I. Call to Order

II. Attendance

III. Approval of agenda

IV. Approval of previous meeting minutes from October 10, 2016

V. Consent agenda
   a. Academic Affairs Report and General Education Report (attachment 1)
   b. Policy changes
      • 515 - housekeeping change, information only (attachment 2)
      • 361 - information only (attachment 3)

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

VII. Senate Committee Reports - none

VIII. Unfinished Business (for input)
   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.)
   b. Priorities for Senate for 2016-2017
   c. Live2Lead (attachment 4)
   d. Policies needing input
      • 152 - Research & Consulting Committee - Chad Ulven (attachment 5)
      • 611.1 – International Student and Study Abroad Services - Alicia Kauffman (attachment 6)
      • 155 – President’s Council on Alcohol and Other Drugs - Nicklaus Redenius (attachment 7)
      • 325 – Dennis Cooley (attachment 8)
      • Faculty Senate Bylaws Article III, Section 4 – Dennis Cooley (attachment 9)
      • Faculty Senate Bylaws Article IV, Section 11 – Dennis Cooley (attachment 9)

IX. New Business (for input)
   a. Policies needing input
- 350.4v2 – Virginia Sublett, Standing Committee on Faculty Rights (attachment 10)
- 151 – Dennis Cooley (attachment 11)
- 162 (federally mandated; seeking faculty input on clarity) – Canan Bilen- Green, Vice Provost for Faculty and Equity (attachment 12)

b. Student resolution in support of cancelling all NDSU classes the day before Thanksgiving – Kashalyn McKinster (attachment 13)

X. Adjourn
For Faculty Senate:
Approved General Education Recommendations

For Faculty Senate Meeting on (month/year): **November 14, 2016**

<table>
<thead>
<tr>
<th>Course No.</th>
<th>Course Title</th>
<th>Recommended Categories</th>
<th>Recommended Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGL 333</td>
<td>Fantasy and Science Fiction</td>
<td>Humanities and Fine Arts</td>
<td>Human Societies</td>
</tr>
<tr>
<td>ENGL 331</td>
<td>Contemporary Women Writers</td>
<td>Humanities and Fine Arts</td>
<td>Human Societies</td>
</tr>
<tr>
<td>ENGL 380</td>
<td>Shakespeare</td>
<td>Humanities and Fine Arts</td>
<td>Human Societies</td>
</tr>
</tbody>
</table>
**Program Changes**

B.S. in Agricultural Economics – requiring ECON 343 now regardless of whether or not the student has taken ECON 324  
Minor in Agribusiness – requirements are to be met with didactic courses only  
Minor in Equine Assisted Activities and Therapies – change of name for minor and rearranging of electives  
B.S. in Construction Management – update CIP code and update of selective admission

**New Courses**

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Effective Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADHM</td>
<td>386</td>
<td>Merchandise Planning and Buying</td>
<td>3</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>CHP</td>
<td>184</td>
<td>Understanding and Developing Compassion in Patient Care</td>
<td>1</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>EDUC</td>
<td>416/616</td>
<td>Teacher Education in International Comparative Perspective</td>
<td>2</td>
<td>Spring 2017</td>
</tr>
</tbody>
</table>

**Course Changes**

<table>
<thead>
<tr>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>No.</td>
</tr>
<tr>
<td>PHRM</td>
<td>535</td>
</tr>
</tbody>
</table>

**Change in Prerequisites/Co-Requisites 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>ABEN</td>
<td>263</td>
<td>Biological Materials Processing</td>
<td>Prereq: ABEN 255, Co-req: ME 221</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>HNES</td>
<td>255</td>
<td>Professional Preparation in Middle School Physical Education</td>
<td>Prereq: HNES 110</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>PHRM</td>
<td>341</td>
<td>Pathophysiology II</td>
<td>Prereq: admission to the PharmD program</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>PHRM</td>
<td>352</td>
<td>Introduction to Health Care Systems</td>
<td>Prereq: admission to the PharmD program</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>PHRM</td>
<td>475</td>
<td>Pharmacy Practice Management</td>
<td>Prereq: PHRM 350, PHRM 352, PHRM 452L</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>PHRM</td>
<td>535</td>
<td>Neoplastic Disease</td>
<td>Desc: This course provides a framework for understanding the role molecular biology plays in the pathophysiology and treatment of the most prevalent neoplastic diseases. Students will apply evidence-based principles in assessing/monitoring appropriate therapy for patients with cancer. Prereq: PSCI 410, PSCI 412 both with a grade of C or higher.</td>
<td>Fall 2017</td>
</tr>
<tr>
<td>PHRM</td>
<td>572</td>
<td>Pharmacy Law</td>
<td>Prereq: PHRM 350, PHRM 352, PHRM 452L</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>PHRM</td>
<td>580</td>
<td>Pharmacotherapy Capstone</td>
<td>Prereq: PHRM 532, PHRM 534, PHRM 535, PHRM 536, PHRM 537, PHRM 538 all with a grade of C or higher.</td>
<td>Spring 2017</td>
</tr>
<tr>
<td>SOIL</td>
<td>217</td>
<td>Meteorology and Climatology</td>
<td>Deletion of prerequisite MATH 103</td>
<td>Spring 2017</td>
</tr>
</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.

