I. Call to Order

II. Attendance

III. Approval of agenda

IV. Approval of previous [meeting minutes from February 27, 2017]

V. Consent agenda
   a. University Curriculum Committee Report ([attachment 1])
   b. University Athletics Committee Bylaw Change ([attachment 2])
   c. 112 ([attachment 3])
   d. 304 ([attachment 4])

VI. Announcements
   a. Dean Bresciani, President
   b. Beth Ingram, Provost
   c. Katie Gordon, Faculty Senate President
   d. Stuart Haring, Faculty Senate President-Elect
   e. Jim Osland, Staff Senate President
   f. Amelia Pfarrer and Brendan Curran, Student Government Representatives

VII. Senate Committee Reports - None

VIII. Unfinished Business
   a. Discussion of Forming a Faculty Senate Legislative Affairs Committee – Dennis Cooley ([attachment 5])
   b. 611.1 ([attachment 6])

IX. New Business
   a. Information on Student Planner (PeopleSoft Add-On for Student Registration) – Rhonda Kitch & Andrea Weber, Office of Registration and Records
   b. Faculty feedback on e-mail migration
   c. 134.2 ([attachment 7])
   d. 161 ([attachment 8])
   e. 309 ([attachment 9])
   f. 823 ([attachment 10])

X. Adjourn
### Policy Proposal

( Prefix) 189 – Skills for Academic Success – This course will no longer need to be required by all programs, only those that wish to require it. UNIV 189 will be required for undeclared students in the exploratory areas and optional for declared students. Other programs that want to require 189 will need to use their own prefix.

### New Prefix

ENTR – Entrepreneurship – College of Business

### College Inactivation

College of University Studies

### General Education Recommendations

- ENGL 150 – approval for Humanities and Fine Arts and Cultural Diversity categories
- PHST 101 – approval for Wellness category

### Program Changes

- B.S. and B.A. in Criminal Justice – adjusting selective admissions standards, reducing credits from outside of the discipline
- Minor in Criminal Justice – reducing credits from outside the discipline, adjusting selective admissions standards
- Minor in Emergency Management – reorganization of sub-categories within the minor
- Master of Arts, English – removing the two tracks and merging them into one, trackless option

### New Courses

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Effective Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANSC</td>
<td>725</td>
<td>Advanced Equine Nutrition</td>
<td>3</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>FIN</td>
<td>480/680</td>
<td>Applied Portfolio Management</td>
<td>3</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>HIST/WGS</td>
<td>426</td>
<td>Women in American History</td>
<td>3</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>MATH</td>
<td>756</td>
<td>Harmonic Analysis</td>
<td>3</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>MIS</td>
<td>415</td>
<td>Managing Information Technology Security</td>
<td>3</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>PHRM</td>
<td>546</td>
<td>Advanced Topics in Neuropsychiatry: Major Neurocognitive Disorders</td>
<td>2</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>PHYS</td>
<td>417/617</td>
<td>Optical Signal Transmission (to be cross-listed with existing ECE 417/617)</td>
<td>3</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>PHYS</td>
<td>488</td>
<td>Senior Project I</td>
<td>1</td>
<td>Fall 2017</td>
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### Course Changes

#### From:

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Dept</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Effective Term</th>
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<tr>
<td>ANSC</td>
<td>855</td>
<td>Molecular Biological Techniques in Animal Sciences</td>
<td>3</td>
<td>ANSC</td>
<td>758</td>
<td>Molecular Biological Techniques in Animal Sciences</td>
<td>3</td>
<td>Fall 2017</td>
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<tr>
<td>CFS</td>
<td>474/674</td>
<td>Sensory Science of Foods</td>
<td>2</td>
<td>CFS</td>
<td>474/674</td>
<td>Sensory Science of Foods</td>
<td>3</td>
<td>Fall 2017</td>
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<tr>
<td>NURS</td>
<td>420</td>
<td>Nursing Research</td>
<td>3</td>
<td>NURS</td>
<td>420</td>
<td>Evidence-Based Practice and Research in Nursing</td>
<td>3</td>
<td>Summer 2017</td>
</tr>
<tr>
<td>PSCI</td>
<td>470</td>
<td>Pharmaceutics III: Pharmacokinetics</td>
<td>3</td>
<td>PSCI</td>
<td>470</td>
<td>Pharmacokinetics</td>
<td>3</td>
<td>Fall 2017</td>
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<tr>
<td>PSYC</td>
<td>322</td>
<td>Thinking &amp; Making Decisions</td>
<td>3</td>
<td>PSYC</td>
<td>322</td>
<td>Judgment &amp; Decision-Making</td>
<td>3</td>
<td>Summer 2017</td>
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### Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Prerequisite/Co-requisite Change</th>
<th>Effective Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANSC</td>
<td>758</td>
<td>Molecular Biological Techniques in Animal Sciences</td>
<td>Prereq: none</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>CFS</td>
<td>464</td>
<td>Food Analysis</td>
<td>Prereq: CFS 210</td>
<td>Spring 2018</td>
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<tr>
<td>CFS</td>
<td>474/674</td>
<td>Sensory Science of Foods</td>
<td>Recommended Prereq: STAT 330</td>
<td>Fall 2017</td>
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<tr>
<td>CSCI</td>
<td>459</td>
<td>Foundations of Computer Networks</td>
<td>Prereq: CSCI 374 or ECE 374</td>
<td>Summer 2017</td>
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<tr>
<td>NURS</td>
<td>352</td>
<td>Family Nursing I</td>
<td>Prereq: NURS 300 or PHRM 300, NURS 341, NURS 342</td>
<td>Fall 2017</td>
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<td>NURS</td>
<td>362</td>
<td>Family Nursing II</td>
<td>Prereq: NURS 300 or PHRM 300, NURS 341, NURS 342</td>
<td>Fall 2017</td>
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<td>NURS</td>
<td>402</td>
<td>Mental Health Nursing</td>
<td>Prereq: NURS 300 or PHRM 300, NURS 341, NURS 342</td>
<td>Fall 2017</td>
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<td>NURS</td>
<td>403</td>
<td>Adult Health Nursing</td>
<td>Prereq: NURS 300 or PHRM 300, NURS 341, NURS 342</td>
<td>Fall 2017</td>
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<td>NURS</td>
<td>420</td>
<td>Evidence-Based Practice and Research in Nursing</td>
<td>Prereq: none</td>
<td>Summer 2017</td>
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<tr>
<td>PHRM</td>
<td>534</td>
<td>Rheumatology/Endocrinology/Gastrointestinal</td>
<td>Prereq: PSCI 413 with a grade of C or higher</td>
<td>Spring 2018</td>
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<td>470</td>
<td>Pharmacokinetics</td>
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<td>RNG</td>
<td>213</td>
<td>Rangeland Sampling Techniques</td>
<td>Prereq: RNG 136</td>
<td>Fall 2017</td>
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<td>RNG</td>
<td>452/652</td>
<td>Geographic Information Systems in Range Survey</td>
<td>Prereq: RNG 136</td>
<td>Fall 2017</td>
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<tr>
<td>RNG</td>
<td>453/653</td>
<td>Rangeland Resources Watershed Management</td>
<td>Prereq: RNG 136 or NRM 225</td>
<td>Fall 2017</td>
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<tr>
<td>RNG</td>
<td>456/656</td>
<td>Range Habitat Management</td>
<td>Prereq: RNG 136</td>
<td>Fall 2017</td>
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<td>Title</td>
<td>Crs.</td>
<td>Effective Term</td>
</tr>
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<td>---------</td>
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<tr>
<td>CSCI</td>
<td>316</td>
<td>System Testing and Maintenance</td>
<td>3</td>
<td>Summer 2017</td>
</tr>
<tr>
<td>HNES</td>
<td>355</td>
<td>International Health</td>
<td>3</td>
<td>Summer 2017</td>
</tr>
</tbody>
</table>
**Policy Change**
Reducing the number of credits for a Bachelor’s Degree to 120

