I. Call to Order

II. Attendance

III. Approval of agenda

IV. Approval of previous meeting minutes from September 2016

V. Consent agenda
   a. Academic Affairs Report and General Education Committee Report (attachment 1)
   b. Policy changes (attachment 2; all housekeeping changes: 103-610; information only: 101, 360)
      • 103
      • 156
      • 157
      • 162
      • 163
      • 182
      • 183
      • 212
      • 213
      • 400
      • 610
      • 101
      • 360

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
   a. Technology & Instructional Services – Marc Wallman (attachment 3)
   b. Council of College Faculties – Jane Schuh (attachment 4)

VIII. Unfinished Business
a. Policies 801 & 813 – (Per the Faculty Senate motion, this has been sent back to SPA/Research for faculty & staff input. It will be returned to Senate once revised accordingly.)

b. Resolution Proposal regarding Bresciani – Dennis Cooley (attachment 5)

IX. New Business (for input)

a. Priorities for Senate for 2016-2017
b. Live2Lead (attachment 6)

c. Policies needing input
   • Faculty Senate Bylaws Article III, Section 4 – Dennis Cooley (attachment 7)
   • Faculty Senate Bylaws Article IV, Section 11 – Dennis Cooley (attachment 7)
   • 152 - Research & Consulting Committee - Chad Ulven (attachment 8)
   • 155 – President’s Council on Alcohol and Other Drugs - Nicklaus Redenius (attachment 9)
   • 325 – Dennis Cooley (attachment 10)
   • 611.1 – International Student and Study Abroad Services - Alicia Kauffman (attachment 11)

X. Adjourn
For Faculty Senate:
Approved General Education Recommendations

For Faculty Senate Meeting on (month/year): October 10, 2016

<table>
<thead>
<tr>
<th>Course No.</th>
<th>Course Title</th>
<th>Recommended Categories</th>
<th>Recommended Outcomes</th>
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<tr>
<td>RELS 220</td>
<td>Old Testament</td>
<td>Humanities and Fine Arts and Global Perspectives</td>
<td>Human Societies</td>
</tr>
<tr>
<td>RELS 340</td>
<td>New Religious Movements</td>
<td>Humanities and Fine Arts and Global Perspectives</td>
<td>Human Societies</td>
</tr>
<tr>
<td>RELS 345</td>
<td>Religion and Politics</td>
<td>Humanities and Fine Arts and Global Perspectives</td>
<td>Human Societies</td>
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## New Programs
- New minor – Creative Writing

## Program Changes
- B.S. in Accounting – removing a course from the practicum options on the curriculum
- B.S. in Management Information Systems – removing a course from the practicum options on the curriculum

## 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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<tbody>
<tr>
<td>ADHM</td>
<td>371</td>
<td>Fashion Trend Analysis and Forecasting</td>
<td>3</td>
<td>Spring 2017</td>
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<tr>
<td>ENGL</td>
<td>150</td>
<td>Being Human</td>
<td>3</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>MUSC</td>
<td>772</td>
<td>Orff Schulwerk Level II</td>
<td>3</td>
<td>Summer 2017</td>
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<tr>
<td>NURS</td>
<td>336</td>
<td>Transcultural Nursing Care</td>
<td>3</td>
<td>Spring 2017</td>
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<tr>
<td>NURS</td>
<td>346</td>
<td>NDSU RN to BSN Immersion II</td>
<td>1</td>
<td>Spring 2017</td>
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## Course Changes

<table>
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<th>From:</th>
<th>To:</th>
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<th>No.</th>
<th>Title</th>
<th>Dept</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Effective Term</th>
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<tbody>
<tr>
<td>ART</td>
<td>ART</td>
<td>ART</td>
<td>122</td>
<td>Two-Dimensional Design</td>
<td>3</td>
<td>ART</td>
<td>Studio Technology Foundations</td>
<td>3</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>ART</td>
<td>ART</td>
<td>ART</td>
<td>124</td>
<td>Three-Dimensional Design</td>
<td>3</td>
<td>ART</td>
<td>Foundations of Design</td>
<td>3</td>
<td>Spring 2017</td>
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<tr>
<td>ART</td>
<td>ART</td>
<td>ART</td>
<td>153</td>
<td>Introduction to Art III</td>
<td>3</td>
<td>ART</td>
<td>Design Thinking and Creative Strategy</td>
<td>3</td>
<td>Spring 2017</td>
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<tr>
<td>PHRM</td>
<td>PH</td>
<td>PH</td>
<td>101</td>
<td>Introduction to Public Health</td>
<td>3</td>
<td>PH</td>
<td>Introduction to Public Health</td>
<td>3</td>
<td>Fall 2017</td>
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## Change in Prerequisites/Co-Prerequisites and/or 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>ART</td>
<td>122</td>
<td>Studio Technology Foundations</td>
<td>Desc: This course is an introductory-level course in the Department of Visual Art. Lectures, demonstrations, and class assignments offer students an introduction to core technologies in the visual arts and equip students with a working knowledge of their respective operations and applications.</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>ART</td>
<td>124</td>
<td>Foundations of Design</td>
<td>Desc: This course is an introductory course that provides a comprehensive study of design elements and principles for work in two and three-dimensions.</td>
<td>Spring 2017</td>
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<tr>
<td>ART</td>
<td>153</td>
<td>Design Thinking and Creative Strategy</td>
<td>Desc: This course offers an introduction to the theory of art and design production, design processes, and critical theory, as it relates to the creation and reception of visual arts. Through a combination of lectures, reading discussions, and in-class activities, students will learn strategies to solve problems and effectively move ideas into visual/conceptual statements.</td>
<td>Spring 2017</td>
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<tr>
<td>CHEM</td>
<td>117</td>
<td>Chemical Concepts and Applications</td>
<td>Prereq: Math 103 or MATH 104 or MATH 107</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>PH</td>
<td>101</td>
<td>Introduction to Public Health</td>
<td>Desc: This course introduces undergraduate students to the interdisciplinary and exciting field of public health. Discussing and studying the processes and practices of public health enhances the population health perspective of healthcare and other professionals.</td>
<td>Fall 2017</td>
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<td>PHRM</td>
<td>351L</td>
<td>Pharmaceutical Care Laboratory I</td>
<td>Prereq: Admission to the PharmD program</td>
<td>Spring 2017</td>
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<tr>
<td>PHRM</td>
<td>355</td>
<td>Introductory Pharmacy Practice Experience I: Introduction to Institutional Pharmacy Practice</td>
<td>Prereq: PHRM 350, PHRM 351L, PHRM 352 all with a grade of C or higher.</td>
<td>Summer 2017</td>
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<td>PHRM</td>
<td>455</td>
<td>Introductory Pharmacy Practice Experience II: Introduction to Community Based Patient Care</td>
<td>Prereq: PHRM 450 and PHRM 452L each with a grade of C or higher.</td>
<td>Summer 2017</td>
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<tr>
<td>PHRM</td>
<td>537</td>
<td>Renal Disease/Fluid and Electrolytes</td>
<td>Desc: This course focuses on pathophysiology and pharmacotherapy of major renal diseases including fluid and electrolyte disorders, acid/base balance, and renal replacement therapy. Emphasis is placed upon application of knowledge to patient care situations and the mastery of pharmacotherapy. Prereq: PSCI 414</td>
<td>Fall 2017</td>
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<tr>
<td>PHRM</td>
<td>551L</td>
<td>Pharmaceutical Care Laboratory III</td>
<td>Prereq: PHRM 452L</td>
<td>Spring 2017</td>
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<tr>
<td>PHRM</td>
<td>560</td>
<td>Specialty Care Topics</td>
<td>Prereq: PHRM 537, PHRM 538</td>
<td>Spring 2017</td>
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<tr>
<td>PHRM</td>
<td>581</td>
<td>Advanced Pharmacy Practice Experience I</td>
<td>Prereq: department permission only.</td>
<td>Summer 2017</td>
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<tr>
<td>PHRM</td>
<td>582</td>
<td>Advanced Pharmacy Practice Experience II</td>
<td>Prereq: PHRM 581</td>
<td>Fall 2017</td>
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<tr>
<td>Course</td>
<td>Code</td>
<td>Title</td>
<td>Prereq</td>
<td>Semester</td>
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<tr>
<td>PHRM</td>
<td>583</td>
<td>Advanced Pharmacy Practice Experience III</td>
<td>Prereq: PHRM 582</td>
<td>Spring 2017</td>
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<tr>
<td>PSCI</td>
<td>412</td>
<td>Chemotherapeutic/Infectious Disease</td>
<td>Prereq: PSCI 411</td>
<td>Spring 2017</td>
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</tbody>
</table>
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.


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:
     - Correct the language “grand” project to “grant” project
     - Replacing reference of Office for Equity, Diversity and Global Outreach with Office of the Provost
     - Replacing reference of Vice President for Equity, Diversity and Global Outreach with Vice Provost for Faculty and Equity

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
   - Email address of the person who should be contacted with revisions

   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!
SECTION 103
EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS

SOURCE: NDSU President

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

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

STAFF

1. Staff (as defined in NDSU Policy 101.1.1 generally referred to as “broadbanded employees” include those positions in the following job band: 1000, 3000, 4000, 5000, 6000, and 7000).

1.1 If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for equal to or more than twenty weeks, the position shall be announced throughout the appropriate recruiting area as defined in Section 200 of this Manual.

1.2 Generally speaking, the recruiting areas are as follows for staff positions:

1.2.1 Administrative/managerial positions in the 1000 band: national.

1.2.2 Professional positions in the 3000 band: regional.

1.2.3 Technical/Paraprofessional (4000); Office Support (5000) Crafts/Trades (6000); and Services (7000): local (Fargo-Moorhead community and/or surrounding counties as applicable).

1.3 When a benefitted staff position vacancy occurs and there is a pool of regular employees appropriately qualified for transfer or promotion (including former employees covered by Reduction in Force policy Section 223), a unit supervisor may choose to advertise a vacant position internally for a minimum of five working days prior to initiating an external search. The procedures, which involve utilizing the online application system for these internal searches, will be the same as those external searches as mentioned in subsection 1 (see Section 202). The Human Resources/Payroll Office, in consultation with the unit supervisor, will be responsible to determine whether a pool of appropriately qualified employees exists.

1.4 If the appointment is either less than .50 FTE or clearly stipulated to be for a total duration of less than twenty weeks (non-benefitted), no formal position announcement posting to the online employment application system is required. Unit supervisors are, however, encouraged to announce benefitted positions. The announcement may be distributed within...
the University to the eligible staff of the particular administrative unit involved. Affirmative action efforts must still be undertaken to ensure that qualified minority individuals, females, and individuals with disabilities are included in the applicant pool. Proof of affirmative action efforts will be required, such as documentation reflecting an open announcement to all eligible staff of an appropriate unit or adequate written documentation on why the candidate is being selected for the opportunity without an announcement to the appropriate unit. Distributing the position announcement to the other Tri-College University institutions or within the Fargo-Moorhead community is also encouraged.

1.5 Recruitment for all benefitted staff positions in the 1000 and 3000 bands shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees.

1.5.1 The search committee shall be involved in recruiting, screening, and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from underrepresented and protected groups. Selection from the group of finalists of the individual to fill the position is the responsibility of the unit administrator. A member of the Human Resources shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.

1.6 Although unit leaders are encouraged to post throughout the University any staff position that offers an important promotional opportunity to employees in other departments, the formal procedures for filling positions that involve utilizing the online application system for job announcements (see Sections 202 for broadbanded positions and 304 for non-banded) shall be optional in the following cases. (Whenever an appointment is based on one of the following options, the request to recruit must be completed online for benefitted positions and the specific option should be noted in the appropriate section of the online request to offer or on the NDSU Change Form (101) with relevant documentation attached.)

1.6.1 Timeslip employment that is not identified as a payroll budget appointment.

1.6.2 The transfer or promotion of an employee within a department or office, provided that the employee is fully qualified for the new position and was originally hired through a competitive search. This exception excludes faculty positions. This option is governed by NDSU Policy 240 which provides procedures and the requirement of the hiring department to obtain permission from the Director of Human Resources/Payroll who will review for appropriateness of the promotion including equitable issues.

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

1.6.3.1 An injury resulting in worker's compensation award and subsequent retraining; or

1.6.3.2 A reduction-in-force.

1.6.4 When an employee, at time of hire or within two years of employment, has a spouse or partner who is fully qualified and interested in a university position. (Please note the responsibilities lies with the employed spouse/partner’s unit supervisor to encourage the spouse/partner to locate positions that they feel they are fully qualified for and make an appointment with a staff member in Human Resources/Payroll Office and/or with the head/chair of the appropriate unit to review
the spouse's/partner's education and experience. The hiring department will make the final hiring decision.

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

1.6.5.1 The employee had a satisfactory performance record; and

1.6.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and

1.6.5.3 The position is within the department where he/she worked at the time of resignation.

1.6.6 The appointment of an employee to fill a vacant administrative position on an acting basis, normally for a period not to exceed one year, while a search is being conducted for a regular appointee.

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

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

1.6.8 An externally funded appointment as a broadbanded research professional in a department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual’s thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

Faculty and Executive/Administrative Staff

2. Executive/Administrative (primarily in 0000 job bands) and benefitted Academic Staff (in 2000 band – bands are defined in NDSU Policy 101.1.2), generally referred to as “non-banded employees,” include such positions as tenured and tenure-track faculty and deans. Recruitment falls under two primary categories: half time or less or interim (2.1) and more than half time (2.2).

2.1 Titled and/or Compensated Positions (Less Than .50 FTE or Interim)
If the appointment is less than .50 FTE or stipulated to be for less than twenty weeks, the titled or compensated position shall be announced internally within the unit (and to other relevant internal units as appropriate to the position). The unit supervisor must ensure transparency and equal opportunities for individuals to learn about and apply for the positions. This means the unit supervisor must announce the position to appropriate unit(s)
internally and accept applications for at least ten working days. Documentation of the announcement and review of applications must be provided to the Office of Equity, Diversity, and Global Outreach (Provost) before the position is offered so Equity, Diversity, and Global Outreach (Office of the Provost) can ensure compliance with this policy. Even when using internal searching, for any positions that come with fringe benefits, the formal search process detailed in Policy 304 must be followed.

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

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

2.2.1 Generally speaking, the recruiting areas are:

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

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

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

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

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

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

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

2.2.4.2 An externally funded appointment as a postdoctoral fellow, research
scientist, or broadbanded research professional in a department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

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

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

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

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

2.2.4.5.1 The employee had a satisfactory performance record; and

2.2.4.5.2 The employee is returning to a position requiring similar qualifications and having similar responsibilities; and

2.2.4.5.3 The position is within the department where he/she worked at the time of leaving.

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

2.2.4.6.1 An injury resulting in worker's compensation award
and subsequent retraining; or

2.2.4.6.2 A reduction-in-force.

All Positions

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

HISTORY:

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

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SECTION: 156 DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURES

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  – housekeeping changes
   - Describe change:
     1. Added links to policies referred to in policy 156: Policy 100, Policy 134, Policy 183, Policy 220, Policy 231, Policy 350.3, and Policy 350.4
     2. Removed reference to “SBHE Section 603.2” in 1.1 and 2.1.1 as this included now in the new version of Policy 100.
     3. Corrected web address to the equity forms: https://www.ndsu.edu/equity/forms/

   **** ALSO Title of the policy should be corrected in the policy manual to “DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURES”

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: canan.bilen.green@ndsu.edu

   This portion will be completed by Mary Asheim.

3. This policy has been reviewed/passed by the following (include dates of official action):
   - Senate Coordinating Committee: 9/12/16
   - 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 156
DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCEDURES

SOURCE: NDSU President

1. INTRODUCTION

1.1 North Dakota State University (NDSU) prohibits discrimination in its employment decisions and educational programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee per SBHE Section 603.2, status as a U.S. veteran, or participation in lawful activity off NDSU’s premises during nonworking hours which is not in direct conflict with the essential business-related interests of NDSU. (See NDSU Section 100, Equal Opportunity and Non-Discrimination Policy).

