

Faculty Senate Minutes

Fargo, ND 58108

North Dakota State University

October 12, 2015

The Faculty Senate meeting was held at 3:30 pm, in the Prairie Rose Room of the Memorial Union with Dr. D. Cooley presiding and the following senators present: G. Bora, A. Braaten, B. Braaten, W. Christensen, M. Christenson, C. Cwiak, S. Duffield, J. Frenzel, J. Gao, K. Gordon, G. Gramig, J. Hageman, T. Hall, C. Hargiss, S. Haring, M. Harvey, S. Herren, E. Hilliard, F. Huseynov, W. Kopp, K. Krishnakumar, F. Marais, S. Markell, K. Noone, W. Olfert, C.A. Platt, B. Pruess, S. Salem, M. Secor-Turner, M. Selekwa, M. Smith, M. Strand, A. Tangpong, L. Thomas, S. Vetter, T. West, D. Wyum, and S. Zhong

Substitutions – A. Smith for T. Barrett, M. Christoffers for T. Peters, and R. Hearne for S. Shaik

I. Approval of September 14, 2015 minutes

MOTION (Pruess/Secor-Turner): to approve minutes of the September 14, 2015, Faculty Senate meeting minutes as distributed. MOTION CARRIED WITH UNANIMOUS CONSENT.

II. Consent Agenda

- a. Academic Affairs Report ([attachment 1](#))
- b. Policy changes ([attachment 2](#)) (All housekeeping changes)
 - o Policy 155 Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees
 - o Policy 158 Acceptable Use of Communications Devices
 - o Policy 159 Injury Claims Against NDSU and State Risk Financing
 - o Policy 168 Reasonable Accommodation on the Basis of Disability – Guidelines for Employee Requests
 - o Policy 326 Academic Misconduct
 - o Policy 334 Field Trips
 - o Policy 348 Instruction in the Responsible Conduct of Research
 - o Policy 400 Purchasing – General Policies
 - o Policy 608 Suicide Threat Response Policy
 - o Policy 712 Contract Review
 - o Policy 713.1 Litigation Hold
- c. Policy changes (Information only)
 - o Policy 100 Equal Opportunity and Non-Discriminatory Policy
 - o Policy 112 Pre-Employment and Current Employee Criminal Record Disclosure
 - o Policy 133 Educational Policy
 - o Policy 143 Sick/Dependent Leave
 - o Policy 171 Staff and Faculty Recruitment and Moving Expenses
 - o Policy 347 Institutional Biosafety Committee
 - o Policy 350.1 Board Regulations on Academic Freedom and Tenure; Academic Appointments
 - o Policy 610 Missing Student Notification
 - o Policy New 6XX Immunization Requirements
 - o Policy 712.1 Legal Representation
 - o Policy 716 Nonprofit Entities
 - o Policy XXX Export Controls

MOTION (Hall/West): to approve the consent agenda report as posted. MOTION CARRIED WITH UNANIMOUS CONSENT.

Faculty Senate Minutes

Fargo, ND 58108

North Dakota State University

October 12, 2015

III. General Announcements

- *President Bresciani*
 - Alumni Association and Alumni Foundation voted to combine during their recent meetings. A new oversight committee will be developed. Student scholarships and endowed professorships and chairs will be a top priority for Alumni.
 - Legislature could consider changes how endowed faculty positions are funded; student scholarships will continue to be discussed at a legislative level.
 - 2015 State of the University address available [online](#).
- *Provost Ingram*
 - HLC Accreditation visit next Monday, October 19th and Tuesday, October 20th; open forum for faculty on Monday, October 19th from 3:10 – 4 p.m. in Prairie Rose, Memorial Union; faculty with administrative appointments are not eligible to attend.
- *L. Peterson, Accreditation*
 - [Accreditation information and schedule are available](#); encourage attendance at respective student and staff open forums.

IV. Unfinished Business

- a. Creating a system to monitor initiatives that affect faculty prerogative
 - i. Part time assistant will assist Faculty Senate activities and would populate this database.
- b. Faculty listserv guidelines. ([attachment 3](#))
 - i. Two faculty listservs have been established – first listserv is required, the second has an opt-out option; opt-out would be on an annual basis.
 - ii. Guidelines have been developed.
 - iii. President Cooley was instructed to make appropriate changes to the guidelines to improve clarity and formatting.
 - Discussion:
 - a) Announcement email to describe process and procedures.
 - b) Clarification if listservs could have an attachment. President Cooley will explore.
 - c) Second (opt-out) listserv will be self-monitored.
 - d) Recommendation to refresh “opt out” list once/semester.
 - e) Recommendation for digest to have headings, such as “research participants”.
 - f) Recommendation to send announcements earlier to ensure inclusion.
 - g) Listservs do have top and bottom banner options; could cross-list other listserv for informational purposes.
 - h) Items and matters of climate and culture would remain on official University faculty listserv.

MOTION (Christenson/Thomas): to approve the faculty listserv guidelines as posted.
MOTION CARRIED WITH UNANIMOUS CONSENT.

- c. Modifying bylaws
 - i. B. Pruess – formed committee, including M. Selekwa, G. Totten, and H. Hatterman-Valenti; working through suggested changes, including streamlining processes and reducing faculty workload on committees; plan to present first round of revisions at December meeting. Send suggested changes to B. Pruess.
- d. Personnel Management Training Committee
 - i. Require training for administrators; will be adding another faculty member; report soon.
- e. Policy and Procedure Review Committee
 - i. C. Wilson, Chair, C. Bilen-Green and J. Council will review and make recommendations.

Faculty Senate Minutes

Fargo, ND 58108

North Dakota State University

October 12, 2015

- f. Feasibility Committee membership for QUEST General Education
- Jeanne Hageman, Faculty Senate, Faculty Senate Executive Committee, and former department head
 - Marion Harris, CULE member, faculty
 - Fariz Huseynov, Faculty Senate, Business
 - Carrie Anne Platt, Faculty Senate, AHSS
 - Craig Schnell, Faculty Senate Budget Committee, faculty, and former provost
 - Scott Wood, Dean of Science and Math

MOTION (Noone/Pruess): to request Faculty Senate approve the QUEST Feasibility Committee membership. MOTION CARRIED WITH UNANIMOUS CONSENT.

- g. Design Committee for QUEST General Education
- Nicholas Bauroth, Political Science
 - Mark Meister, AHSS
 - Anne Denton, SM
 - Rebecca Wood, HDE
 - Wendy Kopp, HP
 - AGFSNR
 - BUSN
 - ENGR
 - Remaining committee members from CULE

MOTION (Christenson/Platt): to request Faculty Senate approve the QUEST Design Committee membership and charge the Faculty Senate President, Past-President, President-Elect, and Provost with determining remaining committee members. MOTION CARRIED WITH UNANIMOUS CONSENT.

V. New Business

- a. What are our priorities this year?
- FSEC and FS orientation
 - The “Nice” policy
 - Personnel Management Training Committee discussing changes with Policy 151; focus on working professionally; will explore potential to be inclusive for faculty and staff.
 - Anti-bullying policy
 - Suggestion to develop *ad hoc* committee to further explore.
 - Policy 352 (PTE) about double dipping and director issues and who is eligible to vote on PTE
 - *ad hoc* committee is discussing policy 352 and working through recommendations.
 - Recommendation to emphasize policy process and appeal options.
 - Membership is currently transitioning to several new members.

MOTION (Platt/Bora): to request *ad hoc* policy committee to explore issues related to PTE and voting eligibility issues. MOTION CARRIED WITH UNANIMOUS CONSENT.

- Standardization of academic unit administrator: Head, permanent chair, rotating chair; or having more department input on what the academic unit has as an administrator.
 - Concerns regarding standardizing units based on uniqueness of colleges; there are advantages and disadvantages of various options.

Faculty Senate Minutes

Fargo, ND 58108

North Dakota State University

October 12, 2015

- Campus security
 - Few classrooms have locks on doors.
 - Recommendation to potentially randomize monthly test alert.
 - Creation of an *ad hoc* committee on Campus Safety and Security.
 - Address safety and security concerns relevant to faculty. Will request feedback via listserv.
 - Recommendation to explore other campus safety committees and initiatives.
 - Explore ensuring faculty representation on other committees.
 - Establish scope at next Faculty Senate meeting.
 - Reminder of active shooter training and information on [University Police and Safety Office website](#).

Motion (Pruess/Bora): to request creation of *ad hoc* Campus Safety and Security committee; make recommendations to Faculty Senate by May 2016, with C. Cwiak as Chair. MOTION CARRIED WITH UNANIMOUS CONSENT.

- Encourage Faculty Senate interaction with legislators, including consideration of Faculty Senate Legislative Liaison position. M. Secor-Turner will explore options.
- Request to list *ad hoc* committees on Faculty Senate website; President Cooley will request information to assemble a list of *ad hoc* committees.

VI. Adjournment

MOTION (Christenson/Smith) to adjourn.

Meeting adjourned at 4:49 p.m.

Submitted,
Rhonda Kitch, Ph.D.
Registrar, Faculty Senate Secretary

New Courses				
Subject	No.	Title	Crs.	Effective Term
HDFS	445	Topics in Family Science: (Sub-Topic)	3	Spring 2016
MIS	350	Enterprise Systems	3	Spring 2016
STAT	840	Introduction to Statistical Design and Analysis of Gene Expression Experiments	3	Spring 2016
Uniform	799	Master's Examination	1-6	Spring 2016

Course Inactivation				
Subject	No.	Title	Crs.	Effective Term
CME	409/609	Highway Construction	3	Spring 2016
CME	470/670	Information Technologies for Construction Managers	3	Spring 2016
CME	705	Building Construction	3	Spring 2016
CME	710	Managing for Quality in Construction Organizations	3	Spring 2016
CME	720	Geotechnical Construction	3	Spring 2016
CME	753	Concrete Design and Construction	3	Spring 2016
CME	775	Facilities Management	3	Spring 2016
CME	780	Construction Systems and Temporary Structures	3	Spring 2016
COMM	230	Basic Photography for the Mass Media	3	Spring 2016
COMM	486	Principles of Risk Communication	3	Spring 2016
CSCI	626	Introduction to Artificial Intelligence	3	Spring 2016
MICR	371	Dairy Cattle Health Management	1	Spring 2016
MICR	372	Sheep Health Management	1	Spring 2016
MICR	374	Swine Health Management	1	Spring 2016
MICR	375	Bison Health Management	1	Spring 2016
MICR	376	Feline Health Management	1	Spring 2016
MICR	377	Canine Health Management	1	Spring 2016

Course Changes								
From:				To:				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
ART	185	Digital Media	3	ART	185	Design and Digital Media I	3	Spring 2016
ART	285	Digital Media II	3	ART	285	Design and Digital Media II	3	Spring 2016
ART	385	Digital Media III	3	ART	385	Design and Digital Media III	3	Spring 2016
ART	485	Digital Media IV	3	ART	485	Design and Digital Media IV	3	Spring 2016
COMM	260	Principles of Internet Web-Based Design	3	COMM	260	Introduction to Web Design	3	Spring 2016
COMM	375	Principles and Practices of Advertising and Public Relations	3	COMM	375	Principles of Strategic Communication	3	Spring 2016
COMM	477	Research for Strategic Communication	3	COMM	470	Research for Strategic Communication	3	Spring 2016
COMM	482	Organizational Communication II	3	COMM	483	Organizational Communication II	3	Spring 2016
COMM	485	Crisis Communications in Public Relations	3	COMM	485	Risk and Crisis Communication	3	Spring 2016
HNES	190	Introduction to Sport and Recreation Studies	3	HNES	190	Introduction to Sport Management	3	Spring 2016
MICR	352L	General Microbiology Lab II	1	MICR	352L	General Microbiology Lab II	2	Spring 2016