**Academic Structure**
Dissolve the College of University Studies; re-organize academic programs

**Program Termination**
B.S. and B.A. in Health Communication
Minor in Health Communication

**New Courses**

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Effective Term</th>
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<tr>
<td>BUSN</td>
<td>791</td>
<td>Making Persuasive Business Presentations</td>
<td>1</td>
<td>Summer 2017</td>
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**Course Changes**

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Dept</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Effective Term</th>
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</thead>
<tbody>
<tr>
<td>CSCI</td>
<td>116</td>
<td>Business Use of Computers</td>
<td>4</td>
<td>MIS</td>
<td>116</td>
<td>Business Use of Computers</td>
<td>3</td>
<td>Fall 2017</td>
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<tr>
<td>ENGL</td>
<td>110</td>
<td>College Composition I</td>
<td>3</td>
<td>ENGL</td>
<td>110</td>
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<td>Fall 2017</td>
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<td>ENGL</td>
<td>112</td>
<td>ESL College Composition I</td>
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<td>ENGL</td>
<td>112</td>
<td>ESL College Composition I</td>
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**Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions**

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<th>Effective Term</th>
</tr>
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<tbody>
<tr>
<td>HNES</td>
<td>460</td>
<td>Foodservice Systems Management II</td>
<td>Prereq: HNES 361</td>
<td>Fall 2017</td>
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**Course Inactivation**

<table>
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<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
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<tbody>
<tr>
<td>ENGL</td>
<td>100</td>
<td>Writing Lab</td>
<td>1</td>
<td>Fall 2017</td>
</tr>
</tbody>
</table>

**University Curriculum Committee statement**
General education course applications will not be accepted until the committee has established a procedure for these recommendations.
CONSTITUTION AND BY-LAWS
NORTH DAKOTA STATE UNIVERSITY ATHLETICS COMMITTEE

Article I.

Name

Section 1. This organization shall be known as the North Dakota State University Athletics Committee.

Article II

Purpose

Section 1. The purpose of the North Dakota State University Athletics Committee is to be informed in matters affecting intercollegiate athletics at North Dakota State University; to effectively communicate with the Director of Intercollegiate Athletics, the Director of Women’s Intercollegiate Athletics, the University Senate and the President in areas of concern regarding athletics.

Article III

Duties and Responsibilities

Section 1. The North Dakota State University Athletics Committee shall serve as an athletics advisory board, which has responsibility for providing advice and counsel on athletics policies and principles governing:

- Institutional Control and Responsibility
- Student-Athlete Well Being
- Gender Equity
- Sound Academic Standards
- Sportsmanship and Ethical Conduct
- Nondiscrimination
- Rules Compliance
- Amateurism
- Competitive Equity
- Recruiting
- Financial Aid
- Eligibility
- Playing and Practice Seasons
- Postseason Competition
- Economy of Athletics Program Operation

Section 2. One member of the North Dakota State University Athletics Committee shall serve as a representative on the University Student-Athlete Appeals Committee.

Section 3. Assist in the formation of selected policy recommendations to be forwarded to the University Senate.

Section 4. Review issues and legislation for conference and national meetings and recommend institutional positions.
Section 5. Review the preliminary budget of the athletic programs.

Section 6. Serve as liaison to various constituents in support of athletics.

Article IV
Membership

Section 1. North Dakota State University is a member of the National Collegiate Athletic Association; the Missouri Valley Football Conference; the Summit League; and the Western Wrestling Big XII Conference. The responsibility for compliance with the rules and regulations of these organizations is vested with the President of the University.

Section 2. Membership shall consist of one faculty member from each representation unit, two students, the Student Body Vice-President, the President of the Student-Athletes Advisory Council, two representatives of the Staff Senate, the Director of Intercollegiate Athletics, Senior Women’s Administrator, and the Faculty Athletic Representative.

Section 3. The recording secretary shall serve as an ex-officio member of the North Dakota State University Athletics Committee.

Article V
Amendments

Section 1. Amendment or revision of the Constitution may be approved by a two-thirds affirmative vote of the North Dakota State University Athletics Committee after a 30-day prior notice of the proposed change.

Bylaw I
Selection of Members and Terms of Office

Section 1. Faculty members from each college or school except University Studies and the Graduate School shall be elected or appointed by their unit. The maximum length of term shall be four years.

Section 2. Representatives from Student Government, the Student-Athlete Advisory Council and Staff Senate shall be elected or appointed annually by their unit.

Section 3. The Director of Intercollegiate Athletics shall be a permanent member of the Committee.

Section 4. The Director of Women’s Intercollegiate Athletics Senior Woman Administrator shall be a permanent member of the Committee.

Section 5. The Faculty Athletics Representative shall be appointed by the President of the University and shall serve at the pleasure of the President.

Section 6. The Vice President of Equity, Diversity and Global Outreach shall be a permanent member of the Committee.
Bylaw II
Officers

Section 1. The officers of the North Dakota State University Athletics Committee shall include a chair, vice chair and a secretary.

Section 2. Officers shall be nominated and elected annually.

Bylaw III
Duties of the Officers

Section 1. The duties of the chair shall include presiding over meetings and representing the North Dakota State University Athletics Committee at designated functions.

Section 2. It shall be the duty of the vice chair to serve in the absence of the chair.

Bylaw IV
Meetings

Section 1. Meetings of the North Dakota State University Athletics Committee shall be held at the discretion of the chair, but at least two meetings per year shall be held.

Section 2. The North Dakota State University Athletics Committee shall act upon matters that require immediate action between scheduled University Athletics Committee meetings.

Section 3. The duties of the recording secretary shall include the recording and distribution of the minutes.

Bylaw V
Sub-Committees

Section 1. Sub-committees may be appointed by the chair as deemed necessary.

Bylaw VI
Order of Business

Section 1. At least seven members with voting rights, at least five of whom are faculty representatives, are necessary to constitute a quorum.

Section 2. The agenda for the meetings shall be prepared by the chair with items presented by the Committee. The agenda shall be sent to each committee member prior to the meeting.

Bylaw VII
Amendments

Section 1. An amendment to the Bylaws may be approved by a two-thirds affirmative vote by the North Dakota State University Athletics Committee.

Revised: April 2016
Policy Change Cover Sheet

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

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

SECTION: Policy Number and Name 112 Job Applicant/Employee Criminal History Background Checks

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: State Board of Higher Education has updated SBHE 602.3 NDUS Procedures. NDSU policy needs to be updated to match the SBHE.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted: Human Resources and Payroll/Colette Erickson 02/01/2017
   - 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.

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

   Senate Coordinating Committee: 2/27/17

   Faculty Senate:

   Staff Senate:

   Student Government:

   President’s Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!
SECTION 112
602.3 Job Applicant/Employee Criminal History Background Checks

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

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. Individuals never before employed by the institution.
      2. Re-hires, if the individual's break in service exceeds 12 months or unless the new position or newly-assigned duties indicate that different checks or verifications are required.
      3. Transfers, and promotions within the same institution, except when a CHRC and SOR check has been completed at the employing institution within the last 10 months. Promotions do not include faculty promotions when moving from one faculty rank to another faculty rank (e.g., instructor to assistant professor, etc.); and,
      4. Transfer from another NDUS institution.
      5. Transfers and promotions within the same institution if an individual has never completed a CHRC and SOR for the institution.