1.2 NDSU is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of its university community. Specifically, NDSU is committed to taking action to:

1) Stop discrimination;
2) Remedy the effects of discrimination;
3) Prevent the recurrence of discrimination; and
4) Educate the university community about their rights and responsibilities regarding discrimination.

1.3 NDSU has committed itself to the establishment and adoption of procedures to resolve complaints of discrimination in violation of NDSU’s Equal Opportunity and Non-Discrimination Policy, including complaints of harassment or retaliation. A central purpose of these complaint procedures is to provide a system at NDSU to conduct adequate, reliable, and impartial investigations of complaints of discrimination. NDSU’s primary concern is to enact and implement complaint procedures that encourage reporting of discrimination and that ensure the rights of NDSU students, employees, and all other participants in its educational programs and activities are protected.

2. DEFINITIONS

2.1 **Discrimination** – Different or unequal treatment of an individual (or group), based on one or more of the protected classes of the individual (or group), except as where permitted or required by law, that negatively affects their education, employment, or other participation in educational programs or activities.

2.1.1 Protected classes for purposes of these procedures are: age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee per SBHE Section 603.2, status as a U.S. veteran, or participation in lawful activity off NDSU’s premises during nonworking hours which is not in direct conflict with the essential business-related interests of NDSU.

Attachment 2
related interests of NDSU. (See NDSU Section 100, Equal Opportunity and Non-Discrimination Policy).

2.2 **Discrimination complaint** – A complaint alleging discrimination in violation of NDSU’s Equal Opportunity and Non-Discrimination Policy, including complaints of harassment or retaliation.

2.3 **Equity Director** – For purposes of these procedures, the Equity Director is NDSU’s Vice Provost and Title IX/ADA Coordinator.

2.4 **Equity Office** – For purposes of these procedures, the Equity Office is NDSU’s Office of the Vice Provost for Faculty and Equity.

2.5 **Harassment** - A form of discrimination; unwelcome oral, written, graphic, or physical conduct, based on one or more of the protected classes (see 2.1.1) of an individual (or group), that is sufficiently severe, persistent, or pervasive so as to unreasonably interfere with their education, employment, or other participation in educational programs or activities or that creates a working, learning, or educational program or activity environment that a reasonable person would find hostile, intimidating, or abusive. Harassment may include, but is not limited to, threats, physical contact or violence, offensive jokes, insults or put-downs, slurs or name calling, vandalism/graffiti, or offensive objects or pictures. Petty slights, annoyances, and isolated incidents (unless very serious) typically do not rise to the level of harassment.

3. **FILING A DISCRIMINATION COMPLAINT**

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

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

Anyone who would like to file a discrimination complaint against a student or student organization also has the option of filing the complaint with the Dean of Student Life, Memorial Union 250, NDSU Main Campus, 701-231-8240, janna.stoskopf@ndsu.edu. Discrimination complaints filed against a student or student organization will be resolved in coordination with the Dean of Student Life Office. If a discrimination complaint against a student or student organization will be resolved through formal resolution, a hearing, and any appeal, will be administered by the Dean of Student Life Office, in coordination with the Equity Office, under the
procedures found in Rights and Responsibilities of Community: A Code of Student Conduct.

3.1.2 Deadline for filing a discrimination complaint - NDSU encourages those who believe they have been discriminated against to file a discrimination complaint as soon as possible. Unless the Equity Director agrees otherwise in writing, the Complaint Form must be submitted within 180 calendar days of the most recent incident of discrimination.

3.1.3 Confidentiality cannot be guaranteed - Depending on the nature of the discrimination complaint, NDSU will keep the complaint and its investigation confidential to the extent that it is possible. However, confidentiality cannot be guaranteed under these procedures as NDSU may have an obligation to take specific actions once aware of alleged discriminatory conduct.

3.1.4 Confidential support resources - If seeking a confidential resource, NDSU students may contact the NDSU Counseling Center at 212 Ceres Hall, NDSU Main Campus, 701-231-7671. The Faculty/Staff Assistance Program, as described in NDSU Section 134, is a confidential resource for NDSU employees.

3.1.5 Anonymous reporting - NDSU students, faculty, and staff may submit an anonymous form to report acts of bias, bigotry, or hate at NDSU. NDSU may be limited in its ability to respond to a report if it is submitted anonymously. Additionally, in very limited circumstances, NDSU may need to take action to learn the identity of an individual who submitted an anonymous report. For more information, see https://www.ndsu.edu/biasreport/.

4. RETALIATION PROHIBITED

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

5. REMEDIAL MEASURES

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

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

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

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

7. INFORMAL RESOLUTION

7.1 Informal resolution defined - Informal resolution is a process in which the Parties attempt to agree upon the resolution of a discrimination complaint without a comprehensive investigatory and determination process. Unless there are extenuating circumstances, the entire informal resolution process will be completed within 30 calendar days of its initiation.

7.2 Informal resolution is optional - When providing the notice of action to the Parties, the Equity Office may inquire if the Parties are interested in attempting to resolve the discrimination complaint through informal resolution. The Parties will have 3 business days to individually decide if they would like to use informal resolution and should inform the Equity Office of their decisions in writing. The informal resolution process will only be used upon mutual agreement of the Parties. Either party may inform the Equity Office at any time that they want to discontinue their participation in the informal resolution process and the formal resolution process will commence. The Equity Director reserves the right to deny the Parties the option of using the informal resolution process if it is deemed to be inappropriate or inadequate as applied to a particular discrimination complaint.
7.3 Informal resolution process - Informal resolution may involve the Equity Office, the Dean of Student Life Office, administrators, supervisors, and/or external moderators working with the Parties to arrive at an appropriate and mutually agreeable resolution of the discrimination complaint. The informal resolution process will not require that the Parties meet face-to-face to resolve the discrimination complaint but may allow it, depending on the nature of the complaint and the power differential between the Parties.

7.4 Informal resolution agreement - If the Parties resolve the discrimination complaint through the informal resolution process, the Equity Office will draft an informal resolution agreement, which the Parties will sign. A signed copy of the informal resolution agreement will be provided to the Parties, as well as to any administrator or supervisor provided with a modified notice of action as described in 6.2. There is no available appeal of a signed informal resolution agreement.

8. FORMAL RESOLUTION

8.1 Formal resolution applicability - The formal resolution process will commence if: (1) either party elects to use the formal resolution process instead of the informal resolution process; (2) the Parties are unable to mutually agree upon a resolution under the informal resolution process; or (3) the Equity Director determines the informal resolution process is inappropriate or inadequate as applied to a particular discrimination complaint.

8.2 Comprehensive investigation - A properly trained investigator(s) will conduct a comprehensive investigation under the formal resolution process in an adequate, reliable, and impartial manner. Unless there are extenuating circumstances, including when the Parties are unable to mutually agree upon a resolution under the informal resolution process, a comprehensive investigation will commence within 5 business days of providing the notice of action to the Parties as described in 6.2. A comprehensive investigation will include the following steps, as relevant and available:

   (1) An interview with each of the parties;
   (2) Interviews with witnesses identified by the Parties or determined otherwise; and
   (3) A review of evidence provided by the Parties or collected otherwise.

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

8.3 Investigator(s) - A staff member(s) in the Equity Office may conduct the comprehensive investigation of the discrimination complaint or the Equity Director may delegate investigative duties to another properly trained investigator(s). Within 3 business days of notice of the identity of an investigator(s), either party may provide the Equity Director with a written request asking that another investigator(s) be assigned if the party believes there is a conflict of interest with the investigator(s). Where appropriate, a new investigator(s) will be assigned and the Equity Director will provide the Parties with written notice of the newly assigned investigator(s).

8.4 Responsibilities of the Parties - Deadlines for completing actions under these procedures will be communicated in writing to the Parties, who must make every effort to comply with the deadlines communicated to them. Timeliness is particularly important under the formal resolution process as determinations may be made based on available information if a party
fails to respond in a timely manner to action requested by an investigator(s). In extenuating circumstances, an extension to a deadline may be granted by the Equity Director and will be communicated in writing to the Parties.

8.5 **Standard of proof** – The applicable standard of proof under the formal resolution process is "preponderance of the evidence" – meaning, in order for an individual (or group) against whom a discrimination complaint was filed to be held responsible for discrimination, it must be determined that it is more likely than not that the individual (or group) violated NDSU’s Equal Opportunity and Non-Discrimination Policy, which may include harassment or retaliation.

8.6 **Preliminary determination report** – After an investigator(s) has finished the comprehensive investigation of a discrimination complaint, the investigator(s) will draft a preliminary determination report that states whether the individual (or group) against whom the discrimination complaint was filed is responsible for discrimination, including harassment or retaliation, by a preponderance of the evidence. The report will also include, at a minimum, a summary of the relevant information gathered during interviews and otherwise that informed the preliminary determination. Unless there are extenuating circumstances, the report will be drafted within 30 calendar days of initiation of the comprehensive investigation. The report will be provided to the Parties and the review committee (see 8.7). The Parties will have 5 business days from receipt of the report to dispute the preliminary determination and/or any information found in the report in writing. As needed, the Equity Office is available to facilitate finding a resource to assist a party with putting its response in writing.

8.7 **Review committee** – Unless there are extenuating circumstances, a review committee will meet within 10 calendar days of issuance of the preliminary determination report in order to make a final determination on the report and to recommend disciplinary action, if any. The review committee will be comprised of no fewer than 3 properly trained NDSU faculty, staff members, and/or students that do not have a conflict of interest with the Parties. If a party believes there is a conflict of interest with a member(s) of the review committee, the party should follow the procedures and deadline established in 8.3 to dispute the member(s).

8.8 **Final determination** – Prior to meeting, review committee members will review the preliminary determination report and any written response to the report made by the Parties. The review committee may ask the investigator(s) who issued the preliminary determination report to be available during their meeting in order to answer questions related to the investigation and to provide access to documentation in the investigative file as needed. In limited circumstances, the review committee may request that the investigator(s) gather additional information if the committee decides it cannot make a determination without the additional information. In that case, each party will be provided with the additional information gathered and will have the opportunity to respond to it in writing. The final determination will include recommended disciplinary action, if any, in addition to a finding as to whether, by a preponderance of the evidence, discriminatory conduct, including harassment or retaliation, occurred. The final determination, as well as notice of the right to appeal as afforded in 8.12, will be provided in writing to the Parties.

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

8.10 **Imposition of disciplinary action** – Disciplinary action will be imposed by the appropriate administrator or supervisor on behalf of NDSU. If neither party exercises the right to appeal as afforded in 8.12, the Equity Director will either: (1) notify any administrator or supervisor provided with a modified notice of action as described in 6.2 that the matter has been resolved without recommended disciplinary action; or (2) provide the final determination to the appropriate administrator or supervisor, whether previously provided a modified notice of action as described in 6.2 or otherwise, and consult with the administrator or supervisor regarding imposition of the recommended disciplinary action. If the administrator or supervisor disagrees with the recommended disciplinary action, the administrator or supervisor must provide its basis for disagreement in writing to the Equity Director within 3 business days of receipt of the final determination. If either party exercises the right to appeal, (1) or (2) will be conducted by the Equity Director once the appeal process has concluded.

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

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

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

9. **INTERSECTION WITH OTHER RELEVANT NDSU POLICIES**
9.1 The procedures described above do not eliminate the rights of a party to subsequently participate in pre-disciplinary action review and/or an appeal as afforded elsewhere under NDSU policy. Furthermore, for purposes of these procedures, an appeal process available to the individual (or group) against whom a discrimination complaint was filed must be available to the individual (or group) who filed the discrimination complaint.

9.2 **Nonbanded, nonacademic staff** – The applicable policy for nonbanded, nonacademic staff regarding subsequent pre-disciplinary action review and/or an appeal is NDSU Section 183, Nonrenewal and Dismissal of Nonbanded, Nonacademic Staff.

9.3 **Regular staff employees** – The applicable policies for regular staff employees regarding subsequent pre-disciplinary action review and/or an appeal are NDSU Section 220, Staff Job Discipline/Dismissal and NDSU Section 231, Appeal Procedure for Disciplinary and Reduction in Force Actions.

9.4 **Faculty** – The applicable policies for faculty regarding subsequent pre-disciplinary action review and/or an appeal are NDSU Section 350.3, Board Regulations on Nonrenewal, Termination or Dismissal of Faculty and NDSU Section 350.4, Board Regulations on Hearings and Appeals.

10. **NOTICE OF MANDATORY REPORTING RESPONSIBILITIES AND TRAINING**

10.1 It is the responsibility of the entire university community to foster a safe and non-discriminatory learning, living, and working environment. NDSU employees have specific responsibilities when they observe discrimination or receive a report of discrimination. NDSU employees must not dissuade an individual (or group) from providing them with a report of discrimination but should inform the individual (or group) of their mandatory reporting responsibilities as described below.

10.1.1 **Observance of discrimination** – All NDSU employees who observe discrimination, including harassment or retaliation, must document the discrimination and contact the Equity Office in accordance with 10.2.

10.1.2 **Report of discrimination** – All NDSU employees who receive a report of discrimination involving a student, including harassment or retaliation, must document the report and contact the Equity Office in accordance with 10.2. NDSU supervisors, managers, department heads, deans, directors, or administrators who receive a report of discrimination involving employees, including harassment or retaliation, must document the report and contact the Equity Office in accordance with 10.2. The provisions of 10.1.2 do not apply to confidential support resources providing services as described in 3.1.4.

10.2 To comply with 10.1.1 or 10.1.2, NDSU employees must promptly complete and submit an NDSU Discrimination/Harassment/Retaliation Report Form (Report Form) to the Equity Director. The Report Form is available online at [https://www.ndsu.edu/equity/forms/](https://www.ndsu.edu/equity/forms/) or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, ndsu.eoaa@ndsu.edu. The Report Form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equity Office. The Equity Office can assist with completing the Report Form as needed. The Equity Office is the official university record holder for documentation under these procedures.
10.3 Upon receipt of a Report Form, NDSU will initiate its discrimination complaint procedures.

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

11. DISCRETIONARY INVESTIGATION

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

12. FILING WITH AN EXTERNAL AGENCY

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

North Dakota Department of Labor and Human Rights
Phone: 1-800-582-8032
TTY: 1-800-366-6888
humanrights@nd.gov
www.nd.gov/labor

U.S. Department of Education
Office for Civil Rights
Phone: 1-800-421-3481
TDD: 1-800-877-8339
OCR@ed.gov
www2.ed.gov/ocr

U.S. Equal Employment Opportunity Commission
Phone: 1-800-669-4000
TTY: 1-800-669-6820
info@eeoc.gov
www.eeoc.gov

HISTORY:

New December 20, 1977
Amended September 1993
Amended January 1996
Amended June 2000
Amended October 2007
Housekeeping September 2009
Amended March 16, 2010
Housekeeping February 14, 2011
Amended April 25, 2016
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: 157 Grievance Procedures

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 change updating the title of Vice President for Equity, Diversity, and Global Outreach to the Vice Provost for Faculty and Equity, and updating the Office of the Vice President for Equity, Diversity and Global Outreach to the Office of the Provost

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Student Life – Mary Asheim – 9/28/15
   - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu
   
   This portion will be completed by Mary Asheim.
   Note: Items routed as information by SCC will have date that policy was routed listed below.

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!
1. A grievance exists when an employee is dissatisfied with an aspect of his/her employment over which the employee has no control and on which remedial action is desired, excluding job family assignment and performance evaluations for broadbanded staff and other employees not covered under Section 353. (Section 241).