SECTION: Policy 515 Travel – Employees Section 7

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 update to employee lodging reimbursement rates established by the United States General Services Administration. New rates effective October 1st 2016.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted: Accounting Office – Ricki Martin – submitted 09/07/2016
   - Email address of the person who should be contacted with revisions: ricki.martin@ndsu.edu

   This portion will be completed by Mary Asheim.

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

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 515
TRAVEL - EMPLOYEES

1. GENERAL PROVISIONS

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

1.2 MEANS OF TRAVEL - (NDSU Interpretation)
Employees must choose the most prudent and economical means of travel, considering factors such as: travel expenses, time away from the office, and the needs of the University.

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

1.4 TRAVEL VOUCHER REQUIREMENTS - (NDCC 54-06-09 (6))
Before an allowance for any such mileage or travel expenses may be made, the employee shall file with the employee's department an itemized statement showing the mileage traveled, the hour of departure and return, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the employee's department, college, or division.

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

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

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

1.4.3 If the voucher is for expenditure other than travel expense, that the expenditure is lawful and that the voucher contains no false claims.
2. **TRAVEL WITHIN THE CITY OF EMPLOYMENT**

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

2.1 **(NDSU Interpretation)**

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

2.2 **(OMB Policy 507)**

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

2.2.1 **(OMB Policy 507)**

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

2.3 **(NDSU Interpretation)**

Meals may be reimbursed as provided under NDSU Policy 170.

2.4 **(NDSU Interpretation)**

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

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

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

3.1 **WORKERS COMPENSATION - (NDSU Interpretation)**

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

3.2 **FOREIGN TRAVEL AUTHORIZATION - (NDSU Interpretation)**

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

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

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

**(OMB policy 511)**

When an employee drives a state fleet vehicle, the State's liability coverage is primary should an accident occur. If an employee drives a personal vehicle on state business, the employee's personal insurance is primary. If an employee must drive a personal vehicle because no state fleet vehicles are available, then the State would have primary responsibility.
(NDCC 44-08-03)
Where more than one state employee travels in the same car while engaged upon official duty, whether belonging to different departments, subdivisions, boards, or commissions or not, no claim may be made for more than one mileage, such claim to be made by the owner or lessee of such car.

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

4.1 IN-STATE MILEAGE - (NDCC 54-06-09 (1a))
The sum of 57.5 cents (for travel prior to 01/01/2016) or 54 cents (for travel on or after 01/01/2016) per mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle.

4.2 (NDCC 54-06-09 (1a))
The sum of 81 cents per mile when such travel is by private airplane.

4.3 OUT-OF-STATE MILEAGE - (NDCC 54-06-09 (3))
If only one person engages in travel exceeding any geographic point 300 miles beyond the borders of this state, reimbursement shall be limited to eighteen cents per mile for the out-of-state portion of the travel beyond the first 300 miles.

(NDSU Interpretation)
When interpreting the law indicated in 4.3 above, it may be helpful to visualize that the state’s border has expanded in all directions by 300 miles. When only one person travels outside the state of North Dakota and uses their own vehicle, their miles traveled within the 300 mile expanded border, the employee may be reimbursed at the 57.5 cents (for travel prior to 01/01/2016) or 54 cents (for travel on or after 01/01/2016) per mile rate. This includes both the departure and return parts of the trip.

When two or more state employees travel in the same vehicle, the per mile allowance is 57.5 cents (for travel prior to 01/01/2016) or 54 cents (for travel on or after 01/01/2016). State employees accompanying the vehicle owner must be listed on the travel voucher.