Change in Prerequisites/Corequisites and Change in Bulletin Descriptions				
Subject	No.	Title	Prerequisite/Corequisite Change	Effective Term
ANSC	444	Livestock Muscle Physiology	Prereq: CHEM 260	Fall 2016
ART	185	Design and Digital Media I	Desc: Introduction to digital technologies and their applications in design and visual arts.	Spring 2016
ART	285	Design and Digital Media II	Desc: Introduction to concepts and practices related to digital technologies and their applications in design and visual arts.	Spring 2016
ART	385	Design and Digital Media III	Desc: Development of concepts and practices related to digital technologies and their applications in design and visual arts.	Spring 2016
ART	485	Design and Digital Media IV	Desc: Development and application of concepts and practices related to digital technologies in design and visual arts through individual semester projects.	Spring 2016
COMM	260	Introduction to Web Design	Prereq: CSCI 114, CSCI 116, or CSCI 160	Spring 2016
HDFS	110	Introduction to Human Development and Family Science	Other Req: HDFS majors only.	Spring 2016

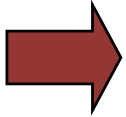
HDFS	462	Methods of Family Life Education	Prereq: HDFS 135, HDFS 242. Recommended: HDFS 341. Other Req: Junior or Senior standing; HDFS, FACS, or WGS majors or minors only.	Spring 2016
HNES	190	Introduction to Sport Management	Desc: This course is designed to introduce students to various concepts that make up the foundation and underlying principles of sport management. In addition, program expectations are covered and a focus is placed on professional development.	Spring 2016
MICR	475	Animal Virology	Prereq: None.	Spring 2016
PSYC	450	Computational Methods in Experimental Psychology	Prereq: PSYC 260 or PSYC 351.	Spring 2016
PSYC	461	Memory and Knowledge	Prereq: PSYC 260 or PSYC 351.	Spring 2016
THEA	365	Directing I	Prereq: THEA 161.	Spring 2016

New Special Topics (FYI)				
Subject	No.	Title		
WGS	399	Transnational Feminist Perspectives		Spring 2016

Policy 155 Version 1 090815

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

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☐ Yes ☒ No
 - Describe change: Housekeeping changes as follows:
 - 1) Replacing NDSU General Counsel with Office of the Provost
 - 2) Updating Dean of Student Life with Assistant Vice President/Dean of Student Life
2. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted: Provost Office on 8/25/15; Student Life Office on 9/8/15
 - Email address of the person who should be contacted with revisions: melissa.lamp@ndsu.edu; 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.

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 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 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 Behavior](#).)

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

- 5.1.2. When a student has been found responsible for violating University policies, one or more of the following sanctions may be imposed:
- a. Warning (oral or written).
 - b. Behavioral probation (with or without supervision).
 - c. Suspension.
 - d. 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 Behavior](#).

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 Behavioral 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 ~~NDSU General Counsel~~ [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).

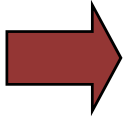
HISTORY:

New	March 18, 1989
Amended	December 1992
Amended	October 1999
Amended	April 2003
Amended	October 2003
Amended (renumbered)	January 2004 Amended April 2010
Amended	March 25, 2011
Housekeeping	August 18, 2011
Housekeeping	May 22, 2012
Housekeeping	June 12, 2013
Housekeeping	August 27, 2013

Policy 158 Version 1 082515

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

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 all reference to the members of the Acceptable Use Review Committee (AURC) since General Counsel needs to be removed
5. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted: Provost Office on 8/25/05
 - Email address of the person who should be contacted with revisions: melissa.lamp@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:

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.

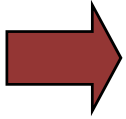
5. The **Acceptable Use Review Committee** (AURC) is charged with establishing recommended procedures and working with NDSU administrators and the NDSU Information Technology Security Officer to ensure consistent responses to alleged violations of this policy.
6. **Alleged violations** of this policy 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 Behavior (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

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: 159 Injury Claims Against NDSU and State Risk Financing

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 removing reference to General Counsel
8. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted: Provost Office on 8/25/15
 - Email address of the person who should be contacted with revisions: melissa.lamp@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.

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:

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 159

INJURY CLAIMS AGAINST NDSU AND STATE RISK FINANCING

SOURCE: NDSU President

1. Claims by third parties (employees' injuries are processed through Workers Compensation) against the State or NDSU and University employees are governed primarily by state law, NDCC ch. 32-12.2. This law resulted from a North Dakota Supreme Court decision decided in 1994 which overturned sovereign immunity.
2. Claims for injuries caused by a state employee within the scope of that employee's employment are brought against the State and not against the individual employee. The injured party must file a claim with the State Risk Manager in the Office of Management and Budget ("OMB") within 6 months of the injury. Civil actions for damages must be brought against the State within 3 years of the accident.
3. NDSU, through a designated official, the University Risk Manager, notifies OMB of incidents via an OMB Incident Report Form. University employees should either fill out a University Incident Report Form and submit this to the University Risk Manager or contact the University Risk Manager ~~or the University General Counsel~~ directly. The State Risk Manager, if the injured party wants to file a claim, then sends claim forms to the claimant. The claim is then investigated.
4. The current coverage by the State is \$250,000 per person and \$1,000,000 per occurrence. The State self-insures for this amount. Any judgment beyond this amount would have to go the North Dakota Legislature for an appropriation.
5. OMB has approval authority for state agencies to purchase additional insurance. There are other risk financing coverages; for example, auto insurance, medical malpractice, property insurance through the State Fire and Tornado Fund, aviation liability policies, boiler and machinery coverage, fidelity bonding, and others. On occasion, unique insurance may need to be purchased for specific events. Normally, however, the Risk Management Fund is sufficient. Questions about insurance coverage can be directed to the University Risk Manager or University General Counsel. Certificates of self-insurance are available.
6. A special situation exists in the case of students or visitors to the campus who appear to have suffered a possible serious injury on the campus and who are unable, because of unconsciousness or other reasons, to clearly request that an ambulance be called for them. When staff members have called the ambulance themselves in the past, there have been cases where the injured person subsequently refused to pay the ambulance bill. This is unfortunate, but a more serious problem could result from neglecting to get prompt medical attention, with a real potential for a liability suit directed against the University.

University personnel should continue to request the services that an injured person appears to need. In most cases, the person or family will be grateful for the action and assume the expenses without question. In the remaining cases, the University will pay for the service if the

ambulance company seeks reimbursement against the calling party in order to ensure that staff members involved in making decisions under stressful circumstances know that they have institutional support. The injured party is liable for the bill, however.

7. Employees not only need to be a part of risk management, but also need to be circumspect about making statements to injured parties, other third parties, or even to other University employees who aren't involved in the investigation about the situation. Statements made can be used against the University in future lawsuits. Employees should confine their statements to the facts and contact the University General Counsel or the University Risk Manager for advice on how the matter should be handled. IF AN EMPLOYEE IS SUED, THE EMPLOYEE HAS TEN DAYS TO NOTIFY THE PRESIDENT AND REQUEST LEGAL REPRESENTATION. EMPLOYEES SHOULD CONTACT THE GENERAL COUNSEL IMMEDIATELY IN SUCH SITUATIONS.
8. Settlements are made, if warranted, by consultation between the University, the State Attorney General's Office, and the State Risk Manager after reviewing all the investigation reports.
9. Employees do have a risk of individual liability if they are acting outside the scope of their employment. An employee is acting within the scope of their employment if the employee is acting on behalf of NDSU performing lawfully assigned duties. However, an employee who acts in a reckless or grossly negligent manner, commits malfeasance in office, or commits willful or wanton misconduct is deemed not be acting within the scope of their employment. In such rare cases, the State has no responsibility to defend the employee.

For more information regarding state employee liability see:

<http://www.ag.nd.gov/Brochures/FactSheet/LiabilityStateEmployees.pdf>

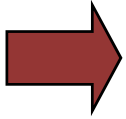
HISTORY:

New	July 1990
Amended	June 1996
Amended	December 1997
Amended	October 2007
Amended	February 2009

Policy 168 Version 1 06/29/2015

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

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: Making two housekeeping changes – correcting title of a form and updating its link

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

- Human Resources/Payroll on 6/29/15
- 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 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

Equal Opportunity Specialist, Equity, Diversity & Global Outreach or Designee

Vice Provost for Advancement of Faculty or Designee

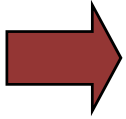
HISTORY:

New	October 13, 1999
Amended	May 6, 2014

Policy 326 Version 1 082515

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:**326 Academic Misconduct**

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 changes removing reference to General Counsel and updating the title of the Provost/Vice President for Academic Affairs to Provost
14. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted: Provost Office on 8/25/15
 - Email address of the person who should be contacted with revisions: melissa.lamp@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:

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 326

ACADEMIC MISCONDUCT

SOURCE: [NDSU President](#)
[NDSU Faculty Senate](#)

1. PHILOSOPHY& PURPOSE

1.1 North Dakota State University is committed to upholding the highest standards of integrity of its endeavors in the pursuit of academic activities including research, instruction, and service. The University will promote an open and honest atmosphere in reviewing and reporting possible academic misconduct.

1.2 Scholarly inquiry creates the expectation for strict integrity in its pursuit. Integrity is defined as a commitment to intellectual honesty, and personal responsibility. As a public institution engaged in research, NDSU has an obligation to ensure public trust and confidence in our academic programs and publications. NDSU is committed to creating an environment which promotes responsible conduct that embraces attitudes of excellence, trust, and lawfulness in all our endeavors. It is essential to create this environment in order to maintain academic integrity, which in turn will promote academic excellence leading to reliable and accurate research results. [1](#) Because misconduct in scholarly inquiry, including the improper expenditure of funds, threatens the confidence in the academic endeavor, it is the responsibility of the University to foster an academic environment that discourages misconduct in all endeavors of scholarly activity and to develop policies and procedures to deal forthrightly with possible misconduct associated with scholarly activity

1.3 These policies and procedures deal with academic misconduct and define a process to report, review, investigate, and resolve, allegations of academic misconduct. They are directed toward governing behaviors to maintain integrity in the pursuit of scholarly, academic activities, and they are consistent with the principle of self-regulation in maintaining integrity in scholarly inquiry.[2](#)

2. APPLICABILITY

2.1 These policies are applicable to all persons employed at NDSU and associated with NDSU through academic activities. These would include, but are not limited to faculty, adjunct faculty, research professors, lecturers, collaborators, staff, technicians, post-doctoral fellows, graduate, and undergraduate students, and volunteer assistants. However, allegations against graduate and undergraduate students which are course related will be handled under [NDSU Policy 335: Code of Academic Responsibility and Conduct](#).

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

3. DEFINITIONS

3.1 **Academic or scientific misconduct** shall mean fabrication, falsification, plagiarism, misrepresentation of sources, breach of confidentiality, or other practices, including fiscal impropriety, that seriously deviate from those that are commonly accepted within the discipline for proposing, for conducting, or reporting research; or material failure to comply with a sponsor's requirements that uniquely relate to the conduct of the research. It does not include honest error, or honest differences in interpretations or judgments of data.