2. If an employee feels unfairly treated or has a complaint, the employee shall first discuss it with the immediate supervisor. It may be a case of misunderstanding which can be straightened out by frank discussion.

3. All employees have the right to present grievances to their supervisors or department heads and are assured freedom from discrimination, coercion, restraint or reprisal in presenting grievances.

4. At each step of the grievance procedure, the employee may be represented by another University employee or by a representative of the employee's choosing.

5. The intent of the University's grievance procedures is to provide a reasonable opportunity for the resolution of an employee's dispute with the University. Depending upon the nature of the grievance, the University has several formal grievance procedures which are available for use by an employee who feels aggrieved or discriminated against and for which informal discussions have not been satisfactory to the employee. If more than one of the University grievance procedures is available for a particular issue, the employee should consult with the Director of Human Resources/Payroll, the Vice President for Equity, Diversity, and Global Outreach, the Provost for Faculty and Equity (in the case where the issue involves alleged discrimination) or a unit administrator when considering grievance options. Once an employee files a formal grievance in writing with the Office of Equity, Diversity, and Global Outreach, the Office of Human Resources/Payroll or the Presiding Officer of the University Senate (to initiate a faculty Special Review Committee), the employee will not be entitled to grieve the same issue using another internal grievance procedure. If an employee seeks the resolution of a grievance in any external forum, whether administrative or judicial, prior to seeking resolution of the issue by filing a grievance in one of the formal internal grievance procedures listed below or while one of those grievance procedures is in progress, the University may, following notification to the employee, suspend the internal grievance procedure pending a final decision in the external forum.

The Director of Human Resources/Payroll (and the Vice President for Equity, Diversity, and Global Outreach, the Provost for Faculty and Equity in a case of alleged discrimination) will act in an advisory capacity, as requested, to all parties involved in the grievance procedure.

All employees

5.1 If the grievance is based on alleged discrimination, that is, an issue related to race, color, religion, national origin, sex (including sexual harassment), disability, age, veteran's status, or sexual orientation any employee may use the Equal Opportunity Grievance Procedure
(Section 156). This procedure includes phases for administrative review, negotiation, and if necessary, a hearing before a special hearing committee.

**Faculty**

5.2 If the grievance involves a faculty member (instructor, assistant professor, associate professor, or professor), lecturer, adjunct faculty member or graduate teaching assistant and is based on a dismissal, termination, nonrenewal or nonpromotion, grievance procedures are described in Sections 350.3. Grievances based on matters other than dismissal, termination, nonrenewal, or nonpromotion may also be grieved using the procedure described in Section 353.

**Broadbanded and all other employees**

5.3 If the grievance is based upon an aspect of employment over which an employee has no control and desires remedial action, e.g., salary, working conditions, disciplinary action, etc., the employee uses the Condition of Employment Grievance Procedure (Section 230). This grievance option is limited to regular employees who have completed their probation period.

5.4 If the grievance is based on a suspension without pay, dismissal or demotion which the employee feels is unjust, the employee uses the Grievance Procedure for Termination of Employment (See Section 231). This grievance option is limited to regular employees who have successfully completed their probationary period.

6. The University's Director of Human Resources/Payroll and the Vice President for Equity, Diversity, and Global OutreachVice Provost for Faculty and Equity are available to provide assistance to employees in determining, under the given circumstances, which grievance procedure may be most appropriate.

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**HISTORY:**

- New July 1990
- Amended April 1992
- Amended May 1997
- Amended October 1997
- Amended October 2002
- Amended March 2005
- Amended October 2007
- Housekeeping July 2010
Policy Change Cover Sheet

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SECTION: 162 Sexual Harassment Policy

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy).
   Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? ☐ Yes ☑ No
   - Describe change: Housekeeping changes updating reference from the Vice President for Equity, Diversity and Global Outreach to the Vice Provost for Faculty and Equity, and replacing reference to General Counsel with University legal advisor

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Student Life / Mary Asheim / 9/28/15
   - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu
   
   This portion will be completed by Mary Asheim.
   Note: Items routed as information by SCC will have date that policy was routed listed below.

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

   Faculty Senate:

   Staff Senate:

   Student Government:

   President’s Cabinet:

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SECTION 162
SEXUAL HARASSMENT POLICY

SOURCE: NDSU President

As part of its commitment to equal opportunity, North Dakota State University prohibits sexual harassment of its employees and students, including student-to-student and other peer sexual harassment.

This policy is in compliance with federal regulations implementing Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Sexual harassment is defined as:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement,

2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or

3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment."

Please note that sexual harassment in electronic forms is also prohibited under NDSU Policy 710 - Computer Facilities.

Individuals concerned about violations of this policy should request assistance from the University's Vice President for Equity, Diversity and Global Outreach, Vice Provost for Faculty and Equity, the University's General Counsel's advisor, the Counseling Center Office, the Associate Director for Student Rights and Responsibilities, or an appropriate administrator. When administrators or supervisors become aware of occurrences of sexual harassment in their areas, they are responsible for stopping the behavior or reporting it to the Vice President for Equity, Diversity and Global Outreach, Vice Provost for Faculty and Equity or the Title IX Coordinator. In addition, the University's equal opportunity grievance procedure shall be available for any person who wishes to file a complaint alleging a violation of this policy.

HISTORY:

New September 29, 1980
Amended October 7, 1987
Amended June 28, 1991
Amended April 1992
Amended October 1997
Amended August 1999
Amended September 2000
Amended September 2007
Amended January 2008
Amended February 2009
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: 163 ANTI-HARASSMENT 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 ☐ No
   - Describe change: NDSU Policy 163 should be removed:
     - Recently updated Policy 156 (per OCR) defines harassment; current definition of harassment in Policy 163 is inaccurate (intent is not relevant)
     - Policy 100, as revised, explicitly includes a prohibition of harassment
     - Procedures in Policy 163 are outdated; revised Policy 156 explains what to do when you believe you have been subjected to harassment
     - Prohibition of retaliation is found in revised Policy 156

2. This policy change was originated by (individual, office or committee/organization):
   - Office of the Provost
   - 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: 5/16/16
   - Faculty Senate:
   - Staff Senate:
   - Student Government:
   - President’s Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!
SECTION 163
ANTI-HARASSMENT POLICY

SOURCE: NDSU President

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

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

Please note that harassment in electronic forms is also prohibited under NDSU Policy 710—Computer Facilities.

2. Anyone who feels she/he has been subjected to prohibited harassment is encouraged to report the situation before it becomes severe or pervasive. Individuals may make a report to the Vice President for Faculty and Equity, the Office of Human Resources/Payroll, the Counseling Center, the Disability Services Office, the Associate Director for Student Rights and Responsibilities, or an appropriate administrator. Reports may be addressed on an informal basis at the request of the individual alleging harassment. The person alleging harassment may also file a formal grievance in the Office of the Provost using the Equal Opportunity Grievance Procedures described in NDSU Policy 156.

3. In each case of alleged harassment, the supervisor, in consultation with the Vice Provost for Faculty and Equity, will determine whether an immediate fact-finding investigation is necessary. Although circumstances will affect the time needed to conduct such an investigation, response to an alleged violation of this policy should be handled in a timely manner and a determination reached as soon as possible. Whenever a violation of this policy is determined, immediate and corrective action, including discipline, will be taken.

4. The University will not tolerate adverse actions/retaliation toward anyone who, in good faith, alleges harassment or who provides information related to a grievance. Such retaliation may be the basis for an additional grievance.

5. To the extent possible, the University will maintain the confidentiality of anyone who reports an alleged violation of this policy.

6. In addition to this anti-harassment policy, the University has a policy specifically addressing sexual harassment (see Policy 162).
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: 182 Severance Pay Policy: (Reduction in Force)

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 made to match the language/formatting of SBHE Policy 707

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted: HR Payroll / Colette Erickson / 6/9/16
   - 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:

   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 182
SEVERANCE PAY POLICY: (REDUCTION IN FORCE)

SOURCE: SBHE Policy Manual, Section 707

Subject to the following provisions, institutions and the university system office may provide severance pay to an employee who is released due to a reduction in force:

1. The maximum payment is the equivalent of the individual's salary and benefits (retirement and health) for two weeks per completed year of service, up to a maximum of one year of salary and benefits.

2. The number of employees in the institution, agency, or entity must be reduced by one for each individual awarded severance pay.

3. Employees may not receive severance pay if they are awarded early retirement, developmental leave, or other forms of special compensation when they leave.

4. Employees receiving severance pay must release the institution from liability and all employment rights by written agreement.

5. The severance pay agreement with an employee must provide that the employee shall reimburse the institution on a pro-rata basis if salary compensation is received from another North Dakota state agency or institution for services rendered during the time for which severance pay was received. The amount to be reimbursed shall be equal to the hourly rate of severance compensation or subsequent state compensation, whichever is less, multiplied by the number of hours of subsequent state employment during the severance pay period.

6. All actions under this Policy must comply with North Dakota Century Code 54-14-04.3. In accordance with that section, institutions or the system office may provide financial incentives to encourage an employee to retire or resign if the employee’s departure will increase efficiencies or reduce expenses.

In addition to severance pay and consistent with N.D.C.C. § 54-14-04.3, institutions and the system office may provide financial incentives to encourage an employee to retire or resign if the employee's departure will increase efficiencies or reduce expenses.

For Faculty reductions in force/non-renewals, see NDSU policy 350.3. For banded staff reductions in force, see NDSU policy 223. For non-banded staff reductions in force/non-renewals, see NDSU policy 183.

HISTORY:
New May 22, 1987
Amended June 1994
Amended June 2001
Amended June 2008
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: 183 NONRENEWAL AND DISMISSAL OF NONBANDED, NONACADEMIC STAFF

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: NDUS Board Policy change effective February, 2016.
   - Per Matt Hammer’s request on 4/22/16: Moved the sentence “An employee may be dismissed for just cause.” From the beginning of Section 2 to the beginning of Section 3 in order to mirror the changes made at the Board level.

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/March 29, 2016
   - Email address of the person who should be contacted with revisions: Colette.erickson@ndsu.edu
   - This portion will be completed by Mary Asheim.

3. This policy has been reviewed/passed by the following (include dates of official action):
   - Senate Coordinating Committee: 4/18/16
   - Faculty Senate: 4/20/16
   - Staff Senate: 4/20/16
   - Student Government: 4/20/16
   - President’s Cabinet: 4/20/16

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 183
NONRENEWAL AND DISMISSAL OF NONBANDED, NONACADEMIC STAFF

SOURCE: SBHE Policy Manual, Section 608.2

1. Employees excluded from the broadbanding system who are not members of the academic staff at an institution may be terminated, without cause, pursuant to written notice of termination in accordance with the following schedule:

   a) At least three months, if written notice is given during the first year of service;

   b) At least six months, if written notice is given during the second year of service or thereafter.

   As used in this section 1, “service” means employment at the same institution or agency.

2. An employee may be dismissed for just cause. Employees excluded from the broadbanding system who are not members of the academic staff at an institution may be dismissed for just cause or based upon financial exigency as determined by the Board, loss of appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses, in which cases the notice requirements of the preceding section shall not apply. If a dismissal other than for just cause is implemented pursuant to this subsection, no less than 90 days notice shall be given the employee.

3. An employee may be dismissed for just cause. Just cause means just cause for dismissal of staff employees as defined in the North Dakota University System Human Resource Policy Manual. (See NDSU 220.2) Notice of intent to dismiss for cause, stating the reasons for the proposed action, shall be given by a department head or other designated official unless the employee is a vice president or other officer who reports directly to the institution's chief executive, in which case notice shall be given by the chief executive. The notice shall be given at least five calendar days prior to the date of dismissal and the employee has the right, within that time, to respond in writing and request a pre-termination review. Following notice of intent to dismiss and, if requested by the employee, the pre-termination review, the department head or other designated individual, if the notice of intent to dismiss was not given by the chief executive, shall forward a recommendation to the institution's chief executive. The chief executive shall make a final decision and give written notice of that decision.

4. An employee who is dismissed for just cause pursuant to this policy may, within 20 days of dismissal, appeal the decision by filing a notice of appeal, accompanied by a specification of the reasons or grounds upon which the appeal is based, with the institution's chief executive. The chief executive shall appoint a hearing officer to conduct an evidentiary hearing and submit recommended findings, conclusions and a recommended decision order to the chief executive. The hearing officer shall conduct the hearing according to appeal procedures governing hearings conducted by a staff personnel board that are set forth in Section 27 of the North Dakota University System Human Resource Policy Manual (Policy 231 of the NDSU Policy Manual). The chief executive shall make a final decision and provide written notice of that decision to the hearing officer and the employee within 20 calendar days of receiving the hearing officer's
recommendation.

5. Except for positions explicitly exempt as stated in this section 5 or 6, this policy applies to all employees excluded from the broadbanding system who are not members of the academic staff and, with respect to their positions as administrators or other non-academic positions, to employees with appointments to the academic staff. This policy applies to coaches unless the employing institution has adopted a different policy governing coaches and that policy is stated or adopted by reference in a coach's employment contract, in which case the institution's policy applies. This policy does not apply to faculty; employees with academic appointments are governed by SBHE Policy Sections 605.1, 605.2, 605.3 and 605.4. Staff employees at the institutions are governed by the North Dakota University System Human Resource Policy Manual.

6. **Dismissal actions of regular staff employees** are governed by the NDSU Policies 220 and 223.

7. **Dismissal actions of temporary staff employees** may occur at any time with or without cause (NDUS Human Resource Policy Manual, Section 2).

8. **Dismissal or non-renewal actions for faculty** are governed by NDSU Policy 350.1-350.4 and 352.

9. This policy does not apply to the Chancellor and institution presidents. Subsections 1 and 2 do not apply to student residence hall assistants, work-study students and other students employed on a part-time basis for a limited term. The terms and conditions of employment for student residence hall assistants shall be stated in a written contract.

10. Notwithstanding section 1, employees excluded from the broadbanding system who are not members of the academic staff at an institution and whose first day of service preceded September 26, 2012, may be terminated, without cause, pursuant to written notice of termination in accordance with the following schedule:

    a. At least three months, if written notice is given during the first year of service;
    b. At least six months, if written notice is given during the second year of service;
    c. At least twelve months, if written notice is given thereafter.

**HISTORY:**

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Policy Change Cover Sheet

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SECTION: 212 Overtime

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: The policy was missing a portion of the federal law – Fair Labor Standards Act - only accrue 240 hours of comp time.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted: Colette Erickson
   - 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:
   - Faculty Senate:
   - Staff Senate:
   - Student Government:
   - President’s Cabinet:

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SECTION 212
OVERTIME

SOURCE: NDSU President
NDUS Human Resources Policy Manual, Section 12

1. Overtime compensation at a time and one half rate shall be provided to all non-exempt employees when hours worked exceed forty hours in a work week. Compensatory time off at a time and one half rate may be provided in lieu of cash overtime payments upon prior agreement. Upon approval, compensatory time may only be used in place of regularly scheduled work hours and shall not cause overtime.

1.1 Official closings and holidays shall be counted as hours worked during a work week. In establishing a forty-hour work week, annual leave, sick leave, official closings and holidays shall be counted as hours worked. Annual leave, sick leave, other forms of paid leave, and compensatory time shall not be counted for overtime purposes.

1.2 The Office of Human Resources/Payroll is responsible for periodic review of positions to insure proper identification as exempt or non-exempt pursuant to definitions provided within the Fair Labor Standards Act.

2. Overtime provisions are not applicable to exempt employees as identified by federal wage and hour criteria. The department head, however, may arrange time off in recognition of required, continuous or excessive overtime for employees exempt from overtime. In order to be considered “exempt” from the overtime provisions of the Fair Labor Standards Act, an employee must be in a position that can be substantiated to be of an executive, administrative, or professional nature. Whether an employee is exempt depends on duties, responsibilities and salary. Contact the Office of Human Resources/Payroll for assistance in determining exempt status.