2. A nationwide FBI CHRC is authorized for all NDSU positions.

3. A nationwide FBI CHRC is required before beginning employment in 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. 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 residence 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.

5. The CHRC and SOR checks are required every 24 months for volunteers and temporary hires for camps and other activities that involve minors, may be a North Dakota BCI check, a nationwide FBI check or check of another state or multiple jurisdictions.

6. The CHRC shall, at a minimum include:
   a. All names/aliases for the past seven (7) years
   b. All addresses for the past seven (7) years
   c. Federal criminal background check using primary source
   d. County criminal background check using primary source
   e. Nationwide sex offender registry check

   The SOR list shall be the Nationwide Sex Offender Registry

6.7. 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
Amended April 28, 2016
Policy Change Cover Sheet

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

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

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

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: Due to changes in process in the HRMS system as well as changes to web links. Also change in #2 with the additional of a year limit

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Office of the Provost
   - Email address of the person who should be contacted with revisions – angela.bachman@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: 2/27/17

   Faculty Senate:

   Staff Senate:

   Student Government:

   President’s Cabinet:

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

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

   The process to create and obtain approval for the position announcement as well as the posting of the announcement online and recruiting requirements are located at: http://www.ndsu.edu/fileadmin/diversity/Procedures_for_Filling_Non-Broadbanded_Positions_in_the_0000_and_2000_Job_Families.pdf

2. Prior to posting, the search committee chair must have received search chair training within the last three years, available provided through the Office of the Provost. All search committee members are strongly encouraged to complete search training. Other members of the committee are also strongly recommended to attend the training as well.

3. All applicants must apply via the online application system. Hard copy application materials will not be accepted.

4. For those positions that do NOT include teaching responsibilities or positions that are not a President, Vice President, or Provost position, the ND Veteran's Preference Law applies. This screening process must be followed in order to comply with state law. The following information regarding the recruitment and hiring process is available online:

   - NDSU Procedures for Recruitment/Selection of Nonbroadbanded Positions Subject to the ND Veteran's Preference Law
   - "Legal Watch" on the ND Veteran's Preference Law.

5. Additional information regarding recruitment/hiring resources for getting started, recruiting for a diverse applicant pool, screening/interviewing, interviewing guidelines for ADA compliance, and preparing an officer are available online at http://www.ndsu.edu/diversity/equity/recruitment_and_hiring/provost/academic_resources/faculty_recruitment/. Forms such as the Request to Offer, NDSU Hiring Form 100/102 and NDSU Change Form 101 are located at: http://www.ndsu.edu/forms.

6. The Request to Offer form must be completed in its entirety, and routed for required electronic signatures with the following attachments:
- Interview Report Forms (An interview report form must be completed for each interviewee);
- Screening Sheet;
- A list of the questions used in the formal interview;
- A list of questions asked of references;
- The names of references contacted; and
- For faculty and lecturer appointments, a draft of the proposed letter of offer based on the format proved by the Office of the Provost and Vice President for Academic Affairs.

7. A criminal background check authorization form must be completed by the candidate for new benefited hires through. The completed form must be given to the Office of the Provost so that a background check can be completed. No applicant may have a hire date prior to the background check being completed.

8. Upon approval of the request to offer and a completed background check, the candidate may be offered the position.

9. Once the offer has been accepted, the remaining applicants will be promptly notified of the action. The search file will be completed by the search committee, forwarded to and maintained at the Office of the Provost.

NOTE: No Hiring form 100/102: Job Data or Change Form: 101 will be processed until search files have been completed and submitted to the appropriate location for retention of three years.

10. The Hiring Form 100/102 must have the following items attached when circulating forms for signatures:

- A fully signed copy of the Request to Offer form
- For faculty, lecturers and graduate teaching/research fellows, a copy of the letter of officer or appointment agreement.

11. A current employee being hired for a different position under a search requires the Change Form: 101 instead of the Hiring Form: 100/102. This form must also be routed for signatures and have the same attachments as required under section 6.

HISTORY:

New July 1990
Amended April 1992
Amended May 1996
Amended July 1997
Amended November 1999
Amended August 2002
Amended December 2005
Housekeeping May 2010
Amended December 27, 2010
Housekeeping January 10, 2011
Housekeeping February 16, 2011
Housekeeping October 26, 2011
Housekeeping November 15, 2013
Housekeeping October 5, 2015
NDSU Faculty Senate ad hoc Legislative Affairs Committee

Section 1

The Faculty Senate or Faculty Senate Executive Committee shall fill the committee with volunteers whose primary assignment, unless otherwise noted, are faculty as defined by the Faculty Senate’s Constitution.

Committee members shall serve until replaced by voluntary separation or removal by their representation unit, the Faculty Senate Executive Committee, or the Faculty Senate.

Section 2

Committee membership shall consist of:

a. A faculty representative from each academic college: College of Agriculture, Food Systems, and Natural Resources; College of Arts, Humanities and Social Sciences; College of Business; College of Engineering; College of Graduate and Interdisciplinary Studies; College of Health Professions; College of Human Development and Education; and College of Science and Mathematics
b. A Council of College Faculties’ NDSU representative
c. The NDSU President’s Chief of Staff or designee, ex-officio.
d. A student representative from Student Government.

Section 3

Unless otherwise noted, members are voting members. The NDSU President’s Chief of Staff or designee is a non-voting member.

Section 4

The Committee’s chair shall be selected by the members of the Committee.

Section 5

The purposes of the committee are:

To collect, coordinate, and disseminate information for and to the NDSU Faculty Senate that is pertinent to NDSU affairs addressed in the North Dakota State Legislature.

To interact with members of the North Dakota State Legislature in ways permitted by state law and policy to build information streams.

Section 6
a. The Legislative Affairs Committee ("the Committee") shall, acting of its own volition or upon the direction of the Senate or Senate Executive Committee, conduct studies, polls, or inquiries.
   i. Topics include but are not limited to proposed or submitted state, or local legislation, relevant federal legislation and legislative activities being conducted at other NDUS institutions.

b. The Committee may bring any resulting recommendations or resolutions to the Faculty Senate for consideration.

c. The Committee may communicate to the appropriate legislative authorities its view, clearly identified as the Committee's view, with formal consent of the Executive Committee. The Committee shall then provide the text of its communication to the Faculty Senate for ratification no later than the next regularly scheduled meeting.

d. The Committee may meet with the appropriate legislative authorities to create legally permissible information streams.

e. The Committee should hold meetings, which can include meetings with legislative authorities, 2-3 times per semester when the North Dakota Legislature is not in session, and increase meeting regularity the semester before a legislative session and the semester of a legislative session.
   i. The chair of the Committee shall provide a report sketching out the Committee’s activities to the Faculty Senate President at the end of each semester.

(Stolen from https://und.edu/university-senate/committees/legislative-affairs-committee.cfm)
Policy Change Cover Sheet

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

SECTION: 600 – Student Affairs – 611.1 International Travel Policy for Students

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: NEW POLICY PROPOSED – Additional edits are made to this draft version based on recommendations from first reading of draft policy at the November 14, 2016 NDSU Faculty Senate meeting. Changes are in red to provide clarification.

