items for the individual or family. The responsibility and accountability of the fundraising activities shall be with the individual fundraiser organizers/planners, not the sponsoring department or student organization. NDSU shall not be held responsible for such fundraising activities beyond the normal use of University facilities.

5. In all fundraising activities for employees or students, activities and items associated with it must be consistent with University policies.

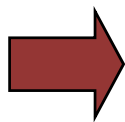
NDSU departments and student organizations wishing to sponsor a fundraiser for an employee or student shall go through the appropriate channels to secure the facilities needed. In the case of fundraisers for NDSU employees, the event must be approved by the appropriate Vice President; and fundraisers for students need to go through the Vice President for Student Affairs of designee.

HISTORY:

New	July 1990
Amended	August 2005
Amended	October 20, 2010

Policy Change Cover Sheet

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SECTION: **154 Distribution of Literature**

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping change updating references to the title of Policy 601 from Code of Student "Behavior" to Code of Student "Conduct"

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
- Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 154

DISTRIBUTION OF LITERATURE

SOURCE: Rights and Responsibilities of Community: A Code of Student Conduct

1. All individuals or organizations responsible for distribution of literature on campus must be identified on the literature.
2. All individuals or organizations distributing literature will be held responsible for cleaning up all litter resulting from its distribution. Clean-up costs will be assessed to any such person or group which does not clean up all such litter within a reasonable time.
3. Distribution by means involving shouting, pursuing, hawking, or accosting individuals is prohibited, as is any interference with normal University functions or interruption of the free flow of traffic, inside or outside a building.
4. Commercial literature may not be sold or distributed on campus unless the rules governing advertising in the NDSU Policy Section 150, Commercial and Fund-Raising Activities, have been followed. (These rules include prohibiting the placing of leaflets or flyers on cars on the NDSU campus.)
5. Any person or group of persons wishing to distribute literature to the public in the Memorial Union may use the following methods:
 - a. literature racks located near the Service Center on the main level;
 - b. contact tables in the main concourse area, available for reservation for up to two-week periods, (a rental fee will be charged for off-campus entities wishing to utilize contact tables);
 - c. exterior locations as designated by the University. Exterior location distributions are limited to one location for no more than two consecutive weeks per group, with at least five class days between multiple registrations. In times when a large number of requests have been received, the Memorial Union Director reserves the right to reduce the two week limit to accommodate as many users as possible. Distributor(s) must register in advance in the Memorial Union Administrative Office, at which time the following information will be required.
 - a) the type, location, date(s), and time of the distribution;
 - b) a copy of the literature;
 - c) the name of the organization represented, if any; and
 - d) the name, address, and signature of the person or a group representative.
6. Literature may not be distributed in classrooms except by permission of the instructor or by registered student organizations at the scheduled meetings or events.

7. Literature may not be distributed in buildings on campus other than the Memorial Union unless it is University or student organization sponsored and complies with building policies. An employee, student or visitor may not solicit or distribute literature to NDSU employees in work areas for matters not related to NDSU business (See Policy 706.3). Literature may not be distributed in classrooms except by permission of the instructor or by recognized student organizations at the scheduled meetings or events. Literature to be distributed within the Residence Halls must be approved by the Associate Director of Residence Life.
8. A poster distribution list of places on campus where notices may be posted is available in the Student Activities Office, Memorial Union 360. Bulletin boards in buildings on campus are restricted unless a notice on the board states otherwise.

9. Demonstrations

9.1 The University community is one of inquiry and persuasion. An individual or group may protest, rally or demonstrate provided such protest or demonstration does not disrupt University operations or obstruct physical movement to, from, or within any place on the campus, including University property located off the main campus. While the campus must be open to the free exchange of ideas, the University may limit the time, place and manner of protests, rallies, and demonstrations. All members of the community are expected to conduct dialogues with dignity and courtesy. Organizers and participants must allow other community members freedom of movement on campus and the freedom to engage in the performance of their duties or the pursuit of their educational activities

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

9.3 Organizers and participants are expected and required to vacate an area or facility of the University when directed to do so by an appropriate official of the University for reasons stated in subsections 9.1 or 9.2 or if there has been a failure to register pursuant to 9.4.

9.4 Any protest, rally or demonstration must be registered with the Director of the Memorial Union and University Police prior to the event. Whenever possible, at least 24 hours lead time will be given. The registration process will enable University officials to:

- A. Outline and discuss with demonstrators the guidelines necessary to keep the demonstration non-violent and non-disruptive.
- B. Plan for the control of possible counter-demonstrations which would infringe upon the rights of the demonstrators or result in violent or abusive action.
- C. Identify information similar to section 5.

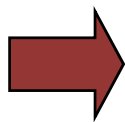
9.5 If the Demonstration/Parade will involve a public street, applicants may also have to get a City of Fargo Special Event permit. Parades through campus buildings are not permitted, except in the case of a silent march through the Memorial Union.

HISTORY:

New	July 1990
Amended	July 2001
Amended	December 2002
Amended	April 2005
Amended	November 2005
Amended	October 2007

Policy Change Cover Sheet

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SECTION: 154.1 Sale or Distribution of Racially and Sexually Offensive Material

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping change updating the contact for this policy from the Office of Equity and Diversity to the Vice Provost for Faculty and Equity

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
- Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 154.1

SALE OR DISTRIBUTION OF RACIALLY AND SEXUALLY OFFENSIVE MATERIAL

SOURCE: NDSU President

North Dakota State University is committed to providing its students and staff with an environment for learning and working that is free from racial and sexual discrimination. The University thus does not approve of the sale or distribution by its departments or recognized student organizations of any material that is racially or sexually offensive to other members of the NDSU community.

This Policy is intended to prohibit, for example, the sale of clothing or banners with derogatory references to other school mascots that have an ethnic basis.

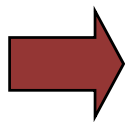
Questions regarding other applications of this Policy may be addressed to the Vice Provost for Faculty and Equity, 201 Old Main, (701) 231-7128.

HISTORY:

New	August 21, 1989
Amended	July 2001
Amended	October 2007
Housekeeping	June 2015

Policy Change Cover Sheet

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SECTION: **155 Alcohol and Other Drugs: Unlawful and Unauthorized by Students and Employees**

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping change updating references to the title of Policy 601 from Code of Student "Behavior" to Code of Student "Conduct" and updating the term behavioral probation to conduct probation

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
- Email address of the person who should be contacted with revisions – mary.asheim@nds.edu

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President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 155

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

SOURCE: NDSU President
SBHE Policy Manual, Section 918

1. NDSU complies with and supports the North Dakota State Board of Higher Education policy governing alcohol use on campus, the [Drug Free Workplace Act of 1988](#), Public law 100-690 and the [Drug-Free Schools and Communities Act Amendments of 1989](#), Public Law 101-226, and [2 CFR § 182.215](#).

North Dakota State University has a genuine caring concern for the community in which it lives and for its people. For this reason, the university is committed to maintaining an academic and social environment that is conducive to the intellectual and personal development and the safety and welfare of all members of the university community.

This policy statement has been established because NDSU:

- is committed to changing the culture that perpetuates the misuse and abuse of alcohol and other drugs;
- is concerned with promoting the well-being of our community, including visitors to campus;
- believes that the solution to alcohol and other drug misuse and abuse will require a community solution.

The misuse and abuse of alcohol and other drugs represents a major health problem in the United States today and poses a serious threat to the health and welfare of the NDSU community. In addition, alcohol and other drug abuse consequences can limit career choices and achievement. NDSU has gathered data that demonstrates that high-risk drinking among students is significantly associated with violence, memory loss, driving under the influence (DUI), sexual assault victimization, lessening of academic performance, estrangement of social relationships and property damage. Studies outside the university show that alcohol misuse can result in serious bodily injury, illness, or death. This policy applies to all NDSU students and employees, as well as visitors to campus.

2. The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of

alcoholic beverages upon land or in buildings owned by the Board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President's residence, and other special exceptions as granted by the President or the President's designee. For the complete State Board of Higher Education policy see [SBHE Policy 918: Alcoholic Beverages](#).

The University prohibits the *unlawful or unauthorized* use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities).

For NDSU employees, non-compliance with this policy could result in disciplinary action up to and including termination of employment (see section 5.2).

For NDSU students and student organizations, non-compliance with this policy could result in disciplinary action up to and including suspension, expulsion or loss of status as a registered student organization (see section 5.1).

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students and employees to the [NDSU Counseling Center](#) or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the [Employee Assistance Program](#). Employees may refer students in need of services to the Counseling Center at (701) 231-7671. Faculty, staff, and students can access information on available drug and alcohol prevention programs the university offers by going to the [Alcohol and Other Drug Prevention Programs](#) website.

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

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

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

4.2 Sale of alcoholic beverages by students, employees and their respective campus organizations is

strictly forbidden. This is to include any action that can be remotely construed as alcohol sale such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.

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

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

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

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

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

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

*Student Media (Bison Information Network, the Spectrum, Thunder Radio)

NDSU student media (as governed by the Media Advisory Board (MAB)) is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and [State Board of Higher Education Policy 507](#). Student media organizations are accountable to their established boards (MAB-Bison Information Network; Board of Student Publications-Spectrum, MAB-Thunder Radio) for standards of conduct. Because of the belief that advertising perpetuates the culture of high-risk and underage drinking, the established boards of NDSU Student Media may, if they choose to accept advertising for alcoholic beverages, decide to adopt

guidelines compatible with this policy. Student Media organizations shall comply with all federal laws relating to advertising of alcohol or other drugs.

- a) Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for one, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.
- b) Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.
- c) Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.
- d) Advertising of establishments that sell alcohol shall include a statement of low-risk such as "know when to say when" or "please use our products legally and in a responsible manner".

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

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

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

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

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

- a. Warning (oral or written).
- b. Conduct probation (with or without supervision).
- c. Suspension.

- d. Emergency suspension.
- e. Expulsion.

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

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

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

Individual student behavioral actions and or student organization behavioral actions will be adjudicated as assigned by the Assistant Vice President/Dean of Student Life or designee.

Good Samaritan:

Students and student hosts have the responsibility to ensure the well-being of their guests wherever events occur. If an individual or guest needs emergency medical attention, students and student hosts are required to call an ambulance or other appropriate emergency personnel (ambulance, police, fire, etc.) to gain that assistance. Students and student hosts who fail to carry out this responsibility may be subject to serious university sanctions and may be potentially subject to additional civil and/or criminal liability. Students and student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose. See [Code of Student Conduct](#).

Parental Notification:

Parents or guardians of students under 21 may be contacted by an NDSU student affairs administrator following alcohol and/or other drug related incidents:

- If a student is found responsible for violating the University's alcohol/drug policy that results in a University referral for assessments or evaluations for chemical

dependency, and/or when University judicial sanctions of Conduct Probation or greater are assigned.

- Based on situations that appear to endanger the health, safety, or life of other persons or the student.
- If an individual is involved in incidents that resulted in significant property damage.
- If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol or other drugs.

See [Student Life](#) website for the full policy and rationale.

Financial Aid Eligibility:

A federal or state drug conviction can disqualify a student from receiving federal financial aid funds. The conviction must have occurred during a period of enrollment for which the student was receiving Title IV aid (i.e., Federal Pell Grant, Federal Perkins Loan, Federal Direct Loan, etc.). Depending on whether the conviction was for sale or possession and if the student has previous offenses, the period of ineligibility can range from one year to an indefinite period. The student regains eligibility the day after the period of ineligibility ends or when the student successfully completes a qualified drug rehabilitation program as defined in the [Higher Education Opportunity Act of 2008, § 485\(a\)\(7\)\(c\) and \(a\)\(9\)](#).

5.2 Notice and Sanctions - Employees

Individual employees who are found in violation of the University policy on alcohol and other drugs by their supervisors will be reported to the Director of Human Resources/Payroll for consultation prior to action. For potential actions see 5.2.1 and 5.2.2.

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

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

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

- 5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;
- 5.2.2 Disciplinary action for a violation of university alcohol or drug policy up to and including termination of employment. Disciplinary action may include one or more of the following:
 - a. Warning/reprimand;
 - b. Ineligibility to receive the next available annual salary increase;
 - c. Suspension without pay for up to 5 days;
 - d. Termination of employment; or
 - e. Any combination of the above sanctions.

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

Work attendance while under the influence:

Unlawful consumption of alcohol beverages or use of illegal drugs, being at work while under the influence of alcohol or drugs, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDUS are prohibited. See [Policy 151 Code of Conduct](#) (for employees).

Local, State and Federal Laws:

In compliance with the [Drug-Free Schools and Communities Act Amendments of 1989](#) a summary of local, state and federal laws related to alcohol and other drugs can be found at the [Alcohol and Other Drug Prevention Programs website](#).

A paper copy of this policy is available from the [Human Resources/Payroll Office](#) (for employees) and [Bison Connection](#) (for students).

HISTORY:

New	March 18, 1989
Amended	December 1992
Amended	October 1999
Amended	April 2003

Amended October 2003

Amended January 2004
(renumbered) Amended April 2010

Amended March 25, 2011

Housekeeping August 18, 2011

Housekeeping May 22, 2012

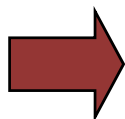
Housekeeping June 12, 2013

Housekeeping August 27, 2013

Housekeeping September 2015

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: 158 Acceptable Use of Electronic Communications Devices

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping change updating reference to the title of Policy 601 from Code of Student "Behavior" to Code of Student "Conduct"

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
- Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University Policy Manual

SECTION 158

ACCEPTABLE USE OF ELECTRONIC COMMUNICATIONS DEVICES

SOURCE: [SBHE Policy Manual, Section 1901.2 \(Computing Facilities\)](#)

1. All employees, students, and other users of North Dakota University System computing and networking resources shall comply with applicable laws, policies, and procedures. The chancellor shall adopt procedures establishing rules governing access to and use of computing and networking resources.
2. NDUS Procedure [1901.2](#), "Computer and Network Usage," contains specific policies, procedures, rights, and responsibilities which also apply to NDSU. See: [NDUS Procedure 1901.2](#).

Of central importance in this document are the definitions of "Authorized Use" and "Authorized Users" from section 1:

"Authorized use: Use of computing and networking resources shall be limited to those resources and purposes for which access is granted. Use for political purposes is prohibited. Use for private gain or other personal use not related to job duties or academic pursuits is prohibited, unless such use is expressly authorized under governing institution or system procedures, or, when not expressly authorized, such use is incidental to job duties or limited in time and scope, and such use does not: (1) interfere with NDUS operation of information technologies or electronic mail services; (2) burden the NDUS with incremental costs; or (3) interfere with the user's obligations to the institution or NDUS."

"Authorized user(s): Computing and networking resources are provided to support the academic research, instructional, outreach and administrative objectives of the NDUS and its institutions. These resources are extended to accomplish tasks related to the individual's status with NDUS or its institutions. Authorized users are (1) current faculty, staff and students of the North Dakota University System; (2) individuals connecting to a public information service (see section 5.3); and (3) other individuals or organizations specifically authorized by the NDUS or an NDUS institution. For the purposes of this policy, no attempt is made to differentiate among users by the user's group. These policies treat all users similarly, whether student, faculty, staff or other authorized user, in terms of expectations of the user's conduct."

3. Examples of **Electronic Communications Devices** (ECD) include NDSU provided computers, telephones, cell phones, facsimile (fax) machines, personal digital assistants (PDA's), network equipment and infrastructure, software, information services, peripherals, flash drives, data media, etc. Use of some of these devices may also be affected by other policies or procedures and local, state, and federal laws. In particular, NDSU Policy Section 710 contains further administrative policy on Computer and Electronic Communications Facilities.
4. Examples of uses which NDSU considers to be **unauthorized and unacceptable uses** of NDSU provided electronic communications devices include but are not limited to: intentionally viewing, listening to, or sharing obscene or pornographic materials including child pornography; political use; personal commercial gain; copyright (DMCA) violations; hacking or other disruption of operations for other ECD's; attempting to conceal one's identity (such as anonymous emails) for an unlawful or improper purpose or use of a false identity; threatening communications; harassment; use contributing to a hostile, intimidating, or offensive work environment; fraud; stalking; luring of minors; and invasion of privacy.
5. The **Acceptable Use Review Committee** (AURC) is charged with establishing recommended procedures and working with NDSU administrators and the NDSU Information Technology Security Officer to ensure consistent responses to alleged violations of this policy.

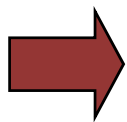
6. **Alleged violations** of this policy by employees should be reported to the NDSU Information Technology Security Officer and the responsible administrator at the Dean or Director level or higher. The administrator and NDSU IT Security Officer in turn will work with the AURC to assess the situation and recommend an appropriate course of action. The person accused of the violation should not be notified until this discussion has taken place. Allegations concerning students who are not employed by NDSU are guided by the Code of Student Conduct (See Policy Section 601). The outcome of an investigation might include a finding of no violation, a violation of policy or law, and/or referral to law enforcement for criminal investigation.
7. **Sanctions** for violations of policy or law include but are not limited to one or more of the following actions: verbal caution; letter of warning; loss of computer and/or network access; referral to the Employee Assistance Program, training, or education; letter of reprimand; suspension with or without pay; and termination of employment.
8. Employee **questions** about acceptable use should be directed to their supervisors. Supervisors and administrators may contact AURC members or the NDSU IT Security Officer in Information Technology Services (231-8685 option 1) if they have questions.

HISTORY:

New	April 15, 1988
Amended	October 2004
Amended	March 2006
Amended	October 2007
Housekeeping	July 2010
Housekeeping	December 2010
Housekeeping	April 01, 2011
Housekeeping	September 2015

Policy Change Cover Sheet

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If the changes you are requesting include housekeeping, please submit those changes to ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: **163 Anti-Harassment Policy**

37. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
- Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Housekeeping change updating references of the title Vice President for Equity, Diversity and Global Outreach to Vice Provost for Faculty and Equity, and updating references to the Office of Equity, Diversity and Global Outreach to the Office of the Provost
38. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 10/5/15
 - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

SECTION 163

ANTI-HARASSMENT POLICY

SOURCE: *NDSU President*

1. North Dakota State University is committed to providing a climate which fosters respect for students, staff and faculty as well as others who participate in programs and activities at the University. As part of that commitment, NDSU prohibits harassment as described in [NDSU Policy 100](#) and for protected activity (such as reporting alleged harassment or providing information related to a grievance). This policy is in compliance with federal civil rights laws and agency regulations and guidance implementing these laws.

1.1 Harassment (based on an individual's membership in one or more of the groups identified above) is defined, for purposes of this policy, as unwelcome verbal or physical behavior which has the intent or effect of unreasonably interfering with the individual's employment or academic endeavors or creating a hostile, intimidating or offensive environment. Harassment may include (but is not limited to) jokes, derogatory comments, pictures, and/or direct physical advances.

Please note that harassment in electronic forms is also prohibited under [NDSU Policy 710 - Computer Facilities](#).

2. Anyone who feels she/he has been subjected to prohibited harassment is encouraged to report the situation before it becomes severe or pervasive. Individuals may make a report to the Vice President for Faculty and Equity, the Office of Human Resources/Payroll, the Counseling Center, the Disability Services Office, the Associate Director for Student Rights and Responsibilities, or an appropriate administrator. Reports may be addressed on an informal basis at the request of the individual alleging harassment. The person alleging harassment may also file a formal grievance in the Office of the Provost using the Equal Opportunity Grievance Procedures described in NDSU Policy 156.
3. In each case of alleged harassment, the supervisor, in consultation with the Vice Provost for Faculty and Equity, will determine whether an immediate fact-finding investigation is necessary. Although circumstances will affect the time needed to conduct such an investigation, response to an alleged violation of this policy should be handled in a timely manner and a determination reached as soon as possible. Whenever a violation of this policy is determined, immediate and corrective action, including discipline, will be taken.
4. The University will not tolerate adverse actions/retaliation toward anyone who, in good faith, alleges harassment or who provides information related to a grievance. Such retaliation may be the basis for an additional grievance.
5. To the extent possible, the University will maintain the confidentiality of anyone who reports an alleged violation of this policy.
6. In addition to this anti-harassment policy, the University has a policy specifically addressing sexual harassment (see [Policy 162](#)).

HISTORY:

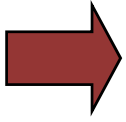
New

June 19, 2000

Amended	September 2000
Amended	September 2007
Amended	February 2009
Housekeeping	September 2009
Housekeeping	March 2, 2011
Housekeeping	May 22, 2012

Policy Change Cover Sheet

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SECTION: 168 Reasonable Accommodations on the Basis of Disability – Guidelines for Employee Requests

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping changes as follows:
 - Removing Equal Opportunity Specialist, Equity, Diversity & Global Outreach or Designee
 - Removing Vice Provost for Advancement of Faculty or Designee
 - Replacing them with Vice Provost for Faculty and Equity

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

- Human Resources & Payroll/Colette Erickson 9/17/15
- Colette Erikson@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

Policy Manual

SECTION 168

REASONABLE ACCOMMODATION ON THE BASIS OF DISABILITY - GUIDELINES FOR EMPLOYEE REQUESTS

SOURCE: NDSU President

1. NDSU is committed to providing equal opportunity to both applicants for employment and employees with disabilities, as defined by law, by providing reasonable accommodations. To fulfill this commitment, NDSU has established the following guidelines.

2. APPLICANTS for employment:

- 2.1 Applicants for employment who have a disability may request reasonable accommodation at any time during the application process. Requests for accommodation shall be made to the Office of Human Resources/Payroll. Applicants will be asked to confirm the request in writing, provided, however, the arrangements for accommodation may be initiated prior to receipt of the written request.

3. EMPLOYEES:

- 3.1 Request for reasonable accommodation.

An employee whose disability requires reasonable accommodation in order to perform the essential functions of his/her job may request reasonable accommodations either formally or informally at any time during his/her employment. However, in all instances the request for reasonable accommodation shall be processed through the Human Resources Department. Human Resource's response will be in writing. Supervisors receiving requests for accommodation from employees shall direct the employee to contact Human Resources in order to address their need for a reasonable accommodation.