3. Overtime hours may be approved on the basis of emergency circumstances or when it is impractical to maintain an additional temporary work force adequate to handle peak loads during hours. Overtime hours must be authorized by the employee's department head. Overtime work shall be assigned on an equitable basis.

4. A non-exempt employee called back for emergency service after completing his/her regular day's work shall receive compensation at the rate of time-and-one-half. Guaranteed minimum pay for call-back to a work site when required will be two hours at time-and-one-half and guaranteed minimum pay for call-back when return to the work site is not required, for example, when services are provided from home by telephone, is fifteen minutes at time-and-one-half. Temporary employees shall be paid time-and-one-half for hours worked in excess of forty hours per week.

5. Work which is not requested by a supervisor but is permitted must be counted as hours worked.

6. When an employee is given a work assignment in a secondary location requiring travel time, such travel time is counted as time worked.
7. Calculation of Overtime Compensation - Hourly rate must be computed according to the format as shown in Section 121. For those employees who work more than one position with more than one rate of pay NDSU uses a weighted average method to compute the hourly rate for overtime purposes. Contact the Office of Human Resources/Payroll for more information.

7.1 Hours worked include all hours worked plus any leave with pay hours.
7.2 Overtime pay = (hours worked - 40) x hourly rate x 1.5

8. Overtime pay should be requested by use of a timeslip.

9. In lieu of overtime cash payment, non-exempt employee may be given equivalent time off (comp time) from the job. Time off (comp time) must be given at one-and-one half times the overtime hours worked. The time off must be taken within six months of the overtime hours worked.

Employees may only accrue 240 hours of comp time.

9.1 160 hours worked of overtime is equal to 240 hours of comp time.

Resources:
Non-Exempt Travel Time: [http://www.ndsu.edu/hr/mgrtoolbox/mgrflsa/determining_hours_worked/#c255105](http://www.ndsu.edu/hr/mgrtoolbox/mgrflsa/determining_hours_worked/#c255105)
Policy Change Cover Sheet

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SECTION: Policy Number and Name: Policy 213  Rest Periods

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: NDUS Human Resource Policy 18 Rest Periods has been changed to five hours to match the State of North Dakota’s policy on meal breaks.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted: Human Resources and Payroll 07/01/2016
   - 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:
   - Faculty Senate:
   - Staff Senate:
   - Student Government:
   - President’s Cabinet:

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SECTION 213
REST PERIODS

SOURCE: NDUS Human Resources Policy Manual, Section 18

1. Employees may be allowed a paid rest period of 15 minutes each half day to be arranged by the department head. The work day may not be shortened and lunch periods may not be lengthened by omitting rest periods.

2. Employees who work more than four five (5) hours in any one day shall be allowed a minimum of 30 consecutive minutes for one unpaid lunch period.

3. NDSU shall provide:
   a. A reasonable break time for an employee to express breast milk for her nursing child for 1 year after child's birth each time such employee has the need to express milk
   b. A place, other than a bathroom, that is shielded from view and free from intrusion for coworkers and the public, which may be used by the employee to express breast milk
   c. NDSU shall not be required to compensate an employee receiving reasonable break time for any work time spent for such purpose.

NDSU has the following lactation rooms available for nursing mothers:
http://www.ndsu.edu/diversity/womens_resources/lactation_rooms/

HISTORY:
New July 1990
Amended May 1997
Amended October 2010
Housekeeping February 14, 2013
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: 400 Purchasing – General Policies

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). The changes are just the purchasing thresholds to bring them in line with both NDUS and State Procurement and change Sole Source to Alternate Procurement Form.
   - Is this a federal or state mandate? □ Yes
   - □ No
   - Describe change: To bring purchasing thresholds in line with NDUS and the State Procurement Office and to change the Sole Source for to Alternate Procurement Form

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted Stacey Winter, Director of Purchasing
   - Email address of the person who should be contacted with revisions Stacey.winter@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:

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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:

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<td>Responsible for:</td>
<td>Responsible for:</td>
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<tr>
<td>1. Prequalifying suppliers</td>
<td>1. Preparing purchase requisitions</td>
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<td>2. Taking bids</td>
<td>2. Providing reasonable lead time</td>
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<td>3. Processing quotations</td>
<td>3. Providing justifications as required</td>
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<td>4. Negotiating with suppliers</td>
<td>4. Assuring that contract and grant requirements are met</td>
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<td>7. Auditing purchasing actions of others</td>
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<td>8. Administering a minority business development program</td>
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<td>9. Others as appropriate</td>
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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 $50,000 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 $50,000 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 $50,000 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 sole-source purchase not covered under a term contract, priced at $5,000.00 and above shall be sent to the Director of Purchasing. This should be done on the Alternate Procurement Form

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 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 $30,000 (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, merchandise, 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
Housekeeping August 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: Section 610 Missing Student Notification

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 – 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.

2. 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.

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

   Faculty Senate:

   Staff Senate:

   Student Government:

   President’s Cabinet:

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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. 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

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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:**

**Policy Number and Name:** Policy 101 Personnel Definitions

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: NDSU Policy does not match NDUS Human Resource Policy 2 Appointments. NDSU’s policy does not state that the policy manual only applies to benefited employees. NDUS Human Resource Policy 2 also has added the definition of the Affordable Care Act (ACA) guidelines.

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
   - Email address of the person who should be contacted with revisions: colette.erickson@ndsu.edu

   *This portion will be completed by Mary Asheim.*

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:

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

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 101
PERSONNEL DEFINITIONS

SOURCE: SBHE Policy Manual, Sections 605.1 and 606.1
NDSU President

1. CLASSIFICATION STATUS

1.1 Staff Employee
A person in a position covered by the North Dakota University System Broadbanding System.

1.2 Non-Banded Employee

1.2.1 Academic Staff
Faculty (instructors, assistant, associate or full professors), lecturers, and graduate assistants.

1.2.2 Other Non-Banded
Staff excluded from broadbanding by Board rule: president, executive deans, vice presidents and officers of the institution or staff holding positions the institution president has excluded by designation, including coaches, extension and experiment station professionals, and others in 2000 job categories not included in 1.2.1 above.

2. EMPLOYMENT STATUS

2.1 Regular Employee

A staff employee, who satisfactorily completes a probationary period, or a non-banded employee, who is appointed to an approved and regularly funded position, and who is employed at least seventeen and one-half hours per week if hired before August 1, 2003 or twenty hours per week if hired on or after August 1, 2003, and at least twenty weeks each year. The policies and benefits included in this manual shall apply to all such person except when specifically excluded by statute or these policies.

2.1.1 Full-Time Employee
A person employed on a regular basis for a minimum of 40 hours per week.

2.1.2 Part-time Employee
A person employed on a regular basis for less than 40 hours per week.
A part-time lecturer is generally considered to be a regular employee if she/he teaches 7.5 or more credits for two or more consecutive semesters.

2.2 Temporary Employee

A person employed in a position of intermittent or limited duration not to exceed one year, a seasonal position, or in a position working less than seventeen and one-half hours per week, or less than five months per year, if hired before August 1, 2003, or less than twenty hours per week or less than 20 weeks per year if hired on or after August 1, 2003. The policies and benefits included in this manual shall not apply to temporary employees except as noted. A temporary staff employee may be terminated at any time with or without cause.

2.2.1 Full-time Affordable Care Act (ACA) Temporary Employee

A person employed 30 hours or more per week or 130 hours per month or 1,560 hours per year; including any employee that is reasonably expected to work 30 hours per week for a month, qualifying variable hour employee, and employee who is not a seasonal employee.

2.2.2 Seasonal Employee

A seasonal position is one in which a person works 6 months or less per year during an institutionally designated “season,” such as the agricultural growing season. A seasonal employee must be terminated at the end of the institutionally recognized season, but may be rehired for a future season although there is no guarantee of re-employment.

3. OVERTIME ELIGIBILITY STATUS

3.1 Nonexempt Employee

Those employees serving in positions covered by the Fair Labor Standards Act who are eligible for overtime pay or compensatory time off. Generally those employees in bands 4000 through 7999 are included in this group.

3.2 Exempt Employee

Those employees serving in positions exempt from the overtime pay and compensatory time off provisions of the Fair Labor Standards Act because their administrative, professional or managerial responsibilities meet the exemption requirements of the Act. Generally this includes employees in bands 1000 through 3999.

HISTORY:

New    July 1990
Amended April 1996
Amended August 1997
Amended August 1998
Amended July 1999
Amended December 1999
Amended December 2000
Policy Change Cover Sheet

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SECTION: 360 EARLY RETIREMENT

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: Changes are proposed in an effort to 1) comply with recent changes to SBHE policy and 2) clarify the policy.

2. This policy change was originated by (individual, office or committee/organization):
   - Office of the Provost
   - 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: 5/16/16
   
   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 360
EARLY RETIREMENT

SOURCE:  SBHE Policy Manual, Section 703.1
NDSU President

1. Early retirement incentives may be offered by the administration of NDSU as authorized by
specified in SBHE Policy 703.1. This policy is governed by the provisions of SBHE Policy 703.1.
These incentives may take the form of tenure/contract purchase, phased retirement or reversible
retirement. Early retirement is not an entitlement but requires mutual agreement and written
consent of both the employee and the administration. Early retirement may not be used as a device
to circumvent the due process procedures for dismissals under SBHE rules and it is available only
when the institution has documented the benefits resulting from the agreement.

2. Eligibility. This policy only applies to tenured faculty, the president, vice presidents, deans and
officers of the institution who report directly to the president, the provost, or a vice president, or
dean. The sum of the employee's age and total years of employment with the ND University System
must equal 70 or greater.

3. Process. An eligible employee wishing to pursue an early retirement agreement will submit a formal
request in writing to his or her direct supervisor, who will notify the relevant Vice President or, in the
case of faculty, the relevant Dean and the Provost. This request should include the employee's
expected date of retirement, the number of years of service, and birthdate. This request must be
made at least six months prior to the expected date of retirement. The Vice President or Provost will
inform the President of the request and contact the Director of Human Resources and Payroll to
discuss options.

4. Evaluation. The Vice President or Provost will discuss the request with the employee and determine
whether the benefit to NDSU is sufficient to merit approval of the request. The Vice President or
Provost will negotiate the terms of the early retirement agreement with the employee. All costs
associated with the early retirement agreement must be borne by the college or unit. The terms
must be approved by the Director of Human Resources and Payroll and the President. The Director
of Human Resources is responsible for executing ND University System Early Retirement Agreement
form and routing it for signatures.

2. GENERAL

A. Early retirement is for the mutual benefit of the employee and the colleges and universities.
Employees will be able to plan their retirement with increased options and benefits and with
less fear of the unknown. The colleges and universities can use early retirement as a cost
saving tool, but, more importantly, as a vehicle for the infusion of new thoughts, ideas, and
skills by the opening up of positions. Early retirement may not be used as a device to
circumvent the due process procedures for dismissals under the Board's rules and it is
available only when the institution has documented the benefits resulting from the
agreement.
B. Early retirement is not an entitlement but requires mutual agreement and written consent of both the employee and the administration. This policy only applies to tenured faculty, the president, vice presidents, deans and officers of the institution who are members of TIAA/CREF, IFFR and TIRF. The sum of the employee's age and total years of employment with the North Dakota University System must equal 70 or greater.

C. Institutions shall use the approved standard form contract which will allow specifics to be added as they apply to individual cases.

D. The Early Retirement Agreement for tenured faculty and other eligible employees of the institution shall be approved by the president. Early Retirement Agreements for the president shall be approved by the Chancellor. The Early Retirement Agreement must be accomplished by a statement of the benefit to the institution or to the system resulting from the Early Retirement, and whether the agreement is pursuant to a reduction in force or whether the position will be eliminated or downgraded, a copy of the employee's current contract with the school or the system, and a statement of the employee's birthdate.

NDSU Guidelines:

A. An eligible tenured faculty member wishing to pursue an early retirement agreement shall submit a formal request to the department chair, who will route the inquiry to the dean, who will route the request to the Provost and Vice President of Academic Affairs. An eligible Officer of the Institution wishing to pursue an early retirement agreement shall submit a formal agreement to the Vice President of their division.

B. A Vice President wishing to initiate an early retirement negotiation for an eligible employee (see 2b) in his or her division contacts the Director of Human Resources/Payroll to discuss options at least four months prior to the proposed retirement date, and informs the President of the possible negotiation.

C. The Vice President negotiates the terms with the employee.

D. The Vice President sends to the Director of Human Resources/Payroll a memo including buyout amount, duration of any single coverage health insurance premium payments, date of retirement and date(s) of buyout payments and a statement of how the buyout benefits the University to the Director of Human Resources/Payroll.

E. The Director produces the Early Retirement Agreement document and routes it for signatures.

F. Upon execution of an Early Retirement Agreement, any payments will be charged to the college/unit budget.

HISTORY:
Amended April 24, 1987
Amended March 8, 1993
Amended June 1994
Amended October 1997
Amended September 2000
Amended July 2001
Amended October 2007
Implementation of a Single NDUS Learning Management System

August 16, 2016

Darin King
Chief Information Officer
North Dakota University System
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Introduction

*Historical Perspective*

The North Dakota State Board of Higher Education (NDSBHE) first stated the intent to develop a single learning management system (LMS) that would be used by all North Dakota University System (NDUS) institutions in a document entitled “Maximizing Results through Efficiencies” presented in November of 2011. Partial progress was made when NDUS implemented a single instance of an open source LMS (Moodle) for five institutions and three NDUS institutions partnered to implement a commercial LMS (Pearson eCollege).

On May 24, 2016 the NDSBHE reiterated their intent during a meeting of the full board. A motion to proceed with consolidation into a single Blackboard environment was made and passed by the board.

*Current State*

There are currently at three LMS systems in use across the NDUS. The table below represents the LMS solutions at each institution and how they are delivered.

<table>
<thead>
<tr>
<th>NDUS Institution</th>
<th>Current Instances</th>
<th>LMS Solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minot State University</td>
<td>Blackboard Managed Hosting</td>
<td>Blackboard</td>
</tr>
<tr>
<td>North Dakota State University</td>
<td>Locally Hosted at NDSU</td>
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<tr>
<td>University of North Dakota</td>
<td>Locally Hosted by NDUS Data Center</td>
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<tr>
<td>Valley City State University</td>
<td>Locally Hosted at VCSU</td>
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<tr>
<td>Dakota College Bottineau</td>
<td>Software as a Service</td>
<td>Moodle</td>
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<td>Dickinson State University</td>
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<td>Mayville State University</td>
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<td>North Dakota University System</td>
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<td>Williston State College</td>
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<td>Bismarck State College</td>
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<tr>
<td>Lake Region State College</td>
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<tr>
<td>North Dakota State College of Science</td>
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</tbody>
</table>

There are currently six instances of LMS solutions. There are four separate instances of Blackboard and a single instance of both Moodle and eCollege.

NDUS institutions currently using Blackboard and Pearson eCollege are paying for the products and services. NDUS is currently paying for the implementation of Moodle at the indicated institutions.
Current Blackboard campuses are using a variety of different Blackboard products. NDUS currently provides Blackboard Collaborate (Web Conferencing) and

*Desired Future State*

The directive by the SBHE indicate the future state should be a single system focused on providing a seamless experience for users, regardless of their affiliation or role with individual campuses. This single system will improve the user experience, create educational opportunities for students, create operational efficiencies, and reduce the total cost for all NDUS institutions using the same LMS solution.

*Implementation Options*

*Blackboard Solutions Bundles*

Blackboard offers three different solution bundles. All solution bundles support either deploying the software locally through the NDUS Data Center or deploying the software through Blackboard’s hosting services. The Learning Essentials Bundle provides all of the functionality available today to NDUS Blackboard campuses and would extend additional capabilities and services to all NDUS campuses.