2. This policy change was originated by (individual, office or committee/organization):
   - International Student and Study Abroad Services – 11/282016
   - Alicia Kauffman, Director

   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: 12/5/16
   - Faculty Senate:
   - Staff Senate: 12/12/16
   - Student Government: 12/12/16
   - President’s Cabinet: 12/12/16

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!
SECTION 611.1
International Travel for Students

SOURCE: NDSU President

1. **POLICY STATEMENT**: North Dakota State University (NDSU) promotes the health, safety, and security of all students while traveling outside the United States for University-related purposes. The University, in consultation with the program leader or appropriate administrator, reserves the right to cancel any international activity at any time due to health, safety, or other concerns. Any planned or anticipated travel to a country or region under a travel warning or travel alert as designated by the U.S. Department of State is subject to review and approval and modifications or cancellations by appropriate administrators and the Office of International Student and Study Abroad Services. Current travel conditions can be reviewed on the U.S. Department of State website at: http://travel.state.gov.

2. **SCOPE** - This policy applies to student travel outside of the United States for University-related purposes. Examples of such travel, which may include, but is not limited to, are to study; to perform research; to participate in internships; to perform service; to present work at conferences; to teach; to perform or participate in athletic competitions. For purposes of this policy, outside of the United States refers to locations not included in the fifty states and District of Columbia (Washington, D.C.).

   2.1 Student travel that falls under this policy may be sponsored by an academic department, university unit, or Congress of Student Organization (CSO) recognized student organization. This policy applies to NDSU-affiliated student travel with or without university funding.

   2.2 Questions about whether or not this policy applies to a particular type of student travel may be directed to the Office of International Student and Study Abroad Services.

3. **DEFINITIONS**

   a. An **organized event** is one that is initiated, planned, or arranged by a member of the University's faculty or staff, or by the members of a recognized student organization, and is approved by an appropriate administrator.

   b. A **sponsored event or activity** is one that the University endorses by supporting it financially, or by sending students to participate in it as official representatives of the University.

   c. An **enrolled student** is one who has been admitted to and is attending classes at the University.

   d. An **appropriate administrator**, for the purpose of student travel, is the President, Provost, dean, department chair, or head of an administrative unit, or their delegate.

   e. A **program leader** is the faculty or staff responsible for managing or coordinating all aspects of group student travel in coordination with the Office of International Student and Study Abroad Services.
f. A student program leader is the individual responsible for managing all aspects of the student travel, including participation in the program. The program leader serves as a liaison between the group and the University. Student program leaders must be in good standing (academic and conduct) with NDSU.

4. TRAVEL AUTHORIZATION - International travel governed by this policy must be authorized in advance. In order for students to obtain travel authorization, they must complete the appropriate process by the corresponding deadlines that occur each semester. If the travel experience does not have a set application process, the required process should be completed according to the general study abroad deadlines of March 1 and October 1, respectively. Completion of the required process is based on the type of program outlined below:

4.1 (For Academic Credit) – Acceptance into an officially recognized exchange, direct, affiliate or faculty-led program or by following the approval process to participate on a non-NDSU program. In these instances, please complete the steps as outlined through the application process for study abroad options through the Office of International Student and Study Abroad Services.

(Not for Academic Credit) – Submit all required information through the International Travel Registry as outlined through the Office of International Student and Study Abroad Services to provide detailed information about international travel dates and destinations and purchase university approved health insurance that cover the dates of travel.

<table>
<thead>
<tr>
<th>Participant Category</th>
<th>Required Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Student (for academic credit)</td>
<td>Study Abroad Application</td>
</tr>
<tr>
<td>Individual Student (not for academic credit)</td>
<td>International Travel Registry</td>
</tr>
<tr>
<td>Group Travel with Program Leader (for academic credit)</td>
<td>Study Abroad Application</td>
</tr>
<tr>
<td>Group Travel with Program Leader (not for academic credit)</td>
<td>International Travel Registry</td>
</tr>
<tr>
<td>Student Organization Group Travel with Program Leader</td>
<td>Student Organization Travel Registry</td>
</tr>
</tbody>
</table>

5. CONDITIONS OF PARTICIPATION, RELEASE FORMS AND EMERGENCY SITUATIONS – Students must read and electronically sign the Conditions of Participation agreement. This agreement outlines requirements, expectations, and responsibilities when participating in any NDSU study abroad program. Students may be required to sign other release forms as necessary; students are required to complete a health questionnaire after acceptance into a study abroad program.

5.1 In the event of an emergency, students are required to follow the instructions provided by ISSAS including any applicable health insurance provider instructions relevant to the program. Students agree to update ISSAS with current and correct contact information, including email address, physical address and phone number.
6. **STUDENT CONDUCT AND REMOVAL FROM PROGRAM** - While abroad, students are bound by policies in the *NDSU Rights and Responsibilities: A Code of Student Conduct*, by the rules of the foreign institutions, and by the laws of the geographical location of the program. NDSU may take disciplinary action against students who violate the Code of Student Conduct while participating in a study abroad program.

6.1 The program leader or institutional representative is granted reasonable discretion in determining what constitutes a violation and determining appropriate handling of such matters as they arise. Program leaders have the option of initiating reasonable disciplinary actions for misconduct.

6.2 If the program leader or institutional representative determines, in consultation with the Assistant Vice President and Dean of Student Life or designee, that the student’s continued association with the program poses a significant risk of harm to the student or puts the health or safety of other program participants, the academic integrity of the program, or the relationship with the foreign institution or other partners or country at risk, the student may be immediately removed from the program. All expenses incurred due to such removal, including any costs associated with program enrollment, are the responsibility of the student.

6.3 In the event of removal from the program, the student must vacate the facilities provided by the program and will be withdrawn from all course work associated with the program. In the event of removal, the student remains responsible for all costs associated with program enrollment, without recourse to a refund.

7. **NON-COMPLIANCE** - Students who fail to comply with this policy will be subject to disciplinary action under the processes outlined in the Code of Student Conduct. Faculty and staff who are negligent fail to comply in complying with this policy may have their right to participate in study abroad programs involving students revoked in addition to any other sanctions that may be imposed by NDSU. Appeals of sanctions follow normal NDSU policy.

___________________________________________________________________________________

HISTORY:

New May 2016
Policy Change Cover Sheet

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

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

SECTION: 134.2 NDSU Lactation Policy

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? X Yes
   - Describe change: This is a new policy, related to all employees at NDSU, establishing family-friendly workplace guidelines in support of new mothers who wish to express breast milk during work hours. The policy is based on federal requirements; the Patient Protection and Affordable Care Act (PPACA) Section 4207 amended the Fair Labor Standards Act, Section 7.

2. This policy change was originated by (individual, office or committee/organization):
   - Human Resources/Payroll and Equity Office 2/21/2017
   - Kara.Gravley-Stack@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: 2/27/17
   - Faculty Senate: 3/7/17
   - Staff Senate: 3/1/17
   - Student Government: 3/7/17
   - President’s Cabinet: 3/7/17

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SECTION 134.2
LACTATION POLICY

SOURCE: NDSU President

1. As part of our family-friendly policies and benefits, NDSU supports breastfeeding employees by accommodating the employee who wishes to express breast milk during her workday when separated from her child.

2. NDSU shall provide:
   2.1 Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breast milk for one year after child’s birth;
      2.1.1 After one year of child’s birth, continued breaks and work patterns to accommodate expression of breast milk may be reviewed and agreed upon with employee’s supervisor;
   2.2 A convenient, sanitary, safe, and private location, other than a restroom, allowing privacy for breastfeeding or expressing breast milk;
   2.3 A convenient, clean, and safe water source with facilities for washing hands and rinsing breast-pumping equipment located in the private location.

3. NDSU shall not be required to compensate an employee receiving reasonable break time for any work spent for such purpose.