- 3.2 Process for addressing requests for accommodation.

Informal accommodation requests shall be made by the employee either in-person or in-writing to the Office of Human Resources/Payroll.

Formal accommodation requests shall be made in writing using the Employee Reasonable Accommodation [form](#). The completed form shall be submitted to the Office of Human Resources/Payroll. In addition, the employee shall provide to the Office of Human Resources/Payroll relevant, written documentation of a disability from an appropriately certified or licensed health care or rehabilitation professional in a relevant field of the disability and explain the need for reasonable accommodation using the Documentation to Support a Request for Reasonable Accommodation on the Basis of Disability [form](#). To ensure a written timely response from Human Resources, it is recommended that the employee submit the documentation (form) within ten working days of the employee's written accommodation request. Both forms are available on the NDSU forms page or by request

from the Office of Human Resources/Payroll.

3.3 Documentation of disability and need for accommodation.

3.3.1. Documentation provided by an employee should include the following:

- a) A statement identifying the disability, the date of the current diagnostic evaluation and the date of the original diagnosis, including diagnostic criteria and/or tests used.
- b) A description of the current functional impact of the disability.
- c) Treatments, medications, assistive devices/services currently prescribed or in use.
- d) A description of the expected progression or stability of the impact of the disability over time.
- e) The relevant credentials of the diagnosing professional(s) such as medical specialties or professional licensure.

3.3.2. All written documentation provided by an employee requesting accommodation will be maintained in a confidential file separate from the employee's official personnel file in the Office of Human Resources/Payroll.

3.3.3. Occasionally, the documentation provided by the employee may not be sufficient to make a determination of the appropriate reasonable accommodation. In such a circumstance, the University may require the employee to go to a health care professional of the University's choice in order to adequately document the need for accommodation and identify appropriate accommodations. Any medical examination required under these circumstances will be limited to determining the existence of a disability and the functional limitations that require reasonable accommodation.

3.3.4. Any costs related to the University's request for the additional medical documentation described in 3.3.3 above will be the responsibility of the University.

4. The determination of a reasonable accommodation shall be an interactive process involving the employee, Office of Human Resources/Payroll and relevant administrative personnel. The University may provide an alternative to the requested accommodation so long as it is effective in removing the workplace barrier(s) that impede(s) the employee with the disability. The employee may refuse an alternative reasonable accommodation, but such refusal may mean the individual may not be able to perform the essential functions of the job, which may require a fitness for duty evaluation under NDSU Policy 161: Fitness for Duty.

4.1 An applicant or an employee with a disability, as defined by law, who is dissatisfied with the response to his/her request for reasonable accommodation and wishes to appeal, may do so in writing to the Office of Human Resources/Payroll within ten working days of the response.

4.2 An Accommodation Review Board (ARB) will be assembled to review the appeal to the response. Following their review, they will make a recommendation to the NDSU ADA Coordinator. The final decision will be made by the NDSU ADA Coordinator and communicated to the employee and Human Resources in writing within ten working days of the receipt of the ARB's recommendation.

4.2.1 Members of the ARB shall include:

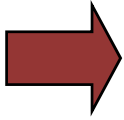
Director of Human Resources/Payroll or Designee
Director of (Student) Disability Services or Designee
Vice Provost for Faculty and Equity or Designee

HISTORY:

New	October 13, 1999
Amended	May 6, 2014
Housekeeping	June 29, 2015

Policy Change Cover Sheet

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SECTION: 190 Employee Responsibility and Activities: Intellectual Property

43. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
- Is this a federal or state mandate? ☒ Yes ☐ No
 - Describe change: In November 2014, the State Board of Higher Education approved a significant revision to SBHE Policy 611.2 which forms the basis for this policy. In keeping with the current efforts to remove procedural elements from NDSU policy, the section on NDSU Patent Review Procedures was removed from the policy.
44. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted
 - Vice President for Research and Creative Activity, September 16, 2015
 - Email address of the person who should be contacted with revisions
 - *Jolynne.Tschetter@nds.edu*

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 190

EMPLOYEE RESPONSIBILITY AND ACTIVITIES: INTELLECTUAL PROPERTY

SOURCE: SBHE Policy Manual, Section 611.2

1. General Principles.

1.1. The North Dakota State Board of Higher Education ("Board") encourages and promotes research and scholarship based upon the traditional principles of the academic profession. Some creative endeavors, discoveries, advancements, and innovative approaches have the potential to be utilized outside of the North Dakota University System ("System"). Through this Intellectual Property Policy, the Board seeks to execute a synergistic model of education, research, outreach, service, and economic development to accomplish a greater good.

1.2. This Policy establishes guidelines to support faculty, staff, and students in identifying, protecting, and administering intellectual property ("IP"), and defines the rights and responsibilities of all involved. Each Institution shall adopt procedures implementing this Policy, a process for resolving disputes, and a process for informing faculty, staff, and students of their respective rights and responsibilities related to IP. Each Institution may adopt a separate statement of IP policies, provided that such statement does not conflict with this Policy.

1.3. The primary purposes of this Policy are to:

- Provide clear guidance for all involved in the creation, development, management, protection, and dissemination of discoveries and IP within the System and its Institutions.
- Provide for an effective and efficient process to achieve positive outcomes for creators, the System and its Institutions.
- Effectively manage all interests that may emerge in relation to discoveries that have commercial value or other desirable outcomes and provide guidance as to which of these interests or outcomes has priority.
- Place creative output into practical use for public benefit as quickly and as effectively as possible, and in a manner consistent with applicable laws and public policy.
- Facilitate the creation of appropriate public-private partnerships to support economic development.
- Encourage a broad array of mutually beneficial relationships with organizations outside of the System and its Institutions to enhance creative output, including collaborative research, licensing of IP, and the formation of companies specifically for the purpose of commercializing newly created IP.
- It is the expectation of the Board that all persons involved in the creation, development, management, protection, and dissemination of IP shall conduct themselves in accordance with the Core Values espoused in SBHE Policy 100.5 (II).

2. Definitions.

2.1. "Breeder(s)" or "Plant Breeder(s)" as defined by the PVPA, 7 U.S.C. § 2401(a)(2). In regards to plant variety protection, a "Breeder" is the person(s) who directs the final breeding creating a variety and/or the person(s) who discovers and develops the variety. 7 U.S.C. § 2401 (a)(2).

- In regards to plant variety protection, "discover" means finding a natural plant which results in breeding a variety, or finding a new variety by performing experiments on results of cross-breeding and realizing that the resulting plant is different and closer in characteristics to a desired variety.
- In regards to plant variety protection, "develop" means to make additional selections for (a) cross-breeding and/or (b) developing pure lines. This may lead to the variety for which protection is sought or may eliminate variance and convert a non-uniform variety to a uniform variety using the desired characteristics.

2.2. "Creator": A person who contributes in a significant manner to the development of IP on behalf of the System or one of its Institutions including "Breeder(s)" or "Plant Breeder(s)".

2.3. "Institution": One of the individual colleges or universities of the North Dakota University System.

2.4. "Intellectual Property" or "IP": Collectively, any form of property created by the mind including, but not limited to, Inventions, trade secrets, copyrights, trademarks, mask works, and any other tangible research result such as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment.

2.5. "Invention": A process, method, discovery, device, plant, composition of matter, know-how, or other discovery that reasonably appears to qualify for protection under United States patent law, whether or not actually patentable (including, but not limited to, utility patents, plant patents, design patents, certificates of Plant Variety Protection). This includes patent-eligible software that may also be copyrightable.

2.6. "Net Royalties": Gross revenues, including all royalties, licensing, and other fees generated as a direct result of IP, less the actual, out-of-pocket expenses incurred in procuring and maintaining protection, marketing (at the discretion of the System or one of its Institutions), licensing and enforcing rights in such IP.

2.7. "Significant Use of Resources": A Creator's use of System or institutional facilities, equipment and/or employees' time that appreciably increases the costs of the System or Institution beyond those normally incurred. Significant Use does not include the Creator's own time (including developmental leave) or the normal use of facilities or equipment commonly available to faculty, staff, students, or the public, such as libraries, Internet access, office space, office equipment, computers, and/or office supplies.

3. General Patent (IP) Policy.

3.1. The Board strongly encourages the pursuit of formal protection and/or efforts to commercialize all IP as a method of bringing recognition and remuneration to Creators, the System, and Institutions.

3.2. Except as otherwise provided herein, and subject to restrictions arising from overriding obligations and/or institutional policies, Institutions shall have and hold title to all IP that is the result of any work, research, or investigation conducted by institutional employees in the course and scope of their employment. Upon employment and as otherwise necessary, all employees of an Institution shall be required to execute an appropriate written assignment of IP to the Institution. *Temporary*

employees may be required to sign as well based on supervisor discretion. A failure to have the Agreement signed in no way changes or lessens the applicability of this Policy. For purposes of this Policy, Creators employed by the System shall be deemed employees of (i) the Institution most closely connected to the development of specific IP in terms of facilities or resources utilized or, if none, (ii) the Institution to which the specific IP is first disclosed by at least one Creator or, if none, (iii) the Institution selected by the Chancellor or designee upon disclosure of specific IP to the System.

3.3. Each Institution's procedures shall act as a guide for determining, clarifying, and/or preserving ownership of IP, shall provide for the disclosure, review, and evaluation of IP, and shall at a minimum require:

- The Creator's timely, written disclosure of IP.
- The Creator's provision of all necessary declarations, assignments, or other documents as may be necessary.
- The Institution's review of the technical and/or commercial viability and, in the case of Inventions, patentability, of IP within a reasonable period of time.

3.4. If at any time an Institution decides not to pursue, or otherwise to discontinue its protection and commercialization of any IP, the Institution shall notify the Creator(s). In the absence of overriding obligations the Institution shall upon request of at least one Creator release its rights in such IP to the original assignor(s), subject to an obligation to reimburse the Institution for its actual out of pocket costs in the event of a commercial windfall. However, under no circumstance may the Creator(s) to whom rights are released use the name of the System or an Institution in connection with subsequent development, use, or marketing of the IP. Creators may request that IP rights be released, even in the absence of a prior decision by the Institution to discontinue protection. Institutions shall have the discretion to grant such a request provided that the Institution may require, as a condition of the release of IP rights, that the Creator(s) reimburse the Institution for its actual, out-of-pocket costs incurred in pursuing formal protection of the IP.

3.5. Subject to any overriding obligations, Creators, or the Creators' heirs, successors, or assigns, shall be entitled to a minimum of forty (40) percent of the Net Royalties received by the Institution in connection with the Creators' IP. Each Institution's procedures should allocate remaining Net Royalties to be utilized principally in support of research.

3.6. When there are two or more Creators, each Creator shall share equally in the Creator's share of Net Royalties unless all have agreed in writing to a different distribution of such share. The Institution will honor any agreement purporting to share rights and/or royalties between participating parties to the fullest extent permitted under any applicable law. In cases of joint development where Creators are employed at two or more institutions, the Institutions shall enter into an inter-institutional agreement.

4. General Copyright Policy

4.1. Each Institution's IP procedures shall provide for the disclosure, review, and evaluation of original works of authorship, and for the protection and commercialization of works in which copyright is owned by the Institution under this Policy. Copyrightable works that are also patent-eligible Inventions, such as software, shall be governed by the General IP Policy set forth in section 3.

4.2. An Institution shall own copyright in works prepared by its employees at the specific direction of the Institution.

- 4.3. An employee shall report such work in accordance with the General IP Policy set forth in section 3.
- 4.4. Net Royalties received by an Institution as a result of copyright ownership will be disbursed in accordance with the General IP Policy set forth in section 3.
- 4.5. Institution employees shall be entitled to own copyright in works that are prepared within the scope of employment but not at the specific direction of the Institution.
- 4.6. An Institution shall relinquish copyright ownership in any work that arises by operation of law and, if necessary, shall execute assignments conveying such copyright ownership to employees. As a condition of any such relinquishment or assignment, the Institution shall retain a perpetual, non-exclusive, worldwide and royalty-free license to use the work for teaching, educational, archival, and research purposes. This subsection shall not apply to companion works that enable, or are incidental to or necessary for the practice of, an Invention owned by the Institution under this Policy.
- 4.7. In the event an employee has made a Significant Use of Resources in the creation of a work governed by this subsection, an Institution may require the employee to reimburse the Institution for the value of such use.
- 4.8. Institution employees shall not use any work governed by this subsection, including textbooks and other course materials, either printed or electronic, in any manner that competes in a substantial way with the for-credit offerings of the Institution employer unless such use has received the approval of the chief academic officer of the Institution.
5. Trademark. Each Institution's IP procedures shall provide for the identification and protection of the trademarks and service marks of the Institution, provided that commercialization and licensing activities may be delegated by contract to one or more third parties.
6. Student IP.
- 6.1. An Institution may not require an assignment of IP rights from a student unless at least one of the following applies:
- The student received financial support from the Institution in the form of wages, salary, stipend, or grant funds for the research and/or activities that led to the development of the IP.
 - The Institution is contractually obligated to require such assignment.
 - The IP was developed with the Significant Use of Resources and the retention of such rights by the student would substantially impair a mission of the Institution.
 - The IP was a companion work that enabled, or was incidental to or necessary for the practice of an Invention owned by the Institution under this Policy.
 - The student expressly agreed to make such assignment.
 - The IP comprises marks and/or logos used or intended to be used solely or primarily by the Institution in conjunction with the Institution's offering of goods or services, including but not limited to the Institution's department of athletics.
- 6.2. An Institution may not require a license in IP from a student unless at least one of the following applies.

- The IP comprises copyright in a thesis or dissertation.
- The IP arose from a multi-semester classroom project administered by an Institution employee, such as a senior design project, and the license is necessary for the Institution to continue administering the project.
- In the absence of such license, a mission of the Institution would be substantially impaired.
- The student has expressly agreed to grant such license.

6.3. In the event an assignment required by this section is made, the student making such assignment shall be treated as a Creator and shall be entitled to all of the rights and benefits of Creators under this Policy.

6.4. Licenses required by this section shall be non-exclusive, non-commercial, perpetual, and royalty-free, unless otherwise agreed to by the Institution so licensed.

6.5. Nothing in this section shall be construed to prevent a student from voluntarily entering into a relationship with an Institution concerning IP.

7. Other Provisions.

7.1. Foundations. An Institution may assign or transfer ownership rights in IP to a foundation defined in Board policy. Such assignment or transfer shall be in writing and signed by the president of the Institution or his or her designee. Institutions may require, as a condition of such assignment, periodic reporting as to the administration, marketing and commercialization of IP assigned pursuant to this subsection.

7.2. Employee Consulting/Developmental Leave. It is the responsibility of Institution employees to ensure that the terms of their consulting agreements with third-parties or the conditions of developmental leave do not conflict with this or any other Board or Institutional policy.

HISTORY:

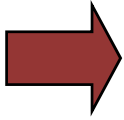
New May 2005 (New policy to reflect SBHE policy 611.2, incorporates NDSU policies 340, 341 and 342)

Amended November 2010

Housekeeping December 2010

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION: 304 Academic Staff and Executive/Administrative Positions – Procedures for Filling

46. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
- Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Housekeeping changes removing references to the Vice President for Academic Affairs and Equity, Diversity and Global Outreach, and updating link for recruitment and hiring resources
47. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 10/5/15
 - Email address of the person who should be contacted with revisions – mary.asheim@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

Policy Manual

SECTION 304

ACADEMIC STAFF AND EXECUTIVE/ADMINISTRATIVE POSITIONS - PROCEDURES FOR FILLING

SOURCE: NDSU President

All academic staff (instructors; assistant, associate, or full professors; and lecturers) and other positions within the 2000 (academic) job family and executive/administrative positions (job family 0000) that qualify for fringe benefits must be filled according to the following procedures. Additionally, for equal opportunity/affirmative action purposes, this search, recruiting, and hiring process must be followed assuring equal opportunity and non-discrimination based on any status listed in [NDSU Policy 100](#). See also, [Section 103 for Equal Opportunity/Affirmative Action Policy](#) on the Announcement of Position Openings which includes the process for spouse or partner hiring and the allowance of such a hiring without a search if appropriate and [Section 103.1](#) on recruitment areas and methods.

1. The position must be posted online at <https://jobs.ndsu.edu/>. If changes occur in the recruitment plan, the department shall notify the Office of the Provost.

The process to create and obtain approval for the position announcement as well as the posting of the announcement online and recruiting requirements are located at:

http://www.ndsu.edu/fileadmin/diversity/Procedures_for_Filling_Non-Broadbanded_Positions_in_the_0000_and_2000_Job_Families.pdf

2. Prior to posting, the search committee chair must have received search chair training available through the Office of the Provost.
3. All applicants must apply via the online application system. Hard copy application materials will not be accepted.
4. For those positions that do NOT include teaching responsibilities or that are not a President, Vice President, or Provost position, the ND Veteran's Preference Law applies. This screening process must be followed in order to comply with state law. The following information regarding the recruitment and hiring process is available online:
 - [NDSU Procedures for Recruitment/Selection of Nonbroadbanded Positions Subject to the ND Veteran's Preference Law](#)
 - ["Legal Watch" on the ND Veteran's Preference Law.](#)
5. Additional information regarding recruitment/hiring resources for getting started, recruiting for a diverse applicant pool, screening/interviewing, interviewing guidelines for ADA compliance, and preparing an offer are available online at http://www.ndsu.edu/diversity/equity/recruitment_and_hiring/. Forms such as the Request to Offer, NDSU Hiring Form 100/102 and NDSU Change Form 101 are located at: <http://www.ndsu.edu/forms>.
6. The Request to Offer form must be completed in its entirety, and routed for required signatures with the following attachments:

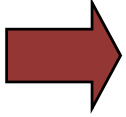
- Interview Report Forms (An interview report form must be completed for each interviewee.);
 - Screening Sheet;
 - A list of the questions used in the formal interview;
 - A list of questions asked of references;
 - The names of references contacted; and
 - For faculty and lecturer appointments, a draft of the proposed letter of offer based on the format proved by the Office of the Provost and Vice President for Academic Affairs.
7. A criminal background check authorization form must be completed by the candidate for new benefited hires. The completed form must be given to the Office of the Provost so a background check can be completed. No applicant may have a hire date prior to the background check being completed.
8. Upon approval of the request to offer and a completed background check, the candidate may be offered the position.
9. Once the offer has been accepted, the remaining applicants will be promptly notified of the action. The search file will be completed by the search committee, forwarded to and maintained at the Office of the Provost.
- NOTE: No Hiring form 100/102: Job Data or Change Form: 101 will be processed until search files have been completed and submitted to the appropriate location for retention of three years.**
10. The Hiring Form 100/102 must have the following items attached when circulating forms for signatures:
- A fully signed copy of the Request to Offer form
 - For faculty, lecturers and graduate teaching/research fellows, a copy of the letter of officer or appointment agreement.
11. A current employee being hired for a different position under a search requires the Change Form: 101 instead of the Hiring Form: 100/102. This form must also be routed for signatures and have the same attachments as required under section 6.

HISTORY:

New	July 1990
Amended	April 1992
Amended	May 1996
Amended	July 1997
Amended	November 1999
Amended	August 2002
Amended	December 2005
Housekeeping	May 2010
Amended	December 27, 2010
Housekeeping	January 10, 2011
Housekeeping	February 16, 2011
Housekeeping	October 26, 2011
Housekeeping	November 15, 2013

Policy Change Cover Sheet

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If the changes you are requesting include housekeeping, please submit those changes to ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION:

515 Travel – Employees

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

- Is this a federal or state mandate? ☒ Yes ☐ No
- Describe change: update per diem and lodging rates per US GSA effective 10/01/2015

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

- Accounting / Ricki Martin 9/15/15
- Ricki.martin@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

Policy Manual

SECTION 515

TRAVEL - EMPLOYEES

SOURCE: NDSU President
North Dakota Century Code (NDCC)
North Dakota Office of Management and Budget Policy

1. GENERAL PROVISIONS

1.1 DEFINITION OF "TRAVEL" - (NDSU Interpretation)

For purposes of this policy, except for No. 2 below, the term "travel" means the absence from the city or community where a person normally works and/or maintains an office. For purposes of travel by staff members employed on the University campus their "community" shall include, Fargo, West Fargo, and Moorhead.

1.2 MEANS OF TRAVEL - (NDSU Interpretation)

Employees must choose the most prudent and economical means of travel, considering factors such as: travel expenses, time away from the office, and the needs of the University.

1.3 ACCOUNTING OFFICE RESPONSIBILITY - (NDSU Interpretation)

The NDSU Accounting Office is responsible for the initial development of NDSU's employee travel expense reimbursement policy, in addition to the final review and approval of individual employee travel expenses. Employees may be contacted by the Accounting Office for more documentation or a cost/benefit justification. The NDSU Accounting Office must apply the travel rules in this policy on a reasonable, fair and consistent basis.

1.4 TRAVEL VOUCHER REQUIREMENTS - (NDCC 54-06-09 (6))

Before an allowance for any such mileage or travel expenses may be made, the employee shall file with the employee's department an itemized statement showing the mileage traveled, the hour of departure and return, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the employee's department, college, or division.

(NDCC 44-08-05.1)

Any employee who has the power to approve a voucher for a department shall determine, before approving such voucher, the following:

1.4.1 That the expenditure for travel or other expenditures were for lawful and official purposes.

1.4.2 If for travel expense, that the travel actually occurred and that the sums claimed for travel expenses are actually due the individual who is seeking reimbursement, allowance, or payment.

1.4.3 If the voucher is for expenditure other than travel expense, that the expenditure is lawful and that the voucher contains no false claims.

2. TRAVEL WITHIN THE CITY OF EMPLOYMENT

Employees may be reimbursed for expenses incurred within their "city or community" of employment for the following:

2.1 (NDSU Interpretation)

Parking fees for personal vehicles when conducting University functions or attending University meetings.