*Learning Bundle Solutions – Software & Services*

The Learning Insight Bundle includes additional data analytic capabilities and services. This may be of value to some campuses and could be included if determined to be cost effective. Additional details regarding the bundle and related offerings can be found in Appendix A-D.
Deployment Option #1 – NDUS Locally Hosted

NDUS would purchase and maintain the infrastructure necessary to host Blackboard for all NDUS institutions. The infrastructure would be housed in the NDUS Data Center and could comprise either a single or multiple instances of purchased Blackboard software.

Deployment Option #2 – Software as a Service (SaaS)

Blackboard would deliver the Learning Insight Bundle on a subscription basis and host it for all NDUS Institutions. This subscription service could comprise of either a single or multiple instances of Blackboard.

Implementation Analysis

PART 1 – Software Bundles

Blackboard Solutions Bundle

The Learning Essentials Bundle provides the basic LMS capabilities currently available to NDUS institutions regardless of the solution in place today. It also includes additional features for campuses moving to Blackboard, including content, mobile, and community features.

The Learning Insights Bundle includes additional functionality for detailed reporting and analytics. There may be interest from some campuses in this additional functionality and it could be purchased by individual campuses.

PART 2 – Number of Instances

Single Instance

Implementing Blackboard as a single, NDUS instance with an institutionally based hierarchy would ensure a consistent experience for all users. Students and faculty would have a single login and access to all their courses and content regardless of their home institution. Upgrades and maintenance would happen simultaneously for all institutions.

Existing Blackboard institutions currently have the ability to run scripts and queries directly against the Blackboard system. A single instance would reduce system level access for some institutional administrators, however all functionality would still be available by working with a system level administrator.

Implementation of a single instance would require an effective, representative governance model to develop common procedures and operational efficiencies for all NDUS institutions.
Building blocks are integrations between Blackboard and other systems. Current Blackboard campuses have many building blocks installed to provide a variety of functionality. An analysis is currently underway to determine if there are building blocks currently being used by campuses that will need modification or updating to work in a single instance.

Multiple Instances

Implementing Blackboard in multiple, institutionally based instances would provide the greatest campus level control and autonomy. Institutions would retain complete system level control of their Blackboard instance and be responsible for upgrades and maintenance.

It would be more difficult to ensure a consistent user experience across multiple instances and supporting users when problems arise would be challenging.

PART 3 – Hosting Deployment Options

NDUS Locally Hosted for Learning Essentials

By hosting Blackboard in the NDUS data center for all NDUS institutions, some efficiency could be achieved. Current Blackboard campuses would no longer have to purchase and maintain campus based hardware to support Blackboard. There would still be hardware that would have to be purchased and maintained by NDUS, but it would potentially reduce the current operational cost of running campus based infrastructure. This would also potentially require additional NDUS resources to ensure acceptable performance during peak usage periods.

NDUS would be responsible for all patching and upgrades if self-hosted. This would be done once or twice per year and require significant down time to accomplish.

In this scenario, there would not be access to the newest version of Blackboard, called the Ultra Experience. No current NDUS Blackboard campus uses the Ultra Experience today, however there is interest by some in this new version of Blackboard.

Software as a Service (Saas) for Learning Essentials

Blackboard’s SaaS offering is powered by a modern cloud based computing stack via Amazon Web Services. This would provide 99.9% uptime, on demand scalability during peak usage, and near zero downtime for updates and maintenance.

Blackboard hosts and maintains all SaaS environments, including production, test, staging, and a reporting environment (Direct Data Access) and stage. Blackboard would be responsible for all patching and upgrades. This would allow us to coordinate updates across all NDUS institutions to ensure a consistent user experience.
This offering also includes a single point of contact within Blackboard (Service Delivery Manager) for all technical support, escalation, documentation and event management. The Service Delivery Manager will also lead the migration efforts for institutions moving to a single or multiple instances.

System level access is limited to Blackboard in the SaaS offering, so it will be critical that support and communication processes between campuses, NDUS and Blackboard are clearly defined and understood by all parties.
Recommendations

**Recommendation #1**

The North Dakota University System should implement Blackboard in a single instance with institutional hierarchy.

Deploying a single instance will ensure a consistent user experience across all NDUS institutions. The institutions currently using Pearson eCollege (Bismarck State College, Lake Region State College, and North Dakota State College of Science) will be the initial institutions implemented in the single instance. Planning for migration of the Moodle and existing Blackboard institutions will commence early in 2017.

**Recommendation #2**

The North Dakota University System should select the Learning Essentials Bundle for use by all NDUS institutions and develop contractual and operational procedures for individual campuses to purchase additional solutions and services from Blackboard.

The Learning Essentials Bundle provides the functionality available today and adds a number of new features for some institutions. Individual institutions will be able to add additional features to meet specific institutional needs.

**Recommendation #3**

The North Dakota University System should enter into a contract for the Blackboard SaaS Advantage offering.

Deploying Blackboard SaaS will provide operational efficiencies, improve the user experience, and provide for increased scalability and availability.

**Recommendation #4**

The North Dakota University System must implement a representative governance model for the implementation and operations of a single instance of Blackboard SaaS Advantage.

It will be critical to engage both functional and technical stakeholders from each NDUS institution to design a governance model that will develop policies and procedures to ensure ongoing operational excellence and efficiency.
Appendix A – Blackboard Learning Essentials Bundle

**Blackboard Learning Essentials Solution Services**

The Learning Essentials Solution is the first step toward a more engaging digital learning experience. With our powerful learning management system and collaborative learning environment, institutions get the tools needed to reach students when, where, and how they want to learn. The Learning Essentials Solution provides you with these benefits:

- ✓ Course creation delivery, and management
- ✓ Mobile access to courses and organizations including assignments and grades
- ✓ Flexible delivery options, including Software-as-a-Services (SaaS), self-hosted, or Blackboard Hosted
- ✓ Online Collaboration including Web Conferencing
- ✓ Share, reuse, and find quality learning objects, making it easier to build courses in Blackboard, engagement students, and achieve pedagogical goals

The services included in the Learning Essentials solution are the first step toward a more engaging digital learning experience. With our powerful learning management system and collaborative learning environment, institutions get the tools needed to reach students when, where, and how they want to learn. Many institutions have seen exponential gains in student performance and retention rates as a result of increased student engagement in the campus online learning environment.

Learning Essentials Services include:

<table>
<thead>
<tr>
<th>Phase</th>
<th>Description</th>
<th>Phase Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>The planning phase is designed to quickly and succinctly gather information from key stakeholders to address institutional goals, increase adoption, and ensure a holistic plan for all relevant technologies.</td>
<td>Three days of onsite Academic Technology Planning are dedicated to capturing critical goals for academic technology systems at the institution, drafting use cases for each system, strategies for launching technology, increasing adoption, and creating a rich eLearning experience. During the onsite sessions, a Blackboard Consultant will work with key institution stakeholders to set short and long term goals, assess risks and craft mitigations plans and create a detailed plan to help achieve institution adoption goals.</td>
</tr>
</tbody>
</table>
| System Administration  | During the System Administration Set-Up phase, the Blackboard consultant takes the outputs from the planning phase and, through a series of remote working sessions, works with the institution’s LMS. | Ten hours of remote, synchronous workshops during which a Blackboard Consultant works with your institution’s core project team to discover the possibilities for and decide what works best for your institution. A range of topics are available to choose from including:  
  • Course Delivery Overview  
  • Content Management Overview  
  • Community Engagement Overview  
  • What’s New in the Current Release |
|                        |                                                                             |                                                                                                                                                  |
Appendix B – Academic Technology Planning Services

Blackboard | Consulting Services

Academic Technology Planning Services

Updating technology is a time-consuming, complex task. Problems during a transition to updated or new technology can lead to lack of adoption and difficulty during subsequent change management, which creates an ongoing problem with unhappy users and constant change requests.

Blackboard’s Academic Technology Planning Service (ATP) helps clients with the initial rollout of new products and with planning for ongoing adoption of current technology. Our consultants help clients:

- Planned future functionality releases
- Marketing and communication planning
- Change Management planning

Adjust to the look and feel of new releases,
Align with overall institutional educational technology objectives
Plan for ongoing change management associated with continuous delivery
Incorporate use case based best practices

The Blackboard Academic Technology Planning Service provides the necessary goal setting, subject matter expertise, planning, and change management to ensure the successful implementation or wider adoption of Blackboard teaching and learning technologies. Whether new to Blackboard or seeking to increase impact and learner experience, this service helps to ensure a smooth and well-organized path for change management leading to deeper adoption and higher student engagement.
Training Program Development Solution
Blackboard, Inc.

Overview
The Training Program Development solution, TPD, is a comprehensive professional development package that provides organizations with the resources needed to build a self-sustaining training program at their institution.

The TPD provides ongoing, unlimited access to training materials designed to enhance learner outcomes and promote effective usage of Blackboard Products, allowing an organization's master training team to focus on training and support instead of the development and maintenance of materials.

The solution is designed to provide current and accurate training and support material that an organizations master instructional team can use to train their learning constituents. Therefore, the package is updated on a regular basis to match the features and enhancements in the Blackboard products.

Through a series of implementation meetings, the Blackboard TPD Support Team will work with the organization's master training team to ensure that their TPD implementation plan is designed to meet their program's unique learning, administrative, and user needs.

A TPD user’s master instructional team is enrolled in the Blackboard TPD Community of Practice. This CoP is designed to support an organization through their TPD implementation by housing training and support materials and engaging them in with other TPD users.

TPD materials are accessed via a Download Center in the Blackboard TPD Community of Practice and facilitated from an organization's Learn and/or Collaborate instance by their master instructional team, allowing an organization the freedom to rebrand and modify the materials to meet their needs.

Package Highlights
• Online Courses
• Workshop Materials
• Supplemental Resources
• Synchronous TPD Implementation Support
• Ongoing Package Support from the Blackboard TPD Support Team
• Access to the Blackboard TPD Community of Practice
• Continuous Release Maintenance Cycle
• Available in English
• Available as a Subscription Service
Appendix D – SIS Integration and Grades Journey

Blackboard

Utilize Blackboard expertise for Grade Integration with your SIS

SIS Integration Mentoring + Grades Journey Extract

The objective of the SIS Integration Mentoring and Grades Journey Extract service is to provide guidance and support to a client with no existing SIS integration to Blackboard Learn with implementing the SIS Integration Framework and the Blackboard Learn Grades Journey functionality that was introduced in the Learn 2015 release.

This SIS Integration Mentoring service is also intended for clients implementing the IMS Learning Information Services (LIS) integration method. This service will provide the client with planning, auditing, guidance, Learn scripting training, troubleshooting and documentation for the data integration process.

This service begins with a kick-off call to determine scheduling, logistics, and proper scoping of the service to meet the client’s needs. All sessions listed below will be delivered during scheduled Collaborate sessions. The time, day, and duration of these sessions will be scheduled during the service kick-off call with the Blackboard project manager and assigned consultant. Note that Week 3 sessions can be completed remotely or onsite based on client preference and availability.

Topics:

**Week 1 – Remote**
- SIS Framework Technical Overview
- Data Planning Workbook Sessions
  - Discussion of SIS data lifecycle and impact on Blackboard Learn
  - SIS to Learn Field Data Mapping
- Generator Guidelines and sample files
- Grades Journey Workbook Sessions
  - Discussion of Grades Journey Integration Workbook documentation
  - Goal-setting and timeline review
- Identification of basic data elements, behaviors and business rules in order to automate processes for assignment and grade column creation in Blackboard Learn
  - Flat-file/delimited data supports the creation of assignments and weighted grade columns
  - LIS 2.0 supports the creation of manual or weighted grade columns
- Knowledge Transfer of file formatting requirements for inbound and outbound data
Appendix E – Meeting Notes

On July 21, 2016 a group representing all NDUS institutions gathered in Bismarck to discuss the Blackboard implementation. Small groups were used to capture discussions regarding the advantages and challenges to moving towards a single LMS. The following pages are the notes generated by the discussions.

---

Subject: One more version - includes institutions represented in the small group discussion
Date: Thursday, July 21, 2016 at 2:01:49 PM Central Daylight Time
From: Swinney, Lori
To: King, Darin

LRSC
NDSU
VCSU
UND

Advantages
• uptime
• reduction in length of scheduled upgrade times
• SaaS supports Ultra
• Single instance - Ease of use for students and faculty, single sign-on?

Concerns - Challenges
• Ultra has limited features and doesn’t support content system
• access to data
• losing system admin access
• escalating issues through NDUS
• Governance
• Faculty involvement (history of RFP)
• Rollout - resources, time & funding
• Agreement on feature availability as default on

Burning Questions
• Funding - cost to implement, cost & cost sustain
• governance is a huge concern
• How to help campuses used to having a helpdesk
• timeline for all campuses
• Differences with Ultra,

--

Lori Swinney, Ph.D.
Center for Instructional & Learning Technologies
Adj. Asst Prof, Educational Foundations & Research
University of North Dakota
370 Oxford Street Stop 7098 - Robertson-Sayre Hall 103 | Grand Forks, ND 58202-7098
701-777-3569 (office) | 701-740-1657 (cell)
lori.swinney@und.edu
http://cilt.und.edu
Questions:
- We would like Assessment and Institutional Assessment offered in Insights
- Need for access to database

Advantages:
- UND - in favor of single instance (self or managed hosted) – have building blocks, start and end dates different than other institutions
- SaaS – updates > zero downtime
- ?on shared instance is it possible to accept updates on an individual nodes

Challenges:
- More details about the shared instance for the collaborative student/faculty.
- Help desk - difficult to drop once users are expecting it.
- What is the turnaround time is for issues to be dealt with when all sent to a single governance?
Subject: Notes from Bb Session
Date: Thursday, July 21, 2016 at 1:48:43 PM Central Daylight Time
From: Heisler, Patti
To: Tykwinski, Joe, Wray, Kimberli, Tobola, Cloy, Luke Prather, OToole, Kayla
CC: King, Darin

Clarification of SaaS environment

Advantages
Ability to have traditional Bb 9.1, full capabilities, fully functional, ability to experiment
AWS hosted – reliable, so much redundancy
SaaS is where the future is – why not migrate
Collaboration between schools, statewide training, pedagogical things
Cost – cheaper with single instance
Student side – login to see one interface

Disadvantages
When it all works, it will great
Everyone being on same thing at same time creates a potential for single point of failure
Marriage to product as a system
Cyclical processing – nature of remote and local computing (bandwidth, usage, resources used outside NDUS can be a cost campuses aren’t prepared for) – some campuses already at limit
Customization – may be limited in some aspects
Ultra is a good place to play but could be different from campus to campus
There may be limitations on campuses adding building blocks – stifling innovation or flexibility
Some building blocks cannot be bought unless all campuses therefore agreed limiting ability to fulfill the needs of one campus (costs could go up for everyone)
Different needs for different tiers of schools (2-year, 4-year, research) – these needs should be documented
A lot of questions about networking – costs, redundancy, etc. – can campuses support the new SaaS environment? Afford it?
Development limited to Blackboard, now crowd sourced development
Ancillary tools and services have certain levels of customization that are institution specific
Lose command line database control

Challenges
Cost - ??
Governance – push to make a decision about a model that faculty and others may not be prepared to adopt
Will decisions be made by larger campuses without input from smaller campuses
Darin,
Here are the notes from the small group discussion with myself, ScoM, and the BB folks.
SaaS Single Instance

Advantages:
As listed during presenta/on for SaaS in terms of technology. Single experience for NDUS
students. Economies of scale.

Challenges:
Single func/onality set for all ins/tu/ons. Agreement across varying priori/es. Assignment of
access, roles, repor/ng, data,
APIs, etc.