NDSU has the following lactation rooms and support resources available for nursing employees: https://www.ndsu.edu/equity/pregnancy/

HISTORY:
New ____________, 2017
Policy Change Cover Sheet

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SECTION: Policy 161 Fitness for Duty

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: Clarification of the process and changing it so it is consistent with other policies/federal laws
     - Family Medical Leave (FMLA) and American with Disabilities (ADA).

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted Colette Erickson, 01/26/2017
   - 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.

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

   Senate Coordinating Committee: 2/27/17

   Faculty Senate:

   Staff Senate:

   Student Government:

   President’s Cabinet:

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SECTION 161
FITNESS FOR DUTY

SOURCE: NDSU President

1. Overview

NDSU is committed to providing a safe working environment and to protect the health and safety of students, faculty and staff, visitors and University property. This policy provides a mechanism for identifying and intervening when individuals who could pose a threat to the safety of others and property. Required drug and alcohol screening of employees in designated positions is addressed in NDSU policy 161.1. Post-offer/pre-hire screening of job candidates for positions related to dining services must comply with Fargo Public Health Codes.

2. Definitions

   a. Fitness for duty: physical and mental health status that facilitates the performance of essential job duties in an effective manner and protects the health and safety of oneself, others and property.

   b. Reliable report: self-disclosure or third-party opinion about an employee's possible lack of fitness for duty which is assessed as reasonable by the manager/supervisor considering such factors as the relationship of the reporter to the employee, the seriousness of the employee's condition, the possible motivation of the reporter and how the reporter learned the information.

   c. Working hours: beginning with an employee's starting time and ending with the employee's quitting time as well as any time an employee is on-call. All work activities are included whether they occur on or outside University properties.

   d. Medical evaluation: An examination performed by a university-designated health professional, including but not limited to a health history, physical and/or psychological examination and any medically indicated diagnostic studies. The cost is paid by the employee's department.

   e. Medical certification: a document from a medically appropriate, licensed provider attesting to an employee's fitness for duty following an extended medical absence. Allowable costs to obtain the certification are paid by Workers Compensation for work-related absences, and by the employee and the employee's health insurance for absences which are not work-related.

3. Employee responsibilities

   a. Reporting to work fit for duty.

   b. Notifying the manager/supervisor when not fit for duty.
c. Notifying the manager/supervisor when observing a co-worker who may not be fit for duty (in cases where the possibly impaired individual is the employee's manager, the employee should make the notification to the next higher level manager or the Director of Human Resources/Payroll).

d. Cooperating with a manager/supervisor's directive and/or referral for a medical evaluation.

4. **Manager/supervisor responsibilities**

a. Observing the attendance, performance and behavior of employees they supervise.

b. Interviewing an employee who appears to the manager/supervisor (or third-party report) unfit for duty and referring an employee for a medical evaluation when appropriate.

c. Recording the reasons/observations that triggered a fitness for duty concern medical evaluation referral.

d. Utilizing this policy in a fair and consistent manner, respecting the employee’s privacy and the confidentiality of medical information.

5. **Procedures**

a. Employee plans to return from work after an extended medical absence.

1. **Employee is required** Manager/supervisor receives to submit medical certification from employee prior to his/her return to work indicating that employee is able to return to work, with suggested accommodations, if applicable.

2. Manager/supervisor with assistance from Human Resources determines whether or not employee can perform essential functions of the job with or without accommodation, accepting suggested accommodations or developing alternative accommodations.

3. Manager/supervisor provides and employee utilizes accommodations.

b. A triggering event occurs when a manager/supervisor observes or receives a reliable report of an employee’s possible lack of fitness for duty. Observations may include, but are not limited to an employee's self-reports, manual dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, suicidal or threatening statements, change in personal hygiene, presence of condition likely to lead to food borne disease transmission, memory and/or odor of alcohol or marijuana.

1. Manager/supervisor interviews employee, when possible.

2. Manager/supervisor assesses magnitude of safety risk. Managers/supervisors should are encouraged to contact Human Resources and/or Payroll for assistance.

   A. No risk: keep notes of event

   B. Minor risk:
I. Encourage employee to use Employee Assistance Program (see NDSU policy 134) or seek medical treatment;

B. Document event

C. Significant risk:
   I. Contact University Police if appropriate
   II. Place employee on paid leave of absence (sick leave or paid administrative leave, depending on situation)
   III. Arrange for employee's safe transportation home if situation warrants
   IV. Refer employee to Employee Assistance Program
   IV.V. Work with Office of Human Resources and Payroll to initiate or for medical evaluation
   IV.VI. Implement discipline, if appropriate

D. Severe risk:
   I. Contact University Police
   II. Place employee on paid leave of absence
   III. Arrange for employee's safe transportation home
   IV. Implement appropriate discipline

6. Outcomes
   a. Employees voluntarily seeking assistance for physical (including controlled substance, drug and alcohol abuse/addictions), mental, and/or emotional problems before their work performance or attendance is adversely affected will not have their employment status jeopardized for seeking assistance.
   b. Employees cooperating in a medical evaluation and in compliance with recommendations for medical, psychological and/or chemical dependence treatment may be returned to the job provided appropriate discipline, if warranted, has taken place.
   c. Employees posing a severe risk may be subject to discipline up to and including termination of employment.

HISTORY:
New May 15, 1972
Amended May 12, 1986
Amended April 1992
Amended April 2000
Amended April 2001
Amended March 2002
Policy Change Cover Sheet

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SECTION: Policy 309 MINIMUM QUALIFICATIONS FOR INSTRUCTIONAL FACULTY POLICY

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? ☑ Yes ⬜ No
     This policy is required by Higher Learning Commission (HLC is the regional accreditation agency that accredits NDSU as a degree granting higher education institution). Guidelines published in October 2015 and March 2016 state HLC’s requirement that faculty members have “appropriate expertise in the subjects they teach.” All HLC-accredited institutions must be in compliance with this requirement no later than Sept. 1, 2017.
   - Describe change: Instructional faculty can be qualified to teach based on a combination of academic and tested experience-based credentials. Specifically,
     1. Faculty teaching in undergraduate programs should hold a degree at least one level above that of the program in which they are teaching.
     2. Faculty teaching graduate courses or cross listed undergraduate/graduate courses (400/600) should have earned a terminal degree.
     3. Tested experience qualifications should be established for specific disciplines and programs.
     4. The faculty hiring qualifications related to tested experience should be reviewed and approved through the faculty governance process.

2. This policy change was originated by (individual, office or committee/organization):
   - Faculty Senate Faculty Affairs Committee and Office of the Provost
   - Email address of the person who should be contacted with revisions: canan.bilen.green@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: 2/27/17
   Faculty Senate:
   Staff Senate:
   Student Government:
   President’s Cabinet:

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SECTION 309
MINIMUM QUALIFICATIONS FOR INSTRUCTIONAL FACULTY POLICY

SOURCE: NDSU President

1. INTRODUCTION

1.1 In order to ensure high quality teaching and learning in its curricula, this policy establishes the minimum standards for ensuring all instructors of record are qualified to teach credit-bearing NDSU courses. A faculty member can be qualified based on a combination of academic and other credentials. For description of Academic Appointments see Policy 350.1. In general all instructors will be judged primarily on the basis of earned degrees in a field or subject area relevant to the courses taught, obtained from academic institutions that are accredited by regional higher education associations and/or professional accrediting organizations.

1.2 In particular cases, a faculty member may be deemed qualified based on other credentials appropriate for a given course, which may include, but not limited to, licensure or certification; honors, awards and other recognitions; relevant work or teaching experience in the field; research record; or graduate level course work.

1.3 For all cases academic units are responsible for documenting and justifying the qualifications of its instructional faculty prior to appointment.