3.2 **Allegations** shall mean any written or oral accusation by any University official or other Complainant, from inside or outside of NDSU, of possible misconduct that is forwarded to the Office of the Provost/~~Vice President for Academic Affairs~~.

3.3 **Complainant** means any person who makes a formal allegation of research or scholarly misconduct under this Policy.

3.4 **Fabrication** is making up data or results and recording or reporting them.

3.5 **Falsification** is manipulation of research materials, equipment, processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

3.6 **Inquiry** shall mean informal information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

3.7 **Investigation** shall mean the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

3.8 **Plagiarism** shall mean taking over ideas, methods, or written words of another without acknowledgment of and with the intention that they be credited as the work of the deceiver. Different academic disciplines may have their own separate definition which may add additional elements that need to be taken into consideration in an allegation of plagiarism.

3.9 **Respondent** shall refer to the accused or the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

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

4. PRINCIPLES

- 4.1 Due to the wide variety of endeavors of scholarly activity, no one set of guidelines can cover all situations. Also, because of the seriousness of the nature of this subject, several basic principles must be used to guide the processes.
- 4.2 Allegation(s) must receive immediate, appropriate, thorough, and impartial consideration.
- 4.3 The Complainant who in good faith reports apparent academic misconduct shall be protected from recrimination. Good faith allegations are those that are made with the honest belief in the truth of the allegation based on the information the Complainant had reasonable access to at the time of the allegation.
- 4.4 The Respondent, Complainant, witnesses, and committee members must be afforded confidential treatment during the entire process to the extent reasonably possible. Disclosure of the charges and evidence under this policy will be made only as specified in the regulations of the sponsoring agency or as required by the North Dakota Open Records Act. Any violation of this rule is also considered a matter for disciplinary action. Further, the Respondent must be afforded confidential treatment to the extent reasonably possible while being given an opportunity to respond to the allegations and provide a defense during the Inquiry or Investigation phases. A confidentiality agreement can be required.
- 4.5 From receipt of the initial allegation to the completion of the investigation, every effort will be made to obtain and secure evidence that will be directly applicable to the case. All evidence must be carefully weighed to determine whether an allegation has been made in good faith or malice.
- 4.6 In order to determine misconduct, NDSU must find (1) that there was a significant departure from accepted practices of the relevant academic or professional community; (2) it was committed intentionally, knowingly, or recklessly; and (3) the allegation must be proven by a preponderance (greater than 50%) of the evidence.
- 4.7 If allegations of apparent academic misconduct are shown to be unfounded and have been made with the malicious intent of destroying a career and reputation, the evidence of this fabrication is to be presented to the Provost/~~Vice President for Academic Affairs~~ for appropriate examination and possible disciplinary action.
- 4.7.1 Malicious allegations to harm or harass other individuals will not be tolerated by the University, nor will retaliation against the Respondent, Complainant, witnesses, or inquiry or investigative committee members. Further actions against Complainants who have acted in bad faith may be taken under NDSU policies that apply to employment and termination procedures. Actions that may be taken by NDSU could include, but are not limited to, termination of employment or expulsion.
- 4.8 Any University action imposing sanctions must comply with the procedural requirements of the applicable personnel or student policies (see Policies [220](#), [335](#), [350.3](#), or [601](#)).

- 4.9 Challenges against a member of the Academic Integrity Committee for a conflict of interest shall be handled by the committee first and then, if the matter is not resolved, by the President of the Faculty Senate.

5. ACADEMIC MISCONDUCT PROCEDURES

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

6. PHASE I: RECEIPT OF ALLEGATION

- 6.1 Initially, the Complainant should report the allegation and provide evidence to the university official who is the immediate supervisor of the Respondent. The person receiving the allegation is hereafter referred to as the receiver of the allegation.

6.1.1 Any National or Federal agency involved could also be notified. Most agencies will not investigate initially and will allow NDSU to proceed as the primary investigating body. The funding agency will review the submitted reports to determine if further actions need to be taken. Federal agencies expect each institution to handle these proceedings and will only take charge if there is an immediate need to handle the case themselves.

- 6.2 Upon receipt of an allegation, the receiver of the allegation must immediately inform the Provost/~~Vice President for Academic Affairs~~ (or specified designee) formally, in writing of the nature of the allegation. The Provost/~~Vice President for Academic Affairs~~ will inform the President.

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

7. PHASE II: INQUIRY

- 7.1 Upon receipt of an allegation, the Provost/~~Vice President for Academic Affairs~~ will prepare a statement of allegation which identifies the Complainant, and notifies the Respondent, the appropriate department chair(s), and academic dean(s) of the allegation with available evidence.
- 7.2 The Respondent and Complainant will be offered initial consultation at the time of the receipt of the allegation to assist all parties in understanding the extent of this policy and procedures, and

the potential and real consequences. They shall be provided copies or informed of the location of relevant policies and/or rules.

- 7.3 The Provost/~~Vice President for Academic Affairs~~ shall appoint an inquiry committee of three persons consisting of non-administrative, tenured faculty with the rank of professor (emeritus and emerita professors are eligible). Members of the committee may be external to the University and non-faculty members may be appointed if a specific case warrants their inclusion to review the allegation(s).
- 7.3.1 The inquiry committee will determine if there is sufficient basis to conduct an investigation based on whether (1) the allegation falls within the definition of academic misconduct as defined above; (2) the allegation is sufficiently credible; and (3) the allegation is specific enough so that potential evidence of academic misconduct may be identified. "Sufficient basis" means that there is enough evidence that could be adequate to establish a violation if proven.
- 7.3.2 Interviews must be conducted, where possible, with both the Respondent and the Complainant and any other persons who may have information relevant to the allegation and purpose of inquiry. The Complainant and the Respondent must comply with appropriate requests by the inquiry committee for documents and other relevant evidence.
- 7.3.3 The committee may seek an opinion by a recognized authority in the Respondent's field.
- 7.3.4 Upon completion of the inquiry, the committee will prepare a report which shall include: (1) the name and position of the Respondent(s); (2) a description of the allegation of misconduct; (3) list of persons interviewed; (4) a summary of the evidence; (5) the conclusions of the inquiry; (6) a rationale for the recommendation that the alleged misconduct did or did not warrant an investigation; (7) any comments by the Complainant and Respondent; and (8) identification of relevant grants or other funding involved.
- 7.4 The Complainant and Respondent shall be given a complete copy of the report. Each will be given 10 working days to respond to the report and their comments will become part of the record. ~~A copy of the report and responses shall be sent to the General Counsel.~~
- 7.5 The inquiry report will be completed and submitted to the Office of the Provost/~~Vice President for Academic Affairs~~ within 60 calendar days from the receipt of the initial allegation, unless circumstances which can be documented indicate reasons for exceeding this 60 day period.
- 7.6 If the Provost/~~Vice President for Academic Affairs~~ determines that there is no basis to conduct an investigation, a copy of the inquiry report shall be maintained for a period of seven years in the Office of the Provost/~~Vice President for Academic Affairs~~. This is to permit a later, independent assessment of the reasons for determining that an investigation was not warranted should this be requested by an appropriate agency.

- 7.7 Seven years after the completion of the inquiry, all documentation shall be destroyed.
- 7.8 If, at any time, the documentation is requested by any party, the Respondent shall be notified.
- 7.9 All work of those involved should, to the extent possible, remain confidential. Breaches of confidentiality may be subject to appropriate sanctions.
- 7.10 The Complainant can appeal a decision not to conduct an inquiry to the Committee on Academic Integrity within five (5) working days of receiving notice that an inquiry is not warranted.

8. PHASE III: INVESTIGATION

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

8.2 The investigation will be conducted by the standing committee of the Faculty Senate, the Committee on Academic Integrity. (<http://senate.ndsu.edu/fileadmin/facultysenate/docs/constitution.pdf>)

8.3 The Provost/~~Vice President for Academic~~ Affairs shall forward the inquiry report to the Committee on Academic Integrity (Investigation Committee) which shall investigate the allegations in substantial compliance with all Federal Regulations.

8.4 The Investigation Committee shall comply with the following guidelines:

8.4.1 Respondent must be notified in writing that an investigation is being conducted, must be interviewed by the Investigation Committee, and has the right to call any witnesses or produce any evidence in defense. In addition, the Respondent has the right to have an attorney accompany him/her/them to the interview. If an attorney for the Respondent is present, the Investigation Committee may request that the University provide legal counsel to assist it as well.

8.4.2 The Investigation Committee may request, and must use diligent efforts to secure, any evidence considered necessary to conduct a complete investigation of the allegation. Whenever possible, interviews should be conducted of all individuals involved including the Respondent and the Complainant as well as other individuals who might have information regarding key aspects of the allegations. Because of the possible specialized nature of the evidence to be investigated, the Committee may seek advice from experts within or from outside the University. Complete summaries of these interviews should be prepared and provided to the interviewed person(s) for comment and shall be included as part of the investigation file and furnished to the Respondent.

8.4.3 The Investigation Committee will deliberate and reach its conclusions and write its final report in executive session. Further, the Investigation Committee must prepare and

maintain all documentation to substantiate its findings.

8.4.4 The investigation by the Investigation Committee is to remain confidential unless disclosure is required by the North Dakota Open Records Act or by the sponsor's guidelines.

8.5 If it is determined that the allegations of misconduct are groundless, a report with supporting documentation shall be forwarded to the Office of the Provost/~~Vice President for Academic Affairs~~ to be retained appropriately for a period of seven years.

8.6 If the allegations are substantiated by a preponderance (greater than 50%) of the evidence, the Investigation Committee shall forward the report to the Provost/~~Vice President for Academic Affairs~~ and the President with recommendations for appropriate disciplinary action (sanctions).

8.7 The Respondent and Complainant shall be given a complete copy of the report. Each will be given ten (10) calendar days to respond to the report and their comments will become part of the record.

8.8 All persons and agencies involved in the investigation shall be notified of the conclusion. A copy of all documents shall be furnished to the Respondent and the Complainant. If the documents are requested by any party, the Respondent shall be notified.

8.9 In the case of a federal grant, a final report (in substantial compliance with all Federal regulations) prepared by the Provost/~~Vice President for Academic Affairs~~ describing policies and procedures under which the investigation was conducted, the nature of the allegations, how information was obtained, all persons interviewed with text or summary of interviews, the findings, the basis for the final decision, and a description of disciplinary action taken by the institution, must be sent to the appropriate agency. 3

8.10 It shall be the responsibility of the Provost/~~Vice President for Academic Affairs~~ to communicate the results of the investigation to collaborators, journals, publishers, professional societies, licensing agencies, and sponsoring agencies with whom the accused has had professional contact as appropriate.

8.11 The investigation should ordinarily be completed within 120 calendar days of its initiation. If it cannot be completed within that time, then a request to the Office of Research Integrity (ORI) (or other applicable agency(ies)), will be made by the Provost/~~Vice President for Academic Affairs~~ to extend the time, and documentation for the reasons for exceeding this period must be made available in the report.

9. SPECIAL REPORTING REQUIREMENTS

9.1 Normally, the inquiry or investigation will be conducted in such a manner as to protect the privacy/confidentiality of all involved.