Burning Ques/on:
Challenges can be met with proper governance, but the governance group/system is not defined
at this /me.
Thank you,
Zak - Group 1
TO: Presidents, North Dakota University System

FROM: Dr. Mark R. Hagerott, Chancellor

DATE: September 7, 2016

SUBJECT: Faculty Sick Leave

The 64th Legislative Assembly passed HB 1003, which included Section 42 mandating the NDUS to address and correct multiple data inconsistencies. Please see the attached data inconsistencies project status report. There are several groups working to address these items and we are about half-way through the list. One item that we are required to standardize systemwide is the accrual of faculty sick leave. A small workgroup compared each of the eleven policies and recommended that NDUS adopt the policy from Valley City State University.

We would like you to start communicating this requirement internally and provide feedback to us. For example, one of the questions is do we grandfather existing accrual accounts, etc.? I’m sure there are many more. This policy will now be sent to the Councils for their input and then sent back to Cabinet. Thank you in advance for moving this mandate forward.

Enclosure
**EXECUTIVE SUMMARY**

<table>
<thead>
<tr>
<th>Overall Summary</th>
<th>Prior Status</th>
<th>Green</th>
<th>Current Status</th>
<th>Green</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green</td>
<td>The project is within 20% variance of the currently approved baseline for budget and schedule, and is expected to substantially meet all of the business objectives established in the startup report.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yellow</td>
<td>The project has exceeded 20% variance of the currently approved baseline for budget and/or schedule and is expected to substantially meet all of the business objectives established in the startup report.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red</td>
<td>The project is at risk of termination, or at risk of not substantially meeting the business objectives established in the startup report.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

During the month of August the project team has been focusing on reviewing and editing the final reports of the completed objectives from July. To date, of the 24 objectives listed on the project, 12 have been completed with reports delivered to the project leadership for review.

Looking forward, we expect and are tracking to have a busy Oct-Dec Quarter. October is scheduled to have 3 objectives completed, 6 in November, and 3 in December. We still expect a few clean-up items on the final reports to go through the end of January 2017 (as planned).

There are three objectives that are tracking behind schedule:

- 5.2 Standardize Purchase Card Use
- 5.7 Standardize Tuition Models of On-Campus and Distance Education
- 8.1 Standardize Distance Education Student Definition

In September the project team will start to develop the shell of the final report to ensure we have a template to address all the critical elements of each objective deliverable. Once that is completed the project team will review with senior leadership to ensure the final report meets all requirements to deliver to the appropriate committee’s and council’s.
## SCHEDULE MANAGEMENT

### Summary
- Green: Variance to schedule is within 10%
- Yellow: Variance to schedule equals or exceeds 10%, but is within 20%
- Red: Variance to schedule equals or exceeds 20%

### Objective Status

<table>
<thead>
<tr>
<th>Objective</th>
<th>Status</th>
<th>Due Date</th>
<th>Next Steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1: Standardize Software Implementations: (PeopleSoft)</td>
<td>Completed / Final Report Received</td>
<td>31-Oct</td>
<td>Continue work group sessions.</td>
</tr>
<tr>
<td>1.2: Develop Policy to manage POI &amp; CW</td>
<td>Completed / Final Report Received</td>
<td>31-May</td>
<td>Completed, in process of reviewing / completing final report.</td>
</tr>
<tr>
<td>1.3 Standardize use of Department Budget Table Deduction</td>
<td>Completed / Final Report Received</td>
<td>31-Jul</td>
<td>Completed, in process of reviewing / completing final report.</td>
</tr>
<tr>
<td>2.2: Changing Payroll Funding Source Information</td>
<td>Completed / Final Report Received</td>
<td>31-Jul</td>
<td>Completed, in process of reviewing / completing final report.</td>
</tr>
<tr>
<td>2.1: Standardize of use of Department Budget Table Deduction</td>
<td>Completed / Final Report Received</td>
<td>31-Dec</td>
<td>New Policy will be reviewed in HRC during September meeting. If approved it will go to Cabinet for approval and then State Board.</td>
</tr>
<tr>
<td>2.2 Standardize Policy/Procedure: Purchase Card Use</td>
<td>Tracking Ahead of Schedule</td>
<td>31-Dec</td>
<td>Waiting on results / recommendations of performance audit before we can continue making any progress on this objective.</td>
</tr>
<tr>
<td>2.3 Standardize Policy/Procedure for Admissions</td>
<td>On Track</td>
<td>31-Oct</td>
<td>Continuing work sessions with objective teams, progressing as expected.</td>
</tr>
<tr>
<td>4.1: High School Completion Data</td>
<td>Completed / Final Report Received</td>
<td>30-Jun</td>
<td>Completed, in process of reviewing / completing final report.</td>
</tr>
<tr>
<td>4.2: Standardize definition of cohorts</td>
<td>Completed / Final Report Received</td>
<td>31-Jul</td>
<td>Completed, in process of reviewing / completing final report.</td>
</tr>
<tr>
<td>5.1 Standardize Policy/Procedure of Faculty Sick Leave</td>
<td>On Track</td>
<td>31-Dec</td>
<td>New Policy will be reviewed in HRC during September meeting. If approved it will go to Cabinet for approval and then State Board.</td>
</tr>
<tr>
<td>5.2 Standardize Policy/Procedure: Purchase Card Use</td>
<td>Tracking Behind Schedule</td>
<td>31-Dec</td>
<td>Waiting on results / recommendations of performance audit before we can continue making any progress on this objective.</td>
</tr>
<tr>
<td>5.3 Standardize Policy/Procedure for Admissions</td>
<td>On Track</td>
<td>31-Oct</td>
<td>Continuing work sessions with objective teams, progressing as expected.</td>
</tr>
<tr>
<td>5.4 Standardize Policy/Procedure for Recording Mandatory Fees</td>
<td>On Track</td>
<td>30-Nov</td>
<td>Completed, in process of reviewing / completing final report.</td>
</tr>
<tr>
<td>5.5 Standardize Policy/Procedure for management and tracking of: Tuition, Waivers, Discounts &amp; Stipends</td>
<td>Completed / Final Report Received</td>
<td>31-May</td>
<td>Completed, in process of reviewing / completing final report.</td>
</tr>
<tr>
<td>5.6 Standardize Policy/Procedure of Tuition Waivers (Spouses &amp; Dependents)</td>
<td>Completed / Final Report Received</td>
<td>31-Oct</td>
<td>Tracking on schedule, tracking to wrap up by end of November 2016.</td>
</tr>
<tr>
<td>5.7 Standardize tuition models of on-campus and distance education</td>
<td>Slightly Behind</td>
<td>31-Dec</td>
<td>Continuing work sessions with objective teams, progress is moving forward at a slower pace than planned.</td>
</tr>
<tr>
<td>7.1: Standardize HR Data Elements</td>
<td>On Track</td>
<td>31-Oct</td>
<td>Tracking on schedule, tracking to wrap up by end of November 2016.</td>
</tr>
<tr>
<td>8.1: Standardize Distance Education Student Definition</td>
<td>Slightly Behind</td>
<td>30-Nov</td>
<td>Continue working with various groups in selection of Distance Education definition (HLC vs IPED).</td>
</tr>
<tr>
<td>8.2: Standardize Policy &amp; Requirements for minimum credit for FICA exemption</td>
<td>Completed / Final Report Received</td>
<td>30-Jun</td>
<td>Completed, in process of reviewing / completing final report.</td>
</tr>
<tr>
<td>9.1: Standardize Action/Reason Codes within Job Data</td>
<td>On Track</td>
<td>30-Nov</td>
<td>Updating training manual documentation, and then final report will be developed and sent in for review / approval.</td>
</tr>
<tr>
<td>9.2: Standardize Policies/Procedures to record and track student immunization records</td>
<td>On Track</td>
<td>30-Nov</td>
<td>Presenting proposed policy edits to Academic Affairs on July 20-21. Expecting a handful of edits/readings before this is finalized.</td>
</tr>
<tr>
<td>9.4: Enforce mandatory annual performance review check in HR System</td>
<td>Completed / Final Report Received</td>
<td>30-Jun</td>
<td>Completed, in process of reviewing / completing final report.</td>
</tr>
</tbody>
</table>

### Project Start Date

<table>
<thead>
<tr>
<th>Project Start Date</th>
<th>Original Baseline End Date</th>
<th>Current Revised End Date</th>
<th>% Schedule Variance</th>
<th>Ahead Behind</th>
<th>Estimated Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/02/2015</td>
<td>1/31/2017</td>
<td>1/31/2017</td>
<td>1.0%</td>
<td>Behind</td>
<td>1/31/2017</td>
</tr>
</tbody>
</table>

Status Report
<table>
<thead>
<tr>
<th>Inst.</th>
<th>Accrual for 12 month or “fulltime” faculty</th>
<th>Accrual for less than fulltime faculty</th>
<th>Extended Illness Leave, aka Salary Continuation</th>
<th>Other</th>
<th>Pay out of 10% accrued sick leave after 10 yrs. of continuous service</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSC</td>
<td>Yes. Fulltime is defined as 9 month contract or more, these faculty accrue 1 day per contract month.</td>
<td>Halftime or more receive prorated leave (based on 1 day per contract month of fulltime)</td>
<td>For any faculty, Inst. is authorized to grant allowance of up to two weeks/year of service, and time beyond that may be authorized, case by case basis.</td>
<td>Sick leave accumulation is unlimited.</td>
<td>No</td>
</tr>
<tr>
<td>DCB</td>
<td>None</td>
<td>None</td>
<td>All faculty may receive paid leave for up to 2 weeks of absence; paid leave beyond that time will be decided on case by case basis.</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>DSU</td>
<td>Yes, 12 month faculty accrue 1 day per month.</td>
<td>Yes, 9 to less than 12 month contract faculty accrue 7 to 10 days per year.</td>
<td>12 month faculty may use donated leave. All benefitted faculty with less than 12 month contracts and benefitted adjuncts allowed 20 days of paid sick leave, which will be used prior to using accrued leave.</td>
<td>Eff. date of policy is July 1, 2011. On this date, all benefitted faculty with less than 12 month contracts (but at least 9 month contracts) receive retroactively accrued sick leave of 7 to 10 days per year of service.</td>
<td>Yes, Policy provides this for faculty on 12 month contracts. However, practice which pre-dates written policy also paid the 10% for 12 month faculty.</td>
</tr>
<tr>
<td>LRSC</td>
<td>Yes, Fulltime accrue 10 days per year.</td>
<td>Yes, Halftime or more accrue 5 days per year.</td>
<td>None</td>
<td>Eff. date of policy is July 1, 2003. Then fulltime faculty retroactively received 8 days of accrued leave per year of service; halftime received 4 days per year of service. Sick leave accumulation is unlimited.</td>
<td>Yes, effective July 1, 2003.</td>
</tr>
<tr>
<td>MaSU</td>
<td>None</td>
<td>None</td>
<td>All faculty may receive paid leave up to 6 mths.</td>
<td>No, Policy expressly prohibits.</td>
<td></td>
</tr>
<tr>
<td>MiSU</td>
<td>Faculty whose primary job is research or service accre delta same rate as staff (which is 1 day per month). These faculty positions are on 12 months contracts.</td>
<td>Faculty whose primary job is teaching and who are on 9 month or more contract are allowed 2 weeks per year of service, with min of six weeks and max of 26 weeks available for “extended illness” which is defined as longer than 2 weeks. For absence of less than 2 weeks, “occasional and infrequent absence,” teaching faculty are to make internal arrangements.</td>
<td>Yes, for those faculty who accrue sick leave (i.e., research/service faculty on 12 month contracts). Policy eff 2003, but practice predates written policy, and practice has been to pay the 10%.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDSCS</td>
<td>Adopted NDUS HR Policy 7: fulltime faculty accrue 1 day per month.</td>
<td>Adopted NDUS HR Policy 7: halftime or greater accrue at pro-rated basis per month.</td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NDSU</td>
<td>12 month contract faculty accrue 1 day per month.</td>
<td>None</td>
<td>12 month faculty may use donated leave for extended absence. Two weeks per year of service allowed for less than fulltime faculty.</td>
<td>Sick leave accumulation is unlimited for faculty who accrue it (that being 12 month contract faculty).</td>
<td>Yes, eff by practice or policy since at least 1997 only for faculty on 12 month contracts.</td>
</tr>
<tr>
<td>UND</td>
<td>None</td>
<td>None</td>
<td>For short term illness: Benefited employees who are tenured, probationary or special appointment are allowed 1.5 days per month at %100 salary; For long term illness: Up to 5 months, paid at 75% of salary.</td>
<td>Sick leave does not accrue from appointment period to appointment period.</td>
<td>No, Policy expressly prohibits.</td>
</tr>
<tr>
<td>VCSU</td>
<td>None</td>
<td>None</td>
<td>Illness greater than 2 weeks: will receive up to 6 month leave, paid at 100% of salary, or at 75% of salary if necessary to hire sub.</td>
<td>Sick leave does not accrue from appointment period to appointment period.</td>
<td>No, Policy expressly prohibits.</td>
</tr>
<tr>
<td>WSC</td>
<td>None</td>
<td>None</td>
<td>Paid sick leave granted if department can cover classes and if college program does not suffer because of instructor’s illness and absence.</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>WSC</td>
<td>Yes, 12 month faculty accrue 1 day per month</td>
<td>Yes, 9 to less than 12 months contracts accrue 7 to 10 days per year.</td>
<td>All “benefited faculty with less than 12 month contracts and benefitted adjuncts” are allowed 20 days of paid leave which will be used prior to accessing accrued leave.</td>
<td>All benefitted faculty with less than 12 month contracts and benefitted part time faculty will retroactively accrue sick leave on basis of years of service, at rate of 7 days for 9 month contract &amp; up to 10 days for 11 mo. contract.</td>
<td>Yes, Policy provides this for faculty on 12 month contracts.</td>
</tr>
<tr>
<td>NDUS</td>
<td>Yes. Both broadbanded employees and those excluded by designation from broadbanding are, per language of SBHE Policy 607.0, governed by NDUS HR Policy 7, which grants to fulltime employees one day per month.</td>
<td>Yes. Per same policies as explained to left, less than fulltime but at least halftime are granted pro-rated sick leave accrual.</td>
<td>None (but noted that employees may receive donated leave to assist with being on extended sick leave with pay).</td>
<td>Sick leave accumulation is unlimited.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
VCSU Sick Leave Policy for Faculty (includes coaches)

SBHE Policy 607.4, directs campuses to adopt policies governing paid sick or dependent leave for faculty. VCSU policy V607.04 provides for short-term and long-term sick and dependent leave for faculty.

For the purposes of this policy, "Faculty" refers to benefited employees who are tenured, probationary tenure-track, or on special appointment. This includes athletic coaches. A "day" is defined as any business day in which the faculty member has academic obligations, to include class sessions, office hours, or other regularly scheduled university commitments which must be either cancelled or rescheduled. A "week" equals five of these days.

Sick leave does not accumulate from appointment period to appointment period and has no cash value upon the employee's separation from the institution.

Short-term Leave:

When a faculty member becomes briefly incapacitated due to a short-term illness or other short-term circumstance, he/she must make reasonable efforts to ensure that his/her work responsibilities are covered and must inform his/her supervisor. The supervisor is responsible for informing the VPAA office of any absence extending beyond three days; leave extending beyond three days may also require documentation (at the request of the supervisor or VPAA).

Absences should be reported if they involve missing a class, faculty or committee meeting, or any other university-based obligation, even if rescheduled or covered by someone else.

Coaches in this situation should follow the same process with the Athletic Director; those with teaching duties must report to both the Athletic Director and the VPAA.

When the faculty member returns to work, documentation of the absence must be reported to the VPAA, using for AA-3 (Report of Faculty Absence).

Long-Term Leave

Faculty who must be absent for an extended period should discuss their needs for long-term leave with their department/division chair and the VPAA as early as possible, and assist the chair in assuring continuity of instruction, good communication, and coverage of all faculty obligations.