2.2 (OMB Policy 507)

Mileage at in-state rates for personal vehicles used to transport equipment or university guests for university functions.

2.2.1 (OMB Policy 507)

Mileage from a normal work station to a conference or meeting is reimbursable, if an employee actually reports to work prior to attendance at the meeting. However, mileage for travel from an employee's residence directly to the conference/meeting site is not reimbursable, since it is considered normal commuting travel.

2.3 (NDSU Interpretation)

Meals may be reimbursed as provided under NDSU Policy 170.

2.4 (NDSU Interpretation)

Transportation between the employee's residence and airport, which consists of taxi fare or mileage plus airport parking, whichever is less.

3. OUT-OF-STATE TRAVEL AUTHORIZATION - (NDSU Interpretation)

Employees must have each out-of-state trip pre-approved by their immediate supervisor. In addition, employees in a department, college, or division must have each out-of-state trip pre-approved by their Dean or Director. Deans and Directors who report directly to a Vice President or Provost must have their out-of-state trips pre-approved by their Vice President or Provost. Vice Presidents, Provost, and others reporting directly to the President, must have each out-of-state trip pre-approved by the President. Prior approval is to be obtained by using the Travel Authorization – Out-of-State form.

3.1 WORKERS COMPENSATION - (NDSU Interpretation)

In cases where employees are working out-of-state for 30 consecutive days, or for any international trip, the employee must notify the University Police and Safety Office to arrange proper Workers Compensation coverage.

3.2 FOREIGN TRAVEL AUTHORIZATION - (NDSU Interpretation)

Each trip to a foreign country must be approved by the appropriate Vice President or Provost or their designee.

4. PRIVATELY OWNED TRANSPORTATION - (NDCC 54-06-09)

An employee, when required to travel by motor vehicle or truck in the performance of official duty, should use a state-owned vehicle, whenever possible.

(OMB policy 511)

When an employee drives a state fleet vehicle, the State's liability coverage is primary should an accident occur. If an employee drives a personal vehicle on state business, the employee's personal insurance is primary. If an employee must drive a personal vehicle because no state fleet vehicles are available, then the State would have primary responsibility.

(NDCC 44-08-03)

Where more than one state employee travels in the same car while engaged upon official duty, whether belonging to different departments, subdivisions, boards, or commissions or not, no claim may be made for more than one mileage, such claim to be made by the owner or lessee of such car.

If an employee is allowed to use a personal vehicle, reimbursement will be made according to the rates below.

4.1 IN-STATE MILEAGE - (NDCC 54-06-09 (1a))

The sum of 56.0 cents (for travel prior to 01/01/2015) or 57.5 cents (for travel on or after 01/01/2015) per mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle.

4.2 (NDCC 54-06-09 (1a))

The sum of 86 cents per mile when such travel is by private airplane.

4.3 OUT-OF-STATE MILEAGE - (NDCC 54-06-09 (3))

If only one person engages in travel exceeding any geographic point 300 miles beyond the borders of this state, reimbursement shall be limited to eighteen cents per mile for the out-of-state portion of the travel beyond the first 300 miles.

(NDSU Interpretation)

When interpreting the law indicated in 4.3 above, it may be helpful to visualize that the state's border has expanded in all directions by 300 miles. When only one person travels outside the state of North Dakota and uses their own vehicle, their miles traveled within the 300 mile expanded border, the employee may be reimbursed at the 56.0 cents (for travel prior to 01/01/2015) or 57.5 cents (for travel on or after 01/01/2015) per mile rate. This includes both the departure and return parts of the trip.

When two or more state employees travel in the same vehicle, the per mile allowance is 56.0 cents (for travel prior to 01/01/2015) or 57.5 cents (for travel on or after 01/01/2015). State employees accompanying the vehicle owner must be listed on the travel voucher.

4.4 (NDCC 54-06-09 (5))

State employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding thirty consecutive days, will be allowed and paid 56.0 cents (for travel prior to 01/01/2015) or 57.5 cents (for travel on or after 01/01/2015) per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, the 300 mile restriction, in 4.3 above, does not apply.

(NDSU Interpretation)

Mileage allowances are assumed to be total operating costs for vehicles. No additional amounts will be reimbursed to employees for personal items such as: traffic or parking tickets, vehicle repairs, or any other normal automobile expenses.

5. COMMERCIAL AIRLINES - (OMB Policy 510)

For travel on official state business, airline tickets may be either purchased through a travel agency and billed to the department, or purchased by the employee and reimbursed. In either case, the original itinerary should be used to support the travel agency payment or employee reimbursement.

Reimbursement to an employee or *tickets directly billed to a department* will be allowed for the actual cost of tourist or coach fare, purchased at the lowest reasonable rate available, except when approved by the President, or President's designee, unless not permitted by federal rules or regulations. Approvals must be filed in the President's Office. First Class or Business Class tickets should normally be through a frequent flyer upgrade or the employee should use frequent flyer miles earned via state travel. Invoices from third parties (like travel agencies) must identify if travel is First Class or Business Class.

5.1 *(NDSU Interpretation)*

If the ticket is paid by the employee in a month prior to the travel dates, with appropriate department approval, the employee may be reimbursed immediately after the ticket is paid using an accounts payable voucher.

5.2 *(NDSU Interpretation)*

Meal and lodging expenses will be limited to the days needed to complete the business trip. Meal and lodging expenses for additional travel necessary to get a discounted or reduced airline rate are reimbursable, if a cost savings can be documented.

6. MEAL REIMBURSEMENTS - (NDCC 44-08-04)

Reimbursement is allowed only for overnight travel or other travel, away from the normal place of employment, for four hours or more. Verification of expenses by receipt is required only for lodging expenses.

6.1 DEFINITION - QUARTERS - (NDCC44-08-04 (2)) *(NDSU Interpretation italicized)*

For purposes of employee meal and lodging reimbursements, state law defines the four quarters of a day as follows:

First quarter shall be from six (6) a.m. to twelve (12) noon. No reimbursement may be made if travel begins after seven (7) a.m.

Second quarter shall be from twelve (12) noon to six (6) p.m. *(No reimbursement will be made for this quarter if travel begins after one (1) p.m. or ends prior to twelve (12) noon.)*

Third quarter shall be from six (6) p.m. to twelve (12) midnight. *(No reimbursement will be made for this quarter if travel begins after seven (7) p.m. or ends prior to six (6) p.m.)*

Fourth quarter shall be from twelve (12) midnight to six (6) a.m. *(This quarter pertains to claiming lodging expense.)*

6.2 CONFERENCE, SEMINAR, OR OTHER MEETING - (NDCC 44-08-04 (1))

Claims may also be made for meals that are included as part of a registration fee for a conference, seminar, or other meeting and for meals attended at the request of and on behalf of the University; however, if a meal is included in a registration fee, the applicable quarter's meal allowance cannot be claimed for that meal.

6.3 TAXABLE MEALS - *(NDSU Interpretation of IRS regulations)*

Meal reimbursements that do not involve "overnight lodging" are reported as taxable gross income on the employee's W-2 and are subject to withholding and employment taxes. A lodging receipt is considered adequate proof of overnight lodging. Also, a notation on the travel voucher that the employee stayed overnight with a friend or relative is sufficient.

6.4 PAYMENT FOR MEALS OF STAFF & GUESTS, WHILE IN TRAVEL STATUS - (NDSU Interpretation)

NDSU Policy 170 allows reimbursement to employees for meals of staff and guests, even though the employee is not in travel status. Employees while in travel status may also occasionally encounter meal expenses when they are required to be at a meeting and there is a need to pay for meals of guests, such as when interviewing candidates, recruiting, or fund raising.

If an employee is at a required meeting and pays for meals of guests (while in travel status), the employee may be reimbursed for the actual receipt amount. If the employee meal is reimbursed at actual receipt amount on the travel voucher, he/she must not claim the applicable quarter's meal allowance.

When employees are reimbursed for the actual receipt amount for meals under this section, the expenses should be reflected under the "miscellaneous expense" column on the travel voucher. The purpose of the meeting and names of guests must be documented on either the travel voucher or an attached banquet and meeting documentation form.

6.5 TEAM TRAVEL - (Excerpt from NDCC 44-08-04, Subsection 1)

If a higher education athletic team or other organized institution organization group meal is attended at the request of and on behalf of the institution, actual expenses for the entire group, including coaches, trainers, and other employees, may be paid or submitted for payment of a team or group travel expense report: subsection 2 does not apply; and officers and employees are not required to document individual expenses or submit individual travel reimbursement vouchers.

(NDSU Interpretation)

Meal expenses of athletic department employees, when traveling with student athletes to games, are covered by travel advances issued from the Accounting Office. These meals are attended at the request of and on behalf of the University and, therefore, the meals are paid from the travel advance at the actual cost of the meals, in accordance with the Athletic department meal reimbursement guidelines for student athletes. Since the meals are paid out of the travel advance, it is not necessary for the employees involved in the team travel to complete a travel voucher to claim reimbursement for the meals.

As an alternative to actual meal costs, some head coaches may prefer to distribute a cash per diem to the employees and student athletes. The cash per diem is distributed from the travel advance for the individual to use for meals. The cash per diem for employees must not exceed the meal allowance allowed policy and must not exceed the Athletic department meal reimbursement guidelines for student athletes. Since the employee cash per diem is paid from a travel advance, it is not necessary for the employee to complete a travel voucher to claim reimbursement for the meals.

6.6 MEAL ALLOWANCE RATES - (NDCC 44-08-04 (2))

Meal reimbursement rates depend upon the time of day the employee is in travel status and whether the travel is in-state or out-of-state. Verification of receipts shall not be required for the first three quarters listed above in Section 6.1.

6.6.1 IN-STATE - (NDCC 44-08-04 (2))

For travel prior to August 1, 2013, in-state rates are as follows:

Location	Daily Total	First Quarter	Second Quarter	Third Quarter
In-State	\$ 30.00	\$ 6.00	\$ 9.00	\$ 15.00

For travel on or after August 1, 2013, in-state rates are as follows:

Location	Daily Total	First Quarter	Second Quarter	Third Quarter
In-State	\$ 35.00	\$ 7.00	\$ 10.50	\$ 17.50

6.6.2 OUT-OF-STATE, WITHIN CONTINENTAL U.S. - (NDCC 44-08-04 (3))

The allowance for out-of-state meals, within the continental United States, is equal to per diem meals rate in the city for which a claim is made on that day as established by the United States general services administration and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

(NDSU Interpretation)

The standard meal allowance rate (per diem) for cities in the continental United States is currently \$51.00 per day effective 10/01/2015. The North Dakota Office of Management and Budget (NDOMB) web site shows the official current out-of-state meal allowance rates that NDSU will follow. The NDOMB web site includes a [listing of cities](#) whose meal allowance rates are higher than the standard rate.

The table below (effective 10/01/2015) shows examples of how the meal allowance per diem is split between the first quarter or breakfast (20%), second quarter or lunch (30%), and third quarter (50%).

Location	Daily Total	First Quarter	Second Quarter	Third Quarter
Out-of-State, within continental U.S. (depending on city) <u>Standard Rate</u>	\$ 51.00	\$ 10.20	\$ 15.30	\$ 25.50
(depending on city)	\$ 54.00	\$10.80	\$ 16.20	\$ 27.00
(depending on city)	\$ 59.00	\$11.80	\$ 17.70	\$ 29.50
(depending on city)	\$ 64.00	\$12.80	\$ 19.20	\$ 32.00
(depending on city)	\$ 69.00	\$ 13.80	\$ 20.70	\$ 34.50
(depending on city)	\$ 74.00	\$ 14.80	\$ 22.20	\$ 37.00

6.6.3 NON-CONTINENTAL UNITED STATES AND OVERSEAS NONFOREIGN AREAS - (NDCC 44-08-04 (4))

The allowance for meals in noncontinental United States and overseas nonforeign areas, including Alaska, Hawaii, and Guam, is equal to the per diem meals rate in the city for which a claim is made on that day as established by the rule for federal employees established by the United States per diem committee and must be

allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

(NDSU interpretation)

The Accounting Office web site will have a link to the appropriate meal allowance for foreign travel.

6.6.4 FOREIGN TRAVEL - NDCC 44-08-04(5))

The allowance for meals outside the United States is equal to the per diem meals rate in the city for which a claim is made on that day as established by rule for federal employees established by the United States department of state and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

(NDSU Interpretation)

The Accounting Office web site will have a link to the appropriate meal allowance for foreign travel.

7. LODGING REIMBURSEMENTS - (NDCC 44-08-04 (1)(2d)(6)) *(NDSU Interpretation italicized)*

Reimbursement for in-state lodging expenses incurred while in travel status during the fourth quarter shall not exceed 90% of the rate established by the United States General Services Administration (GSA) for North Dakota, plus applicable state or local taxes on lodging. As of October 1, 2013, the GSA rate for lodging in North Dakota was \$83; therefore, the maximum amount that can be claimed is \$74.70, plus applicable taxes. For travel on or after October 1, 2015, the GSA rate for lodging in North Dakota was \$89; therefore, the maximum amount that can be claimed is \$80.10, plus applicable taxes.

The GSA will update their rates periodically during the biennium and the allowable lodging reimbursement will also change at that time. See the city/county rate exceptions, found on the Accounting website. The amounts shown are 90% of the GSA rates and are the maximum state reimbursable rates that can be claimed, plus applicable state and local taxes. These rates are effective October 1, 2012.

Out-of-state lodging expenses shall be reimbursed at actual expense.

An original lodging receipt is required for reimbursement to the employee. *(When an original receipt is lost, a photocopy or faxed invoice should be obtained with a notation by the employee that the original receipt was lost.)*

7.1 IN-STATE LODGING RATES OVER MAXIMUM - (SBHE 806.1.10)

In the unlikely situation an employee cannot find lodging at 90% of the GSA rate, the following process needs to be followed:

7.1.1 Prior-approval by campus designated approver must be obtained.

7.1.2 The request must document the name of the employee, name of city traveling to, dates of lodging, name and local phone number of the lodging facility, the rates quoted for the dates of travel or if there were no available rooms. A minimum of 3 facilities should be contacted. If traveling to a North Dakota community that does not have 3 lodging facilities, indicate on documentation.

7.1.3 This documentation must be attached to the travel reimbursement form.

7.1.4 Occasionally, additional documentation will be requested to ensure the most cost-effective rates possible were obtained.

7.1.5 *If a room is more than the 90% maximum GSA rate for North Dakota, allowed in section 7, above, the additional taxes eligible for reimbursement must be pro-rated. For example (using the \$80.10 maximum rate): if the room is \$90.00 and taxes are \$13.50, the individual will be reimbursed \$80.10 plus \$12.02 pro-rated taxes (\$80.10/90.00 x \$13.50 = \$12.02).*

7.2 DIRECT BILLING OF LODGING TO DEPARTMENT - (NDSU Interpretation)

Employee lodging must be first paid by the employee and then reimbursed using the travel voucher. An employee's lodging expense should not be paid directly by the department to the lodging facility.

EXCEPTIONS - (NDSU Interpretation)

7.2.1 State law (NDCC 44-08-04.5) allows a state agency or institution to pay an out-of-state lodging provider directly when the North Dakota Office of Management and Budget has obtained a sales tax exemption from the destination state.

(NDSU Interpretation)

(At this time, OMB does not have an agreement with any other state. State agencies will be notified when such agreements have been obtained.) The state law exception does not apply to in-state lodging.

7.2.2 (NDSU Interpretation)

A lodging facility may be paid directly by the department if the travel involves a student field trip or athletic team travel.

7.3 REQUIRED DEPOSITS - (NDSU Interpretation of OMB Policy 513)

If a lodging facility requires a paid deposit to hold a room in advance, it should be paid by the employee. If the deposit is paid by the employee in a month prior to the travel dates, the employee may be reimbursed immediately after the deposit is paid using a Request for Payment form. The employee will need to verify that the deposit was properly credited to the lodging bill when the travel takes place.

7.4 ROOM SHARING - (NDSU Interpretation)

When two or more state employees share lodging accommodations, each employee should normally claim his/her own reimbursement. In instances where one employee pays the total lodging costs, he/she may claim reimbursement for the same by listing the other employee(s) sharing the lodging accommodation.

(OMB Policy 513)

When a state employee is accompanied by an individual not eligible for reimbursement (a spouse or traveling companion), the state employee must have the lodging establishment clearly certify the room rate for a single person and only that amount may be claimed.

8. MISCELLANEOUS TRAVEL EXPENSES - *(NDSU Interpretation)*

Reimbursement may also be requested for such necessary miscellaneous travel expenses as registration fees, car rental, taxi fares, toll fees, business telephone calls, parking fees and up to \$5.00 per day for personal telephone calls while in travel status. All miscellaneous travel expenses claimed on the travel voucher must be individually identified and explained. Receipts are required for all individual miscellaneous travel expenses exceeding \$10.00.

8.1 ENTERTAINMENT & PERSONAL EXPENSES - *(NDSU Interpretation)*

Employee entertainment or other personal expenses are not reimbursable. Expenses claimed by an employee that appear to fall in this category, will need additional justification to support claiming them as necessary business expenses.

8.2 CAR RENTAL - (OMB Policy 518)

8.2.1 The university will reimburse an employee for car rental if the employee used an aircraft to get to their destination, and if the use of the vehicle is sufficient to justify that mode of travel instead of a taxi. It is generally the policy to discourage car rentals unless their cost effectiveness is self-evident.

8.2.2 When renting a car for university business, purchase of additional insurance is not necessary because it is covered by the State's Risk Management Fund. However, the North Dakota Risk Management Division does recommend purchasing the liability insurance if renting outside the United States. Also, when out of the country, it is advisable to purchase the loss damage waiver as well. Employees should consider what coverages the employee's personal auto insurance provides.

8.3 TIPS AND OTHER CHARGES - *(NDSU Interpretation)*

Reasonable tips, not to exceed \$5.00 per tip, and service charges that are a necessary part of the business trip are reimbursable. Examples include: tips to bellhops and taxicab drivers. No reimbursement is allowed for tips on meals that are covered by the meal allowance.

8.4 LOST RECEIPTS - *(NDSU Interpretation)*

When an original receipt is lost, a photocopy or faxed invoice should be obtained with a notation by the employee that the original receipt was lost. Credit card receipts are not sufficient.

9. TRAVEL ADVANCES - (NDCC 44-08-04.2)

The Accounting office may approve a travel advance to employees for payment of meal and lodging expenses incurred while the employee is traveling on official business of this state, provided that such travel is planned to be in excess of five days per month, and provided that the funds advanced do not exceed eighty percent of the estimated expenses for the period.

NDSU LIMITATIONS - (NDSU interpretation)

Funds advanced for meals and lodging must be accounted for as required by this Policy. Travel advances may not be made from state appropriated funds. A travel advance form is available to request an advance. The Accounting Office will generally limit travel advances to the following two situations:

9.1 *When an employee is chaperoning a group of students or other guests and is expected to pay some of the student's or guest's expenses.*

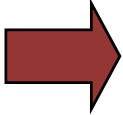
- 9.2 *When an employee is going on a trip for an extended period of time, such as more than one month. Usually these are international trips funded by a special grant.*

HISTORY:

New	July 20, 2000
Amended	July 2001
Amended	June 2003
Amended	October 2003
Amended	August 2005
Amended	February 2006
Amended	October 2007
Amended	January 2008
Amended	July 17, 2009
Housekeeping	October 6, 2009
Housekeeping	February 2010
Amended	July 2010
Housekeeping	September 2010
Housekeeping	January 5, 2011
Housekeeping	June 15, 2011
Housekeeping	August 18, 2011
Housekeeping	January 27, 2012
Housekeeping	April 23, 2012
Housekeeping	October 10, 2012
Housekeeping	January 10, 2013
Housekeeping	July 30, 2013
Housekeeping	September 18, 2013
Housekeeping	December 31, 2013
Housekeeping	March 3, 2014
Housekeeping	December 31, 2014
Housekeeping	April 29, 2015
Amended	June 22, 2015

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: **601 Rights and Responsibilities of Community: A Code of Student Conduct**

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping changes as follows:
 - Replacing Vice President for Equity, Diversity and Global Outreach with Vice Provost for Faculty and Equity
 - Replacing reference to general counsel with NDSU's designated legal advisor
 - Updating the location of the Parking Office from Thorson to its new location at 1801 15th Ave. N
 - Inserted a missing word in the last sentence in section 3.44
(should read please "see" NDSU Policy 603)

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 10/5/15
- Email address of the person who should be contacted with revisions – mary.asheim@ndu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University
Rights and Responsibilities of Community:
A Code of Student Conduct
Updated September 2015

I. Introduction

1.1 General NDSU Values

NDSU students have an opportunity to gain the most from their education when every member of the NDSU community takes responsibility to observe and help maintain a code of personal conduct that contributes to the educational effectiveness of the university. The Code of Student Conduct is derived from three core values that support an educationally purposeful environment:

- Respect for the NDSU Community;
- Respect for the Protection and Rights of Others; and
- Respect for individuals in the Conduct Resolution Process.

The intent of this code is to foster educational development of personal accountability and commitment to the community.

Respect for the NDSU Community

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

Respect for the Protection and Rights of Others

A community respecting the protection and rights of others is necessary to provide a positive and enriching educational environment. Conduct that inhibits the educational process is of concern, whether it occurs on or off university premises.

Respect for Individuals in the Conduct Resolution Process

All NDSU students have identified rights within the Code of Student Conduct and as afforded by due process. The university will work with students in an educational and fair manner to assist them in reflecting upon and growing from their personal experiences.

1.2 General Complaint Procedures

Students may report concerns, issues and complaints through the Problems and Complaints procedure available at www.ndsu.edu/vpsa/forms_and_guidelines/. The procedure is designed to provide for orderly collection of information, to address students' complaints in a timely manner by appropriate university personnel, and to help students learn effective conflict resolution skills.