4.4 (NDCC 54-06-09 (5))
State employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding thirty consecutive days, will be allowed and paid 57.5 cents (for travel prior to 01/01/2016) or 54 cents (for travel on or after 01/01/2016) per mile for each mile actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, the 300 mile restriction, in 4.3 above, does not apply.

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

5. COMMERCIAL AIRLINES - (OMB Policy 510)
For travel on official state business, airline tickets may be either purchased through a travel agency and billed to the department, or purchased by the employee and reimbursed. In either case, the original itinerary should be used to support the travel agency payment or employee reimbursement.
Reimbursement to an employee or tickets directly billed to a department will be allowed for the actual cost of tourist or coach fare, purchased at the lowest reasonable rate available, except when approved by the President, or President’s designee, unless not permitted by federal rules or regulations. Approvals must be filed in the President's Office. First Class or Business Class tickets should normally be through a frequent flyer upgrade or the employee should use frequent flyer miles earned via state travel. Invoices from third parties (like travel agencies) must identify if travel is First Class or Business Class.

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

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

6. MEAL REIMBURSEMENTS - (NDCC 44-08-04)
Reimbursement is allowed only for overnight travel or other travel, away from the normal place of employment, for four hours or more. Verification of expenses by receipt is required only for lodging expenses.

6.1 DEFINITION - QUARTERS - (NDCC44-08-04 (2)) (NDSU Interpretation italicized)
For purposes of employee meal and lodging reimbursements, state law defines the four quarters of a day as follows:

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

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

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

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

6.2 CONFERENCE, SEMINAR, OR OTHER MEETING - (NDCC 44-08-04 (1))
Claims may also be made for meals that are included as part of a registration fee for a conference, seminar, or other meeting and for meals attended at the request of and on behalf of the University; however, if a meal is included in a registration fee, the applicable quarter's meal allowance cannot be claimed for that meal.

6.3 TAXABLE MEALS - (NDSU Interpretation of IRS regulations)
Meal reimbursements that do not involve “overnight lodging” are reported as taxable gross income on the employee's W-2 and are subject to withholding and employment taxes. A lodging receipt is considered adequate proof of overnight lodging. Also, a notation on the travel voucher that the employee stayed overnight with a friend or relative is sufficient.
6.4 PAYMENT FOR MEALS OF STAFF & GUESTS, WHILE IN TRAVEL STATUS - (NDSU Interpretation)
NDSU Policy 170 allows reimbursement to employees for meals of staff and guests, even though the employee is not in travel status. Employees while in travel status may also occasionally encounter meal expenses when they are required to be at a meeting and there is a need to pay for meals of guests, such as when interviewing candidates, recruiting, or fund raising.

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

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

6.5 TEAM TRAVEL - (Excerpt from NDCC 44-08-04, Subsection 1)
If a higher education athletic team or other organized institution organization group meal is attended at the request of and on behalf of the institution, actual expenses for the entire group, including coaches, trainers, and other employees, may be paid or submitted for payment of a team or group travel expense report; subsection 2 does no apply; and officers and employees are not required to document individual expenses or submit individual travel reimbursement vouchers.

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

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

6.6 MEAL ALLOWANCE RATES - (NDCC 44-08-04 (2))
Meal reimbursement rates depend upon the time of day the employee is in travel status and whether the travel is in-state or out-of-state. Verification of receipts shall not be required for the first three quarters listed above in Section 6.1.
6.6.1 IN-STATE - (NDCC 44-08-04 (2))
For travel prior to August 1, 2013, in-state rates are as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Daily Total</th>
<th>First Quarter</th>
<th>Second Quarter</th>
<th>Third Quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-State</td>
<td>$ 30.00</td>
<td>$ 6.00</td>
<td>$ 9.00</td>
<td>$ 15.00</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Daily Total</th>
<th>First Quarter</th>
<th>Second Quarter</th>
<th>Third Quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-State</td>
<td>$ 35.00</td>
<td>$ 7.00</td>
<td>$ 10.50</td>
<td>$ 17.50</td>
</tr>
</tbody>
</table>

6.6.2 OUT-OF-STATE, WITHIN CONTINENTAL U.S. - (NDCC 44-08-04 (3))
The allowance for out-of-state meals, within the continental United States, is equal to
per diem meals rate in the city for which a claim is made on that day as established
by the United States general services administration and must be allocated twenty
percent to the first quarter, thirty percent to the second quarter, and fifty percent to
the third quarter.