Long-Term Leave is covered under the following policies:

- Developmental Leave, V701.02
- Leave without Pay, V701.01
- Sick and Dependent Leave, V607.04
The sections below describe four types of long-term medical leave available to faculty: long-term sick leave, disability leave, dependent leave, and family leave.

Long-Term Sick Leave

If inability to meet classes or fulfill other university obligations extends beyond two weeks, a faculty member who is sick or disabled may request long-term sick leave.

The faculty member's department, in discussion with the Vice President for Academic Affairs, is responsible for making arrangements to cover the work responsibilities of the faculty.

The faculty member shall submit a memorandum requesting long-term sick leave to the Vice President for Academic Affairs, which shall be accompanied both by medical documentation and by verification from the Division Chair regarding appropriate planning to cover workload. Medical documentation to verify a serious health condition should include the date of commencement and probable duration of illness.

If granted and it is necessary to hire replacement faculty, long-term sick leave will be paid at the rate of 75 percent of the applicant's regular base salary, including benefits, for a period of up to six months (until the faculty member is eligible for the start of disability leave—see section below), or until the end of the contract term. If medical documentation is not sufficient to grant long-term leave, then the faculty member's pay may be reduced commensurate with workload.

If a second or subsequent request for long-term sick leave occurs within five years from the end of the most recent long-term sick leave, the President will provide final authorization.

One month prior to the start of the term following the period granted for sick leave, the faculty member must notify the VPAA and Division Chair of intent to return to work. Faculty granted long term sick leave must provide medical verification that they are fit to return to work; if special appointments have been made to cover work responsibilities, the faculty member may not return to work earlier than the contract designations of the special appointment. Faculty who do not declare an intent to return to work at least one month prior to the start of term following the period granted for sick leave and provide medical verification that they are fit to do so will be terminated.

Coaches requiring long term sick leave should follow the same process with the Athletic Director; those with teaching duties must report to both the Athletic Director and the VPAA.

Appeals of administrative decisions made under this policy should be directed to the Standing Committee on Faculty Rights.

Disability Leave

A faculty member who cannot return to work after taking long-term sick leave may be eligible for disability benefits under the institution's TIAA-CREF disability insurance. The faculty member should contact the VCSU Human Resource Director to determine eligibility. Faculty are encouraged to start
the application process for these benefits in the fourth month of long term sick leave, in order to maintain consistent coverage.

**Dependent Leave**

Paid dependent leave is not offered on a long-term basis. Faculty may use short-term leave (described above) to accommodate dependent care requiring brief absences of a day or two. Absences required for long-term care of a dependent (as defined in Family Leave, below: "...for the birth, adoption, or foster placement of a child; or for the serious health condition of the employee, the employee's parent, child, or spouse") must be negotiated with the department/division chair and the VPAA, and must provide for continuity of instruction without additional cost to the University, for regular communication with supervisors and students, and for coverage for other University commitments. Absences which cannot be managed in this way must be covered using Family Leave.

**Family Leave**

Faculty members are entitled to family leave in accordance with NDUS Policy 607.4 and the Family and Medical Leave Act of 1993. Family leave is defined in NDUS Policy 607.4 as "an unpaid leave of absence for the birth, adoption, or foster placement of a child; or for the serious health condition of the employee, the employee's parent, child, or spouse."

Employees utilizing family leave will be provided health benefits at the same level and coverage as if the employee had not taken leave.

In order to maintain continuity of instruction, faculty may be required to take family leave in combination with leave without pay (V701.01) to allow special appointment faculty to complete semester contracts.

**Procedure:** The process of obtaining family leave generally begins with a letter or conversation with the relevant Division Chair and the Vice President for Academic Affairs or Athletic Director. FMLA application materials and information are available from the Human Resources Office. Sponsor: Faculty Senate Effective: May 17, 2011
Whereas: The North Dakota State University Faculty Senate recognizes the role and responsibilities of the State Board of Higher Education and the North Dakota University System and its leadership,

Whereas: To continue to pursue its mission, NDSU requires steady administrative leadership based on shared governance, especially during the current critical financial challenge NDSU has and will face in the next biennium.

Whereas: NDUS stakeholders should not be at odds with each other in a time of crisis and severe budget cuts affecting NDUS institutions when that conflict is not only unnecessary but severely damaging to the interests and integrity of the many and various innocent stakeholders involved.

Resolved: The Faculty at North Dakota State University fully endorses the following:

1. The extension of President Bresciani’s contract, and
2. The collaborative improvement of stakeholder relationships to improve efficiency, respect, and justice for all stakeholders.
Good afternoon Faculty Senate Leadership,

We are currently seeking sponsors to share in a collaborate movement to expose students, staff, and faculty to a day of wonderful speakers and leadership development. The Live2Lead conference is scheduled for November 30 in the MU Ballroom. Last year many staff and faculty from across campus attended this professional development event.

The cost of hosting the program is $3,495. If staff senate is interested in contributing financially and serve as a sponsor for this awesome program, please let us know. Every dollar amount helps. You will be recognized during the event as a sponsor and a member of staff senate will have the chance to share with the attendees why it was important to help support this event.

At this point we are looking at November 30 with an 8:30am start time and ending by 11:00am. After each speaker, the plan would be to have a reflective discussion/activity centered around the speakers topic. I will be getting a committee meeting together in the next two weeks. The committee will be determining more of the details regarding what the day will consist of. I am hopeful that Faculty Senate considers this opportunity and appoints someone to be part of the committee.

Live2Lead is a leadership experience for all students, staff, and faculty. Live2Lead will feature John Maxwell, a leadership expert, best-selling author and coach. He will explain how you can live your life with intention. He will tell participants how to:

- Learn how to discover your purpose in life
- Learn the difference between good intentions and intentional living
- Identify the one thing that adds the most value to your life
- Learn and live the four steps to significance
- Learn how to live daily with the end in mind

Additional Live2Lead featured presenters include Simon Sinek, Liz Wiseman, and Dan Cathy

Click here to learn more: http://l2l.johnmaxwell.com/speakers

Live2Lead is a leader development experience designed to give participants: – New perspectives – Practical tools – Key takeaways.

When participants leave this program they will be excited to lead and live with renewed passion and commitment. The event is for every student, staff member, or faculty member, from experienced leaders to those who want to change their attitude and outlook. As leadership expert John Maxwell says, "Leadership is influence; nothing more, nothing less."

If you have any questions please contact matthew.skoy@ndsu.edu.

-Matt

Matthew Skoy
Associate Director for Student Activities
Memorial Union
NORTH DAKOTA STATE UNIVERSITY

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phone: 701-231-7799 / fax: 701-231-7866
www.ndsu.edu
Article III: Senate Committees

Section 1. Duties of standing committees include: 1. Selecting a chair who will serve as a liaison to the Faculty Senate. 2. Initiating and reviewing policy and policy changes in their areas of responsibility. 3. Providing their recommendations to the Faculty Senate for action. 4. Consulting with and providing advice to the administration, students, and staff when requested to do so. 5. Promptly and responsively discharging their duties.

Section 2. The Faculty Senate shall confirm the membership of all standing committees, except the Standing Committee on Faculty Rights.

Section 3. Committees shall determine their own procedural rules. However, no committee shall conduct business without a majority of members present. Each committee will keep such records as necessary to conduct business. In addition, every Faculty Senate Committee (except Academic Integrity, Conflict of Interest Advisory, Executive, Faculty Rights, and Grade Appeals) will make an oral report of progress (5 minutes) at the May meeting of the Faculty Senate or, at the President of the Faculty Senate’s request, submit a written report at the end of the academic year.

Section 4. Individual representation units will determine their own methods for selecting members of standing committees consistent with Articles IV and V. Unit representatives shall be faculty members as defined by the Faculty Senate’s Constitution, unless otherwise specified under the committee description. Such membership shall be presented to the Faculty Senate at the first meeting of each academic year. Committee members will serve two-year terms for at most four consecutive years, unless otherwise specified under the committee description. Committee service begins and ends at the last senate meeting of spring semester, unless otherwise specified.

Section 11. Program Review

1. Membership shall consist of one tenured faculty member from each representation unit, a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean, a faculty representative of the Provost’s Office designated by the Provost, and two students selected by the Student Government. Each representation unit shall also select an alternate faculty member to serve in case of recusal.

2. Each representation unit’s member term shall be four years, with a maximum of two consecutive terms.

3. Committee responsibilities include: a. Developing criteria and procedures for review of academic programs. b. Performing a continuing review of graduate and undergraduate academic programs with regard to such factors as mission, need, quality, cost, and contribution to other programs. c. Addressing concerns and making recommendation to the Faculty Senate regarding duplication of programs and courses. d. Recommending policies for University support to individual programs. e. Coordinating the time of and use of external program reviews by accrediting agencies and/or other expert evaluators in its review of specific academic programs.
**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**: 152 – External Professional Activities

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? ☑ Yes ☐ No
   - Describe change: Major Revisions and Amendments

2. This policy change was originated by (individual, office or committee/organization):
   - Research and Consulting Committee – April 20th, 2016
   - chad.ulven@ndsu.edu
   
   This portion will be completed by Mary Asheim.

3. This policy has been reviewed/passed by the following (include dates of official action):
   - Senate Coordinating Committee: 5/16/16
   - 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 152
EXTERNAL PROFESSIONAL ACTIVITIES

SOURCE: NDSU President
NDSU Faculty Senate

1. INTENT

1.1 North Dakota State University, within stated guidelines, encourages its employees to participate in professional activities providing information, advice, or services to those outside of the University as a means of gaining additional professional experience and maintaining professional competency within their specialized disciplines. These activities may include providing advice, information, or services to people and organizations outside the University system. Such participation in external professional activities is expected to contribute to the overall mission of the University.

1.2 Acceptance of full-time employment at NDSU carries a commitment to the University that is understood to be full-time in the most inclusive sense. Full-time faculty and staff (“Employees”) are expected to devote themselves to meeting their administrative, instructional, research, and service duties to the University. Their primary loyalty and energy toward meeting their instructional, research, service, and administrative duties. External activities and financial interests must not interfere with the expected primacy of these commitments, nor present a conflict-of-interest to the University, nor create a public relations problem for the University. Employees must disclose and, if appropriate, obtain approval prior to accepting outside appointments, consulting with the private sector, forming their own business, or otherwise diverting their attention from university duties. Prior to accepting appointments, engaging in a business, or otherwise diverting their attention from university duties, employees must make disclosure of the activity and, if appropriate, obtain approval.

1.3 University approval of participation in external professional activities by employees does not mean the University endorses a particular product or service. The University does not permit use of the University's name should not be placed in any announcement, advertisement, publication, or report to imply such an endorsement. The University does not assume any responsibility for the external professional activities of its employees. The professional services rendered during an external professional activity.

2. CONSULTING / PROFESSIONAL SERVICE WITHOUT REMUNERATION

2.1 Consulting is generally defined as professional activity related to a person's field or discipline. Employees of NDSU are often asked to participate in professional, discipline-related activities, such as officers of national organizations, journal editors, editorial boards, etc. Such participation is viewed as desirable, and University approval to engage in these activities is necessary only if substantial use of University facilities or resources will be needed for support of these activities involving a fee-for-service or equivalent relationship with a third party. Typically, this third party is not part of the University system. University employees may act as consultants and provide expertise for compensation to private
companies, nonprofits, governmental agencies, or individuals. Employees must adhere to the following policies when engaged in consulting activities. However, time spent on consulting activities outside of an employee’s contract period is not governed by the following policies.

2.1.1 Employees need prior approval from the University before acting as consultants. University faculty need the approval of their chair, dean, and Provost. Those faculty with a major Experimental Station or Extension Service appointment also need approval of: 1) the appropriate Director and the Vice President for Agriculture and 2) University Extension. Employees with full-time Agricultural Experiment Station positions (e.g., branch stations) or full-time off-campus Extension appointments need approval from: 1) the appropriate Director and Vice President for Agriculture and 2) University Extension. University staff need the approval of the appropriate Vice President. Vice Presidents and members of the President’s staff require the approval of the President. Decisions for such approval will depend upon the nature of the consultation, the employee’s responsibility to the University, and the conditions of employment. Approval may be granted for up to one year. Approval must be renewed annually.

2.1.1.1 Any consulting agreement which attempts to assign ownership rights in intellectual property or provides that the ownership rights will belong to a third party and which arise in an area related to the employee’s academic discipline or work at the University must be submitted for review and approval by the University (See Policy 190). The reason is to protect the interests of the University in any employee invention or other discovery. Unless otherwise expressly authorized, employees have no authority to assign any ownership rights in any invention or discovery which may arise or relate to their work at University or the use of any University property or equipment.

2.1.2 The consulting activity must not interfere with normal duties or activities.

2.1.3 The consulting activity must not represent an actual or potential conflict of interest.

2.1.3.1 Any actual or potential conflict of interest must be resolved before an employee can engage in consulting.

2.1.4 The consulting activity must not compete directly with University-sponsored services.

2.1.5 The time limit on the consulting activity is limited to the equivalent of one work-day per week during the contract period at the University.

2.1.6 Employees must keep a record of their time spent consulting.

2.1.6.1 Time spent on consulting include travel time, office visits, correspondences, telephone calls.

2.1.6.2 Time spent consulting outside the regular work week is not counted as part of consulting time. However, any consulting done outside the regular work week is still considered consulting by the University.
Consequently, the University's policies and procedures for discourses and approval still apply.

2.1.6.3 Special approval is necessary for consulting activity that requires an absence from campus longer than 10 consecutive working days during the contract period at the University.

2.1.7 Employees engaging in consulting do not represent the University. They cannot invoke the name and authority of the University as part of their services. Nor can reports be printed upon the University stationary.

2.1.8 Travel Authorization forms must be filed as necessary.

2.1.9 Approval must be obtained in advance for the use of University facilities and resources.

There may be a fee involved in the use of such facilities and resources. Proof of professional liability insurance coverage may also be required.

2.2 Any grievances regarding this policy or its implementation shall follow the appropriate grievance procedures (for faculty, policy 353; for staff, policy 230).

2.3 Approval for consulting can be revoked if unanticipated problems arise. Revocation of approval can be appealed in the same manner as a denial.

2.4 Failure to follow consulting policy will be reported to the Provost, who will impose appropriate sanctions.

3. EXPERT TESTIMONY PROFESSIONAL SERVICE WITHOUT REMUNERATION

3.1 Faculty and staff serve their professions through a variety of unpaid, discipline-related positions, including officer of a national or regional organization, journal editor, member of editorial board, and so forth. Such positions are not considered consulting. Because of their unique expertise, faculty or staff may be asked to serve as expert witnesses in a court of law. Because of the nature of the legal process, such activity may place the University employee in an unintentional adversarial position.

3.2 Therefore, University employees are encouraged to appear as “juris amici” (friend-of-the-court) instead of as expert witnesses representing one party. If a University employee serves as an expert witness for compensation, the University Consulting Form must be completed and approved, and the consulting guidelines apply.

4. PROFESSIONAL SERVICE WITH REMUNERATION (HONORARIA) EXPERT TESTIMONY

4.1 Because of their unique expertise, faculty or staff may be asked to serve as expert witnesses in a court of law. Because of the nature of the legal process, such activity may place the University employee in an unintentional adversarial position.

4.2 University employees are encouraged to appear as "juris amici" (friend-of-the-court) instead of as expert witnesses representing one party.
4.3 Faculty and staff acting as expert witness before a court of law is considered a form of consulting when they are paid for their expertise by an interested party before the court. Consequently, the consulting guidelines apply. Faculty and staff receiving payment as an expert witness must complete the University Consulting Form and submitted for approval to their Chair, Dean, and Provost.

4.1 University employees are encouraged to provide public service by making presentations to various groups and organizations or serving on proposal review committees. Often the employee may be given an honorarium in appreciation of such service.