Students also may arrange a meeting with a staff member in the Dean of Student Life Office, Memorial Union 250, for advice and direction in resolving the problem. Complaints regarding student conduct covered in this code will be resolved according to procedures described in this document.

1.3 Code Authority

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

A Code of Student Conduct contains statements of university policies relevant to student life. Development and enforcement of these standards of conduct are an educational endeavor designed to foster students' personal, social and ethical development. This document forms the basis for student conduct expectations as a member of the NDSU community. The enforcement of these standards serves to promote the protection of the rights, responsibilities, and health and safety of members of the NDSU community.

The dean of student life developed the content of this code with input from a committee of individuals that included various members of the Division of Student Affairs and student, faculty and staff representatives, in consultation with the vice president for student affairs and NDSU's designated legal advisor.

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

Conduct described in this code is illustrative rather than exhaustive. In the event there arises some ambiguity, inconsistency or need for clarification of these statements, the definition, interpretation or clarification will be determined at the discretion of the dean of student life, from whom any student, staff or faculty member may request written clarification. Final authority for interpretation of this code lies with the vice president for student affairs.

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

II. Community Expectations

2.1 General Student Responsibilities

All students are expected to observe the university standards published in this code and those outlined in any other university policies, procedures, contracts or license contracts published elsewhere. In addition, students are expected to observe the laws of the community, the state, the nation and relevant jurisdictions when touring and/or studying abroad.

2.2 Persons Covered Under This Code

For the purpose of this document, “student” is defined as any individual who has been admitted to the university, was previously enrolled in the university, and/or uses university resources for purposes related to the university’s educational mission, including, but not limited to, performing research and taking classes. Visitors attending an on-campus event also may be covered under this code. Students no longer enrolled in the university may be held accountable under this code for those violations committed after they were admitted and before they left the university. Student organizations are held to the same conduct standards that apply to individual students.

2.3 Official University Communication

NDSU will use the student’s email address as provided by the university. This address is considered the official form of communication for all purposes (see NDSU Policy 609). It is the student’s responsibility to maintain the accuracy of all personal data. It is required that students continue to monitor the university provided email account at all times.

2.4 Prohibited Conduct Not on University Property

The university may discipline a student for acts of prohibited conduct committed outside of university property which, in the university’s discretion, may adversely affect the university community and/or the pursuit of its objectives. When NDSU becomes aware of alleged code violations through law enforcement or other third party reports, the university may pursue charges under this code against all NDSU students identified on such reports.

2.5 Tri-College Policies

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

2.6 Multiple Accountabilities

Because of the varying roles/relationships/responsibilities students may have within and outside of the university, a student may be held accountable for prohibited conduct under other university, local, state or federal policies/laws/jurisdictions, including relevant jurisdictions when touring and/or studying abroad. Examples of other areas of accountability may include:

- Student athletes under the Student Athletic Code
- Student leaders within student organizations
- Personnel actions with student employees
- Academic actions under academic programs’ professional standards
- Criminal charges or civil suits

Actions under this code are educational (administrative) as are other actions taken under NDSU policies. Because the university’s procedures are educational and not criminal in nature, such separate proceedings do not constitute double/triple jeopardy. The university may proceed under this code before, during or after the other NDSU administrative processes, or legal proceedings, and does not typically wait for a court finding. Findings under this code may differ from judgments in criminal courts.

2.7 Financial Responsibility

All students must pay in full any debts to NDSU. For the complete text of the NDSU Collection Policy, please consult the Customer Account Services

staff or <https://www.ndsu.edu/fileadmin/policy/513.pdf>

NDSU bears no responsibility for financial obligations of individual students or student organizations. Any debts incurred, either on or off campus, by students or student groups will be the responsibility of the individual, organization and its leadership. In the event an organization dissolves and is no longer in existence, individuals holding leadership positions at the time the debt was incurred will maintain responsibility for settling outstanding debts.

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

2.8 Attempts

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

2.9 Bias-Motivated Violations

Any code violation that is determined to have been motivated by hate based on age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran may result in enhanced sanctions above those typically assigned for the same violations when not motivated by hate. North Dakota State University does not discriminate on the basis of age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran. See NDSU Policy 100 for further information.

2.10 Repeated Code Violations

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

2.11 Designees

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

III. Prohibited Conduct

3.1 Violations of Law

The university reserves the right to address any conduct occurring on or off campus that may be construed as potential or alleged violations of local, state or federal laws.

3.2 Complicity in Prohibited Acts

Complicity is association with and/or participation in an act prohibited by this code. To avoid being complicit to code violations, students are expected to do one or more of the following:

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

Complicit students may be sanctioned to the same extent as if they had committed the prohibited act. Students are accountable for their guests' conduct and may be sanctioned under this provision as if they had committed the violations themselves.

3.3 Alcohol on NDSU Property

Regardless of a person's age, the manufacture, sale, transfer, purchase, transportation, possession, use or consumption of alcohol, and/or possession or display of empty alcohol beverage containers anywhere on NDSU owned or controlled property and/or sponsored or supervised events is prohibited, except as authorized by NDSU Policy 155, Alcohol and Other Drugs: Unlawful and Unauthorized Use By Students and Employees.

3.4 Off Campus Alcohol

Students may face campus charges for alcohol related incidents occurring off campus. Such incidents include, but are not limited to: minor in possession/consumption/under the influence of alcohol, driving under the influence of alcohol, and public consumption of alcohol.

3.5 Drugs Other Than Alcohol

Possession, consumption, being under the influence, or transport of illegal drugs or any other controlled substances is prohibited except pursuant to a physician's, dentist's or other authorized medical personnel's prescriptions. The manufacture, exchange, distribution, purchase or sale of illegal drugs or controlled substances is prohibited. The possession of drug paraphernalia for illegal drug use is prohibited as well.

3.6 Conduct While Under the Influence of Alcohol or Other Drugs

Being under the influence of alcohol or other drugs is a violation of this code when the person:

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

3.7 Alcohol at Student Organization Events

Recognized NDSU student organizations planning off campus events at a venue where alcohol may be present must complete and submit an Event Risk Management Planning Notification Form and a guest list to the Student Activities Office, Memorial Union 120. Events involving alcohol must be closed events, intended only for organization membership and invited guests, and alcohol must be sold and served by a licensed third party vendor.

Student organization or public funds may not be used for the purchase of alcoholic beverages or gift cards to alcohol establishments.

Sale of alcoholic beverages by students and student organizations is prohibited. This includes any action that can be remotely construed as an alcohol sale, such as charging admission to parties, passing the hat, selling empty cups and selling drink tickets. Alcohol, if available, must be sold and served by licensed third party vendors.

Common sources or a bulk quantity of alcohol, such as cases or kegs, are not permitted at any student organization sponsored event.

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

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

3.8 Advertising Related to Alcohol

Alcohol promotional activities, including advertising, shall not be associated with otherwise existing campus events, programs or campus organizational functions on or off campus. This includes novelty items, giveaways, and apparel associated with the event. Advertising of establishments that sell alcohol must adhere to the following guidelines.

- Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse or promote alcohol specials such as two for ones, happy hour drink specials or any ads that encourage rapid and extensive consumption of alcohol.
- Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.
- Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with performance of tasks that require skilled reactions such as operation of motor vehicles or athletic performance.
- Advertising of establishments that sell alcohol shall include a statement of low-risk such as "know when to say when" or "please use our products legally and in a responsible manner."

For additional policy details, consult Policy 155, Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees, and the Event Risk Management guidelines, available in the Student Activities Office, Memorial Union 120.

3.9 Good Samaritan Responsibilities

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

Students who appropriately report will not be subject to the Student Conduct process for charges related to alcohol or drug use, nor will the incident become part of the student's conduct record. However, all students [including the student(s) needing assistance and reporter(s)] may be required to have an educational meeting with university personnel. This protection may not apply if other conduct violations occurred within the same incident. This protection will only apply once in a two year period. Subsequent incidents will not be eligible for protection under this policy.

3.10 Smoking

Smoking, including the use of electronic cigarettes, is prohibited on the North Dakota State University grounds and in university buildings, residence halls, apartments and enclosed structures. (www.ndsu.edu/fileadmin/policy/153.pdf)

3.11 Animals

With the exception of animals authorized by NDSU Disability Services or those defined as service animals under the Americans with Disability Act (ADA), privately owned animals are prohibited inside campus buildings, with the exception of fish. Animals in outdoor areas must be on a leash, must be under control of the owners or their designees at all times and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on university properties and at NDSU outdoor sponsored or supervised events. Questions may be directed to the facilities management director, Thorson Maintenance Center, 701-231-7911. See NDSU Policy Manual 100.2 for further information.

3.12 Intellectual Property Infringement

Infringement of any intellectual property without authorization is prohibited. When reproducing or distributing information, users are responsible for observation of copyrights and other intellectual property rights of others and all state and federal laws, institutional and North Dakota University System (NDUS) policies. Generally, materials owned by others cannot be used without the owner's permission. NDSU assumes no obligation to monitor users for infringing activities, but will, when such activities are called to the appropriate official's attention, investigate to determine if there is likely infringement and take appropriate action. For more information, go to Information Technology Services, www.ndsu.edu/its/intellectual-property-copyright, and NDSU Policy 190, Employee Responsibility and Activities: Intellectual Property, www.ndsu.edu/fileadmin/policy/190.pdf.

3.13 Use of NDSU's Name or Trademarks

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

3.14 Sale of Class Lecture Notes/Materials

Students are prohibited from transferring their class lecture notes or instructor provided materials for commercial purposes unless approved by the course instructor. In addition to copyright issues raised by such practices, commercial sales or transfers may interfere with the educational purposes of the instruction and potentially inhibit free discussion of ideas central to the academic purposes of instruction at NDSU. Note: This policy does not prevent note taking provided as part of an ADA accommodation.

3.15 Misuse of Proprietary Information

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

3.16 Computer Related Conduct

Please see NDSU Policy Manual Section 158: Acceptable Use of Electronic Communications Devices: www.ndsu.edu/fileadmin/policy/158.pdf and the State Board of Higher Education (SBHE) Policy Manual Section 1901.2, Computing Facilities: www.ndus.edu/makers/procedures/default.asp?PID=301&SID=62. If additional questions remain, contact the Information Technology Services Help Desk in Quentin Burdick Building or online at <http://its.ndsu.edu>.

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

- Unauthorized use, sharing, lending or borrowing of an account;
- Using computer services or facilities for purposes other than those for which the account was issued;
- Using university network resources and services to play or store game programs;
- Using the university's computer system for commercial purposes without written authorization of the Information Technology Security Officer;
- Copying, altering or destroying the files or output of another individual without the express permission of that individual;
- Altering system software or hardware configurations, or disrupting or interfering with the delivery or administration of computer resources;
- Misrepresenting oneself as another individual or entity in electronic communication;
- Using the university's network system to download copyright protected media including, but not limited to, books, music, movies, television programs, games and software without proof of purchase or permission;
- Exceeding university bandwidth limits;
- Sharing or distributing copyright protected media;
- Abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other persons;
- Using the university's network system to enter obscene material into university-owned computers or send obscene material through the Internet or any other electronic system; and/or
- Any other violation of university or NDUS policies governing electronic communications, as referenced above.

3.17 Deception/Falsification/Misrepresentation

Withholding or providing false information is prohibited. This includes but is not limited to:

- Falsely representing an entity and/or committing or using the resources of an entity without proper authorization;
- Knowingly, intentionally or recklessly making false accusations of prohibited conduct against another individual;
- Providing false information or falsified evidence with the intent of harming another person; and/or
- Attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution.

3.18 Financial Aid Misuse

Misuse of financial aid through fraud or abuse is prohibited.

3.19 Disruption of University Business

Disruption or obstruction of university business, facilities, and grounds, such that the function or service is materially or substantially disrupted or obstructed, is prohibited. University business includes (but is not limited to): teaching, research, administration, public service functions, meetings of university committees or boards, or any other authorized university activity or organization on or off university premises.

3.20 Failure to Comply

Failure to comply with the instructions or directions of all university and/or emergency personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, recklessly obstructing or delaying any university proceedings, providing misleading or false information during an investigation, resisting or fleeing a police officer, failing to comply with assigned university conduct sanctions, or engaging in verbal and/or physical abuse directed toward any university personnel.

3.21 Identification

Students are expected to carry university identification at all times. Failure to produce a university identification card upon request by any university personnel in the performance of their duties is prohibited. Guests are expected to carry valid identification.

3.22 Bribery

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

Bribing others to fulfill or otherwise attempt to evade academic responsibilities, such as homework, papers, and exams, is prohibited.

3.23 Arson

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

3.24 Burglary

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

3.25 Robbery

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

3.26 Motor Vehicle Theft

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

3.27 Theft of Property

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

3.28 Theft of Services

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

3.29 Possession of Stolen Property

Possession of goods that one knows or that any reasonable person would realize were stolen; also, to receive, retain, conceal, or dispose of property knowing that it was stolen. If it can reasonably be demonstrated that the receiver was unknowing, the property should be returned to its owner with

no action taken against the receiver.

3.30 Vandalism

The willful destruction or defacement of property belonging to the university or another individual is prohibited. This includes, but is not limited to, writing on or tearing down bulletin boards, spray painting or unauthorized chalking of buildings or sidewalks, and intentionally breaking or damaging property.

3.31 Trespassing

Entering and/or remaining in or on property to which a person does not have a legitimate right or purpose to enter or remain. Such property may include but is not limited to vehicles, apartments, houses, fenced yards, and/or other buildings or portions of buildings, such as roofs. Properties need not be specifically posted with No Trespass signs.

3.32 Unauthorized Sales or Solicitations

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

3.33 Traffic Safety and Parking Enforcement

University traffic and parking regulations are published in a separate pamphlet titled "NDSU Parking Regulations" which may be obtained from the NDSU Parking Office, 1801 15th Avenue North, or online at <https://www.ndsu.edu/parking/parkingregulations/>. Following are common violations described in the NDSU Parking Regulations brochure:

- Improper operation of motor vehicles on campus including, but not limited to, driving on sidewalks or grass
- Failure to cooperate with the lawful direction of traffic enforcement personnel in the performance of their duties
- Failure to report an accident that occurs on the NDSU campus, or involves an NDSU official vehicle, in the manner and time limit required by law or by university regulations
- Failure of persons in motorized vehicles or on bicycles, skateboards, roller blades and/or scooters to yield the right of way to pedestrians or abide by any traffic laws
- Falsifying registration information, reproducing, defacing, forging, altering, obscuring or transferring a permit is prohibited. Retaining and using a found permit also is prohibited. Parking permit theft may be processed under this code in place of or in addition to filing of criminal charges for theft of services. Upon completion of investigations by university police and the NDSU Parking Office, sanctions and/or fines may be administered. Only the NDSU Parking Office is authorized to re-sell permits.

3.34 Unauthorized Entry/Use of Facilities

- Unauthorized entry onto the property of the university or into a university facility or any portion thereof that has been reserved, restricted in use or placed off limits; unauthorized presence in any university facility after closing hours; and unauthorized possession or use of a key/access card to any university facility are prohibited. Unauthorized activities shall include, but are not limited to, entry, use or occupancy to which students are not permitted by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender. University areas that are restricted include, but are not limited to, all building roofs, fire escapes, steam tunnels, elevator shafts, equipment and mechanical storage rooms and construction sites. The use of fire escapes is strictly limited to emergency purposes.
- Duplication, manufacture, possession, or loaning of any key/access card or unlocking device for use on university facilities, locks or other property on university premises without proper authorization are prohibited.

Entrance doors for on-campus housing facilities are locked 24-hours a day. Guests must meet their resident-host at the entrance door to gain entry into the building. A resident must escort non-residents at all times.

3.35 Intimidation

Conduct in any form that involves an expressed or implied threat to interfere or that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, safety of property, academic efforts, employment or participation in university sponsored activities, and causes the person to have a reasonable apprehension that such harm is about to occur, is prohibited.

3.36 Physical Assault

Physical assault of another person is prohibited and includes, but is not limited to:

- Use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person, and/or endangers the health or safety of another person;
- Unwanted physical touching by one person upon another, with or without use/threatening display of a weapon, and regardless if obvious or aggravated bodily injury is sustained.

3.37 Instigation/Provocation

The face-to-face use of personally abusive epithets that, when addressed to any person, are inherently likely to provoke immediate violent reaction whether or not the reaction occurs.

3.38 Disorderly Conduct

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

Students may also be charged with Disorderly Conduct for participating in or hosting noisy or loud parties or other public disturbances on or off campus. Loud parties consist of two or more individuals whose conduct leads to noise complaints.

3.39 Discrimination, Harassment and Retaliation

North Dakota State University is fully committed to equal opportunity in educational programs/activities and employment decisions for all individuals. Any discriminatory (different or unequal treatment) or harassing actions(s) (unwelcome behavior that has the intent or effect of unreasonably interfering with the individual's academic or employment endeavors or creating a hostile, intimidating or offensive environment) taken against another based on age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran is prohibited. Any attempt to retaliate because of one's participation in a protected act (anyone who, in good faith, alleges discrimination, harassment or sexual harassment or who provides information related to an equal opportunity grievance) is also prohibited. See NDSU Policy 100 Equal Opportunity and Non-Discrimination (www.ndsu.edu/fileadmin/policy/100.pdf) and NDSU Policy 163 Anti-Harassment (www.ndsu.edu/fileadmin/policy/163.pdf).

3.40 Sexual Harassment

See NDSU Policy 603 – Sexual Misconduct and Title IX Compliance.

Individuals concerned about equal opportunity violations should request assistance from the university's vice provost for faculty and equity, NDSU's designated legal advisor, Counseling Center, Disability Services Office, or an appropriate administrator/office. In addition, the university's equal opportunity grievance procedure is available for any person(s) wanting to file a complaint alleging discrimination, harassment, sexual harassment or retaliation.

See related policy, "Consensual Relationships" (www.ndsu.edu/fileadmin/policy/162_1.pdf), Section 162.1 of the NDSU Policy Manual. Consensual relationships are defined as those romantic or sexual relationships in which both parties appear to have consented, but where there is a definite power differential within the University between the two parties. The actual or perceived imbalance of power that exists in a relationship when one of the parties in the relationship is an instructor or supervisor (including graduate assistants) and the other is a student or supervisee. Where a power differential exists, the instructor (including graduate students) or supervisor must report the matter, as soon as possible, to his/her immediate supervisor so appropriate steps may be taken. Accordingly, suitable arrangements will be made for the objective evaluation of the student's, employee's, or prospective employee's academic or job performance and for the protection of individual and University interests. A copy of this policy may be requested from the Dean of Student Life Office, Memorial Union 250.

3.41 Other Acts of Harassment

Any action or any series of actions that interfere with individuals' academic efforts, employment, personal safety or participation in university sponsored co-curricular activities is prohibited.

3.42 Stalking

Stalking is prohibited. Stalking is a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct that would cause a reasonable person to feel fear for safety to self or the safety of others; or suffer substantial emotional distress.

3.43 Lewd or Obscene Conduct

Lewd or obscene behavior that flagrantly flaunts community standards with respect to sexuality is prohibited. Lewd behavior includes, but is not limited to, sexual acts in public places, and exposing genitalia.

3.44 Sexual Assault/Sexual Misconduct and Title IX Compliance

North Dakota State University (NDSU) strives to create a campus community free from interpersonal abuse including sexual misconduct. See NDSU Policy 603 – Sexual Misconduct and Title IX Compliance.

Students are encouraged to report incidents or information related to sexual misconduct as soon as possible. Anyone who becomes aware of a Title IX complaint or violation of this policy and has the authority to take action on the complaint or violation, shall report the complaint or violation either to the Title IX Coordinator or a Deputy Title IX Coordinator:

Chief of Staff/Title IX Coordinator

Old Main 102

3.45 Endangerment or Safety of Individuals

- Initiating or circulating a report or warning concerning an impending bombing, a fire, or other emergency or catastrophe knowing that the report is false, or knowingly transmitting such a false report to an official or an official agency, is prohibited.
- Willful failure to comply with orders issued by any emergency personnel during any real or perceived emergency condition is prohibited. Examples include, but are not limited to, tornado, fire, fire drill, bomb threat or situations requiring shelter in place.
- Tampering with any fire protection sign or device or any other emergency equipment, including, but not limited to, fire extinguishers, fire hoses, smoke/heat detectors, sprinkler systems and other alarm systems, for reasons other than an actual or perceived emergency, is prohibited.
- Tampering with elevator controls, elevator shaft access, and/or other elevator equipment by acts including, but not limited to, jumping, elevator surfing, falsely sounding alarms and stopping between floors, is prohibited.
- Willful failure to follow safety standards is prohibited.
- Creating a risk of bodily harm or falsely creating the impression of risk of bodily harm to others is prohibited.
- Knowingly focusing, pointing or shining a laser pointer at an aircraft or at a person is prohibited. A laser pointer is any device that creates a visible light used for aiming, targeting or pointing out features.

3.46 Hazing

Hazing is prohibited regardless of location, intent or consent of participants. Hazing is defined as any action or situation that intentionally or unintentionally endangers a student for admission into or affiliation with a student organization or group. Such activities and situations include, but are not limited to, paddling in any form; creating excessive fatigue; forced consumption of any substance; forced road trips; morally degrading, demeaning, unsanitary, humiliating games or stunts; and harassment, ridicule or other activities prohibited by law or university policy.

It is the responsibility of the organization and its leadership in conjunction with the (inter)national organization, if any, to protect potential members, members or other persons associated with the organization from any hazing activity or practice conducted, condoned, or encouraged by the current members of the organization, alumni or other associates.

3.47 Sporting Activity Restrictions

Riding skateboards or scooters and using in-line skates, roller skates, and bicycles are prohibited inside all university facilities. Use of water guns, water balloons and throwing of flying discs, balls or other objects also are prohibited indoors, except when authorized. Use of projectile launchers is prohibited on campus without documented permission by an appropriate university official. Launchers may include those intended for water balloons, potatoes, pumpkins and other items. For guidance, contact the director of University Police and Safety Office.