9.2 However, if at any stage of the inquiry or investigation, any of the following conditions exist, there must be immediate notification to the sponsoring agency or other affected parties:

9.2.1 there is an immediate health safety risk or immediate need to protect human or animal subjects;

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

10. SANCTIONS

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

11. APPEALS

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

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

HISTORY:

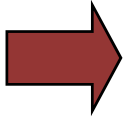
New	May 14, 1990
Amended	April 1992
Amended	June 1995
Amended	December 2002
Amended	October 2003
Amended	October 2007
Amended	November 2008

Housekeeping February 14, 2011hk

Policy 334 Version 1 090815

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:**334 FIELD TRIPS**

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 changes as follows:
 - 1) Updating who instructors can contact for assistance (reducing down to one office, Student Life – removing University Risk Manager/Purchasing Director and University General Counsel
 - 2) Updating the title of Dean of Student Life to Assistant Vice President/Dean of Student Life
17. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted: Provost Office on 8/25/15 ; Student Life on 9/4/15
 - Email address of the person who should be contacted with revisions: melissa.lamp@nds.edu; 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.

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:

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 334

FIELD TRIPS

SOURCE: NDSU President

The Dean of Student Life should receive notification of any proposed trip out of town and a listing of names of the students who are going, their expected time of return, names of instructors/advisors accompanying students, and emergency contact information.

Instructors should obtain, at a minimum, informed consent from students going on field trips outlining the expectations of students, any unusual risks, and consent for emergency medical treatment. In some cases, releases of liability may be appropriate. Instructors can contact the Assistant Vice President/Dean of Student Life, ~~University Risk Manager/Purchasing Director, or University General Counsel~~ for assistance.

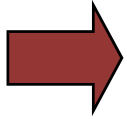
HISTORY:

New	July 1990
Amended	October 2001
Amended	October 2007
Amended	November 2008

Policy 348 Version 06/30/2015

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: Policy 348 – Instruction in the Responsible Conduct of Research

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: housekeeping - updated to reflect the change in the person serving as the Research Integrity Officer
20. This policy change was originated by (individual, office or committee/organization):
- Office of the Vice President for Research and Creative Activity
 - cassandra.johnson@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.

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

Senate Coordinating Committee: 6/30/15

Faculty Senate: 6/30/15

Staff Senate: 6/30/15

Student Government: 6/30/15

President's Cabinet: 6/30/15

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 348

INSTRUCTION IN THE RESPONSIBLE CONDUCT OF RESEARCH

SOURCE: NDSU President

1.0 General Principles.

1.1 The responsible conduct of research (RCR) is critical for excellence, as well as public trust, in science and engineering. Consequently, education in RCR is considered essential in the preparation of future scientists and engineers. Federal law (Section 7009 of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science (COMPETES) Act (42 U.S.C. 1862o-1)) and federal sponsors currently require appropriate training and oversight in the responsible and ethical conduct of research for students and researchers.

2.0 Applicability.

2.1 Students (undergraduates, graduate students, and post-doctoral researchers) “supported” by the National Science Foundation (NSF) for science and engineering research awards must be provided with appropriate training and oversight in the responsible and ethical conduct of research. This requirement is effective with proposals submitted to the NSF on or after January 4, 2010, and includes subrecipient institutions.

(*NOTE: Use of the term “supported,” is not restricted to financial remuneration. “Supported” can be access to equipment, supplies or lab space by paid students or even volunteers conducting research. Students supported by funds other than NSF but involved in research sponsored by the NSF are considered supported by the NSF and, thus, subject to training requirements.)

2.2 All trainees, fellows, participants, and scholars receiving support through any National Institutes of Health (NIH) training, career development award, research education grant, and dissertation research grant must receive instruction in responsible conduct of research. This requirement is effective with new and renewal applications submitted to NIH on or after January 25, 2010, and for all continuation (Type 5) applications with deadlines on or after January 1, 2011.

2.3 The Vice President for each unit or the Dean of each college, as applicable, has the discretion to require RCR training for other individuals in addition to those identified in 2.1 and 2.2. “Unit” is intended to mean those divisions that don't have a Dean typically, such as, but not necessarily limited to, [Center for Nanoscale Science and Engineering \(CNSE\)](#), ND EPSCoR and Upper Great Plains Transportation Institute (UGPTI).

3.0 Educational Plans.

3.1 Each college and department (or Vice President, as applicable) is responsible for determining the need for and developing a plan for training in the responsible conduct of research, as well as developing content and determining the most effective delivery mechanism appropriate for each discipline, tailored to issues and practices that are relevant. General topics (such as responsible authorship and publication) are relevant to all research, while special topics (such as use of vertebrate animal subjects) would be relevant to select research or disciplinary practices. Plans must also include an indication as to the frequency of training required as well as when training would expire. Most programs would include the following topics:

- conflict of interest - personal, professional, and financial
- conflict of commitment
- policies regarding human subjects, live vertebrate animal subjects in research, and safe laboratory practices
- mentor/mentee responsibilities and relationships
- collaborative research including collaborations with industry
- peer review
- data acquisition and laboratory tools; management, sharing and ownership
- research misconduct and policies for handling misconduct
- responsible authorship and publication
- the scientist as a responsible member of society, contemporary ethical issues in biomedical research, and the environmental and societal impacts of scientific research

3.2 NDSU currently subscribes to the Collaborative Institutional Training Initiative (CITI), which offers online modules on discipline-specific RCR training. Units, colleges and departments shall require completion of the appropriate modules by all individuals identified in Section 2.1 for NSF funding, Section 2.2 for NIH funding, and others as identified in accordance with Section 2.3 as a supplement to the unit, college or department training plan. The CITI modules are accessed at <https://www.citiprogram.org>.

3.3 Federal agencies, including the Office of Research Integrity, recommend incorporating RCR training throughout the curricula, in a variety of formats. Online courses may not be sufficient as the sole means of providing RCR education, and these should be supplemented with didactic and small-group discussions. Multiple approaches to training are recommended to produce the best results.

4.0 Roles and Responsibilities for Compliance.

4.1 It is the responsibility of each college (or Vice President unit, as applicable) to determine how best to ensure effective and appropriate education in responsible and ethical research practices.

4.2 The Dean of each college (or Vice President of a Unit, as applicable) shall be the NDSU designate responsible for overseeing compliance with the RCR training requirement within their respective college or unit.

4.3 Completion of training shall be appropriately monitored by the Deans (or Vice President, as applicable) or their designees and documented by departments or units to

verify compliance with NSF, NIH or other sponsoring agency RCR requirements. All training plans and documents are subject to review upon request of the President, Provost, a Vice President, General Counsel, or any other designees, federal agencies or other sponsoring entities.

4.4 The Office of Sponsored Programs Administration (SPA), as the Authorized Organizational Representative for NDSU, shall provide the necessary certification to the NSF that NDSU has a plan in place to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduates, graduate students and postdoctoral researchers who will be supported by NSF to conduct research. Prior to finalizing an NSF award subject to the RCR Requirements, SPA will provide the Principal Investigator (PI) with a reminder notice of the NSF RCR requirements.

5.0 Consequences of Noncompliance.

5.1 In addition to any institutional or State Board of Higher Education consequences for failing to comply with the RCR requirements, NDSU or individuals at NDSU can be debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from requesting or receiving funding from the NSF or other federal agencies. Other possible actions include letters of reprimand, ban from serving as reviewers, fines and restitution.

Contact

~~Dr. Charlene Wolf Hall~~ [Kelly A. Rusch, Ph.D., P.E.](#)

Research Integrity Officer (RIO)

Responsible Conduct of Research Program

~~Charlene.Hall@ndsu.edu~~ Kelly.Rusch@ndsu.edu

701-231-~~6387~~ [6542](tel:701-231-6542)

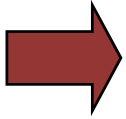
HISTORY:

New	February 5, 2010
Amended	October 21, 2010
Housekeeping	September 29, 2011

Policy 400 Version 1 08/31/2015

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: 400 PURCHASING – GENERAL POLICIES

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 includes updating the title of General Counsel to Attorney(s) assigned to NDSU
23. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted: Office of the Provost / Melissa Lamp
 - Email address of the person who should be contacted with revisions: melissa.lamp@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.

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:

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 400

PURCHASING – GENERAL POLICIES

SOURCE: SBHE Section 803.1, Purchasing Procedures
NDSU President

1. Each institution shall develop and implement necessary and appropriate policies and procedures to ensure compliance with laws and State Board of Higher Education policies governing purchasing. Officers and employees involved in purchasing decisions shall comply with all applicable federal and state laws and regulations relating to conflict of interest and acceptance of gifts and gratuities. Institution purchasing policies and procedures shall incorporate (or refer to) SBHE Policy 611.4 relating to conflict of interest, and include procedures for disclosing a conflict of interest. Further, institution purchasing policies and procedures shall address whether vendors' offers of scholarships, endowments, and other premiums contained in bids or proposals will be considered and, if so, the criteria for evaluating such offers.

NDSU Guidelines

1.1 The Director of Purchasing is responsible for the preparation and enforcement of NDSU purchasing policies. The Director of Purchasing may delegate authority to an NDSU employee to purchase specific types and classes of goods and services with prior written authorization by the departmental supervisor. This authorization shall specify what may be purchased by the employee and the duration of the purchasing authorization.

1.2 Purchasing has the responsibility for obligating the University and for making the final determination of source of supply consistent with the required delivery schedule, ability to meet specifications and price negotiations, except where others are so authorized. These decisions will be made in conjunction with user departments as appropriate.

1.2.1 In the event there is an unauthorized purchase, Purchasing will arrange to meet with the individual(s) and the supplier to reduce the potential for future non-compliance. Any unauthorized purchase may result in holding the individual personally responsible.

1.3 The basic responsibilities of Purchasing and those of the using departments are as follows:

Purchasing	Requestors
Responsible for:	Responsible for:
1. Prequalifying suppliers	1. Preparing purchase requisitions

2. Taking bids	2. Providing reasonable lead time
3. Processing quotations	3. Providing justifications as required
4. Negotiating with suppliers	4. Assuring that contract and grant requirements are met
5. Making awards	5. Assuring that funds are available
6. Releasing award information	6. Others as appropriate
7. Auditing purchasing actions of others	
8. Administering a minority business development program	
9. Others as appropriate	

1.4 No personal purchases shall be made in the name of the University nor shall any University resources be used in any way for the purpose of making personal purchases.

1.5 North Dakota University System, Policy 611.4; North Dakota State University Policy 151 - Conflict of Interest and North Dakota Century Code Sections 12.1-13-03 and 48-02-12 are referenced and made part of this Purchasing Policy. Any employee of the University authorized to sell or lease any property or make any contract in the employee's official capacity may not be interested in any such sale, lease or contract.

1.6 All employees involved in federal fund projects shall comply with the conflict of interest requirements that govern any federal grants or other sponsored agreements.

1.7 Equipment and supplies purchased for use by a governmental agency are not subject to sales/use tax or federal excise tax except heating fuel, gasoline and property purchased by NDSU that is installed by an independent contractor. A letter is on file in the Purchasing Department which may be sent to vendors who need proof of our tax exemption.

1.8 In addition to this section, all other federal and state laws, rules and regulations relating to Purchasing must be followed.

2. NDUS institutions shall cooperate and make joint purchases with the Office of Management and Budget Purchasing Division when advantageous to do so as intended by North Dakota Century Code 54-44.4-02. Institutions may also purchase equipment or supplies through participation in joint purchasing alliances formed with other states or organizations, when it is advantageous to do so. Additional bids or proposals shall be solicited from other vendors when required by law or this policy.

NDSU Guidelines

2.1 All NDSU personnel will be required to purchase from prime vendor or other annual contracts or other such pricing agreements that are established.