2. GENERAL STANDARDS for INSTRUCTIONAL FACULTY QUALIFICATIONS

NDSU applies the following guidelines in establishing minimum credentials for teaching credit-bearing and developmental courses:

2.1 Academic Qualifications. Qualification to teach a given course is usually based on the faculty member’s highest earned degree in the teaching discipline, with exceptions for areas where terminal degree is awarded at the Masters level and faculty possesses a doctorate in a related field.

For undergraduate courses (enrolling only baccalaureate students), faculty will be deemed academically qualified if they have earned a master’s degree or higher in:
- the subject being taught;
- a closely related field, as defined by program/academic department and accrediting body; or
- any discipline with at least eighteen (18) graduate credit hours in the subject being taught or a closely related field, as defined by the program/academic department.

For general education courses at the undergraduate level, faculty will be deemed academically qualified if they have earned:
- doctorate or master’s degree in the teaching discipline; or
- master’s degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).
For **graduate courses** and for **cross listed undergraduate/ graduate courses** (400/600), faculty will be deemed academically qualified if they have earned a terminal degree in the subject being taught or in a closely related field as defined by program/ academic department and have a record of research, scholarship or achievement appropriate for graduate program.

2.2 **Tested Experience-based Qualifications.** If the academic qualifications articulated in 2.1 are not present, qualification to teach in a particular field must be based on other credentials which may include, but not limited to, licensure or certification; honors, awards and other recognitions; relevant work or teaching experience in the field; research record; or graduate level course work. Academic units must define minimum tested experience-based qualifications for their programs.

3. **TO WHOM THIS POLICY APPLIES**

This policy applies to all faculty members who teach courses, including tenured, tenure-track, non-tenure-track, part-time, visiting, and adjunct faculty. This policy does not apply to graduate teaching assistants who work under the direct supervision of a faculty member. **All graduate students assigned as instructors of record should have either a master’s in the same discipline or have satisfactorily completed at least 18 graduate credit hours in the same discipline to that of instruction. Graduate student instructors of record must receive appropriate training prior to instruction.**

4. **APPROVAL OF MINIMUM STANDARDS AND INSTRUCTIONAL FACULTY APPOINTMENTS**

4.1 The academic units are responsible for reviewing and verifying the teaching qualifications for instructors of record, including graduate assistants who serve as instructor of record, adjuncts, visiting professors, and part-time academics, at the time of hire. Verification and validation must be conducted for each separate course taught. This process will occur prior to any instructor’s initial appointment with the University, regardless of the mode of course delivery.

4.2 The academic units (chairs/heads/program directors working with program faculty) will define criteria (minimum academic and/or tested experience-based qualifications) that will be used to ensure that all individuals who are selected as instructional staff have the appropriate knowledge and expertise to teach courses for the program. Instructor of Record Qualifications determined by academic units for each program will be reviewed and approved through the regular faculty governance process. Approved Instructor of Record Qualifications will be kept on file at the department and college levels and consulted when appropriate. Any changes to the instructor of record qualification must be approved.

4.3 Faculty who are deemed qualified to teach based on credentials other than those approved academic and tested experience-based qualifications will be reviewed and approved on a case-by-case basis. Decisions to hire faculty under this provision will be relatively rare.

**HISTORY:**

New ______________, 2017
Policy Change Cover Sheet

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

SECTION: 823 Financial Conflict of Interest-Public Health Service and National Science Foundation Sponsored Research

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? ☑ Yes ☐ No
   - Describe change: This policy was written for PHS sponsored research. It has come to our attention that NSF requires the same SFI disclosures and reporting so we have added this language

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted: Research Integrity and Compliance  Julie Sherwood  1/25/2017
   - Email address of the person who should be contacted with revisions: j.sherwood@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:  2/27/17
   - Faculty Senate:
   - Staff Senate:
   - Student Government:
   - President's Cabinet:

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Dakota State University
Policy Manual

SECTION 823
FINANCIAL CONFLICT OF INTEREST - PUBLIC HEALTH SERVICE, NATIONAL SCIENCE FOUNDATION OR OTHER APPLICABLE SPONSORED RESEARCH

SOURCE: SBHE Policy Manual, Section 611.4
NDSU President

1. INTRODUCTION

1.1. The US Public Health Service (PHS), National Science Foundation (NSF) and other applicable sponsors require institutions to establish standards that promote the objectivity of research by ensuring that the design, conduct, and reporting of such research is free from any potential for bias resulting from Investigator financial conflicts of interest. Investigators should conduct their affairs as to avoid or minimize conflicts of interest, and must respond appropriately when conflicts of interest arise.

1.2. This policy governing financial conflict of interest applies to all Investigators funded by, or submitting proposals for funding to any agency of the PHS, except for Small Business Innovation Research (SBIR) Program Phase I applications. This exclusion does not apply to investigators submitting proposals to NSF. Investigators are required to disclose any external financial interests related to their NDSU responsibilities for review, and any required management, to ensure the design, conduct or reporting of the PHS research is not biased by a financial conflict of interest. Investigators of sponsored projects funded by any other external agency are referred to NDSU Policy 151.1, External Activities and Conflicts of Interest to address conflicts of interest, including financial.

2. DEFINITIONS

2.1. Administrative Head: a Department Chair or Head, Dean, Director, Vice President, President or equivalent officer who has the primary authority for administering an administrative unit, and is responsible for solicitation and review of disclosures of Investigator's Significant Financial Interests (SFI) related to their institutional responsibilities, including interests of an Investigator's family members. When a conflict exists for an Administrative Head, refer the matter to the next level of administrative authority in the normal reporting lines. (See also in Policy 151.1.)

2.2. Conflict of Interest Advisory Committee (CIAC): a committee comprised of five members recommended by the Faculty Senate Executive Committee and appointed by the President of the Faculty Senate. The CIAC shall serve as an advisory body to the University administration on conflict of interest issues, and shall also hear appeals of decisions in conflict of interest cases. (See also in Policy 151.1.)

2.3. Family: any member of the Investigator's immediate family, including spouse, domestic partner, parents, siblings, and children.

2.4. Financial Conflict of Interest (FCOI): a Significant Financial Interest (SFI) that the University reasonably determines could directly and significantly affect the design, conduct or reporting of NDSU research.
2.5. **Investigator's Institutional Responsibilities:** the Investigator's responsibilities associated with his or her institutional appointment or position, such as research, teaching, clinical activities, professional practice, institutional committee memberships and service on panels, such as an Institutional Review Board.

2.6. **Investigator:** the project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct or reporting of Research funded by the PHS, NSF or other sponsors, or proposed for such funding, which may include collaborators or consultants.

2.7. **Management:** taking action to address a Financial Conflict of Interest (FCOI), which includes a documented plan to reduce or eliminate the FCOI to ensure, to the extent possible, that the design, conduct or reporting of the project will be free from bias.

2.8. **Public Health Service (PHS):** the Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority of the PHS may be delegated. The components of the PHS include, but are not limited to, the Administration for Children and Families, Administration on Aging, Agency for Healthcare Research and Quality, Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, Federal Occupational Health, Food and Drug Administration, Health Resources and Services Administration, Indian Health Service, National Institutes of Health, and Substance Abuse and Mental Health Services Administration.

2.9. **Research:** a systematic investigation, study, or experiment designed to contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research (e.g., a published article, book, or book chapter) and product development (e.g., a diagnostic test or drug).

2.10. **Retrospective Review:** a review of a financial interest that was either not disclosed, or not reviewed and managed by the University in a timely manner. The review is conducted to determine whether any PHS research conducted prior to the identification and management of the FCOI was biased in the design, conduct, or reporting.