3.48 Weapons/Firearms/Explosives

Unauthorized and/or illegal possession, display or use of firearms, explosives or other weapons is prohibited.

- Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, stun gun or similar device designed to deliver an electric shock, daggers, knives, sabers, swords, and bows and arrows.
- Explosives include, but are not limited to, bombs, explosives, fireworks and other incendiary devices. Incendiary devices are defined as any flammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.
- Other weapons include, but are not limited to, martial arts implements, dangerous fuels and chemicals. Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage.
- Throwing or casting any object into, upon or against any building, structure, motor vehicle or at any person is prohibited.

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

The University Police and Safety Office provides limited, temporary storage space for on-campus residents to store ammunition and sporting arms, such as those used for hunting and other shooting sports. Weapons should be checked in immediately upon arrival to NDSU and checked-out immediately prior to leaving the campus. An officer must be present for check-in/check-out. The University Police and Safety Office is open and available for check-in/check-out on a 24/7 basis.

IV Student Organizations/Activities

4.1 Responsibilities of Student Organizations and Affiliated University Groups

A student organization or a group affiliated with the university shall be deemed responsible for acts of prohibited conduct committed by individuals when such acts:

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

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

4.2 Student Organizations and Affiliated University Group Compliance with University Policy

Student organizations and affiliated university groups must be in compliance with university policies, procedures and regulations. Prohibited conduct includes, but is not limited to, misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, or abuse of student election regulations.

4.3 Conduct Resolution and Enforcement Procedures

For information concerning the code resolution procedure(s) to be utilized, refer to Part V. Procedures and Part VI. Conduct Board Procedures.

When a student organization or an affiliated university group is charged with prohibited conduct, the presiding officer or individuals affiliated with the group shall be required to participate as representatives of the group in proceedings conducted under this code.

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

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

4.4 Recognition

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

Student organization purposes must be compatible with the educational mission and purpose of the university.

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

4.5 Membership

Membership must be limited to current students, faculty and staff of NDSU. Students who transfer to another Tri-College institution who want to retain membership in an NDSU registered student organization may be eligible for on-going membership, contingent upon approval from the dean of student life. In the case of dual college or tri-college recognized student organizations, membership criteria as defined in the CSO guidelines must be met.

4.6 Registration Requirements

The following information must be electronically filed with the Student Activities Office:

- a. Organization registration form
- b. Signed agreement by local student organization officers that there will be no illegal discrimination on the basis of age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation or status as a U.S. veteran, or any form of discrimination in the selection of members or officers on a local level.
- c. Signed agreement by local student organization officer(s) that there will be no participation in any activities that could be considered hazing.
- d. Request to check Eligibility for Participation Form.
- e. Copy of the current constitution.

Students holding elected or appointed leadership positions must meet the following academic and good conduct eligibility standards:

- a. Students in leadership positions must have attained and must maintain during the term of participation a minimal cumulative grade average of 2.0.
- b. Students in leadership positions must be enrolled for and maintain a minimum of nine (9) semester credits during the term of participation and have successfully completed nine (9) credits from the most previous semester.
- c. Students in leadership positions must be in good conduct standing with the Office of the Dean for Student Life.

Additional information regarding eligibility for participation in co-curricular activities can be found on the Student Life webpage at www.ndsu.edu/student_life/policies_and_forms/eligibility_for_participation_in_co_curricular_activities/.

4.7 National/International Affiliated Organizations

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

4.8 On and Off Campus Activities/Events

All on and off campus activities/events must follow all guidelines and procedures set by the Memorial Union Student Activities Office.

- **Chalking**
Individuals who want to chalk on sidewalks near the Memorial Union should seek permission from the director of the Memorial Union. Contact the director of facilities management to seek permission to chalk in any other area. Chalking on any other surfaces is prohibited. The content of messages is limited to the promotion of a specific event.
- **Posters, Signs, Leaflets**
Placing posters, signs or leaflets, except on one's own personal property or in areas authorized and provided for that purpose by the university, is prohibited. Individuals should seek permission from those persons who have administrative control of that location. For guidance when this person is unknown, contact the Dean of Student Life Office.

4.9 Fraternities and Sororities

- **Membership**
Social fraternities and sororities are chartered with a single institution and therefore are ineligible for Tri-College/ Dual-College recognition; membership is limited to students enrolled at NDSU.
- **Residents of Greek Chapter Houses**
Only initiated member(s) of that chapter currently enrolled at NDSU, or a house employee, may reside in the house during the fall and spring semesters without authorization from the dean of student life and by chapter leadership.
- **Summer Rules**
Fraternity and sorority presidents are to furnish names of the summer house managers to the assistant director of fraternity and sorority life, Memorial Union. Chapter leadership is required to inform summer residents of university and fraternity/sorority life policies.
- **Alcohol and Other Drugs**
Fraternity Houses – No alcoholic beverages are permitted in common areas of chapter property at any time. Members who are 21 years of age may consume alcohol in the privacy of their rooms/suites with no more than three non-room/suite residents who are also 21 years of age or older. If multiple individuals live in one room/suite, all residents must be 21 years of age or older. Illegal drugs are not permitted

on chapter property at any time.

Sorority Houses – National Panhellenic Conference policy requires alcohol free facilities for all house chapters. Illegal drugs are not permitted on chapter property at any time.

- **Code Violations**

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

4.10. Commercial Solicitations and Distribution Issues

See NDSU Policy 154: Distribution of Literature www.ndsu.edu/fileadmin/policy/154.pdf.

V. Procedures

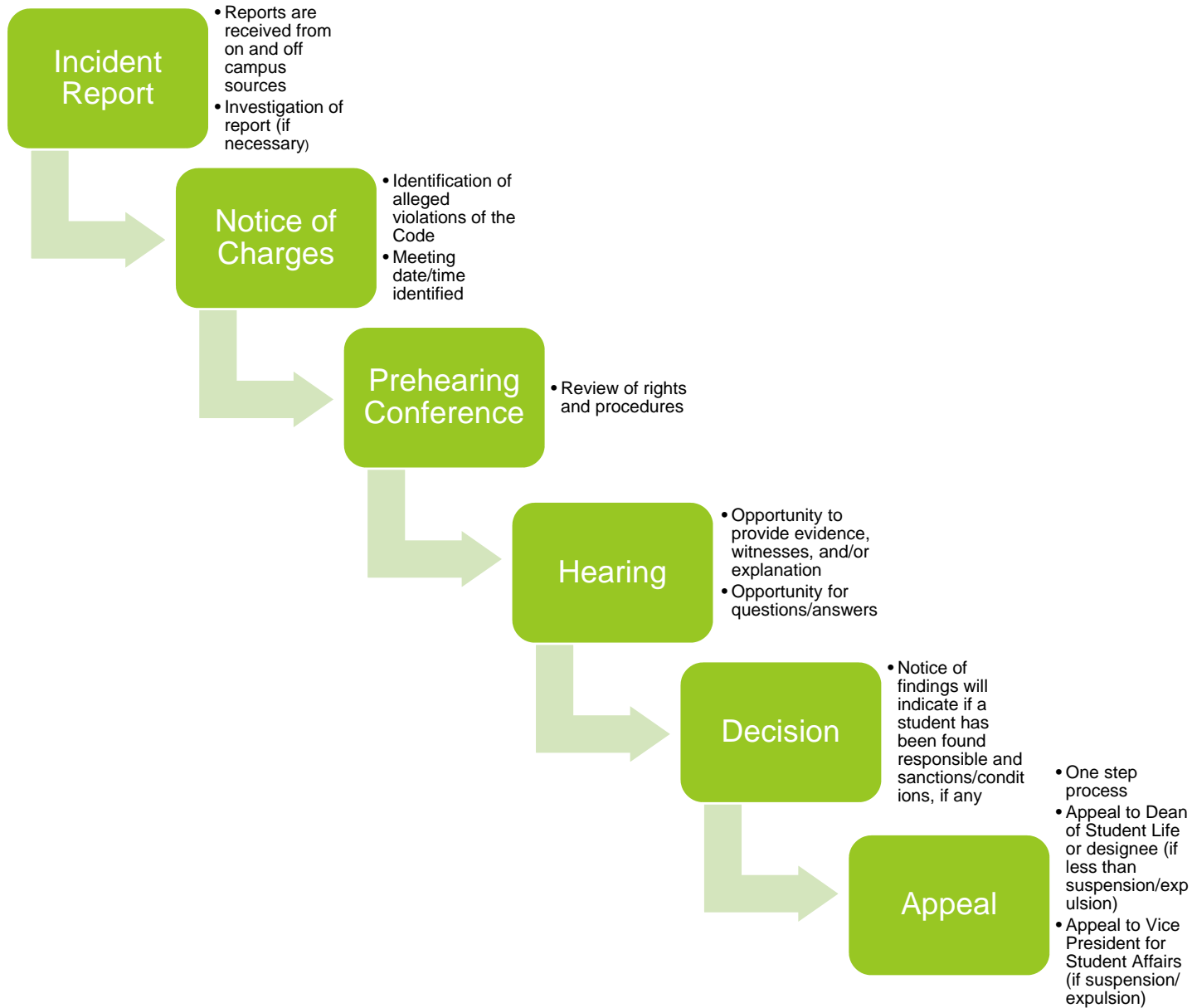
Resolution of Alleged Code Violations

The code resolution process generally includes the following steps:

- a) Receipt of an incident report,
- b) Creation of a conduct file,
- c) Implementation of interim actions, if necessary
- d) Investigation of incident, if necessary
- e) Notice of alleged violations,
- f) Prehearing Conference,
- g) Hearing,
- h) Notification of findings, including sanctions, and terms and conditions, as assigned,
- i) Appeal (if student chooses),
- j) Notification of appeal decision (if applicable).

A detailed description of these steps is provided below. Cases related to Title IX compliance will require some modification of the resolution process, as approved by the NDSU Title IX coordinator.

Resolution of Alleged Code Violations



5.1 Reporting and Investigating Complaints

When provided information by law enforcement agencies, the university reserves the right to initiate action under this code when alleged violations of the code are believed to have occurred. Reports and investigations are used to determine whether a student is responsible for alleged violations of the Code of Student Conduct, and include the following purposes:

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

5.2 Reporting Alleged Violations

Alleged violations should be reported as soon as possible following the discovery of alleged prohibited conduct and may be initiated by law enforcement, any member of the NDSU community, or other interested parties.

An alleged violation should be reported to the:

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

5.3 Investigations

Investigation means to gather the facts, details and circumstances associated with a complaint. The investigation may include interviewing witnesses, review of documents or other steps that will assist the dean of student life and/or designee to determine whether charges are warranted. Dismissal of the complaint, an alternative resolution, or charges may result following an investigation. This determination is made at the discretion of the dean of student life and/or designee based on recommendations from investigators.

The University may independently investigate an allegation of student conduct, and may also initiate an investigation at the request of any member of the NDSU community or affected party. Student Life hearing officers and other designated university personnel are authorized to investigate alleged violations of the Code of Student Conduct.

Any person believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. Failure to comply with a request to make and keep an appointment relevant to an investigation may result in a conduct hold being placed on a student's registration and records.

5.4 Interim Measures

In the interest of safety and security, interim actions may be implemented by the dean of student life prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.

5.5 Searches and Seizures

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

- a) The student consents to the search;
- b) The officials responsible fear an imminent danger to health, safety, life or property;
- c) The vice president for student affairs or designee provides a written administrative authorization specifying reasons for the search, objects of information sought and area to be searched; or;
- d) University officials fear imminent destruction of evidence relevant to a suspected violation of university policies.

When students are suspected of violating NDUS or NDSU Acceptable Use Policies, student computers, associated peripheral devices, and media storage devices may be taken into temporary custody on authority of the Information Technology Security Officer (ITSO) to collect and preserve evidence of possible violations of local, state or federal laws (see NDSU Policy 158: Acceptable Use of Electronic Communications Devices: www.ndsu.edu/fileadmin/policy/158.pdf and State Board of Higher Education (SBHE) Policy 1901.2, Computing Facilities: www.ndus.edu/makers/procedures/default.asp?PID=301&SID=62). If additional questions remain, contact the Information Technology Security Officer (ITSO).

The university requires that university officials notify the dean of student life and/or designee of searches. The university will not intervene between students and searches authorized under law by any law enforcement agencies.

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

license contract. Items that pose an imminent danger to health, safety, life, or property may be taken into temporary custody of residence life staff, university police, or other emergency personnel.

5.6 Notice of Charges

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

The notice of charges will include when known:

- Nature of the alleged code violation;
- Date, time and place of the alleged code violation;
- Source of the information;
- Summary of the evidence to be presented;
- Maximum sanction applicable if found in violation of the Code of Student Conduct;
- The student's right to be represented by an attorney or nonattorney advocate, at the student's expense if suspension or expulsion are identified as potential sanctions;
- Notice that a decision may be made in the student's absence based on the information currently available.

The student must be given notice in writing of a summary of the charges and evidence to be presented in sufficient time to ensure an adequate opportunity to prepare for the hearing. The university will provide the student oral or written notification of the hearing at least three business days prior to the hearing date. Students may consent to a shorter notice period, if they so choose.

5.7 Prehearing Conference

During the prehearing conference, the hearing officer will discuss the:

- a) Student's rights and responsibilities and
- b) Nature of the complaint and how the Code of Student Conduct may have been violated.

The student may request to proceed with an immediate hearing, except in cases which may result in suspension or expulsion. The hearing officer may refuse to hear the case and refer it to another hearing officer.

5.8 Conduct Hearings

The Code of Student Conduct resolution process is facilitated through an administrative hearing. An administrative hearing involves the accused student, hearing officer and any other individuals necessary to determine whether or not there has been a violation of university policies. The hearing officer is the NDSU representative assigned to process an alleged violation of university policies. At this hearing, the student has a right to make a written and/or oral statement describing the event(s) that led to the charges.

In all cases involving an allegation of sexual misconduct, the accused student and the alleged victim shall have equal procedural rights as detailed in Policy 603.

When a case has potential to result in suspension or expulsion, the hearing will be recorded and retained as part of the student's file. In some situations, the hearing officer may recommend to the dean of student life that a video recording may be more appropriate than an audio recording. Notice will be provided to the student no less than two business days before the hearing. Access to the recording will be made available for the purpose of preparing an appeal. Requests for access should be directed to the Dean of Student Life Office.

The hearing officer will provide written notice of the findings to the student stating whether or not the Code of Student Conduct was violated. The written notice will include sanctions and terms and/or conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 10 business days following the hearing. The dean of student life may grant time extensions, if necessary.

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

5.9 Student Advisory Options

The student has the right to have a person present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. Hearing advisors who do not comply with hearing procedures or the directives of the hearing officer may be cautioned by the hearing officer and if they persist, may be asked to leave.

If a student chooses to have an attorney present as his or her hearing advisor, NDSU may request legal representation be present as well. In cases that do not involve potential for suspension or expulsion, the role of an attorney shall be to advise his or her client, not to participate in the hearing. Attorneys who do not respect this provision may be cautioned by the hearing officer and if they persist, may be asked to leave.

In cases that could result in suspension or expulsion, attorneys or nonattorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine (through the hearing officer) witnesses present during the hearing, and provide the student with support, guidance and advice throughout the process.

5.10 Default Proceedings and Unresolved Charges

When a student/organization fails to appear for a hearing appointment without advance notice, or leaves the university with unresolved charges, the hearing officer may make a decision in the student/organization's absence, providing the student/organization was issued adequate written notice of the date, time and place of the scheduled hearing via the NDSU email system.

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

5.11 Student Organizations in Default

In the event a student organization becomes inactive rather than appear for a hearing, the default decision will typically be withdrawal of recognition granted by the Congress of Student Organizations. In addition, officers of the organization at the time of the incident may face conduct proceedings individually for failure to comply (see Section 3.20) and also may be charged with one or more of the original alleged violations of the code arising from the alleged misconduct by the organization.

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

5.12 Conflicts of Interest

Any hearing officer who has a conflicting interest in the particular case may not participate. Each party has the right to challenge the appointment of a hearing officer. Challenges must be submitted in writing to the dean of student life or designee at least two business days prior to the hearing. If a party fails to raise a perceived conflict by objecting to that person two business days in advance, any objection is deemed to be waived. An individual may not be disqualified solely on the basis of his or her position in the university community.

5.13 Burden of Proof

The burden of proof will rest upon the hearing officer.

5.14 Standard of Proof

The standard of proof will be "more likely than not." A student is found to have violated this code when the student:

- a) Admits to the violation or
- b) Information available at the time of the hearing supports a finding of responsibility.

5.15 Witnesses/Witness Statements

The accused student and the hearing officer will be given reasonable opportunity to present witnesses and/or witness statements and will be allowed to address questions to any witnesses participating in the hearing. An absolute right of cross examination is not granted under this code. All questions will be addressed through the hearing officer, who will determine if the questions are relevant and reasonable, and if necessary, will exclude questions that are redundant or irrelevant in determining responsibility. Witnesses will be given reasonable latitude to respond fully to questions and will only remain for the duration of their own testimonies. All written statements that are to be considered are to be provided at least two business days prior to the hearing. Written statements must also be signed and dated, with the name of the witness printed below to ensure legibility or sent electronically directly by the witness. Deviations to the time restriction may be granted as long as all parties have sufficient time to prepare.

Character witnesses are not permitted. If the accused student is found responsible for violating this code, character statements may be considered during sanctioning. The accused student may submit up to three letters to the hearing officer, at least two business days prior to the hearing. Each letter must be dated and signed, with the name of the individual signing printed below to ensure legibility or sent electronically from the author of the written statement.

5.16 Evidence

The accused student and the hearing officer will be given reasonable opportunity to present any written or oral information that is relevant in determining responsibility. All pertinent information that is to be considered is to be provided at least two business days prior to the hearing. Deviations to the time restriction may be granted as long as all parties have sufficient time to prepare.

Because the hearing is an educational process, formal rules of evidence do not apply. For this reason, hearsay evidence may be permitted. It refers to testimony given by a witness who speaks about information received from others, rather than information given directly by that witness. The value of such evidence rests with the discretion of each hearing officer.

5.17 Self Incrimination

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

5.18 Closed Hearings

All hearings are generally closed except to those persons who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the charged student and the dean of student life or designee. The dean of student life or designee may permit a limited number of NDSU personnel to be present as observers for the purpose of training. Other exceptions may also be made as deemed necessary by the dean of student life or designee.

5.19 Appeals

Students sanctioned for violations of any part of this Code of Student Conduct or relevant university policies may appeal. Students are limited to one appeal and that decision is final (see Section VIII Appeal Procedures).

VI. Hearing Procedures for Potential Suspension or Expulsion Cases

6.1 Introduction

With all parties present, the hearing officer will call the meeting to order and will ask all parties participating in the hearing to introduce themselves and identify their role in the proceedings.

The hearing officer will describe the general outline of the hearing and will read the honesty statement. If a student is represented by an attorney or nonattorney advocate, that individual has the ability to fully participate in the hearing as indicated in section 5.9. Hearing advisors (attorney or nonattorney advocates) will be required to sign a confidentiality statement pertaining to information about all parties involved in the hearing.

The hearing officer will dismiss witnesses until they are called to speak.

6.2 Complaint and Response

The hearing officer will introduce the case.

The accused student (and/or attorney or nonattorney advocate) will be permitted to respond to the charges and present information that is relevant in determining whether the student violated one or more sections of the code.

6.3 Presentation of Witnesses

The hearing officer and the accused student will be allowed to present witnesses who may be asked questions by the hearing officer, accused student (and/or attorney or nonattorney advocate), and dean of student life or designee. All questions will be directed to the hearing officer who will determine relevancy to the proceeding, request clarification if necessary, ask if the respondent understands the question and request a response.

6.4 Final Questions

The hearing officer and accused student (and/or attorney or nonattorney advocate) will be permitted to ask questions of each other.

Questions will be permitted by dean of student life or designee, who may question either party.

The hearing officer and accused student (and/or attorney or nonattorney advocate) may be permitted to ask additional questions of each other.

6.5 Closing Statements

The accused student (and/or attorney or nonattorney advocate) will have an opportunity for a closing statement.

Honesty Statement

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

6.6 Deliberation and Decision

If the hearing officer believes that suspension or expulsion is warranted, the hearing officer will make this written recommendation to the dean of student life. When the recommendation has been approved by the dean of student life, it will be returned to the hearing officer with the dean of student life's endorsement, and the hearing officer will issue the written decision.

The hearing officer will provide written notice of findings to the student stating whether or not the Code of Student Conduct was violated. The written notice will include sanctions and terms and conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 10 business days following the hearing. The dean of student life may grant time extensions, if necessary.

VII. Sanctions and Conditions

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

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

In cases in which the student is found responsible for violating one or more policies, a sanction may be imposed. Sanctions may not include suspension or expulsion unless the student receives prior written notice that the case was serious enough to warrant suspension or expulsion. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

1. Warning,
2. Conduct probation,
3. Supervised conduct probation,
4. Conduct suspension,
5. Expulsion, or
6. Recommendation to the provost to withhold or rescind a degree.

Written decisions are generally rendered within 10 business days from the date of the hearing. In cases of code violations serious enough to warrant suspension or expulsion, the hearing officer will make a recommendation to the dean of student life. When approval of the recommended sanction is received, the hearing officer will issue the written decision. Sanctions of suspension and expulsion are noted on students' academic transcript.

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

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

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

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

- a) Facts of the case as presented from all relevant sources, including the accused student,
- b) Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses,
- c) Type and severity of the offense,
- d) Impact on the victim(s), the educational community and its members,
- e) Previous incidents of prohibited conduct committed by the accused student, and
- f) The ability and/or willingness of the student to accept responsibility.

7.1 Sanctions

Written Warning

A warning is a written notification that subsequent code violations will normally result in more severe sanctions.