3. Personal property, equipment or supplies estimated at less than \$10,000 may be purchased at the discretion of the institution. When feasible, informal quotes or proposals should be solicited from more than one vendor. Reasonable steps shall be taken to ensure that qualified North Dakota

vendors have an opportunity to compete for the contract. Personal property, equipment or supplies estimated at \$10,000 or more must be purchased from formal bids. As many sources as possible, including qualified North Dakota vendors, should be solicited.

NDSU Guidelines

3.1 NDSU employees authorized by their respective department or unit can make a single non-repetitive purchase of a good or service in the amount of \$5,000.00 or less. Purchases of \$5,000.01 and above shall be processed through the NDSU Purchasing Department.

4. Consulting or other contract services and insurance estimated at less than \$100,000, shall be purchased by negotiation, telephone or informal written quote or proposal. When feasible more than one vendor should be requested to submit prices to ensure appropriate competition. Reasonable steps shall be taken to ensure that qualified North Dakota vendors have an opportunity to compete for the contract. Consulting or other contract services or insurance estimated at \$100,000 or more must be purchased through a formal request for proposal process that includes procedures for identifying eligible vendors, developing a comprehensive requirements document, specifying unique needs, negotiating mutually acceptable contract terms, and listing minimum proposals requirements. Payments for services may be made only according to a written contract.

NDSU Guidelines

4.1 Consulting services and insurance greater than \$50,000 shall be coordinated through the Purchasing Department.

5. Personal property, equipment or supplies estimated at \$10,000 or more, must be purchased from formal bids. As many sources as possible, including qualified North Dakota vendors should be solicited. All service contracts for a term in excess of three years shall include a provision for review of contract performance at specified intervals, not less frequently than once every two years. Service contracts may not exceed a term of ten years.

NDSU Guidelines

5.1 Formal bids for goods and services shall be processed through the NDSU Purchasing Department.

6. Items which do NOT require competitive bidding are purchases made from discount contracts under a group alliance or consortium, other items possessing unique characteristics or properties which because of those peculiarities are essential to the conduct of particular research projects or instructional endeavors or sole source services. Purchases of an item or service under this exception is permitted only with the written approval of the purchasing officer or other official delegated that authority based upon documentation of:
 - a) The unique characteristics of the products, and
 - b) Specifically what task is to be performed requiring the unique characteristics of the product.

The purchasing office shall document in writing the process in all cases in which the lowest bid is not accepted. All required documentation shall be retained according to governing records retention policies.

NDSU Guidelines

6.1 A letter of justification on any sole source purchase not covered under a term contract, priced at \$5,000.00 and above shall be sent to the Director of Purchasing.

6.2 Items which do not require competitive bidding are:

- a) Utilities such as telephone, electric power, and natural gas services.
- b) Public books and maps, periodicals and technical pamphlets.
- c) Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.
- d) Direct purchases from any NDSU campus auxiliary service or internal service fund operation(s).
- e) Term contracts created by the NDSU/NDUS/State Purchasing Personnel.
- f) Consulting Services up to \$50,000 (**excluding** architect/engineering services) if the Contracted Services Agreement form is used or an agreement is reviewed and approved by the ~~University's General Counsel~~ Attorney(s) assigned to NDSU. The Purchasing Department will determine if competitive bids are required for services greater than \$50,000 but less than \$100,000.
- g) Construction/Remodeling Services up to \$10,000 **total project cost**, if the Contracted Services Agreement form is used and the specifications are in compliance with applicable building codes and policies and the NDUS/NDSU "Guidelines for Architects and Engineers" manual. A copy of the completed form should also be sent to the Facilities Management Director, Thorson Maintenance Center.

7. Preference shall be given to North Dakota bidders when required pursuant to N.D.C.C. Section 44-08-01. Accordingly, preference equal to the preference given or required in the state of a nonresident bidder shall be given in purchasing any goods, merchandize, supplies, or equipment. Also, when accepting bids for the provision of professional services, including research and consulting services, the contract shall be awarded to a resident North Dakota bidder if the bid of the resident North Dakota bidder is equal to or less than the low bid of a nonresident bidder and the resident North Dakota bidder has an acceptable performance history and meets the minimum requirements specified in the bid solicitation.

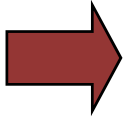
HISTORY:

Amended	July 1990
Amended	January 1997
Amended	March 2003
Amended	July 2004
Housekeeping	August 2011
Housekeeping	July 23, 2012

Policy 608 Version 1 09/01/2015

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: Policy 608 SUICIDE THREAT RESPONSE POLICY

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 changes include the following:
 - 1) Updating the title of Dean of Student Life to Assistant Vice President and Dean of Student Life
 - 2) Updating the title of General Counsel to NDSU's designated legal advisor
 - 3) Updating references made to Policy 601 Rights and Responsibilities: A Code of Student Conduct (The word behavior was changed to conduct, and information regarding involuntary withdrawal is now in Section 9.5.)
26. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted: Janna Stoskopf 9/1/15
 - Email address of the person who should be contacted with revisions: janna.stoskopf@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:

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 608

SUICIDE THREAT RESPONSE POLICY

SOURCE: [NDSU President](#)
[Division of Student Affairs, Student Life Unit](#)

1. INTRODUCTION: Suicide is known to be a leading cause of death for college and university students. In addition, suicide, attempted suicide, and suicidal gestures have a significant detrimental effect, not only on the involved student, but on others in the campus community.

North Dakota State University (NDSU) seeks to foster a campus community free from all personal abuse, whether that abuse is directed at oneself or others. NDSU commits its resources to the following twofold process: 1) to provide crisis intervention and 2) to educate and promote discussion about self-abuse and violence.

2. DEFINITION: For the purpose of this policy, suicide is the purposeful act of causing one's own death. Attempted suicide is the act, threat, or gesture in which a person engages in life threatening behavior(s) with the intent of jeopardizing his/her life.
3. PREVENTION: The goal of educational programming offered by various units in the [Division of Student Affairs](#) is to promote understanding concerning the dynamics of suicide and to recognize behaviors that may signal suicidal intent. Periodic programming will address issues of depression, general principles of mental health, stress, and other topics related to student concerns. These collaborative educational efforts will involve staff from the Department of Residence Life, Counseling Center, and other staff who work with students from across campus.
4. [PARENTAL NOTIFICATION](#)- EMERGENCY EXCEPTION TO CONFIDENTIALITY: Suicidal situations are highly individual. The primary goal of this policy is student safety. To achieve this, appropriate family members will be contacted as necessary, under the direction of the [Assistant Vice President and Dean of Student Life](#), to promote the safety of the student and others whose health, life, or safety may be endangered. The Family Education Rights and Privacy Act (FERPA, 34 CFR 99.36) provides for the release of normally protected student data when it is believed that the student represents a health or safety risk to self or others.
5. INTERVENTION: The University's intervention efforts begin with the [Behavior Intervention Team](#) who will rely, in part, on the expertise of the staff of the Counseling Center. Other University professional staff members will collaborate as needed to help individuals experiencing difficulties to remain in the University community.

5.a. The [Assistant Vice President and Dean of Student Life](#) may choose to seek advice from other individuals, as appropriate. In addition, the ~~University's General Counsel~~[NDSU's designated legal advisor](#) may be consulted when circumstances indicate a need.

This team will follow established procedures. This team may also participate in

decision making that could lead to separation from the community for any individual whose presence may pose a safety risk to self or others.

5.b [Counseling Center](#): Staff from the Counseling Center will follow professional ethical guidelines when suicidal or potentially suicidal students seek help directly from that office. The general requirement that counselors keep information confidential does not apply when disclosure is required to prevent clear and imminent danger to the client or others or when legal requirements demand that confidential information be revealed. Counselors consult with other professionals when in doubt as to the validity of an exception.

Counseling Center staff will also provide consulting services to University personnel upon request to assist staff in working with students on issues related to suicide. University faculty and/or staff members who are concerned about questions relating to suicide may call the office at any time. There is emergency service 24 hours a day all week during the academic year.

5.c. Other University Personnel:

All other University personnel are expected to observe these procedures.

6. **REPORTING:** Because suicidal attempts may result in death, the early identification of persons at risk for suicide is essential. Help should be sought when individuals are talking about suicide or have taken any actions that could be construed as leading to a possible suicide attempt. In emergencies contact:

On Campus	NDSU University Police	231-8998 (available 24 hours)
Off Campus	Fargo Police Department	911 (available 24 hours)

[Note: Fraternities and Sororities are considered off-campus, but residents may also call NDSU University Police for assistance in emergencies.]

7. **CONSULTATION:** For consultation, advice can be sought from the following:

Counseling Center	231-7671 (available 24 hours)
Residence Life Facilities	In any on-campus living facilities, help may be sought from staff including Complex Managers, Hall Directors, Resident Assistants, or any other Residence Life administrators.
Dean of Student Life	231-8240

8. **ASSESSING SUICIDE ATTEMPTS AND THREATS:** Once an individual has been identified as at risk for suicide, the individual is expected to cooperate with University personnel and/or medical personnel in taking any necessary measures to reduce the likelihood that a suicide attempt will be made.

9. POST-EVENT PROCEDURES: Once a suicide or attempted suicide has been reported, the following procedures will be followed by faculty or staff members:
- 9.1 Once the immediate emergency has passed, contact the Dean of Student Life Office (231-6537) for assistance in notifying instructors, advisers, and conducting other necessary University business. The following services may be offered as needed:
 - 9.1.a. academic schedule adjustments
 - 9.1.b. university withdrawal
 - 9.1.c. notice to faculty and advisers concerning class absences
 - 9.1.d. other appropriate University services
 - 9.2 Class enrollment. The decision concerning continuing at NDSU will be made by the student in consultation with medical personnel, counseling personnel, academic advisors, or others necessary to make a decision that is in the best interests of the student.
10. OTHER BEHAVIORAL ACTIONS: When behaviors of students interfere with the rights of other students or disrupt the normal functioning of University, complaints about these behaviors will be processed as described in *Rights and Responsibilities of Community: A Code of Student Behavior**Rights and Responsibilities of Community: A Code of Student Conduct*.
- 10.a Campus residents. When the rights of other students are infringed upon by the behavior of a resident, the student may be refused further University living accommodations or may be required to comply with conditions established by the Department of Residence Life. Such conditions may be developed in consultation with the Counseling Center staff. Other actions may be taken as outlined in the Residence Life License Contract or as a result of a disciplinary proceeding under *Rights and Responsibilities of Community: A Code of Student Behavior**Rights and Responsibilities of Community: A Code of Student Conduct*.
 - 10.b. Involuntary Psychiatric Withdrawal. In very rare instances, when all other measures prove ineffective, the University may invoke the policy on Involuntary Withdrawal as outlined in Section 9.5 of the *Code of Student Behavior**Code of Student Conduct*.