2.11. **Significant Financial Interest (SFI):** anything of monetary value received or held by an Investigator or a Family member, whether or not the value is readily ascertainable, that reasonably appears to be related to the Investigator's Institutional Responsibilities. (Note: this exceeds the definition of SFI in Policy 151.1). SFI includes:

2.11.1. Salary or other payments for services (e.g., consulting fees, honoraria, or paid authorships for other than scholarly works) when the aggregated value received from a publicly traded entity during the 12 month period preceding the disclosure, and the value of any equity interest during the 12 month period preceding or as of the date of disclosure, exceeds $5,000; or

2.11.2. Salary or other payments for services, when the aggregated value received from a non-publicly traded entity during the 12 month period preceding the disclosure exceeds $5,000; or

2.11.3. Equity interests (e.g., stocks, stock options, or other ownership interests) in a non-publicly-traded company of any value during the 12 month period preceding or as of the date of disclosure; or
2.11.4. Income related to intellectual property rights and interests (e.g., patents, trademarks, service marks, and copyrights) not reimbursed through NDSU; and

2.11.5. Reimbursed or sponsored travel that is related to Investigator’s Institutional Responsibilities. This includes travel that is paid on behalf of the Investigator rather than reimbursed, even if the exact monetary value is not readily available. It excludes travel reimbursed or sponsored by U.S. Federal, state, or local governmental agencies, U.S. institutions of higher education, research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers.

SFI does NOT include:

2.11.6. Salary, royalties, or other remuneration from NDSU;

2.11.7. Income from the authorship of academic or scholarly works;

2.11.8. Income from seminars, lectures, or teaching engagements sponsored by or from advisory committees or review panels for U.S. Federal, state or local governmental agencies; U.S. institutions of higher education; U.S. research institutes affiliated with institutions of higher education, academic teaching hospitals, and medical centers; or

2.11.9. Equity interests or income from investment vehicles, such as mutual funds and retirement accounts, so long as the Investigator does not directly control the investment decisions made in these vehicles.

3. DISCLOSURE OF SIGNIFICANT FINANCIAL INTERESTS

3.1. Investigators must disclose all SFI related to their Institutional Responsibilities (or certify no SFI) by completing the PHS SFI Disclosure Form and submit it to their Administrative Head and Dean for initial review.

3.1.1. PHS, NSF or other sponsors proposal submission. Investigators must have a current (within the last 12 months) PHS SFI Disclosure Form on file with the University prior to submitting a Research proposal to PHS, NSF or other sponsors as a principal or subrecipient Investigator. A copy of the PHS SFI Disclosure Form is routed with the Proposal Transmittal Form to Sponsored Programs Administration (SPA). (The disclosure does not require review by the Administrative Head and Dean until funding has been awarded, unless otherwise required under Policy 151.1.)

3.1.2. Annual disclosure. Investigators participating in PHS, NSF or other sponsor-funded Research are required to submit to their Administrative Head and Dean an updated disclosure at least annually by submission of the PHS SFI Disclosure Form. New investigators must disclose within 30 days of their initial appointment or employment. The disclosure must be reviewed, managed, and reported to PHS, NSF or other sponsor when necessary, within 60 days of employment.

3.1.3. New SFI. Investigators participating in, or applying for PHS, NSF or other sponsor-funded Research are required to submit an updated disclosure within 30 days of discovery or acquisition (e.g., through purchase, marriage, or inheritance) of a new SFI. The disclosure must be reviewed, managed, and reported to PHS, NSF or other sponsor when necessary, within 60 days of identification.
3.1.4. Travel. Investigators participating in, or applying for PHS, NSF or other sponsor-funded Research are also required to disclose any reimbursed or sponsored travel related to their Institutional Responsibilities as defined under 2.11.5 above. Such disclosures must include, at a minimum: the purpose of the trip, identity of the sponsor/organizer, destination, duration, and monetary value, if known. The Administrative Head determines if additional information is needed (e.g., the monetary value if not already disclosed) to determine whether the travel constitutes a FCOI with the Investigator’s Research.

4. REVIEW OF SFI DISCLOSURE

4.1. Prior to expenditure of PHS funds, the review and management of any FCOI must be complete, and a copy of the documentation forwarded to SPA. SPA will report any identified FCOI to the PHS, NSF or other applicable agency. If the proposal does not result in an award, FCOI disclosures will be returned to the Administrative Head and Dean for further action if required under Policy 151.1.

4.2. If the Investigator has certified that he/she has no SFI to disclose, the Administrative Head and Dean, if they are in agreement with the Investigator’s disclosure, sign the PHS SFI Disclosure Form, acknowledging receipt and agreement, and sending a copy to SPA.

4.3. When the Investigator has disclosed SFI, the Administrative Head and Dean must review the PHS SFI Disclosure Form(s) before the expenditure of funds. This review is to determine whether:

4.3.1. The SFI reasonably appears to be related to the funded PHS Research (e.g., if the SFI could be affected by the PHS Research, or is in an entity whose financial interests could be affected by the Research); and

4.3.2. The interest constitutes a FCOI (e.g., a SFI that may directly and significantly affect the design, conduct, or reporting of PHS, NSF or other sponsor-supported Research).

4.4. If the SFI is either found to not be related to the funded PHS Research, or does not involve a potential FCOI, the Administrative Head and Dean sign the PHS SFI Disclosure Form, forwarding a copy to SPA; no further action is needed.

4.5. If the SFI is determined to constitute an actual or apparent FCOI, the Administrative Head and Dean sign the determination, forwarding the PHS SFI Disclosure Form to the respective VP, Provost, or the CIAC for additional review and Management, as set forth in Section 5.

4.5.1. Should the VP, Provost, or CIAC review result in a determination that no actual or apparent FCOI exists, the final determination is documented on the PHS SFI Disclosure Form, a copy is forwarded to SPA, and no further action is required.

4.5.2. In the event the Dean, VP, Provost, or CIAC determines that the FCOI cannot be satisfactorily managed, NDSU will refuse the PHS award. The final determination is documented on the PHS SFI Disclosure Form, a copy is forwarded to SPA, and no further action is required.

5. MANAGEMENT OF FINANCIAL CONFLICTS OF INTEREST

5.1. Prior to expenditure of PHS funds, the VP, Provost, or CIAC are responsible for development of a Management plan including conditions or restrictions to eliminate, reduce, or manage the FCOI. The Investigator, Administrative Head, and Dean may also be involved in drafting the plan, including conditions such as:
5.1.1. Public disclosure of the conflict when publishing or presenting Research;

5.1.2. For human Research projects, disclosure of the conflict directly to participants;

5.1.3. Appointment of an independent monitor capable of taking measures to protect the design, conduct and reporting of the Research against bias resulting from the conflict;

5.1.4. Modification of the Research plan;

5.1.5. Change of personnel or their responsibilities, or disqualification from participating in all or a portion of the Research;

5.1.6. Reduce or eliminate the SFI; or

5.1.7. Sever relationships that pose a FCOI.

5.2. Upon review and consideration, the Management plan is documented in writing, including:

5.2.1. Role and principal duties of the conflicted Investigator;

5.2.2. Conditions of the Management plan;

5.2.3. How the plan is designed to safeguard objectivity in the Research;

5.2.4. Confirmation of the Investigator’s agreement to the Management plan;

5.2.5. How the plan will be monitored to ensure Investigator compliance; and

5.2.6. Any other information relevant to the management of FCOI.

5.3. The Dean and the VP or Provost signs the Management plan, and appoints an individual to monitor the project until completion of the PHS-funded Research. SPA receives a copy of the approved Management plan, and reports all instances of FCOI to PHS, NSF or other sponsor, or the primary awardee institution, including applicable Management plans.