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

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

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

6.6.3 NON-CONTINENTAL UNITED STATES AND OVERSEAS NONFOREIGN AREAS - (NDCC
44-08-04 (4))
The allowance for meals in noncontinental United States and overseas nonforeign
areas, including Alaska, Hawaii, and Guam, is equal to the per diem meals rate in the
city for which a claim is made on that day as established by the rule for federal
employees established by the United States per diem committee and must be
allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

(NDSU interpretation)
The Accounting Office website will have a link to the appropriate meal allowance for foreign travel.

6.6.4 FOREIGN TRAVEL - NDCC 44-08-04(5))
The allowance for meals outside the United States is equal to the per diem meals rate in the city for which a claim is made on that day as established by rule for federal employees established by the United States department of state and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter.

(NDSU Interpretation)
The Accounting Office website will have a link to the appropriate meal allowance for foreign travel.

7. LODGING REIMBURSEMENTS - (NDCC 44-08-04 (1)(2d)(6)) (NDSU Interpretation italicized)
Reimbursement for in-state lodging expenses incurred while in travel status during the fourth quarter shall not exceed 90% of the rate established by the United States General Services Administration (GSA) for North Dakota, plus applicable state or local taxes on lodging. As of October 1, 20132015, the GSA rate for lodging in North Dakota was $8389; therefore, the maximum amount that can be claimed is $74.7080.10, plus applicable taxes. For travel on or after October 1, 20152016, the GSA rate for lodging in North Dakota was $8991; therefore, the maximum amount that can be claimed is $80.1081.90, plus applicable taxes.

The GSA will update their rates periodically during the biennium and the allowable lodging reimbursement will also change at that time. See the city/county rate exceptions, found on the Accounting website. The amounts shown are 90% of the GSA rates and are the maximum state reimbursable rates that can be claimed, plus applicable state and local taxes. These rates are effective October 1, 20122016.

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

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

7.1 IN-STATE LODGING RATES OVER MAXIMUM - (SBHE 806.1.10)
In the unlikely situation an employee cannot find lodging at 90% of the GSA rate, the following process needs to be followed:

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

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

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

7.1.5 If a room is more than the 90% maximum GSA rate for North Dakota, allowed in section 7, above, the additional taxes eligible for reimbursement must be pro-rated. For example (using the $80.1081.90 -maximum rate): if the room is $90.00 and taxes are $13.50, the individual will be reimbursed $80.1081.90 plus $12.02-29 pro-rated taxes ($80.1081.90/90.00 x $13.50 = $12.0229).

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

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

EXCEPTIONS - (NDSU Interpretation)

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

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

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

7.3 REQUIRED DEPOSITS - (NDSU Interpretation of OMB Policy 513)
If a lodging facility requires a paid deposit to hold a room in advance, it should be paid by the employee. If the deposit is paid by the employee in a month prior to the travel dates, the employee may be reimbursed immediately after the deposit is paid using a Request for Payment form. The employee will need to verify that the deposit was properly credited to the lodging bill when the travel takes place.

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

(OMB Policy 513)
When a state employee is accompanied by an individual not eligible for reimbursement (a spouse or traveling companion), the state employee must have the lodging establishment clearly certify the room rate for a single person and only that amount may be claimed.
8. MISCELLANEOUS TRAVEL EXPENSES - *(NDSU Interpretation)*

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

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

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

8.2 CAR RENTAL - *(OMB Policy 518)*

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

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

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

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

8.4 LOST RECEIPTS - *(NDSU Interpretation)*

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

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

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

*NDSU LIMITATIONS - *(NDSU interpretation)*

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

9.1 When an employee is chaperoning a group of students or other guests and is expected to pay some of the student's or guest's expenses.
9.2 When an employee is going on a trip for an extended period of time, such as more than one month. Usually these are international trips funded by a special grant.

HISTORY:

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

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SECTION: 361 EMERITUS TITLES

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 clarify the policy and streamline the approval process.

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:
   - Faculty Senate:
   - Staff Senate:
   - Student Government:
   - President’s Cabinet:

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SECTION 361
EMERITUS TITLES

SOURCE: SBHE Policy Manual, Section 430.2

1. Eligibility. Faculty, senior administrators, and professional staff are eligible for emeritus status. Employees who choose early retirement are eligible for emeritus status. If approved, the term "emeritus" will modify the final title held by the employee prior to retirement.