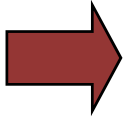
HISTORY:

New	September 1995
Amended	September 2003
Amended	October 2007
Housekeeping	July 2009
Amended	June 1, 2011

Policy 712 Version 1 08/31/2015

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:

712 CONTRACT REVIEW

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 changes include updating the area to contact for agreements related to Equity, Diversity & Global Outreach's mission and updating the title of General Counsel to Attorney assigned to NDSU
29. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted: Office of the Provost / Melissa Lamp
 - Email address of the person who should be contacted with revisions: melissa.lamp@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:

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 712

CONTRACT REVIEW

SOURCE: [NDSU President](#)
[SBHE Policy Manual, Section 840](#)

1. Any contractual agreement involving North Dakota State University must be signed by the President and/or the Vice President for Finance and Administration, or their designated representative or as otherwise stated in Section 2.
2. The following positions have contractual authority in the stated areas:

Provost and Vice President for Academic Affairs	academic agreements
Vice President for Agriculture and University Extension	entitlement programs such as Hatch and McIntire-Stennis funds and USDA/CSRS noncompetitive grants; Extension Service funds such as Smith-Lever funds
Vice President for Equity, Diversity and Global Outreach <u>Office of the Provost</u>	agreements related to Equity, Diversity & Global Outreach's mission such as grants and/or international agreements
Vice President for Information Technology or Dean, NDSU Libraries	software site licensing contracts
Vice President for Research and Creative Activity	research grants and contracts and technology transfer documents
Vice President for Student Affairs	student affairs agreements
Director, Division of Fine Arts	Reineke Fine Arts and Askanase Hall use
Director of Purchasing	purchase agreements and leases
State Forester	Cooperative Forestry Assistance funds

3. Delegated authority to sign as a designated representative shall be in writing and submitted to the President. All contracts and contract amendments, must be approved by University General Counsel pursuant to State Board of Higher Education Policy 840. Any contract document, lease agreement, etc., not bearing an authorized signature will not be binding to the ~~University General Counsel~~ Attorney assigned to NDSU approved form contracts don't need further approval unless they are changed.
4. Written delegation must specify area of contract authority by position and/or name and be reviewed by the delegator when person in that position changes.

For more information regarding contract review, see [SBHE Policy 840](#) and [NDUS Procedure 840](#).

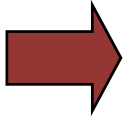
HISTORY:

New	July 1990
Amended	April 1992
Amended	November 1992
Amended	May 1996
Amended	February 2000
Amended	October 2000
Amended	January 2003
Amended	February 2005
Amended	October 2007
Amended	January 2008
Amended	December 27, 2010
Housekeeping	March 16, 2015

Policy 713.1 Version 1 08/31/2015

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:

713.1 LITIGATION HOLD

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 changes include updating the title of General Counsel to Attorney assigned to NDSU
32. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted: Office of the Provost / Melissa Lamp
 - Email address of the person who should be contacted with revisions: melissa.lamp@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.

33. 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 713.1

LITIGATION HOLD

SOURCE: [NDSU President](#)
[ND Office of Risk Management](#)

A “litigation hold” is the process in which documents, electronic information and other such materials are preserved pending a reasonably foreseeable litigation. A litigation hold is also known as a “preservation order,” where an organization’s document destruction process is suspended to preserve required documents for a pending litigation.

Potential threats of litigation can be a receipt of a summons or complaint; the filing of an Equal Employment Opportunity Commission (EEOC) charge; formal notice of investigation, the receipt of a subpoena; or even a verbal communication of the intent to sue. Once an employee receives any of the above, they should immediately inform their supervisor and the [Office of the General Counsel/Attorney assigned to NDSU](#). The [Office of the General Counsel/Attorney assigned to NDSU](#) will then determine if the situation warrants a litigation hold for documents, and if so, implement procedures for a pre-litigation hold notice. A pre-litigation hold notice is one where no lawsuit has actually been filed yet, however, the university is preserving documentation in case litigation procedures are started. If litigation has been filed, the [General Counsel/Attorney assigned to NDSU](#) will send out a post-filing of litigation notice. Once a litigation hold notice has been issued, no documents pertaining to the litigation shall be destroyed until the litigation hold notice has been released by the [General Counsel/Attorney assigned to NDSU](#).

Documents pertaining to a litigation hold include, but are not limited to:

- Paper originals, drafts, and copies.
- Word processing documents.
- E-mail and e-mail attachments.
- Calendars and planners.
- Spreadsheets and databases.
- Instant messages.
- Network logs.
- PowerPoint presentations.
- Manuals, publications, bulletins, and pamphlets.
- Graphic files.
- Voicemail (if a message manager program is available to save voicemails).
- Information on the website.
- Text messages.

A notice of litigation hold should:

- Identify the person(s) who are likely to have relevant information, and communicate a preservation notice to those persons;
- Communicate the preservation notice in a manner that is comprehensible and timely;
- Be in written form;
- Clearly define what information is to be preserved and how the preservation should be undertaken; and

- Be periodically reviewed and, if necessary, reissued in either its original or an amended form.

Once the litigation hold notice has been implemented, the university employees who have received the notice should then immediately suspend any and all deletion or destruction of electronic or paper documents relevant to the litigation; preserve any new documentation that pertains to the litigation; and preserve existing documentation. If a university employee separates his or her employment from the university during a litigation hold process, the supervisor should then take possession of and retain such records and documents, and notify the ~~General Counsel~~Attorney assigned to NDSU of the change in custody.

Only when the threat of litigation is over will the ~~General Counsel~~Attorney assigned to NDSU issue a release of litigation hold on the relevant documents. Such documents are not to be deleted or destroyed until such release is given by the ~~General Counsel~~Attorney assigned to NDSU, and at that time any document destruction will be in compliance with NDSU's records management policy.

To assist in understanding the legal hold process, refer to the following documents:

[Anticipation of Litigation and Legal Holds](#)

[Litigation Hold Procedures](#)

[Litigation Holds and Preservation of Evidence](#)

[Litigation Hold Checklist](#)

[Destruction Hold Notice](#)

[NDSU 713: Records Management](#)

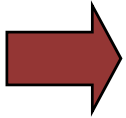
HISTORY:

New January 27, 2011

Policy 100 Version1 8/24/2015

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: 100 EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

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? xxx ☐ 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.

35. 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@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 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: the Vice President for Equity, Diversity and Global Outreach, Putnam 102, (701)231-7708.

Equal Opportunity Specialist
Old Main 201
701-231-7708

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

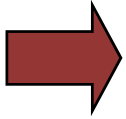
HISTORY:

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 112 Version 1 09/08/2015

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: 112 Pre-Employment and Current Employee Criminal Record Disclosure

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: NDUS Board Policy Change to add expand the requirement for additional criminal background checks prior to hire.

38. 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.

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!

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 NDUS positions.
 3. A nationwide FBI CHRC ~~criminal history background check~~ is required before beginning 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.

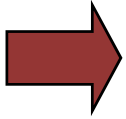
HISTORY:

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 133 Version 1 09/08/2015

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:

133 Educational Policy

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: NDUS Board Policy Change in what classes are covered and how much discount will be given.

41. 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.

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 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 133

EDUCATIONAL POLICY

SOURCE: SBHE Staff Human Resources Policy Manual

SBHE Policy Manual, Section 820.2e4

The North Dakota State Board of Higher Education encourages its employees to pursue a program of continuing education.

1. For courses taken at the request of the employee, institutions shall waive or provide tuition assistance for benefited employees, limited to three approved for-credit undergraduate or graduate courses during each calendar year, in any combination of subsections 1 and 2 as follows:
 1. For courses taken at the campus of employee regardless of delivery type: 100% tuition and fee waiver is provided, with the exception of the CND, NDSA, program and course fees which shall be paid by the employee.
 2. For courses taken at another NDUS campus, other than the campus of employment, regardless of delivery type: a system-wide fixed 50% employer paid tuition assistance, with the employee paying the remaining 50% of tuition and 100% of all fees.
- 1.2. An institution shall waive tuition, the student government activity fee and the university/college fee for "benefited employees" employed on at least a half time basis regardless of probationary employment status of the North Dakota University System.
 - 1.1 Employees who are eligible for this educational benefit are not eligible for the graduate assistant tuition waiver absent exceptional circumstances.
- 2.3. The waiver is limited to no more than three academic classes per calendar year.
- 3.4. Employees may be released from work for one face-to-face regular class sessions for one academic class per semester with approval of the employee's immediate supervisor and/or department head. Approval may be granted if it does not interfere with completion of the employee's essential job duties and the essential work of the institution.
- 4.5. This policy is applicable to any degree eligible course, regardless of delivery system, for NDSU employees only. This includes, but is not limited to, self-support and online courses, that would be normally accepted toward a degree program. For these types of courses, the policy does not apply to employees of other institutions or of the university system.
- 4.15.1. Waivers cannot be used for third party sponsored, grant funded, consortium, study abroad, study tour, or remedial courses.
- 5.6. Release time may be granted only for the amount of time required to attend the regular class session. Field trips and outside class activities are not included.

~~6-7.~~ The waiver is applicable to all University system institutions of higher education and the Tri-College University Course Exchange.

~~7-8.~~ Regular employees, who are not North Dakota residents, may receive a waiver from the non-resident portion of tuition requirements for courses beyond the three classes per calendar year.

~~8-9.~~ **Procedure:**

8.1 The employee must obtain initial approval from his/her immediate supervisor and/or department head and final approval from the Human Resources ~~and~~ Payroll Office.

8.1.1 To obtain a tuition waiver, employees must complete ~~thea standard "NDUS EmployeeFaculty/Staff Tuition Waiver or Assistance formRequest"~~ form which is available in the Human Resources ~~and~~ Payroll Office.

8.1.2 The request for a tuition waiver must be submitted and approved prior to the beginning of the class for which the waiver is requested.

8.1.3 No employee who has an overdue accounts receivable balance with the University may receive a tuition waiver.

8.2 Upon approval, employees are responsible for registering for classes through regular admission/registration procedures.

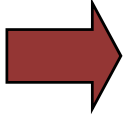
HISTORY:

New	July 1990
Amended	April 1991
Amended	November 1992
Amended	January 1994
Amended	January 1996
Amended	February 1996
Amended	August 1997
Amended	February 1998
Amended	August 1999
Amended	October 2000
Amended	April 2002
Amended	May 2003
Amended	February 2006
Amended	February 2009
Amended	October 18, 2010
Housekeeping	January 2011
Housekeeping	November 8, 2011

Policy 143 Version 1 08/24/15

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:

143 SICK/DEPENDENT LEAVE

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 ☐ xxxNo
 - Describe change: State Board of Higher Ed policy 7 Sick/Dependent Leave has changed due to the legislative passing of House Bill 1403 and House Bill 1387, effective August 1, 2015.
44. This policy change was originated by (individual, office or committee/organization):
- Office/Department/Name and the date submitted Human Resources and Payroll 08/24/2015
 - 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.

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:

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 143

SICK/DEPENDENT LEAVE

*SOURCE: NDSU PRESIDENT
NDUS Human Resource Policy Manual*

1. Sick leave, including maternity, is a benefit granted by the University to eligible employees and is not a benefit considered to be earned by the employee such as annual leave. It is an insurance benefit allowing employees to build a reserve of days they can use for their extended illnesses. *Abuse of this benefit may be grounds for disciplinary action or termination.* Employees are responsible for informing their supervisors prior to the start of their work schedule of their sickness.
 - 1.1 The employing department may require satisfactory medical verification as deemed necessary by the department head prior to the payment of sick leave.
 - 1.2 The employee is responsible for furnishing their supervisor or department head with a completed "Notification of Employee Leave" card upon returning to work.
 - 1.3 Sick leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
2. Sick leave is granted on the basis of continuous service from date of employment for benefited staff employees, *and benefited 12-month academic staff and other non-banded staff.*
3. Sick leave for full-time eligible employees accrues based on rate per hour at a rate equivalent to 12 days per year. Sick leave for eligible part-time employees working 20 hours or more per week is granted on a prorated basis. Sick leave accumulation is unlimited.
4. Sick leave may be granted to employees who become ill while on vacation provided satisfactory medical proof of such illness is submitted.
5. When a holiday occurs during a paid sick leave, the holiday is not considered a day of sick leave.
6. Upon termination, employees with ten years of continuous state service will receive a payment equivalent to 10% of the dollar value of their accrued sick leave. The amount is computed on the basis of the employee's salary at the time of termination and shall be in the form of a lump-sum payment.
7. At the discretion of the department head and the concurrence of the Director of Human Resources/Payroll, an employee may be granted sick leave in advance of the accumulation thereof. Any sick leave taken in advance of accumulation may be deducted from the employee's last paycheck provided the employee has signed an agreement authorizing the deduction. *This agreement must be submitted to and approved by the Office of Human Resources ~~and~~ Payroll*

prior to the employee obtaining a negative accrual balance.