5.4. Where the Research involves human subjects, the Investigator provides a copy of the approved Management plan to the IRB for review with the IRB protocol. The IRB may impose additional, specific conditions or restrictions, where necessary, to ensure protection of the rights and welfare of research participants, but may not alter the Management plan finalized by the VP or Provost.

6. TRAINING

6.1. Investigator training on FCOI, this policy, and their responsibilities regarding disclosure of SFI is:

6.1.1. Recommended prior to submitting a Research proposal to the PHS, NSF or other sponsors;

6.1.2. Required prior to expenditure of PHS, NSF or other sponsored funds;

6.1.3. Required every 4 years during the period of award;
6.1.4. Required immediately when the FCOI policy is revised, an Investigator is new to a PHS, NSF or other sponsor project, or an Investigator is not in compliance with the policy or Management plan.

6.2. Online training modules shall be completed via www.citiprogram.org. The principal Investigator of each PHS, NSF or other sponsor funded project ensures that all applicable individuals involved in the design, conduct or reporting of their Research complete training.

7. SUBRECIPIENT REQUIREMENTS

7.1. PHS, NSF and other sponsors requires the awardee institution take reasonable steps to ensure that any subrecipient complies with FCOI requirements.

7.1.1. Subrecipient awards must specify whether the FCOI policy of NDSU, or that of the subrecipient will apply to the subrecipient’s Investigators.

7.1.2. When the subrecipient’s Investigators must comply with the subrecipient’s FCOI policy, the subrecipient award will certify that the subrecipient’s policy complies with PHS, NSF or other sponsors regulations, and specify the time period to report all identified FCOI to NDSU, in sufficient time to allow NDSU to report any FCOI to PHS, NSF or other sponsors prior to expenditure of funds by subrecipient.

7.1.3. When the subrecipient’s Investigators must comply with NDSU FCOI policy, the subrecipient award will specify the time period to report all SFI disclosures to NDSU, in sufficient time for review, management and reporting of any FCOI to PHS, NSF or other sponsors prior to expenditure of funds by subrecipient. In such a case, the subrecipient disclosure and review will follow the same process required by NDSU Investigators in Section 3 and 4.

8. APPEALS

8.1. If Research is determined to be subject to restrictions or conditions due to FCOI, the Investigator may appeal the decision to the Faculty Senate President, as described in Policy 151.1. The CIAC serves to hear appeals of decisions in conflict of interest issues, and shall meet with the appellant Investigator within 15 working days of receipt of the appeal. If a member of the CIAC has any personal or working relationship with the appellant Investigator, that member should recuse him or herself and be replaced by another member appointed by the President of the Faculty Senate. More than one meeting may be scheduled to decide the case, if necessary.

8.2. The appellant Investigator has the right to call any witnesses and produce any evidence that could bear on a recommendation to allow the activity, as well as to have an advisor accompany him/her to any CIAC deliberations. The CIAC, however, will come to its conclusions and write its final recommendations in private. The recommendation to either uphold or change the original decision shall be sent to the appropriate Dean, VP, or Provost. If the CIAC finds that the original decision should be upheld, then a final appeal may be made to the President of the University. If the recommendation is to change the original decision, the Dean, VP, or Provost shall take appropriate action as he or she deems fit. All records of the proceedings shall be maintained on file in the office of the appropriate Dean, VP, or Provost for three (3) years. A copy of the final recommendations shall be provided to the appellant Investigator.

9. COMPLIANCE AND SANCTIONS
9.1. In the event an Investigator fails to disclose SFI, or the Institution fails to review the disclosure in a timely fashion, PHS, NSF, and other sponsors require the Institution to conduct a review within 60 days of knowledge of the failure. If the SFI is found to involve FCOI, an interim Management plan is required, as well as a report to the sponsor by SPA.

9.2. In the event a FCOI is not identified or managed in a timely fashion, or the Investigator fails to comply with terms of a Management plan, PHS, NSF, and other sponsors require that the Institution conduct a Retrospective Review. Within 120 days of identification of the noncompliance, the Dean, VP, Provost, or CIAC performs the review to determine whether the Research conducted during the period of noncompliance was biased in its design, conduct or reporting. The process and findings of the review are documented, and reported promptly to the sponsor by SPA.

9.3. If bias is found, the Institution is required to notify PHS, NSF, or other sponsors promptly, and submit a mitigation report. The report is prepared with the assistance of the Investigator, Administrative Head, and Dean, and shall include a description of the impact of the bias on the Research project and the plan of action to eliminate or mitigate the effect of the bias.

9.4. Violations of this policy shall be subject to disciplinary procedures, including sanctions up to and including suspension and termination of employment at NDSU. In addition, any NDSU employee who has received financial benefit from transactions in violation of this policy shall be liable for repayment (to the appropriate entity) of all financial benefits resulting from such violation. Compliance with this policy may also be enforced through the exercise of administrative oversight of funded Research and management of NDSU facilities and other property. Such enforcement measures may include, but are not limited to:

9.4.1. Freezing Research funds or accounts;
9.4.2. Rescinding contracts entered in violation of this policy or state law; or
9.4.3. Bringing legal action for restitution to the appropriate entity or entities of the amount of financial benefit received by the NDSU employee as a result of the employee’s violation of this policy.

10. REPORTING

10.1. Prior to expenditure of funds, SPA shall report all findings of FCOI to PHS, NSF, or other applicable sponsor. The report shall include sufficient information to allow the agency to understand the nature of the conflict and appropriateness of the Management plan. It shall include:

10.1.1. Project number; project director or principal Investigator;
10.1.2. Name of Investigator with the conflict, and the entity involved;
10.1.3. Nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium, etc.);
10.1.4. Value of the financial interest (dollar ranges are acceptable), or a statement that value is not readily determined;
10.1.5. Description of how the SFI relates to the funded Research, and the basis for determining that the SFI conflicts with the Research;

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10.1.6. Description of the key elements of the Management plan, as described above.

10.2. On an annual basis, SPA reports to PHS, NSF or other sponsor the status of any previously identified FCOI, and any changes to the Management plan.

10.3. SPA submits Retrospective Review and mitigation reports promptly to PHS, NSF or other sponsors as necessary.

11. RECORDS AND CONFIDENTIALITY

11.1. Records of all disclosures of SFI and of all actions taken to review and manage conflicts will be maintained by the respective Department or College until at least three (3) years after the later of the termination or completion of the award to which they relate, or the resolution of any governmental action involving these records.

11.2. The disclosure and supporting documents filed in compliance with this policy will be maintained as confidential to the extent possible under applicable state and federal requirements and the North Dakota Open Records Act. Whenever requests for such information are requested by any external entity, the individual will be notified.

12. PUBLIC ACCESSIBILITY

12.1. PHS, NSF and other sponsors requires NDSU to ensure public accessibility of SFI information related to PHS, NSF and other sponsored Research, including an obligation to respond to any requestor within five business days, with information concerning any SFI that meets all the following criteria:

12.1.1. The SFI was disclosed and is still held by the senior/key personnel;

12.1.2. A determination has been made that the SFI is related to the PHS-funded Research; and

12.1.3. A determination has been made that the SFI constitutes an FCOI.

12.2. The information to be made available shall include the Investigator name, title and role in Research, name of entity involved with the FCOI, nature of the interest, approximate dollar amount of interest, or statement that the value is not readily determined.

12.3. The information must be made available for a period of three (3) years from the date that it was most recently updated.

HISTORY:

New June 1995
Amended October 1997
Amended August 2007
Revised August 23, 2012