Conduct Probation

Conduct probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with university policies; local, state and federal laws; and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.

Supervised Conduct Probation

Supervised conduct probation generally requires meetings with a member of the Division of Student Affairs at regularly established intervals to monitor progress in behavioral, academic, social, vocational and other areas of the student's life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.

Conduct Suspension

Conduct suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not to exceed two academic years. In cases of crimes of violence, hate crimes, and/or Title IX related violations, the dean of student life may specify a longer period of suspension.

- a) A student may not re-enroll during the period of conduct suspension.
- b) The student's eligibility for any refund of tuition/fees will be subject to the university's normal withdrawal policy.
- c) The notice of conduct suspension will include the conditions for readmission that must be met prior to application for readmission. Students may obtain a reactivation of student status (after absence) form from Registration and Records, Ceres Hall, or online through Bison Connection. An interview with a member of the dean of student life staff also will be required prior to acceptance of the student's application for readmission.
- d) While a student is under conduct suspension from NDSU, no academic credit earned during the suspension period will be accepted for transfer from any other higher education institution at any time. The student's transcript will carry a notation "may not register for nonacademic reasons" without further explanation. If the student is subsequently readmitted, the original notation will remain on the transcript and a new notation will be added, "eligible for registration effective ..."
- e) A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the conduct suspension.
- f) In addition to being ineligible for enrollment, a student is also ineligible for employment with NDSU.
- g) There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student also may be required to obtain prior written permission from a member of the dean of student life staff before being on any portion of the NDSU campus during the period of suspension. Approval is generally granted only to permit a student to conduct business related to the university.
- h) Conduct suspension is a matter of permanent record. A permanent record indicates that student conduct files may be retained indefinitely at the discretion of the dean of student life, but not less than seven (7) years.
- i) Student organizations placed on suspension may have all rights and privileges provided by CSO revoked for the duration of their suspension. In order to regain all rights and privileges, the student organization is required to comply with and complete any and all sanctions and terms and conditions.

Expulsion

Expulsion is a written notification that the student is permanently ineligible to return to the university. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a matter of permanent record.

The student must leave university residences and cease all use of university owned or controlled buildings, properties and services as designated in the expulsion notice. The expulsion notice will also include any other specific restrictions and a time frame during which these restrictions apply. These may include restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities.

Written requests for exceptions to restrictions may be directed to the dean of student life or designee; however, approval is generally only granted for the purpose of conducting official university business. Requests for readmission will not be approved.

Degree Rescission

If a person has been awarded an NDSU degree and it is subsequently discovered that the person committed a serious breach of this code while attending the university, the university may, upon separate proceedings, elect to rescind the degree. See Section 9.1 regarding graduation holds for similar reasons.

7.2 Conditions

Alcohol and Other Drug Programming, Evaluation, and/or Testing

A student may be required to participate in alcohol and other drug programming as a result of participating in any incident involving the use or abuse of alcohol and other drugs. The university reserves the right to require alcohol/drug testing and/or evaluation as a condition of enrollment or continued enrollment when:

- a) A student's conduct endangers or may endanger the safety of themselves, others, or property, and/or
- b) A pattern of conduct has been demonstrated by a student.

Written Assignments

Students may be required to complete written assignments as a means of reflecting and/or learning more about a particular topic.

Participation in a Specific Activity or Project

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

Restricted Access

Students may have access to university facilities and grounds restricted for a specified period of time. Restricted access may include but is not limited to entry into university facilities or athletic fields, access to specific university offices, and visiting and/or living in any university housing facility. Students found in violation of restricted access directives may be issued a trespass citation by University Police and may be subject to further conduct action.

Loss of Privileges

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

- a) Participating in or attending events sponsored by the university or by students;
- b) Holding office in any Congress of Student Organizations (CSO) recognized student organizations;
- c) Receiving or being a guest in residence life facilities;
- d) Access to parts of or all university property, including eligibility to reside in university facilities;
- e) Receiving financial aid;
- f) Being employed by the university;
- g) Representing the university, including travel on behalf of the university;
- h) Sponsoring or hosting organization or campus wide functions;
- i) Using IT services; and
- j) Maintaining recognized student organization status with the CSO.

No Contact Order

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

Restitution

A student may be required to repair, pay the cost for repair or pay for cost of replacement of any university or state property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer, taking into consideration the fair market value or cost to repair the damaged item(s). In the case of personal injury, the responsible party may be required to cover the cost of medical care for others harmed as a result of the student's actions.

When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. Failure to make timely arrangements for restitution may result in the cancellation of the student's registration, prevention of the student's re-registration, or more severe sanctions including, but not limited to, conduct suspension or expulsion. When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

Confiscation

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

VIII. Appeal Procedures

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

8.1 Deadline for Appeals

An appeal of any conduct process decision must be made in writing within five business days following the date the sanction notice is sent to the student via the NDSU email account. When necessary to utilize U.S. mail, students will be afforded 10 business days from the date of letter to submit an appeal. If hand-delivered, a notation of that date will be made in the student's conduct file. In extraordinary circumstances, the dean of student life may grant time extensions. The university reserves the right, however, to reduce the time allowed for a student appeal in cases that may have the potential to result in harm to persons and/or property. The reduced time for appeal will be specified in the decision letter along with the rationale for allowing reduced time for an appeal. The appeal must be written by the student and shall contain the student's name, date of the decision or action, and reason(s) for the appeal.

8.2 Appeal Letters

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

- a) The severity of the sanction was not consistent with the severity of the offense,
- b) The decision was made in an arbitrary or capricious manner,
- c) The finding of the code having been violated was not substantiated by the evidence, and/or
- d) The student's rights were violated. Those rights believed to be violated must be specified.

8.3 Emergency Provisions

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

8.4 Appeal Advisory Board

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

8.5 Review

The appeal officer/advisory board will review the written letter of appeal from the student and materials from the original hearing. In reviewing the appropriateness of sanctions, the student's entire conduct file may be considered. After reviewing these materials, the appeal officer/advisory board may decide to do one of the following:

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

8.6 Decision/Sanction

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

8.7 Appeals by Accuser

An appeal by the accuser may only be allowed when it is alleged that the accuser was the subject of a Title IX violation, including sexual assaults, as defined in this code. In some cases, an accuser's appeal could result in a different decision and/ or stronger sanctions than originally imposed.

8.8 Rehearing Requests for Cases Resulting in Suspension or Expulsion

Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original decision, and/or evidence that the student was not afforded due process as outlined in this Code. A request for reconsideration of the case should be submitted to the Vice President for Student Affairs. Information that may be considered may include police reports, transcripts of legal proceedings and the outcome of any civil or criminal proceeding directly related to the appeal.

IX. Special Circumstances and Conditions

9.1 Registration/Graduation Hold

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

9.2 Returning and/or New Students

If a student commits an act that violates this code during a period of nonenrollment, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about these holds at the time the university is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, a hearing officer, in consultation with the dean of student life or designee, may place a registration hold to deny a student the eligibility to register. Reasons may include, but are not limited to, the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the student or others in the university community, and/or as otherwise provided by NDSU Policy 607-Admission & Re-enrollment Safety Risk; Background Checks www.ndsu.edu/fileadmin/policy/607.pdf.

9.3 Temporary Emergency Suspension

A student may be temporarily suspended by the dean of student life, pending a hearing when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five business days following the suspension. If the suspension is upheld, the suspension remains subject to the rules outlined in Conduct Suspension (see Section 7.1) and remains a matter of permanent record. Conditions under which emergency suspension may be imposed:

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

9.4 Conditions Under Which Temporary Emergency Suspension May Be Imposed:

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

No hearing will be required before emergency suspension is imposed; however, one will normally be convened within five business days following the suspension. In unique circumstances, any alteration to this timeline will be at the discretion of the dean of student life. If the suspension is upheld following the hearing, the suspension remains subject to the rules outlined in Conduct Suspension (Section 7.1) and remains a matter of permanent record.

9.5 Administrative Withdrawal for Psychiatric Reasons

A student may be subject to administrative withdrawal if it is determined by clear and convincing evidence that the student suffers from a mental disorder as defined by the current American Psychiatric Association Diagnostic Manual and, as a result of such a disorder, engages or threatens to engage in conduct that:

- a) Poses a significant danger of causing imminent harm to the student or others, or
- b) Directly and substantially impedes the lawful activities of other members of the campus community.

Consideration will be given first to use of normal conduct processes of counseling, voluntary withdrawal, use of state commitment laws (NDCC 25.03.1), or use of other alternatives whenever appropriate.

Conduct Violations

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

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

Evaluation Referral

The dean of student life may refer a student for an evaluation by an independent, licensed psychiatrist or psychologist chosen by the institution if the dean of student life reasonably believes the student may meet the criteria in Section 9.4, or if a student subject to conduct charges wants to introduce relevant evidence of any mental disorder. A student referred for evaluation will be informed in writing by NDSU email and the evaluation must be scheduled no later than five days from the date of the referral letter. The evaluation will be at the student's expense. If a student fails to complete an independent evaluation, he or she may be subject to the conduct process or an immediate interim withdrawal.

Interim Withdrawal

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

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

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

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

Involuntary Withdrawal

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

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

9.6 Negotiated Withdrawal

In rare circumstances, a student may be allowed to negotiate a mutually agreed upon withdrawal for a specified period of time. Other conditions may also need to be met prior to application for reenrollment. Such conditions will be provided to the student in writing at the time of the negotiated withdrawal.

This action generally results in no notation on the student's academic transcript; however, in instances involving interpersonal violence or felony level criminal conduct, charged or uncharged, a transcript notation may be applied at the discretion of the dean of student life or designee, "may not register for nonacademic reasons." The dean of student life or designee will determine whether this notation will remain on the transcript, should the student later be readmitted. .

A student requesting readmission will be required to meet with the dean of student life or designee prior to approval of the student's petition for readmission. The student must be academically eligible for readmission to NDSU and may be required to pass a criminal background check at the student's expense prior to readmission.

9.7 Interim Actions

In the interest of safety and security, interim actions may be implemented by the dean of student life prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.

9.8 Crimes of Violence

The term "crime of violence" means:

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

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

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

9.9 Notification of Hearing Outcomes for Crimes of Violence

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

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

9.10 Incarcerated Students

In cases involving incarceration, a hearing will be held when the student is available for a hearing. Under these circumstances, the dean of student life or designee may determine that an administrative hearing be held rather than a Conduct Board hearing.

X. Conduct Records

10.1 Disclosure

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

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

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

Suspension and expulsion are the only completed conduct actions reflected on the official academic transcript of the student (see section 7.1). At the direction of the dean of student life, the registrar shall place on the student's permanent academic record the words "may not register for nonacademic reasons." When the student is determined eligible to return to NDSU following a suspension, the original transcript notation will remain and a new transcript notation will be added: "eligible for registration effective ..."

10.2 Retention and Destruction

Sanctions Less than Suspension or Expulsion

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

Suspension or Expulsion

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

Student Organization Records

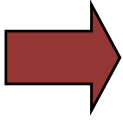
Records of conduct violations involving student organizations will be retained for seven years following the date of the incident. Student organization conduct records may be retained indefinitely at the discretion of the dean of student life.

FINAL NOTE Occasionally there may be a need to update certain details such as changes to staff titles, office locations, etc. that are mentioned in this document. The vice president for student affairs may make editorial changes relating to this document as long as the substance of the document is not affected.

Dean L. Bresciani, President
Effective 9/18/2015

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: 604 Jurisdiction of the Vice Presidents for Student Affairs – Student Behavior Code Violations

55. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
- Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change:
 - Housekeeping change updating reference of the Code of Student "Behavior" to the Code of Student "Conduct."
 - Based on changes made to Policy 601 (Code was updated to reflect changes required by ND SB 2150), some of the committees or boards are no longer a part of the review process.
 - o The law requires that attorneys or non-attorney advocates be permitted to fully participate in student conduct hearings that have potential to result in suspension or expulsion from the institution. This change resulted in removing the board hearing option, and resolving all alleged code violations through an administrative hearing. The formal hearing process remains the same, however language needed to be updated to reflect the change from a 5 member board to a single hearing officer.
56. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/30/15
 - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

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SECTION 604

JURISDICTION OF THE VICE PRESIDENT FOR STUDENT AFFAIRS - STUDENT CONDUCT CODE VIOLATIONS

SOURCE: NDSU President

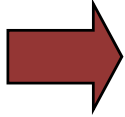
1. The Vice President for Student Affairs, pursuant to delegated authority from the President, has responsibility for supervision of the process of handling the University's response to student violations of University rules and regulations, including the ultimate imposition of sanctions. All student non-academic conduct that violates university rules and regulations and conduct occurring off-campus which affects the university is considered a responsibility of the Vice President for Student Affairs.
2. This authority includes the overall supervision of the various administrative committees and boards charged with hearing complaints against students or student organizations for violation of those rules and regulations.
3. Student organizations and university employees are required to inform the Vice President for Student Affairs whenever action is deemed necessary against a student or student organization which may involve the following committees or boards:
 - a) Student Government Court;
 - b) Inter-Fraternity Standards Board;
 - c) Panhellenic Standards Board.

HISTORY:

New	November 1997
Amended	October 1998

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION:

611 Student Travel Policy

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping changes as follows:
 - Updating references to Student Code of "Behavior" with Student Code of "Conduct" per Policy 601
 - Replacing the references to "behavior" with "conduct" consistent with Policy 601
 - Updating the title Dean of Student Life with new title, Assistant Vice President/Dean of Student Life

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/29/15
- Email address of the person who should be contacted with revisions – mary.asheim@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

Policy Manual

SECTION 611

STUDENT TRAVEL POLICY

SOURCE: NDSU President
North Dakota SBHE Policy 512

1. **INTRODUCTION:** This policy defines requirements and expectations for student travel in the interest of promoting and benefiting the health and welfare of students. This policy applies to student travel sponsored by an academic department, university unit, or Congress of Student Organization (CSO) recognized student organizations. Student drivers must comply with the NDSU [student travel procedures](#) and ND [SBHE Policy 512](#).

This policy pertains to student travel within the United States. For information about traveling overseas (Study Abroad), contact the [Office of International Programs](#), and more specifically, the [Study Abroad](#) site.

2. **SCOPE:** The opportunity to represent North Dakota State University throughout the state, the nation, and the world is one of the many benefits of being a member of the NDSU student body. This policy applies to the travel of enrolled undergraduate or graduate students to attend activities or events that are consistent with the North Dakota State Board of Higher Education (SBHE) [Policy 512](#), applicable state law, and state fleet rules which are:
 - a. organized or sponsored by the University; **or**
 - b. funded by the University or the NDSU Student Government; **or**
 - c. undertaken using a vehicle owned or leased by the University.

The types of activities and events covered by this policy include course related field trips, and meetings of academic organizations or governance entities where a student is officially representing the University.

The policy does not apply to travel undertaken by individual students solely for personal interests and benefits (including, but not limited to, out of town athletic events, or to engage in student-teaching, internships, practicum or clinical experiences, observations or research, unless the research is organized by a member of the faculty).

Questions about whether or not this policy applies to a particular type of student travel may be directed to the [Office of Student Life](#).

3. DEFINITIONS:

- a. An **organized event** is one that is initiated, planned, and arranged by a member of the University's faculty or staff.
- b. A **sponsored event** or activity is one that the University endorses by supporting it financially, or by sending students to participate in it as official representatives of the University.
- c. An **enrolled student** is one who has been admitted to and is attending classes at the University.

4. **STUDENT TRAVEL:** All student travel must be in compliance with University policy and the NDSU student travel procedures.

- a. Use of State Fleet vehicles must be reviewed and approved in advance. Use of State Fleet vehicles for student travel is limited to that which is on behalf of and authorized by NDSU.
 - i. Use of State Fleet vehicles for academic purposes must be authorized by the dean of the respective college.
 - ii. Student employees acting within the scope of employment on behalf of NDSU is authorized use.
- b. All participants must be provided information regarding potential risks associated with the trip and travel arrangements. All participants must sign the completed NDSU Student Field Trip Informed Consent, Assumption of Risk and Release form.
- c. Student Responsibilities:
 - i. The privilege of traveling on behalf of the university comes with certain responsibilities for individual students.
 - ii. Students must make their own arrangements with faculty for missed classes. Faculty members are not required to excuse student absences.
 - iii. Students are expected to comply with the NDSU Rights and Responsibilities: A Code of Student Conduct at all times. Concerns regarding inappropriate conduct must be reported to the Assistant Vice President/Dean of Student Life for consultation and resolution. Resolution may involve a conduct hearing upon return to NDSU. The Assistant Vice president/Dean of Student Life or designee, in consultation with the respective academic dean as appropriate, has the right to impose limitations on a student's participation at any time during the planning process or during the trip (i.e. may not drive vehicle). In the event a student's conduct is so disruptive as to require their termination of participation from the trip, the student will be responsible for their own arrangements for returning to NDSU, including, but not limited to, any cost of transportation, lodging, and meals. Removal from the trip does not release a student from their financial obligations for the trip, as agreed to prior to departure.

- iv. All student drivers who are duly authorized for State Fleet use must have automobile insurance and must be in good standing with the University system.
- v. Student drivers must comply with and enforce the [Student Travel procedures](#).

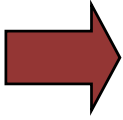
This policy is in accordance with the North Dakota [SBHE Policy 512](#).

HISTORY:

New	June 19, 2014
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Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION:

713 Records Management

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping change replacing references to University System General Counsel with Assistant Attorney General Assigned to the University, and replacing

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

- Office/Department/Name and the date submitted
- Email address of the person who should be contacted with revisions

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

Policy Manual

SECTION 713

RECORDS MANAGEMENT

SOURCE: NDSU President

I. POLICY and PURPOSE

The policy and purpose for Records Management is to

1. Comply with all applicable state, and federal laws and regulations, specifically North Dakota Century Code 54-46, and the North Dakota State University Records Retention Schedule found on the NDSU Records Management Web site.
2. Establish an efficient University-wide records management system for maintaining, identifying, retrieving, preserving and destroying records through the use of best practices and standards and according to North Dakota Century Code and all applicable federal laws.
3. Ensure that records are adequately protected and/or preserved.
4. Ensure that all records that are no longer needed or of no value are destroyed at the appropriate time.
5. Preserve University history.
6. Limit liability to the University.

I. SCOPE

This policy applies to all records, including all University information and University resources, regardless of format, whether in paper, electronic, microfilm, (e.g., microfilm, microfiche, magnetic tapes, USB flash drive, CD/DVD ROM), electronic mail, or other electronic medium.

1. The North Dakota Century Code (NDCC 54-46-02) defines a record as a "document, book, paper, photograph, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business." For records description and series, see the [Records Retention Schedule](#).

III. OBJECTIVE

The objective of the Records Management policy is to assist and provide guidance to the University entities in managing records throughout the lifecycle of the record, i.e., from creation or receipt, use and maintenance stage, and final disposition. Various records

produced in the course of University business must adhere to federal and state laws/regulations including access, storage, retention and disposal.

IV. APPLICABILITY

This policy applies to anyone who creates, disseminates, stores, manages, destroys and/or has access to NDSU records of any type, classification or description. This includes all NDSU employees who have access to records and any external entities such as vendors whose purpose maybe to provide storage space or destruction services for records.

V. RELATED POLICIES AND APPLICABLE STATE LAW

Standards, guidelines and procedures will follow and adhere to all policies and laws listed but not necessarily limited to

- North Dakota Century Code 54-46;
- NDUS Policy 1912 Public Records and related procedures:
 - 1912.1, Information Security Procedures;
 - NDUS 1912.2, Student Records – Directory Information; and
 - NDUS 1912.3, Employee Personal Information;
- NDSU Policy 713.1 Litigation Hold; and
- NDSU Policy 718, Public/Open Records.

VI. RECORDS MANAGEMENT PROGRAM OVERSIGHT

The Records Management Task Force will be responsible for Records Management policy, standards, guidelines, processes and procedures. The task force is comprised of

- One faculty member appointed by the Faculty Senate Executive Committee
- Two unit records coordinators appointed by the Staff Senate Executive Committee
- The University provost and the vice presidents or their designees
- An archivist from the University Archives
- Assistant Attorney General assigned to the University or designee
- The NDSU Chief Information Technology Security Officer who serves as the Director of Records Management (co-chair)
- One Student Government member appointed by the Student Government President
- Associate Director for the NDSU Library (co-chair)
- If any task force member is unable to attend a scheduled meeting, a proxy may be sent in their place.
- Policy amendments/changes and standards and guidelines to be reviewed and approved by the Assistant Attorney General prior to submission for publishing

The NDSU Director of Records Management

- Reports to the Vice President for Information Technology.
- The role of Director of Records Management will include

- Coordinating retention, preservation and destruction processes and procedures for University records in accordance with this Policy and University Records Management procedures and practices
- Assisting the Assistant Attorney General with coordinating efforts to comply and respond to any issued Litigation Hold Notices and public records requests in a timely manner
- Ensuring that all Unit Records Coordinators (URCs) appointed by University units receive ongoing training and education
- Collecting and compiling annual disposal records as submitted by the URCs and reporting those metrics/statistics to the State's Records Management office
- Investigating and reporting on any potential non-compliance to the Unit Administrator and Assistant Attorney General if applicable. Recommend remediation to ensure compliance
- Maintaining an up-to-date list of Unit Records Coordinators and their contact information
- Sharing information as needed and relevant to the Records Management Task Force, and the URCs
- Providing current and updated information on the records management Web site; www.ndsu.edu/recordsmanagement/

The NDSU Records Coordinator

- Appointed by the Vice President for Information Technology
- Works with the Director of Records Management
- Assists the Task Force and the Director of Records Management as needed.