8. *Unless an approved leave of absence has been granted, an employee who is off the payroll for one year shall lose unused sick leave.*
9. Accrued sick leave is transferable from any state agency to the employing institution if employment with the institution occurs within one calendar year of separation of service with the state agency. In the event of a Reduction in Force, sick leave is transferable if reemployment occurs within two calendar years.
10. Sick leave may be used by the employee when:

10.1 The employee is ~~ill or injured and is~~ unable to work due to a mental or physical condition (including maternity).

10.2 The employee has an appointment for the diagnosis or treatment of a medically related condition.

10.3 The employee wishes to attend to the needs of an eligible family member who is ill or to assist them in obtaining other services related to their health ~~or well-being~~. Eligible family members include the employee's spouse, parent (natural, adoptive, foster, and step-parent); child (natural, adoptive, foster, and step-child); or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.

10.4 Sick leave used for the purposes described in 10.3 shall not exceed eighty (80) hours per calendar year, ~~except that with the concurrence of the employing department and the Office of Human Resources/Payroll, an employee may take up to an additional ten percent of the employee's accrued sick leave to care for an eligible family member who has a serious health condition provided medical certification is obtained. The calculation of this additional amount which is available to be taken by an employee is based upon the sick leave balance of the employee at the time of approval. Once these hours have been exhausted, the employee must then use annual leave for situations outlined in 10.3.~~

10.5 In the case of a serious health condition of an eligible family member, an employee may take up to a total of four-hundred-eighty (480) hours of sick leave in any twelve-month (12) period, including the eighty (80) hours in ~~subsection (c.)~~ section 10.4 above.

10.6 The employee is caring for a newborn child or for a child placed with the employee, by a licensed child-placing agency, for adoption or as a precondition to adoption, but not both. Sick leave in such cases is limited to six (6) weeks during the first six (6) months from birth or placement.

10.7 The employee seeks for oneself or to assist a parent, child, spouse, sibling, or any other individual who regularly resides in the household or who within the prior six months regularly resided in the household, with the consequences of domestic violence, a sex offense, stalking, or

terrorizing. Sick leave may be used to seek legal or law enforcement remedies; treatment by a health care provider for physical or mental injuries; obtain services from a domestic violence shelter, rape crisis center, or social services program; obtain mental health counseling; and participate in safety planning, relocation or other actions to increase the employee's or immediate family member's safety from future domestic violence, a sex offense, stalking or terrorizing. The immediate supervisor may limit the use of sick leave for this section to forty (40) hours per calendar year.

11. *The accrual of sick leave shall be prorated for the pay period in which employment begins or ends.*
12. *Sick leave is not accrued during developmental leaves or leaves of absence without pay.*
13. *Accumulated sick leave may be used for any period(s) of actual disability caused or contributed to by pregnancy. Beyond the period of disability, an employee may request use of annual leave, family leave, and/or leave without pay to provide for an extended post-delivery period away from work.*
14. *"Notification of Employee Leave" cards are processed on an on-going basis. Each department is responsible for verifying the Departmental Leave Report. Late leave cards and errors must be submitted to the Office of Human Resources/Payroll for entry and/or corrections.*

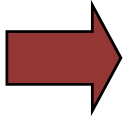
HISTORY:

New	July 1990
Amended	April 1992
Amended	July 1997
Amended	April 2002
Amended	January 2004
Amended	November 2005
Amended	January 2007
Amended	March 2008
Amended	November 7, 2011
Housekeeping	July 12, 2013

Policy 171 Version 1 August 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 ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: 171 Staff and Faculty Recruitment and Moving Expenses

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: SBHE Policy Change to 806.3

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

- HR/Payroll, Colette Erickson and Tricia Johnson
- Accounting, Ramona Adams
- Colette.Erickson@ndsu.edu, Tricia.Johnson@ndsu.edu, Ramona.Adams@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.

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 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 171

STAFF AND FACULTY RECRUITMENT AND MOVING EXPENSES

SOURCE: SBHE Policy Manual, Sections 806.2 and 806.3
NDSU Policy Manual

1. Stipends or consultant fees may be issued to potential candidates for positions when such persons give on-campus lectures, colloquies, seminars, demonstrations or formal consultations in a manner not significantly different from that of visitors who are not candidates for positions. Such stipends or consultant fees may be authorized from a lecturers' budget or from a consultant budget. (*NDSU Guidelines: Reimbursement is made by an **Accounts Payable voucher**, using account 623025.*)
2. Recruitment travel expenses for a prospective candidate for faculty or staff positions may be reimbursed upon approval of department head/chair.
3. For senior administrative and faculty positions, upon authorization of the President, recruitment travel expenses for the spouse may be authorized for a prospective candidate.

~~I. Upon approval of the president or designee, moving expenses may be reimbursed when staff are initially hired from outside the University system, and when regular staff employed for one year are transferred to a new work location within the system at the direction of the employer. Personal travel as described below in 4.1 and 4.2 are part of moving expenses and included in the allowable reimbursement for moving expenses.~~

~~4.1 Personal travel for the employee and immediate family while in transit, and while in temporary living quarters (both not to exceed 10 days total) may be reimbursed at the actual per diem rates and mileage rates applicable under the employee travel reimbursement policies.~~

~~4.2 Personal travel may also be reimbursed for one round trip to the new work location for the employee and spouse for up to three days to arrange for living accommodations.
[Note: "spouse" used here as required by NDUS Policy 806.3.]~~

~~4.3 Transportation expenses for personal items and household goods may be reimbursed at the actual expenses incurred.~~

~~4.4 The total reimbursement for transporting personal items, household goods, and personal travel shall be limited to the invoice costs plus the current per diem and mileage limits. In addition, the total reimbursement limit for regular employees transferred within the system is limited to \$5,000. NDCC Section 44-08-04.3.~~

4. Upon approval of the president or designee(s), an institution may, subject to the limits of this policy, pay the moving expenses of a benefited employee hired from outside the institution by:

4.1. Negotiating an amount paid to the employee through payroll as a lump sum for relocation expenses. Such allowance will be reported as taxable income and included on the employee's W-2. The moving allowance will be subject to all tax liabilities at the time of payment; OR

4.2. Using a combination of reimbursing the employee for actual moving expenses and paying the vendor(s) directly. Actual moving expenses include direct travel to and from the new work location, and while in temporary living quarters for the employee and immediate family (not to exceed 10 days total). Meals and mileage expenses will be reimbursed at the per diem and mileage rates established for employee travel reimbursement. Lodging expenses will be reimbursed at the actual cost of the lodging. Transportation expenses for personal items and household goods may be reimbursed at the actual expenses incurred. Additionally, personal travel expenses may also be reimbursed for one round trip to the new work location for the employee and employee's spouse/partner for up to three days to arrange for living accommodations. It is the responsibility of the employee to provide sufficient documentation to justify the reimbursement; the institution may deny any claim for reimbursement that is not sufficiently documented. Institutions will need to refer to IRS rules and regulations regarding taxability of the expenses in part 4.2.

(Institutions may use either method (4.1 and 4.2, above) but must choose one or the other when paying each individual employee.)

5. Relocation expenses being paid or reimbursed should not exceed one month's salary or a "not to exceed" amount approved by the president or designee(s). (NDSU LIMITATIONS: Reimbursement for relocation expenses should not exceed one month's salary or \$3,000, whichever is greater. Deviations from this rate must be approved by the President and will only be granted in exceptional circumstances.)

II. ~~No other staff moving expense may be paid without approval of the Board.~~

The following item is NDSU Guidelines:

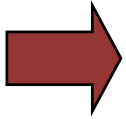
6. The NDSU Accounting Office website provides information on the detailed procedures for processing moving expense transactions under this policy.

HISTORY:

New	July 1990
Amended	April 1992
Amended	January 1995
Amended	April 2005
Amended	August 2006
Amended	June 9, 2011
Housekeeping	July 8, 2011
Housekeeping	September 12, 2012
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 Melissa Lamp first so that a clean policy can be presented to the committees.

SECTION: *337 Examinations and Grading Grade Appeals Board*

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).

- *Changes are being made to clarify the process and eliminate ambiguous language.*

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

- *Provost's Office ((Charlene Wolf-Hall))*
- *Charlene.hall@ndsu.edu*

51. 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 ~~EXAMINATIONS AND GRADING~~ 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 ~~processes:~~ Code of Academic Responsibility and Conduct may not be appealed using this policy and its processes.

a. A student ~~must~~ 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 ~~may~~ must be made within fifteen (15) instructional days of the start of Fall Semester; ~~if the student is not enrolled for a Summer term but is enrolled in 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 ~~at that point~~ 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, ~~and then return the Form to the student.~~ 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 ~~must consult~~ may present the appeal to the department chair/head, and the dean or a designated college committee, proceeding from one level to the next only after an unsatisfactory decision of the conflict at that level. In the event that 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. ~~The student shall have five (5) instructional days following and the appeal may be continued at the college level.~~

~~c. If an unsatisfactory outcome of the appeal to continue with the appeal decision is rendered at the next 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. The instructor must be informed of all proceedings in Section b above by the person in charge at the level.~~
~~d~~

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.

~~e~~
f. In the event that the instructor ~~is no longer employed by North Dakota State University, or~~ is on leave from the University, the instructor may designate another faculty member from within the department to represent his/her interest in the grade appeal. If the instructor is 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 ~~within 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. ~~In 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 as, Such circumstances include avoiding a clear injustice or mistake, (e.g., a clear mathematical error, violation of policy, or instructor leaves, refuses refusal to respond to inquiries about the grade, there is a mathematical error or violation of the syllabus), and after the procedures in Subsection 1 above have been completed, a department head, with approval of the dean of the college, can change a grade without the instructor's approval.)~~ In such cases, a note of record 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. ~~(Note: The purpose of this provision is to avoid compelling the student to go through the formal appeal to the Grade Appeals Board where the outcome is certain and clear in the student's favor.)~~

4. The Grade Appeals Board Chair will handle appeals ~~that proceed to that level~~.

5. ~~The~~ In case of student appeal to the Grade Appeals Board, the Chair will send a copy of the appeal ~~document~~ 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 ~~all~~ 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 ~~call~~ 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 following criteria: evidence presented by the student presented evidence of prejudicial grading or raised questions of the possibility of prejudicial grading and instructor. A hearing will be scheduled within fifteen (15) instructional days if a simple 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. Additionally, 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 ~~three (3)~~ 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 ~~and Vice President of Academic Affairs~~ 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 simple majority two-thirds majority vote whether the original-or 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 simple 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.

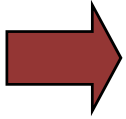
APPEAL

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.