4.2 An honorarium is defined as a monetary gift which is meant to express appreciation or honor to the recipient which is not covered under the consulting policies.

4.3 Employees can accept honoraria from non-NDSU or non-State (North Dakota) related entities. Unless the consulting policy applies, employees shall regard the services for other departments within the University or for other state agencies or entities for which they might receive honoraria as part of their public service obligation and refuse or return such honoraria.

4-5. PROFESSIONAL SERVICE WITH REMUNERATION (CONSULTING) OUTSIDE TEACHING

5.1 Teaching a course or teaching a substantial portion of a course. Employees of NDSU are often requested to provide professional expertise as consultants to private agencies, governmental (state and national) agencies, industries, or individuals for which they receive remuneration or retainers fees. In general, the following policies must be followed when participating in consulting activities. For purposes of this policy, teaching a course or teaching a substantial portion of a course for another educational institution or other business or organization shall be treated as consulting and governed by this policy. This policy applies to both teaching in person or by means of an electronic communication, of a course for payment for another educational institution, private companies, nonprofits, governmental agencies, or individuals is considered a form of consulting. University policy applies whether such teaching is done in person or via electronic communication.

5.1.7 Travel Authorization forms must be filed as necessary.

5.1.8 Special approval must be obtained in advance for the use of University facilities and resources which may require payment of a reasonable fee, and the individual is responsible for payment of these fees. If University facilities or equipment is used, proof of professional liability insurance coverage for consulting activities may be required.

5.2 Grievances for matters involving this policy shall follow the appropriate grievance procedure (faculty-policy-353; staff-policy-230).

5.3 Approval for consulting or other external activities may be revoked if unforeseen problems occur after the initial approval. The revocation of approval may be appealed in the same manner as a denial.

5.4 Failure to follow this policy will be reported to the President who may impose sanctions that are appropriate to the seriousness of the violation.

6. RESPONSIBILITIES. PROFESSIONAL SERVICE WITH REMUNERATION (HONORARIA)
6.1 University employees can serve the public by making presentations of their area of expertise before governmental, nonprofit, and private organizations. Employees may receive an honorarium from an organization in appreciation of such service.

6.1 Individual

6.1.1 obtain prior approval, completing Consulting Authorization Request form prior to initiation of consulting activity;

6.1.2 ensure that activity does not conflict with primary responsibilities;

6.1.3 ensure activity does not pose an actual or potential conflict of interest;

6.1.4 maintain appropriate records of consulting activities;

6.1.5 do not use College or University endorsement;

6.1.6 obtain advance approval to use University equipment, and make any necessary payments;

6.2 An honorarium is defined as a one-time monetary gift meant to express appreciation to the recipient for a particular service. Such gifts are not considered consulting.

6.2 Department Chair, Director

6.2.1 evaluate all requests for interference with normal duties or conflicts of interest;

6.2.2 identify and resolve any actual or potential conflicts of interest;

6.2.3 review requests to determine that they meet policies of University;

6.2.4 forward recommendation to Dean;

6.2.5 ensure activities are reviewed annually.

6.3 Dean, Director

6.3.1 review recommendation from Chair;

6.3.2 review any special circumstances;

6.3.3 forward recommendation to the appropriate Vice President.

7. RESPONSIBILITIES

7.1 Employee

7.1.1 obtain prior approval, complete Consultant Authorization Request form prior to engaging in consultation activity;
7.1.2 ensure activity does not conflict with primary responsibilities;
7.1.3 ensure activity does not pose an actual or potential conflict-of-interest;
7.1.4 maintain appropriate records of consulting activities;
7.1.5 do not use College or University endorsement;
7.1.6 secure advance approval to use University equipment or facilities, and make any necessary payments for use of that equipment or facilities.

7.2 Department Chair/Head, Director
7.2.1 evaluate all requests in terms of interference with normal duties
7.2.2 identify and resolve any actual or potential conflicts-of-interest;
7.2.3 determine that the request meets University policies;
7.2.4 forward recommendation to Dean;
7.2.5 ensure activities are reviewed annually.

7.3 Dean, Director
7.3.1 review recommendation from Department Chair/Head or Director
7.3.2 review any special circumstances;
7.3.3 forward recommendation to the Provost.

7.4 Provost
7.4.1 review recommendations from Department Chair/Head or Director, and Dean, Director.
7.4.2 responsible for final decision.

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

   Section 1: campus and surrounding communities; provides greater clarity for intended population included this policy; sexual assault victimization; removes language to be consistent with Sexual Assault Prevention and Advocacy program.

   Section 2: alcoholic beverages and products (hereafter referred to as “alcohol”); updated to include products containing alcohol for the purpose of human consumption that may not be considered beverages (e.g. powdered alcohol or alcohol-infused foods).

   Section 3: may refer students…may also refer NDSU employees…; distinguishes the different referral process and available resources for students and University employees.

   Section 4.1 – 4.2: updates to terms for consistency within policy document

   Section 4.3: Acceptable low-risk use of alcohol may vary…Prevention Program website; Additional reference added for operationalizing term “low-risk use.”

   Section 4.4: Moved to new paragraph (previously in subsection 4.3) for improved clarity.

   Section 4.5 – 4.8: updates to terms for consistency within policy document

   Section 4.9: NDSU student media as governed by the Board of Student Media) is not subject…; updates name and structure of oversight board for NDSU student media outlets.

   Section 4.11: Though alcohol consumption…any use of marijuana on campus property or at University sponsored or hosted events is strictly prohibited.; New subsection addresses concerns related to the illegal use of illicit drugs and/or otherwise legal substances, with particular reference to marijuana due to the ever-changing legal and cultural climate surrounding its use.

   Section 5.1.1: No action (if alleged conflicts prove to be unfounded); removes phrase to be consistent with previous paragraph (section 5.1) which indicates proof of alleged conduct is determined.

   Section 5.1.1: Good Samaritan: All students…protection under this policy. Update needed to be consistent with Student Code of Conduct handbook.

   Section 5.2: It is important that faculty and staff supervisors…; update clarifies differing reporting lines between Faculty and Staff supervisors for notifying the University of employee Federal Drug-free workplace violations.
Section 5.2 – 5.2.2: Includes term updates for consistency within policy document

2. This policy change was originated by (individual, office or committee/organization):
   - Policy Task Force, President’s Council on Alcohol and Other Drugs /Nicklaus Redenius date submitted 04/22/2016
   - nicklaus.redenius@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: 5/16/16
   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


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, campus and surrounding communities, including visitors to campus;
- believes that the solution to alcohol and other drug misuse and abuse will require a community-wide solution approach.

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 products (hereafter referred to as "alcohol"), as well as 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 to the NDSU Counseling Center (701-231-7671), or to agencies outside of NDSU for evaluations and/or treatment for alcohol- or other drug-related problems. NDSU personnel may also refer NDSU 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 sales 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. Acceptable low-risk use of alcohol may vary due to certain individual considerations. For further information about low-risk alcohol consumption, see the Alcohol and Other Drug Abuse Prevention Program website.

4.3.4 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.

4.44.5 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.

4.44.6 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.

4.44.7 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.)

4.8 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.

4.9 Advertising of alcohol 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 Board of Student Media) 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 the Board of Student Media 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 revenue for advertising alcohol, 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 alcohol 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".

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

4.24.11 Though alcohol consumption is legal for individuals over 21 years of age, and the most commonly used drug by young adults, the focus of this policy is not limited to alcohol. The misuse of illicit and/or otherwise legal prescription drugs poses a significant threat to student well-being and undermines the student-focused goals of the University. The use of marijuana, including recreational and medicinal uses, is strictly prohibited under Federal law. As such, any use of marijuana on campus property or at University sponsored or hosted events is strictly prohibited.

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.

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

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

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

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

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

   a. Warning (oral or written).
   b. Conduct probation (with or without supervision).
   c. Suspension.
   d. Emergency suspension.
   e. Expulsion.

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

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

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

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

Students and student hosts have the responsibility to ensure the well-being of their guests wherever events occur. If an individual or guest needs emergency medical attention, students and student hosts are required to call an ambulance or other appropriate emergency personnel (ambulance, police, fire, etc.) to gain that assistance. Students and student hosts who fail to carry out this responsibility may be subject to serious university sanctions and may be potentially subject to additional civil and/or criminal liability. Students and student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose. All students are expected to protect the well-being of fellow students and others wherever events occur. If a person needs emergency medical attention, particularly results from the use of alcohol or other drugs, students are expected to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Students/student organizations who fail to respond appropriately may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability.

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

**Parental Notification:**

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

- If a student is found responsible for violating the University's alcohol/drug policy that results in a University referral for assessments or evaluations for chemical dependency, and/or when University judicial sanctions of Conduct Probation or greater are assigned.
- Based on situations that appear to endanger the health, safety, or life of other persons or the student.
- If an individual is involved in incidents that resulted in significant property damage.
- If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol or other drugs.

See Student Life website for the full policy and rationale.

**Financial Aid Eligibility:**

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

5.2 Notice and Sanctions - Employees

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

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

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

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

5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;

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

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

Work attendance while under the influence:

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

Local, State and Federal Laws:
In compliance with the Drug Free Schools and Communities Act Amendments of 1989 a summary of local, state and federal laws related to alcohol and other drugs can be found at the Alcohol and Other Drug Prevention Programs website.

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

HISTORY:
New March 18, 1989
Amended December 1992
Amended October 1999
Amended April 2003
Amended October 2003
Amended January 2004
(renumbered) Amended April 2010
Amended March 25, 2011
Housekeeping August 18, 2011
Housekeeping May 22, 2012
Housekeeping June 12, 2013
Housekeeping August 27, 2013
Housekeeping September 2015
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 325, ACADEMIC FREEDOM

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: Reorganization and clarification of the General Principles, Faculty, Students and Guests Presenters sections of Policy 325.

2. This policy change was originated by (individual, office or committee/organization):
   - Faculty Senate Ad Hoc Committee to revise Policy 325, Academic Freedom, submitted 28 April, 2016
   - Email address of the person who should be contacted with revisions: dennis.cooley@ndsu.edu or kent.rodgers@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: 5/16/16
   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 325
ACADEMIC FREEDOM

SOURCE: SBHE Policy Manual, Section 401.1

1. **General principles:** The primary responsibility of the academic community is to provide for the enrichment of intellectual experience. Essential to the realization of this ideal is a free and open academic community, which takes no ideological or policy position itself. However, the responsible academic community welcomes those who do take such positions and zealously guards, with vigilance, their right to do so. Conflict of ideas cannot occur unless there is opportunity for a variety of viewpoints to be expressed. Toleration of what may be error is an inescapable condition of the Thus, its meaningful pursuit of truth requires the academic community to be tolerant of disparate thinking and. The academic community must be hospitable, even to closed minds, and it must further welcome the conflict of ideas likely to ensue. Academic freedom provides a safe haven opportunity for the expression of diverse points of view generates academic freedom by faculty, students and guests of the University, free from interference by administrators, SBHE members or other government officials.

2. **Faculty:** Faculty are entitled to full freedom in research and in the publication of results subject to the adequate performance of their other academic duties. They are also entitled to freedom in lecturing or conducting demonstrations in their subject or field of competence. They are entitled as any other member of the community in which they live to establish membership in voluntary groups, to seek or hold public office, to interact with their elected officials, to express their opinions as individuals on public questions and to take action in accordance with their views. Cognizant of their responsibilities to their profession and to their institution, faculty accept certain obligations; they should attempt to be accurate, to exercise sound judgment and respect the right of others to express opinions. They must make clear that their actions, statements and memberships do not necessarily represent the views of either NDSU, or the ND University System. If there are controls to be exercised over faculty members, they are the controls of personal integrity and the judgment of their colleagues.

   a. **Research and creative activities:** Members of the faculty have full freedom to pursue their research and/or creative activities and to publish their results, free from ridicule, recrimination, or reprisal by colleagues, administrators, SBHE members or other government officials. They are free to involve interested students and other professionals in their University research and to pursue extramural funding to support it.

   a-b. **Instruction:** Faculty are entitled to freedom in teaching their assigned courses. That freedom includes, but is not limited to, design of pedagogical approach, selection and delivery of course content and reference materials beyond what is considered baseline in their degree program(s). Freedom further extends to conducting of class meetings and demonstrations, creating assignments and examinations to assess student performance, and assigning grades.

   Cognizant of their responsibilities to their profession and to their institution, faculty accept certain obligations; they should attempt to be accurate, to exercise sound judgment and respect the right of others to express opinions. They must make clear that their actions, statements and their memberships do not necessarily represent the views of the academic community. If there are
controls to be exercised over faculty members, they are the controls of personal integrity and the
judgment of their colleagues.

2.3. **Students:** Academic freedom affords students the right to be taught by instructors who are unconstrained by institutional and governmental political forces. Students are entitled to be taught by unfettered teachers and to have access to all views and information pertinent to their subjects of study. They have the right to the widest possible latitude in selecting their plan of study and their instructors. They are entitled to as complete freedom as possible in selection of their curriculum, their teachers, and their associates. Moreover, they have a right to intellectual disagreement with their instructors and their associates, and to question them without fear of ridicule, or recrimination or punishment. **Academic freedom does not afford students the right of protection from exposure to ideas or points of view divergent from their own, even if they find them repugnant or offensive.** Students are also entitled to seek the publication of their views, to seek membership in voluntary groups, to seek or hold public office, and to take lawful action in accordance with their views. Students also have the responsibility to make clear that their actions, memberships, and statements do not represent the views of NDSU or the ND University System academic community.

3.4. **Guest speakers, movies, theatrical presentations, exhibits and other programs:** Adherence to the tenets of academic freedom precludes colleges and universities from denying persons or organizations, even those with whom its students, faculty, administrators or SBHE members may disagree, the right to freedom of expression. Particularly pertinent to this issue is the above assertion that a free and open academic community takes no ideological or policy position itself. Accordingly, the university must not enact explicit policy or act upon any implicit A college or university by its very nature cannot pay lip service to the concept of freedom of expression and then deny persons with whom it is in disagreement the opportunity of giving expression to their views. Furthermore, a policy that extends the right of freedom of expression to some persons and denies it to others, as this would place the institution in the position of endorsing aligning itself ideologically with the past record and views of those who are given permission to speak or perform. Therefore, guest speakers, performers, or programs may be presented under the sponsorship of any duly recognized NDSU student, faculty, or administrative organization or any individual officer of instruction, regardless of the views they promote. It is not necessary that the point of view presented be congenial to the campus, members of the staff or student body individually, or to individual members of the wider community. The speaker must accept, as condition of their appearance, the right of their audience to question or challenge statements made in their address. They must further accept their responsibility to promptly address those questions and statements. Questions must be permitted from the floor unless prevented by physical limitations, or the size of the audience. The invitation or scheduling of such an event program must represent the desire of the institutional sponsor and not the will of external individuals or organizations. The sponsor must establish full responsibility for the program and should help to make clear that the views expressed in an address or performance do not necessarily represent those of NDSU or the ND University System. The concept that the point of view expressed in an address or performance does not necessarily represent the position of the academic community. Such presentations must at all times be consistent with the laws of North Dakota and the United States.
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: 611.1 International Travel 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 – This policy is intended to formalize a procedure for students participating in any travel outside the United States for University-related purposes which includes any travel not part of the fifty states and District of Columbia (Washington, D.C.). The purpose is to ensure that the Office of International Student and Study Abroad Services is aware of the location of students while traveling and also ensuring proper international travel/health insurance is in place during the duration of the travel period. While it is a student policy, we want faculty and staff to be apprised of the information so as to encourage students to apply through ISSAS as appropriate for the type of travel planned.

2. This policy change was originated by (individual, office or committee/organization):
   - International Student and Study Abroad Services – 5/6/2016
   - 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:
   - 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 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 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.

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

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**HISTORY:**

New