Unit Records Coordinators

- Appointed by their respective department heads.
- Their role will include
 - Providing assistance to faculty, staff and administrators in their units for retention, preservation and destruction of their unit's records in accordance with this Policy's procedures and practices, institutional requirements, and state and federal laws.
 - Serve as the liaison between their unit and the Director of Records Management and the Records Management Task Force
 - Completing continuing education and training on annual basis
 - Submitting records disposal forms to the Director of Records Management as required by policy and state law

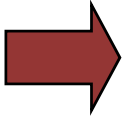
HISTORY:

New	August 20, 1996
Amended	January 22, 2002
Amended	June 11, 2007

Amended	August 1, 2007
Amended	September 2007
Amended	November 2008
Amended	April 2009
Housekeeping	September 2010
Housekeeping	February 14, 2011
Amended	June 11, 2015

Policy Change Cover Sheet

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SECTION:

718 Public/Open/Restricted Records

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping change updating the Office of the General Counsel with the Assistant Attorney General assigned to the University

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

- Office/Department/Name and the date submitted – Student Life /Mary Asheim / 10-2-15
- Email address of the person who should be contacted with revisions – mary.asheim@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 718

PUBLIC/OPEN/RESTRICTED RECORDS

SOURCE: NDSU President
SBHE Policy 1912

Except as otherwise specifically provided by law or this policy, all records of the State Board of Higher Education, the North Dakota University System and its institutions are, pursuant to N.D.C.C. Section 44-04-18, public records, open and accessible for inspection during regular office hours.

Student education records are confidential and access to those records is restricted according to the Family Education Rights and Privacy Act of 1974, as amended (FERPA). Pursuant to FERPA, each institution shall:

- a) Adopt a policy as required by 34 CFR Section 99.7;
- b) Annually notify students currently in attendance of their rights under FERPA;
- c) 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 it discloses personally identifiable information from the student's education records;
- d) 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 34 CFR Section 99.32;
- e) Provide the notice required by 34 CFR Section 99.37 concerning disclosure of directory information;
- f) Adopt procedures implementing FERPA provisions governing release and transfer of student disciplinary records. Consistent with FERPA, student disciplinary records are confidential and may be released only as permitted under FERPA and implementing institution procedures; and
- g) Comply with all other requirements of FERPA and applicable regulations.

NDSU Guidelines:

NDSU provides an annual notice informing students of their FERPA rights which constitutes its FERPA policy. Other provisions related to FERPA rights can be found in Policy 601-Code of Student Behavior.

- Records of former students, including deceased former students, are confidential except that records of deceased former students may be released or disclosed at the request of a parent, personal representative, or other qualified representative of the student's estate, or pursuant to a court order or subpoena.
- 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. Each campus law enforcement agency shall maintain a list of all files containing active criminal intelligence and investigative information which have been in existence for more than one year, which shall be subject to disclosure under N.D.C.C. Section 44-04-18.
 - a) Campus police records which are open and must be disclosed under Section 44-04-18.7 include: arrestee description; facts concerning the arrest; conviction information; disposition of all warrants; a chronological list of incidents, including initial offense report information; a crime summary, including a departmental summary of crimes reported and public calls for service; radio log; and general registers.
 - b) Law enforcement records and files concerning a child, as that term is defined at N.D.C.C. ch.27-20, shall be kept separate from the records and files of adults and 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.
 - c) 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.
- Personnel records, other than personnel records that relate to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student, are public records open to inspection by the public. However, pursuant to N.D.C.C. Section 44-04-18.1, employee medical and employee assistance program records are confidential and may not be placed in an employee's personnel file and may not be released without the written consent of the employee. Further, personal information as defined in 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, date of birth of any dependent or emergency contact, any 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. Placement of documents in an employee's personnel file is governed by N.D.C.C. Section 54-06-21.

NDSU Guidelines:

- 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), lecturers and graduate assistants

Deans Office

Extension/Ag. Experiment, Staff

VP of Agriculture Office

*Other non-broadbanded staff
Human Resources/Payroll*

Office of

All Broadbanded employees
Human Resources/Payroll

Office of

- b) *Official 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.*

- Additional records exempt from the open records law include (without limitation):
 - a) Information pertaining to an employee's retirement account balance, disability applications and benefits, and surviving spouse applications and benefits under N.D.C.C. ch. 54-52 or a plan adopted by the board (N.D.C.C. Section 54-52-26);
 - b) Certain economic development records (N.D.C.C. Section 44-04-18.2);
 - c) Trade secret, proprietary, commercial and financial information (N.D.C.C. Section 44-04-18.4 and SBHE Policy 611.6);
 - d) Computer software programs or components for which a copyright, patent or license is acquired (N.D.C.C. Section 44-04-18.5);
 - e) Attorney work product (N.D.C.C. Section 44-04-19.1);

- f) Social security number, which is confidential under N.D.C.C. Section 44-04.28
- Copies of records not exempt from section 44-04-18 shall be provided upon request. Copies shall be made of records and documents in the form filed or kept in the normal course of business and employees are not required to retrieve and collate or summarize data or prepare other special reports or documents not required by law or otherwise prepared in the normal course of business. 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 cost of computer generated documents. The fee for standard paper copies may not exceed twenty-five cents per copy as provided under section 44-04-18. 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 or for excising confidential or closed material if excising the material requires more than one hour. Access to electronically stored records is free if the records are recoverable without the use of computer backup; if a request is made for access to a record on a back-up or for a copy of an electronically stored record an additional reasonable fee may be charged to cover costs attributable to the use of information technology resources.

NDSU Guidelines:

- a) *NDSU departments may charge a fee up to twenty-five cents per page for paper copies provided to persons requesting copies under the Open Records Act. A reasonable fee can be charged for electronic copies as well as costs for the use of technology resources. A fee of up to \$25/hour, excluding the first hour, can be charged for locating records or redacting information that is not open.*
- b) *Monies collected from the persons making such requests must be deposited at the NDSU Customer Account Services Office at least weekly, daily if amounts collected are \$200 or greater (see policy 508.)*
- c) *Responses to open records requests, other than routine requests in the normal course of business in an office or department, shall be coordinated through:*
 - 1. *From the media: The Office of the Vice President for University Relations.*
 - 2. *From other sources: The Assistant Attorney General assigned to the University.*
- d) *State law mandates that responses to open records cannot be unreasonably delayed, so that such requests must be given a high priority.*

NDSU Policy on Restricted Personally Identifiable Information

- a) North Dakota State University recognized that it collects and maintains confidential/sensitive information relating to its students, employees, and individuals associated with the university and is dedicated to ensuring the privacy and proper handling of this personally identifiable information (PII).*
- b) Social Security Numbers (SSN) and other restricted personally identifiable information are confidential and legally protected data. The university is committed to maintaining the privacy and confidentiality of an individual's personally identifiable information including, but not limited to, Social Security Numbers. Therefore, the use of the SSN as an identification number shall be limited.*
- c) NDSU recognizes the use of the North Dakota University System ID number (EmplID) as the primary identification number for students, employees, and any person with a recurring business, educational, and/or research relationship with NDSU.*
- d) The Federal Privacy Act of 1974 and related amendments establish guidelines regarding state agency requests for the social security number. It is the duty of the university to inform individuals whether a given use of social security numbers is mandatory and the legal authority therefore, the principal purpose(s) for the request, and the effects of not providing it. Data confidentiality is also mandated by NDCC sec. 44-04-28, 44-04-18.9 and 44-04-27; NDUS Procedure 1901.2 and its NDUS Data Information Technology Security Standard; other state and federal laws and regulations; system and NDSU policies, and various industry regulations.*
- e) This policy and derived procedures provide guidelines and procedures on the proper use and disclosure of Social Security Numbers and other restricted PII such as credit/debit card numbers. Goals of the policy and procedures are to:*
 - i. Eliminate use of the SSN as a publicly visible identification number for university-related business transactions.*
 - ii. Increase awareness of the confidential nature of restricted PII such as Social Security Numbers and credit/debit card numbers.*
 - iii. Reduce reliance upon the SSN for identification purposes.*
 - iv. Ensure appropriate and consistent handling of SSNs and other restricted PII throughout the university.*
 - v. Provide for assessments and audits of processes, applications, or systems used by or for NDSU entities. The assessments will be done by the NDSU IT Security Officer and the NDSU Audit and Advisory Services office. Audits will be done by Audit and Advisory Services.*

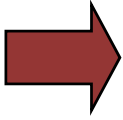
- f) *Procedures and materials required to support and enforce this policy will be developed and maintained by the NDSU IT Security Officer and the NDSU Audit and Advisory Services Office.*
-

HISTORY:

New	May 1998
Amended	April 2003
Amended	October 2005
Amended	October 2007
Amended	November 2008

Policy Change Cover Sheet

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If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION: **806 Allowable Cost Policies – Summer Salary for Faculty and Staff**

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Housekeeping change removing reference to the Vice President for Academic Affairs Office and the Equity, Diversity and Global Outreach Office

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

- Office/Department/Name and the date submitted – Student Life / Mary Asheim / 10/5/15
- Email address of the person who should be contacted with revisions – mary.asheim@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 806

ALLOWABLE COST POLICIES – SUMMER SALARY FOR FACULTY AND STAFF

SOURCE: NDSU President

1. Faculty or staff members on less than twelve month appointments working on sponsored agreements during the break in their contract dates are entitled to collect salary for the percentage of time worked. Individuals employed during the break in contract dates may, to the extent allowed by the funding agency, receive compensation up to the equivalent of their current base salary per pay period. Less than full-time employment during the break in contract dates will be compensated accordingly.
2. If a faculty member is working on a sponsored agreement for more than one month, the salary earned for the summer must be collected in installments equal to the percentage of time worked each month.
3. All salary earned during the summer will be paid by use of a [Change Form 101](#). Change Forms must be signed by the Department Head, Dean and the Provost.
4. Change Forms for the break in contract dates are processed in the same manner as all other payroll forms. Forms for the 1st - 15th of the month are due the 15th and will be paid on the last working day of the month. Forms for the 16th - last working day are due the last working day and will be paid on the 15th of the following month.

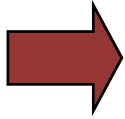
Disclaimer: *Please note that this policy not only applies to summer salary, but also for other times when there is a break in contract dates.*

HISTORY:

New	July 1990
Amended	April 1992
Amended	August 2007
Amended	December 2009

Policy Change Cover Sheet

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SECTION: Policy 133.1 Tuition Waiver – Spouse/Partner and Dependents

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Adding clarifying language to policy regarding use with other tuition waivers, specific programs and removing the in or out of state tuition waiver information.
 -
2. This policy change was originated by (individual, office or committee/organization):
 - HR/Payroll & Customer Account Services April 22, 2015
 - Brittnee.nikle@nds.edu and Karin.Hegstad@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee: 5/8/2015

Faculty Senate:

Staff Senate: 5/14/2015

Student Government: 5/14/2015

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 133.1

TUITION WAIVER – SPOUSE/PARTNER AND DEPENDENTS

SOURCE: NDSU President

SBHE Policy Manual, Section 820.1

The North Dakota State Board of Higher Education allows campuses to adopt tuition waivers which are consistent with an institution's mission. The spouse/partner and dependent tuition waiver is intended to help recruit and retain faculty and staff who can best perform or support the teaching, research and public service mission of the University.

1. The spouse/partner and dependents of regular (broadbanded staff must be off probation), benefitted NDSU employees are eligible for the waiver effective Fall 2002.

- 1.1 Dependents are defined as those unmarried children (25 years of age or under if they are a full-time student, otherwise age 22 and under), who rely on the parent(s) for significant financial support.

- 1.1.1 A spouse/partner or dependent who is also a regular, benefitted employee is only eligible for the employee tuition waiver outlined in Section 133 (Educational Policy).

- 1.1.2 A spouse/partner or dependent who is eligible for this educational benefit is not eligible for the graduate assistant tuition waiver, the cultural diversity tuition waiver or other waivers which may duplicate benefits.

- 1.2 Partners are those who have completed and filed a Declaration of Domestic Partnership for Purpose of Tuition Discount Eligibility <http://www.ndsu.edu/forms/> or <https://www.ndsu.edu/fileadmin/hr/docs/Declaration.pdf> with the Office of Human Resources/Payroll.

- 1.3 The spouse/partner and/or dependents must meet admission standards and register for classes through regular registration procedures.

- 1.4 The employee must be actively employed on the first day of each semester to be eligible for the waiver.

2. The tuition waiver is 50% of the tuition for NDSU classes (excluding internships that require tuition to be paid to the site for student placement and Professional Development non-degree eligible courses) per spouse/partner or dependent.

- 2.1

- 2.1 The maximum waiver for the spouse/partner or dependent of more than one eligible employee is 50%.

- 2.2 Fees are not waived.

- 2.3 The waiver applies to undergraduate, professional (Pharmacy) and graduate level classes.

- 2.4 Early Entry students will be eligible according to the terms of this policy.

3. Procedure

- 3.1 A Spouse/Partner and Dependent Tuition Waiver application needs to be submitted to the Office of Human Resources/Payroll by the Monday two weeks prior to the start of classes for which the waiver is requested. Given that conditions in this policy may change, it will be necessary to review the conditions of eligibility each term.

- 3.2 Proof of marriage, domestic partnership, and/or dependency may be required.

- 3.3 In accordance with federal regulations, the tuition waiver will be used as a financial resource and become part of the student's financial aid package. The Student Financial Services Office may need to adjust aid if the amount of the tuition waiver, along with other financial aid, exceeds the total cost of attendance.

- 3.4 No employee, spouse/partner or dependent who has an overdue accounts receivable balance with the University may receive a spouse/partner and dependent tuition waiver.

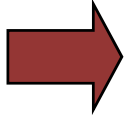
- 3.5 In accordance with IRS regulations, the value of the tuition waived for graduate level classes will be considered taxable income to the employee. Federal, state and social security taxes will be deducted in a lump sum from the employee's last paycheck of the semester, or, at the employee's written request, deducted on a prorated basis throughout the semester.

HISTORY:

New	April 2002
Amended	July 2003
Amended	April 2005
Amended	October 18, 2010
Housekeeping	November 17, 2011
Housekeeping	July 29, 2013
Amended	March 23, 2014
Amended	November 7, 2014
Housekeeping	January 2, 2015

Policy Change Cover Sheet

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If the changes you are requesting include housekeeping, please submit those changes to ndsuh.policy.manual@ndsuh.edu first so that a clean policy can be presented to the committees.

SECTION: 152 External Professional Activities

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Delete section 3.3 because Chief of Staff and Provost said subpoenas should be reported in all cases, not just with consulting activities, so this statement does not belong in Policy 152. Also made housekeeping change to title of Provost in section 5.1.1.
2. This policy change was originated by (individual, office or committee/organization):
 - Charlene Wolf-Hall, Vice Provost, Office of the Provost
 - Charlene.hall@ndsuh.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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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.

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.

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 Employees can accept honoraria from non-NDSU or non-State (North Dakota) related entities. Unless the consulting policy 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 so, it must be resolved before engaging in the consulting activity.

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;

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;

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;

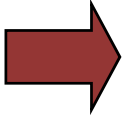
6.3.3 forward recommendation to the appropriate Vice President.

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

Policy Change Cover Sheet

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



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

SECTION: *337 Grade Appeals Board*

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

- *Changes are being made to clarify the process and eliminate ambiguous language.*

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

- *Provost's Office ((Charlene Wolf-Hall))*

- *Charlene.hall@ndsu.edu*

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

This portion will be completed by Melissa Lamp

Senate Coordinating
Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Council:

If you have any questions regarding this cover sheet, please contact Melissa Lamp at 1-6133 or Melissa.lamp@ndsu.edu.

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

North Dakota State University Policy Manual

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

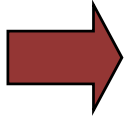
Either the student or the instructor may request within fifteen (15) instructional days of a hearing panel decision, that the full Board hear an appeal from the decision, citing the material error(s) of process or procedure that could have affected the outcome by the hearing panel that would justify 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

Policy Change Cover Sheet

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



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SECTION: 350.1 BOARD REGULATIONS ON ACADEMIC FREEDOM AND TENURE; ACADEMIC APPOINTMENTS

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Change the language to allow research professorships at the ND Agricultural Experiment Station Research and Extension Centers to be paid on state-appropriated monies. (Right now the policy restricts this title to individuals paid exclusively with grant funds.)
2. This policy change was originated by (individual, office or committee/organization):
 - Office of the Vice President for Agricultural Affairs/Greg Lardy, Associate VP, May 20, 2015
 - Email address of the person who should be contacted with revisions: Gregory.lardy@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 350.1

BOARD REGULATIONS ON ACADEMIC FREEDOM AND TENURE; ACADEMIC APPOINTMENTS

SOURCE: SBHE Policy Manual
Section 605.1, 605.2, 605.3, 605.4
NDSU President

1. General Principles

- a) A college or university is a forum for ideas, and it cannot fulfill its purpose of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. Academic freedom and tenure are both important in guaranteeing the existence of such a forum. This policy is intended to enable institutions under the authority of the Board to protect academic freedom.
- b) The purpose of tenure is to assure academic freedom. Academic freedom applies to all scholarly pursuits. Freedom in scholarship is fundamental to the advancement of knowledge and for the protection of the rights of the faculty members and students. It carries with it duties and responsibilities correlative with rights. These duties and rights are set forth in policy 401.1, relating to Academic Freedom, and the **1940 Statement of Principles on Academic Freedom and Tenure** (Rev. 1990), adopted by the American Association of University Professors and the Association of American Colleges. These policies apply to all institution faculty unless otherwise indicated.
- c) Tenure is awarded by the Board upon recommendation of the Chancellor, following review and recommendations made pursuant to the procedures established at the institution and a recommendation by the institution's president to the Chancellor. A favorable recommendation means that the applicant meets all of the prerequisites and criteria and the award of tenure is consistent with the sound fiscal management and academic priorities of the institution and the system of education under the control of the Board. Tenure recommendations submitted to the Board shall include a brief summary of the candidate's qualifications and reasons for the recommendation. Tenure is not an entitlement, and the granting of tenure requires an affirmative act by the Board. Tenure is limited to the academic unit or program area in the institution in which tenure is granted and shall not extend to an administrative or coaching position.

2. Definitions of terms used in sections 605.1, 605.2, 605.3 and 605.4 of Board Policy (350.1, 350.2, 350.3, 350.4 NDSU Policy Manual):

- a) "Academic Year" means the period, approximately nine months in duration, starting with the beginning of the Fall semester and ending following completion of the Spring semester.
- b) "Board" means the North Dakota State Board of Higher Education.
- c) "Faculty" means all members of the academic staff, excluding only coaches and administrators in their capacities as coaches or administrators.
- d) "Receipt" means either actual or constructive receipt. Constructive receipt means the sending party has taken all reasonable steps to ensure that the receiving party has received actual notice.
"Academic unit or program area" shall be defined as the department or comparable unit. Comparable unit shall be determined by the President after consultation with relevant department, college, and university faculty and representatives.

"Head of an academic unit" shall be defined as the department chair or equivalent administrative appointment. Equivalent administrative appointment includes faculty coordinating a program area who have administrative responsibility for evaluating probationary and tenured faculty and making recommendations for tenure, promotion, renewal or nonrenewal, dismissal, or termination.

3. General Procedures

- a) Because of the variety of scope and organizational structure of the institutions under the control of the Board, the faculty governance structure at each institution, in accordance with section 305.1 of these policies, shall recommend procedural regulations to the president to implement policies 605.1, 605.2, 605.3 and 605.4, including:

The faculty governance structure at North Dakota State University is the University Senate.

- 1. Procedures for continuing evaluation of both probationary and tenured faculty members; and
- 2. Criteria and procedures by which faculty members are evaluated and recommended for tenure.

Procedures for the continuing evaluation of both probationary and tenured faculty members, and criteria and procedures by which faculty members are

evaluated and recommended for tenure are published in the NDSU Policy Manual, Section 352.

- b) The criteria for tenure evaluation and continuing evaluation of probationary and tenured faculty shall include scholarship in teaching, contribution to a discipline or profession through research, other scholarly or professional activities, and service to the institution and society. Institutions may adopt additional criteria. The regulations defining these criteria shall be consistent with the nature and mission of the institution.
 - 1. Institutions shall establish various tenure "plans" appropriate to the diverse missions of individual institutions, designed to encourage emphasis on research, scholarship in teaching (including, for example, utilization of technology in teaching and innovative teaching methods), service (including, for example, technology transfer and economic development) and other areas of emphasis. Institution regulations shall include guidelines for determining weight to be given each of the criteria for tenure evaluation and continuing evaluation. The guidelines shall provide for varying emphasis on the enumerated criteria based upon the faculty member's plan, the needs of the institution and the background, abilities and interests of the faculty member.
 - 2. Tenured and probationary faculty contracts shall identify the faculty member's tenure plan and describe the faculty member's duties and goals. The contracts shall specify the weight to be given the criteria for evaluating performance. The contract provisions shall be reviewed and, when appropriate, revised as a part of the faculty member's periodic evaluations.
- c) Eligibility for tenure requires a probationary period of six years of continuous academic service to the institution, during which the faculty member is evaluated at least annually according to an evaluation process designed to foster continuous improvement. The term may be extended beyond six years or the continuous service requirement may be waived in exceptional circumstances. Institutions shall establish procedures for granting extensions or waivers of the continuous service requirement in exceptional circumstances, which must include maternity or parental leave and appropriate accommodations for faculty members with disabilities. Institution procedures may define additional exceptional circumstances including, for example, family emergencies or extended illness.

A faculty member desiring an extension of the six-year probationary period or a waiver of the continuous service requirement based on exceptional personal or family circumstances shall make a written request for an extension or waiver to the department chair or head of the academic unit. The written request shall be made within 90 days from the time of the exceptional circumstances justifying the extension or waiver request. The chair or head of the academic unit shall forward a recommendation on the request to the Dean who shall also review the matter and forward a recommendation on the request to the Provost. Approval of the extension or waiver request rests with the Provost and the President of the

University. Denial of an extension or waiver request is a matter related to promotion and tenure appealable pursuant to Policy 350.