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: 347 Institutional Biosafety Committee

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: The new section 3 is proposed to meet the requirements set forth in the U.S. Governmental Policy for Oversight of Life Sciences Dual Use Research of Concern and the [U.S. Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern](#)

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

- Office/Department/Name and the date submitted
- Office of the Vice President for Research and Creative Activity
- September 8, 2015
- Email address of the person who should be contacted with revisions
- Jolynne.Tschetter@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.

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

Policy Manual

SECTION 347

INSTITUTIONAL BIOSAFETY COMMITTEE

SOURCE: NDSU President

1. The National Institute of Health (NIH) Guidelines require that each institution conducting or sponsoring recombinant DNA research is responsible for ensuring that research is conducted in accordance with NIH Guidelines. In addition, institutions must establish an Institutional Biosafety Committee (IBC) composed of no fewer than five members collectively having experience and expertise in recombinant DNA research.

North Dakota State University endorses this regulation and has an established Institutional Biosafety Committee. The NDSU IBC's purpose is to assure the safe use of recombinant DNA, infectious agents, and human blood, bodily fluids, or tissues, in research and teaching, and to maintain compliance with NIH Guidelines and additional federal regulations.

2. All project directors of research and teachers of courses involving recombinant DNA, infectious agents, or human blood, bodily fluids or tissue at NDSU, or conducted by representatives of NDSU, are responsible for submitting the protocol forms required for review and approval by the NDSU Institutional Biosafety Committee.

3. As part of its commitment to ensuring that life science research is being conducted according to federal regulations, North Dakota State University has established an Institutional Review Entity (IRE) and an Institutional Contact for Dual Use Research (ICDUR).

The purpose of the IRE is to determine if life science research meets the federal definition of Dual Use Research of Concern and to, as needed, work with the PI and others to draft a Risk Mitigation Plan. The IRE shall be an *ad hoc* subcommittee of the IBC comprised of 5 members from the IBC with the Biological Safety Officer and ICDUR acting as consultants. On a case by case basis, other individuals with specific expertise may be added to the IRE as members or called on to act as consultants.

The responsibilities of the ICDUR shall reside with the Vice President for Research and Creative Activity or designee and minimally shall include to serve as an institutional point of contact for questions regarding compliance with and implementation of the requirements for the oversight of Dual Use Research of Concern as well act as the liaison between the institution and relevant federal funding agencies.

~~2.~~

- ~~3.~~4. Further information about the IBC can be obtained from the Office of Sponsored Programs Administration (Research 1, Rm 132, phone 701.231.8114, email: ndsu.ibc@ndsu.edu).

The NDSU Institutional Biosafety Committee is administered by the Office of Sponsored Programs Administration (Division of the Vice President for Research and Creative Activity).

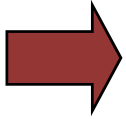
HISTORY:

New	July 31, 2001
Housekeeping	March 16, 2015

Policy 350.1 Version 1 05/26/2015

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: 350.1 BOARD REGULATIONS ON ACADEMIC FREEDOM AND TENURE; ACADEMIC APPOINTMENTS

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: 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.)

56. 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.

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 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 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:

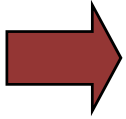
Replaces portions of Policy 605 SBHE Minutes April 25, 1995 pg 6554

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

Section 610, Version March 16, 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 ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: Section 610 Missing Student Notification

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? x Yes – The ability to designate an individual to be contacted in the event a student is determined to be missing is a federal mandate. The change in policy wording is to correct the statement about the *manner* in which the information is collected.
 - Describe change: Section 3.1 erroneously states that contact information is to be provided at “myhousing.com.” The reference to “myhousing.com” is being removed.
59. This policy change was originated by (individual, office or committee/organization):
- Department of Residence Life, August 24, 2015
 - jason.medders@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.

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 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 610

MISSING STUDENT NOTIFICATION

SOURCE: NDSU President

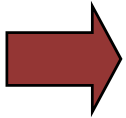
1. **INTRODUCTION:** Pursuant to the 2008 reauthorization of the Higher Education Act, students residing in NDSU owned and operated facilities have the opportunity to designate an individual to be contacted in the event the student is determined to be missing. The purpose of this policy is to clarify the option available for such designation, and the institution's responsibility for notification in the case of a missing student.
2. **DEFINITION:** A missing student is defined as a person currently enrolled at North Dakota State University, whose whereabouts have been unaccounted for by law enforcement for more than 24 hours.
3. **CONTACT INFORMATION:** Students residing in NDSU owned and operated facilities have the option to designate an individual to be contacted in the event the student is determined by NDSU Police or appropriate law enforcement agency to be missing. This contact may be the same or different than the emergency contact information provided in the student's campus connection account.
 - 3.1 Students may register confidential contact information with the Department of Residence Life, [via myhousing.com](http://myhousing.com). This information will be utilized only by campus officials and law enforcement when the student is determined by police to be missing. This information will not be disclosed for other purposes.
4. **REPORTING:** A report should be filed with the NDSU police at the time a student is presumed to be missing. A report may be filed by an NDSU employee, friend, roommate, or family member. An investigation will be conducted in attempt to determine the whereabouts and well-being of the student.
5. **INITIATE PROCEDURES:** When NDSU Police have been notified and the student becomes the subject of a missing persons report, NDSU will initiate the Missing Persons Procedures and Notification in accordance with the student's designation.
6. **NOTIFICATION:** The student's designated contact person will be notified.
7. **MINORS:** If the student is under the age of 18, and is not an emancipated adult, NDSU is required to notify a custodial parent or guardian, in addition to any contact person specifically designated by the student. Contact will be made no more than 24 hours after the student is determined by NDSU Police or other appropriate law enforcement agency to be missing.
8. **FAILURE TO DESIGNATE CONTACT:** in the event a student residing in a university owned and operated facility, is determined by NDSU Police or other law enforcement to be missing, and has not previously identified a missing persons contact, NDSU will notify the individual identified in the student's Campus Connection account as the emergency contact.

HISTORY:

New March 16, 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 ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: 6???: IMMUNIZATION REQUIREMENTS (new policy)

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). **NDUS has mandated meningococcal vaccine to students' 21 years and younger residing in Campus housing. NDSU SHS proposes this policy be broadened to include all students age 21 years of age and younger to provide protection to those students and the campus community from viral meningitis. This proposal exceeds the State mandate.**

- Is this a federal or state mandate? ☐ Yes ☒ No

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

- *NDSU Student Health Service*
- *Patricia Dirk, Director, SHS, patricia.dirk@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.

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 6??

IMMUNIZATION REQUIREMENTS

SOURCE: NDSU President
North Dakota SBHE Policy 506.1

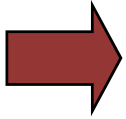
1. Students enrolled in a course offered for credit at any institution must provide documentation of immunity against measles, mumps and rubella in accordance with this policy. The President shall adopt procedures implementing this policy. The procedures shall establish exemptions for students enrolled only in distance learning courses and other students who have limited contact with resident student populations. The procedures shall also provide for additional exemptions upon application under established campus procedures if: (a) immunization is contraindicated by a medical condition; (b) a student has had one immunization and agrees to have a second one no less than one month later; or (3) a student's beliefs preclude participation in an immunization program.
2. Students ages 21 and younger must provide documentation of immunity against meningococcal disease in accordance with this policy. The President shall adopt procedures implementing this requirement. Exemptions may be provided upon application under established campus procedures if: (a) immunization is contraindicated by a medical condition; or (b) a student's beliefs preclude participation in an immunization program.
3. Each institution shall establish procedures for screening international students for tuberculosis. Testing is required of new students from all countries except those classified by U.S. health officials as "low risk for tuberculosis."

HISTORY:

New Sept 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:

712.1 Legal Representation

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: Changes to remove General Counsel language from document. Matt Hammer, state attorney general's office representative to campus, collaborated on these changes with the Office of the Provost.
65. This policy change was originated by (individual, office or committee/organization):
- Charlene Wolf-Hall, Vice Provost
 - Charlene.hall@nds.edu / melissa.lamp@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:

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 712.1

LEGAL REPRESENTATION

SOURCE: SBHE Policy Manual, Section 607.1

Any attorney representing the University must have an appointment as a Special Assistant Attorney General. All requests for legal representation shall be approved and coordinated through the [NDSU General Counsel's State Attorney General's Office](#). There must be a contract for legal representation approved by the [General Counsel State Attorney General's Office](#). Any payment for legal fees must be approved first by the [General Counsel President](#).

Request for SAAG appointments come from the [General Counsel and go through the President and go through the](#) SBHE Chancellor's office, and then to the Attorney General. [Most appointments are for specific cases or situations, but some are for general topic areas, like contracts or personnel issues. Attorneys are selected based on their experience, expertise, past performance, among other factors, and after discussion with appropriate University officials.](#)

Further information on legal representation can be found at:

[N.D.C.C. § 32-12.2-03](#), regarding the personal liability and defense of employees;

[N.D.C.C. § 54-12-08](#), regarding assistant and special assistant attorneys general; and

North Dakota Attorney General brochure: "[Liability of State Employees](#)."

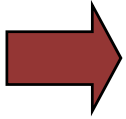
HISTORY:

New

February 16, 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 ndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION:

716 Nonprofit Entities

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: Delete sections 2 and 3 per the Provost; procedures do not need to be part of the official policy and there is no longer a University General Counsel. Chief of Staff also reviewed this change.
68. This policy change was originated by (individual, office or committee/organization):
- Charlene Wolf Hall, Vice Provost, Office of the Provost
 - Charlene.hall@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.

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:

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 716

NONPROFIT ENTITIES

SOURCE: [NDSU President](#)
 [SBHE Policy Manual Section 307.A](#)
 [NDUS Procedure Manual 307.1.B](#)

1. Proposals to create any nonprofit entity, related to any department, college or division of the University, including the Agricultural Experiment Station and the Extension Service, must be presented through proper organizational channels and approved by the President and, if applicable, the State Board of Higher Education.

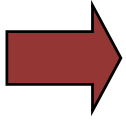
HISTORY:

New	January 1996
Amended	October 2007
Housekeeping	November 4, 2011

Policy XXX (new) Version 1 090315

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:**XXX Export Control**

70. 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.

71. 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@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.

72. 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

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
-----	----------------

Guidelines for NDSU Faculty Email Lists

An item submitted to an NDSU faculty email list will be posted only if:

1. It is directly related to University concerns;
2. It originates from a sender who has an obvious affiliation with NDSU;
3. It does not include attachments;
4. Any political or religious content is of general interest (such as announcing an on-campus event) and does not endorse a particular viewpoint or individual.
5. All content submitted to NDSU email lists must conform to [Policy 158, Acceptable Use of Electronic Communications Devices](#), AND

A. Mandatory faculty membership list - (NDSU-FACULTY@listserv.nodak.edu)

6. It contains information that will significantly impact the university's or faculty's ability to function efficiently in their respective roles. Examples include but are not limited to official communication to faculty by administrators, notifications of power outages, risk management situations on campus, reporting or request from university wide committees, and notification of university wide events that most faculty will need to know about.)

OR

B. Opt-out or voluntary faculty membership list - (@listserv.nodak.edu)

7. It contains information that is of general concern to the faculty. Examples include sales, department news or notification of events, requests for volunteers, and other items that do not significantly impact the university nor faculty's ability to function efficiently.

The NDSU faculty email list is moderated by the Faculty Senate Presiding Officer and Presiding Officer Elect. Contact information may be found on the [Executive Committee Membership](#) page.

Approved by University Senate,