- d) An institution may, subject to procedural requirements stated in this policy and sections 605.2, 605.3, and 605.4, decline to renew the contract of probationary faculty without cause at any time during the probationary period.

4. Faculty appointments shall be probationary, tenured or special.

- a) PROBATIONARY APPOINTMENTS are renewable annually and yield credit toward tenure. The probationary term is limited to six years of continuous academic service, excluding extensions to the term or exceptions to the continuous service requirement granted in exceptional circumstances.

- 1. An individual with previous professional experience may, at the discretion of the institution, be given tenure credit not to exceed three years for this experience, with such credit to be regarded as academic service to the institution for the purpose of these regulations. The faculty member shall be informed in writing of this policy and the institution's decision prior to or at the time of appointment.

Acceptability of tenure credit shall be evaluated by the department chair and the dean or director of the college or equivalent unit. Approval of credit toward tenure rests with the Provost and the President of the University.

- 2. Time spent on leave of absence or developmental leave may be counted, up to a maximum of two years, as academic service for the purposes of these regulations. The amount shall be determined, and the faculty member informed in writing, including any applicable conditions, prior to authorization of the leave.

*Approval **for leave credit** is required by the department chair, dean, and Provost.*

- b) TENURED APPOINTMENTS recognize a right, subject to Board policy, to continuous academic year employment in an academic unit or program area as defined by an institution and stated on the contract. A faculty member shall qualify to be recommended for a tenured appointment by satisfying the criteria for tenure developed in accordance with subsection 3 of this policy.

- 1. The following persons are not eligible for tenured appointment:

- i. Faculty members with a part-time or temporary appointment. However, faculty members who have been awarded part-time tenure as established by previous Board policy and those who accept a part-time appointment after being awarded tenure in a full-time position shall continue to have such tenure recognized.

- ii. An institution's president:

The President's Office maintains the list of faculty members who have been awarded part-time tenure under previous Board policy.

- 2. The Board may, following review and recommendations made pursuant to the procedures established at an institution award tenure in exceptional circumstances, defined by the institution's procedures, to an institution's chief academic officer or to any other person appointed to the faculty who has not met the eligibility requirement of subdivision 3 (c) of this policy, provided that the person, at the time tenure is granted has:

- i. Held a tenured appointment at another institution, or
- ii. Been a faculty member at the institution for at least one prior academic year.

- 3. The Board may, following review and recommendation made pursuant to the procedures established at an institution award tenure in exceptional circumstances, defined by the institution's procedures, to any person appointed to the faculty who has not met the eligibility requirements of subdivisions 3(b) and 3(c) of this policy, provided that the person has a documented record of outstanding achievement and consistent excellence in a discipline or profession gained through research, scholarly or professional activities, or service.

Materials in support of a candidate for tenure under exceptional circumstances shall be submitted to the department or academic unit in which tenure is sought. The materials shall be reviewed at the department or unit level and the chair or head of the academic unit shall forward the unit's recommendation to the Dean and the college PTE committee, who will review the materials and unit recommendation and make independent recommendations to the Provost. The Provost will review the materials and recommendations and provide a recommendation to the President who will make a final recommendation to the State Board of Higher Education.

- c) SPECIAL APPOINTMENTS do not involve either tenure credit or status. Special appointments are all appointments except tenured or probationary appointments, including:
 - 1) Courtesy adjunct appointments awarded in accordance with Board policy to professional people who contribute to the academic or research program of the institution;
 - 2) Visiting appointments for people holding academic rank at another institution of higher education;

- 3) Appointments of retired faculty members on special conditions;
- 4) Initial appointments supported wholly or partially by other than state appropriated funds;
- 5) Appointments clearly limited to a brief association with the institution, as defined by the institution;
A brief association, as defined at NDSU, will be a maximum duration of six consecutive years. Exceptions to this policy must be approved by the chair, dean and Provost.
- 6) Terminal appointments given with notice of non-renewal to faculty members who were previously on probationary appointment. A terminal appointment with notice of nonrenewal must be given to a faculty member no later than the end of the sixth year of probationary appointment if the decision is made to deny tenure;
- 7) Part-time faculty;
- 8) Lectureship appointments, which shall be for performance of specifically assigned academic duties only, without general faculty responsibilities;

*Lecturers provide the services defined in the letter of appointment, which are generally limited to teaching specific courses or advising a certain number of students; participation in faculty governance is not provided for. These appointments are compensated and may be for one **or two semesters** at a time. Full-time lectureship appointments are considered temporary. Service beyond a total of six **consecutive years requires a written justification by the department and approval by the dean and the Provost.***

A Senior Lecturer appointment is also available for academic staff of distinguished merit and ability when a probationary faculty appointment is either inappropriate or unavailable.

Factors to be considered in awarding a Senior Lecturer appointment include the academic degree and years of experience of the candidate, as well as the level of courses taught and the quality of instruction. Although senior lecturers may be expected to participate in college activities and committees, they are not eligible for governance activities or committee assignments provided for the University's faculty by its Constitution or Bylaws.

Senior Lecturers shall be appointed annually (or for a longer period with the approval of the Provost) at a salary appropriate for their qualifications, responsibilities and department.

Notice of termination of a Senior Lecturer appointment must be given by March 1 of the first full year of academic service, or by December 15 of the second or subsequent year of service, in order for the termination to be effective as of the end of that fiscal year of service.

9) Graduate teaching assistant appointments.

10) Postdoctoral fellowships and clinical appointments; and

11) Other faculty appointments, not probationary or tenured, that are designed to help fulfill the institution's mission or meet long-term needs. The appointments shall be subject to an agreement describing the faculty member's duties and goals, criteria and weight assigned each criteria for evaluation. The term of an appointment and agreement, or renewal thereof, may not exceed three years. The faculty member's performance and achievement of goals shall be evaluated during the final year of an appointment. An appointment may be renewed only if the evaluation demonstrated satisfactory performance.

12) Research Professorships

- i. **Research Professorships** shall be for faculty members whose primary function is research in a position that is supported entirely by extramural funding; provided however, funding for faculty members located at branch stations of the North Dakota Agricultural Experiment Station is not limited to extramural funds. Research Professorships are offered to individuals with experience and scholarly qualifications comparable to regular faculty members at the same rank. Thus, the appointments may be made at the levels of a) Research Assistant Professor, b) Research Associate Professor, or c) Research Professor. Research Professorships shall be hired using existing university policies and guidelines, and the appointment must be associated with an academic department and/or a research unit within an academic department. It may, however, be made in one or more departments. If the appointment is a joint appointment between two units, the appointment must exceed 50% in one of the units, and the Chair/Head in the majority unit would take primary responsibility for annual evaluations.
 - ii. To the extent applicable, the duration of the appointment is based upon extramural funding. Research Professorships neither carry tenure nor are eligible for tenure.
 - iii. The position is typically 100% research. No teaching or university service is expected, but professional service (e.g., reviewing submissions; presenting at conferences) is an inherent responsibility of the position. Departments may have different expectations concerning the role that the appointee plays in departmental service activities (e.g., attending the departmental meetings, voting on departmental issues). Research Professorships will not typically involve formal classroom teaching. In rare cases in which a Research Faculty is considered for a teaching assignment, a separate part-time teaching appointment is required, and

the Research Faculty should reduce their research effort accordingly. All non-research activities are, of course, subject to constraints imposed by the funding agencies providing support for the primary appointment.

- iv. Research Professorships are not counted for the purposes of determining unit representation for University Governance. The appointee's role in graduate education shall be governed by the department and by existing policies of the Graduate School.
- v. An annual written evaluation will be completed by the department Chair/Head. If the Research Faculty is working within a research group, then the Chair/Head shall consult with the Research Director of the Principal Investigator for input on the appointee's evaluation. It is essential that the evaluation be based upon a current position description. One component of the annual review will be the assessment of past and upcoming funding for the position.
- vi. Promotion is initiated via a departmental recommendation. The recommendation is signed by the College's Promotion, Tenure and Evaluation Committee, by the Dean, and by the Provost. Typically promotion cannot be achieved until the candidate has spent a minimum of five years in rank. Promotion shall be based primarily on demonstrated success in research, publications and extramural funding (i.e.; demonstration of knowledge dissemination in his/her field, supervision of graduate researchers, and/or continued funding support.
- vii. A Research Faculty member is eligible to apply for a tenure-track position. Upon recommendation by the chair, dean, and the Provost, up to 3 years prior experience in a Research Professorship can be counted toward tenure.

13) Professor of Practice

- i. The designation, Professor of Practice, shall be for faculty members whose primary function is to teach in their academic discipline and carry out other responsibilities assigned at the discretion of the department or college, including apportionment of their time to service and/or other professional responsibilities. Appointments at the Assistant, Associate, and Full Professor of Practice are based on academic qualifications, as describe below.
 - a) **Assistant Professor of Practice.** For appointment as Assistant Professor of Practice, candidates must have a terminal degree or equivalent professional experience, and demonstrated professional or industrial/business experience. The length of appointment may be 1-3 year, renewable every year upon satisfactory performance of assigned responsibilities, the majority of which will be instructional activities and practice.

- b) **Associate Professor of Practice.** For appointment as Associate Professor of Practice, candidates must have a terminal degree or equivalent professional experience, evidence of leadership in instructional activity in academic or professional instruction that has had a significant impact on the department, college, university, or profession. The length of appointment may be 1-4 years, renewable every year upon satisfactory performance of assigned responsibilities, the majority of which will be in instructional activities and practice.
 - c) **Professor of Practice.** For appointment as Professor of Practice, candidates must have a terminal degree or equivalent professional experience, evidence of contributions to advancing learning in the field (i.e. national visibility in dissemination of instructional methods and/or materials, successful grant funding for instructional activities/innovations, leadership in professional organizations.) The length of appointment may be 1-5 years, renewable every year upon satisfactory performance of assigned responsibilities, the majority of which will be in instructional activities and practice.
 - ii. Departments may have different expectations concerning the role that the appointee plays in departmental service activities (e.g., attending departmental meetings, voting on departmental issues). The appointee's role in graduate education shall be governed by the department and by the existing policies of the Graduate School. An annual written evaluation will be completed by the department Chair/Head.
 - iii. The position of Assistant, Associate, or Professor of Practice neither carries tenure nor eligibility for tenure, though promotion is possible through ranks, based on time in rank and satisfactory evaluation of assigned responsibilities. Promotion is initiated via a departmental recommendation. The recommendation is signed by the College's Promotion, Tenure and Evaluation Committee, by the Dean, and by the Provost. Typically, the promotion cannot be achieved until the candidate has spent a minimum of five years in rank. Promotion shall be based primarily on demonstrated success in instructional activities and other assigned responsibilities.
 - iv. A faculty of practice member is eligible to apply for a tenure-track position. Upon recommendation by the chair, dean and Provost, up to 3 years prior experience in a Professorship of Practice can be counted toward tenure probation.
- 5. The general terms and conditions of appointment shall be provided the appointee in a written contract. The contract shall state whether the appointment is probationary, tenured or special. The term of a contract, except contracts made pursuant to paragraph 4(c)(11), shall generally not exceed one year. A multiple-year contract must be subject to termination upon discontinuance of the program in which the faculty member is employed, non-appropriation or loss of funds, or other financial exigency.

For faculty on nine- or ten-month contracts covering the traditional academic year (generally, August to May), institutions shall not later than June 30 each year, provide notice of renewal terms with a contract, agreement or appointment letter to be signed by both parties. Absent good cause or agreement extending or establishing a different deadline, faculty must sign and return a contract or other document indicating acceptance of contract terms not later than July 20. Institutions shall establish procedures providing that failure to return a signed contract or other document indicating acceptance of contract terms by July 20 constitutes a resignation resulting in termination of employment, effective July 20, except for good cause shown by the faculty member or unless the institution has granted an extension. Prior to the end of the spring semester each year, institutions shall provide notice to faculty summarizing the process and deadlines for contract renewal, including information on extending deadlines to accommodate faculty who may be traveling or not able to readily receive and respond to communications during summer months.

For a faculty appointment, the contract consists of the letter offering the position, the annual notice of renewal terms, the current job description of the individual faculty member, and the current policies and procedures of NDSU and the State Board of Higher Education. The department chair or head of an academic unit will ensure that all faculty have job descriptions that are periodically reviewed and updated. Each job description will be signed by the Dean, the Chair or head of the academic unit, and the faculty member and filed in the faculty member's official personnel file. Each job description shall specify how a faculty member's assigned responsibilities will be allocated among teaching, research, and service which will determine the weight to be given to each area of responsibility for tenure, promotion, and continuing evaluations.

6. The institutional process for evaluation of faculty, the criteria and minimum expectations for promotion and for tenure, and provisions concerning required notices, shall be made known to the appointee at the time of appointment. This disclosure may be accomplished by a published description of the process, criteria, and expectations in a faculty handbook or similar document. Such provisions are subject to change according to processes established for adoption or amendment of Board and institutional policies. Institution procedures shall provide for annual evaluation of all full-time faculty. The procedures shall include provisions requiring that evaluations are completed in a timely and appropriate fashion and that the institution takes appropriate remedial action in response to unsatisfactory evaluations. Evaluation criteria shall relate to a faculty member's duties and goals and be appropriately weighted in accordance with the terms of the faculty member's contract. Evaluations of all teaching faculty must include significant student input.

At the time of appointment, the appointee shall be provided with information, which contains the institutional process for evaluation of faculty, as well as minimum expectations for promotion and tenure. In addition, specific departmental and college guidelines for promotion, evaluation and tenure, if applicable, will be made available to the appointee.

The dean or director of the college or equivalent unit will be responsible for providing these documents to the appointee.

Note: Since this Policy repeats Board Policy, the section numbers in the Board Policy refer to Board Policy numbers. The italicized portions of Policies 350.1-350.4 are NDSU Policy which implement or supplement Board Policy.

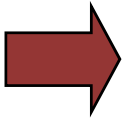
HISTORY:

Replaces portions of Policy 605 SBHE Minutes April 25, 1995 pg 6554

Amended	April 25, 1995
Amended	July 1, 1996
Amended	January 1997
Amended	June 1997
Amended	February 2001
Amended	October 2001
Amended	August 2003
Amended	October 2005
Amended	October 2007
Amended	December 2008
Amended	December 19, 2011
Amended	September 25, 2012
Amended	October 4, 2012

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to ndsuh.policy.manual@ndsuh.edu first so that a clean policy can be presented to the committees.

SECTION: Policy Section 352 – Promotion, Tenure and Evaluation: Faculty Hired with Previous Relevant Experience

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: Process for hiring into tenure line position at a negotiable faculty rank with tenure is clarified; process for awarding tenure credit to probationary faculty hires is clarified; operationalization of tenure credit in evaluation process is clarified.

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

- Office/Department/Name and the date submitted: ad hoc Committee of the Faculty Senate for Review of Policy 352 – submitted 9-22-2015
- Email address of the person who should be contacted with revisions: Karen.Froelich@ndsuh.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

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. 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 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.

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 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;

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 presentation of scholarly or professional papers, and
publication of books 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. effective management or improvement of administrative procedures or programs.
 - 2.2.3.2.6 contributions to knowledge as editors of scholarly publications, or service on editorial boards, juries, or panels;
 - 2.2.3.2.7 contributions to the operation of state or federal agencies.

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.
- 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, 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 which 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 candidates for promotion to professor shall be evaluated by the criteria in effect at the time of application.
- 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 (from one to three) years of tenure credit offered.

There are two options:

3.5.2.1 Faculty may be given one to three years of credit. 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 three quality publications shall be required in a three-year period.

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. Equal Opportunity Grievance 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 Each academic unit shall establish the criteria for promotion and tenure, including early promotion, as part of its statement on promotion, tenure, post-tenure review, and evaluation.

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 350.3.

- 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 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.
- 4.6 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.
- 4.7 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 election to a college or department PTE Committee. Faculty members being considered for promotion may not serve while under consideration.

5.3 The department and college PTE committees' reviews and recommendations are part of a process of peer review. Thus, faculty holding administrative appointments, including those with interim status, are not eligible to serve. ("Administrative appointment" includes appointments as President, Vice President, Associate or Assistant Vice President, Dean, Associate or Assistant Dean, Department Chair or Head, Associate, Assistant or Vice Chair or Head, or Director of an academic unit.)

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 shall 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 no later than November 1.

6.2 After November 1, 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.

6.2.1 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.

6.2.2 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 November 1 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 by January 5. 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 by January 5. 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.

- a. 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

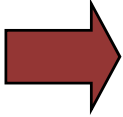
Electronic copies of portfolios shall be maintained by the appropriate college for the length of time specified by the university records management policy. Disposal of these documents, as well as filing of archival copies, will also conform to the university records management policy.

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

Policy Change Cover Sheet

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



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION:

XXX Export Control

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☒ Yes ☐ No
 - Describe change: This is a new policy stating NDSU's intention to follow federal export control laws and regulations and is part of our compliance program.
2. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted: VPRCA 9/3/2015
 - Email address of the person who should be contacted with revisions: jolynne.tschetter@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to nds.policy.manual@nds.edu. All suggestions will be considered, however

North Dakota State University

Policy Manual

SECTION XXX

EXPORT CONTROL

SOURCE: NDSU President

1. North Dakota State University is committed to acting in accordance with all applicable U.S. Government export regulations. NDSU requires ALL faculty, staff, students, and other University personnel to be aware of, and comply with, U.S. export control laws and regulations, and NDSU's policy and procedures thereto.

HISTORY:

New September 2015

SROI Bias Estimates (by Birth Country)

NOTE: To calculate this, the percentages for ratings of 4 & 5 were combined (to be consistent with the gender bias summary). For example, >10% means greater than 10% difference between “good” (defined as rating of 4 or 5) ratings between instructors born in non-English-speaking birth countries (NESBC) and instructors born in English-speaking birth countries (ESBC). ESBC include USA, Canada, UK, and New Zealand.

Unbiased (<5%) items are highlighted in yellow.

Item	Biased Toward English-Speaking Birth Country >10%	Biased Toward English-Speaking Birth Country 5-10%	Unbiased <5%	Mean rating difference (NESBC minus ESBC)
1. Your satisfaction with the instruction of the course.		X		-.2752
2. The instructor as a teacher.*	X			-.3098
3. The ability of the instructor to communicate effectively.	X			-.4499
4. The quality of the course.*		X		-.2093
5. The fairness of the procedures for grading this course.			X	-.1384
6. Your understanding of the course content.		X		-.1874
7. The instructor provided an environment that was conducive to learning.		X		-.2304
8. This instructor provided well-defined course objectives.		X		-.1795
9. This instructor provided content and materials that were clear and well-organized.		X		-.1875
10. I understood how my grades were assigned in this course.			X	-.1287
11. I met or exceeded the course objectives given for this course.			X	-.1388
12. The instructor was available to assist students outside of class.			X	-.1144

13. The instructor provided feedback in a timely manner.			X	-.1356
14. The instructor provided relevant feedback that helped me learn.		X		-.2207
15. The instructor set and maintained high standards that the students must meet.		X		-.1836
16. The physical environment was conducive to learning.		X		-.2040

SROI Bias Estimates (by Ethnicity)

NOTE: To calculate this, the percentages for ratings of 4 & 5 were combined (to be consistent with the gender bias analyses). For example, >10% means greater than 10% difference between “good” (defined as rating of 4 or 5) ratings between White and non-White instructors.

Unbiased (<5%) items are highlighted in yellow.

Item	Biased Toward White >10%	Biased Toward White 5-10%	Unbiased <5%	Mean rating difference (NW minus W)
1. Your satisfaction with the instruction of the course.		X		-.1971
2. The instructor as a teacher.*		X		-.2279
3. The ability of the instructor to communicate effectively.	X			-.3815
4. The quality of the course.*		X		-.1655
5. The fairness of the procedures for grading this course.			X	-.0853
6. Your understanding of the course content.			X	-.1456
7. The instructor provided an environment that was conducive to learning.		X		-.1651
8. This instructor provided well-defined course objectives.			X	-.1267

9. This instructor provided content and materials that were clear and well-organized.			X	-.1479
10. I understood how my grades were assigned in this course.			X	-.1025
11. I met or exceeded the course objectives given for this course.			X	-.1137
12. The instructor was available to assist students outside of class.			X	-.0741
13. The instructor provided feedback in a timely manner.			X	-.0790
14. The instructor provided relevant feedback that helped me learn.		X		-.1522
15. The instructor set and maintained high standards that the students must meet.			X	-.1376
16. The physical environment was conducive to learning.			X	-.1409

SROI Bias Estimates (by Gender)

Numbers represent the number of colleges that fall into the category labelled above.

Item	Biased Toward Males			Biased Toward Females			Unbiased
	5-10%	> 10%	Total	5-10%	> 10%	Total	< 5%
1. Your satisfaction with the instruction in this course.	1	2	3	1	0	1	10
2. The instructor as a teacher.	1	2	3	1	0	2	9
3. The ability of the instructor to communicate effectively.	1	2	3	1	0	1	10
4. The quality of this course.	1	2	3	1	0	1	10
5. The fairness of procedures for grading this course.	3	1	4	0	0	0	10
6. Your understanding of the course content.	2	0	2	1	1	2	10

7. This instructor provided an environment that was conducive to learning.	1	1	2	1	1	2	10
8. This instructor provided well-defined course objectives.	1	1	2	1	0	1	11
9. This instructor provided content and materials that were clear and well organized.	2	0	2	1	1	2	10
10. I understood how my grades were assigned in this course.	1	0	1	0	0	0	13
11. I met or exceeded the course objectives given for this course.	1	0	1	2	0	2	11
12. The instructor was available to assist students outside of class.	0	0	0	3	0	3	11
13. The instructor provided feedback in a timely manner.	1	0	1	1	0	1	12
14. The instructor provided relevant feedback that helped me learn.	2	0	2	2	0	2	10
15. The instructor set and maintained high standards that students must meet.	1	1	2	1	0	1	11
16. The physical environment was conducive to learning.	0	2	2	1	0	1	11