2. Process. A request for emeritus status must be made within one year of retirement. The unit in which the employee is housed will recommend emeritus status to the unit's supervisor; the unit supervisor will forward the request to the appropriate Dean or Vice President with a recommendation to either approve or deny the request. If the Dean or Vice President denies the request, no further action will be taken. If the Dean or Vice President approves the request, the request will be forwarded to the appropriate President's designee for final approval. The appropriate designee will notify the President of employees granted emeritus status.

3. Evaluation. Evaluation criteria will include length of service to the institution; significance of contribution to the department, college, NDSU, or State of North Dakota; degree of eminence of scholarly or creative works. Candidates must have been employed at NDSU for a period of at least ten years to be considered.

4. The Board may in its discretion confer emeritus status upon retirement or after retirement to a chancellor or president, based upon significant contributions or length of service to the state, university system or institution.

5. Institutions may confer emeritus status upon retirement or after retirement to faculty or senior administrators of professionals (excluding emeritus status for presidents) pursuant to institution policies and procedures. Criteria for emeritus status may include, but are not limited to, length of service to the institution, significant contributions to the institution and the State of North Dakota, or particularly distinguished service to an academic discipline.

6. Emeritus status shall not include salary or other compensation or other rights, except privileges specified in institution policies or procedures.

7. Each person so recommended shall ordinarily be nominated within the first year of retirement and approved by an appropriate faculty body (the department or appropriate unit), dean, vice president for academic affairs, and president.

8. Factors included in considering a candidate for emeritus status may include, but are not limited to:

   a) Length of service to the institution (normally ten years but may be less in exceptional cases);

   b) Significant contribution to the department, college, university and/or state; and

   c) Particularly distinguished service to the faculty member's academic discipline.
Faculty members who choose early retirement under 703.1 of the State Board policies shall be eligible for emeritus status under the provisions cited above. Faculty members who choose reversible retirement will not be eligible for emeritus status until their option to return to the active faculty has expired.

HISTORY:
Amended September 16, 1983
Amended September 1998
Amended February 2006
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
Policy Change Cover Sheet

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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.
   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:

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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 use of the University's name should not be placed in any announcement, advertisement, publication, or report to imply the University's endorsement of a product or service. The University does not assume any responsibility for the external professional activities of its employees, 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**

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**

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 retainer fees. In general, the following policies must be followed when participating in consulting activities. For purposes of this policy, teaching a course or teaching a substantial portion of a course for another educational institution or other business or organization shall be treated as consulting and governed by this policy. This policy applies to both teaching in person or by means of an electronic communication, 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 on their area of expertise before governmental, nonprofit, and private organizations. Employees may receive an honorarium from an organization in appreciation of such service.

6.1.1 Individual

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

6.1.1.2 ensure that activity does not conflict with primary responsibilities;

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

6.1.1.4 maintain appropriate records of consulting activities;

6.1.1.5 do not use College or University endorsement;

6.1.1.6 secure 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.

6.2.1 Department Chair, Director

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

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

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

6.2.1.4 forward recommendation to Dean;

6.2.1.5 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

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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: 9/12/16
   Faculty Senate:
   Staff Senate: 9/14/16
   Student Government: 10/2/16
   President’s Cabinet: 9/14/16

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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](http://travel.state.gov)

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

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

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

3. **DEFINITIONS**

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

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

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

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

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

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

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

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

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

____________________________________________________________________________________

HISTORY:

New
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: 10/2/16
   - President’s Cabinet: 9/14/16

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!
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.)

4.49 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.).

4.2.4.11 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:

a) Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for one, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.

b) Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.

c) Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.

d) Advertising of establishments that sell alcohol shall include a statement of low risk such...
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-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-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-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:

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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: 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 Gest 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: 9/14/16

   Student Government: 10/2/16

   President's Cabinet: 9/14/16

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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 ideological or policy 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 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 responsibility to 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 as entitled as any other member of the community in which they live to establish membership in voluntary groups, to seek or hold public office, to interact with their elected officials, to express their opinions as individuals on public questions and to take action in accordance with their views. Cognizant of their responsibilities to their profession and to their institution, faculty accept certain obligations; they should attempt to be accurate, to exercise sound judgment and 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 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.

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, retribution 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 during academic discourse, students are responsible for being informed and respectful of others. They are further responsible to make clear that their actions, memberships and statements do not represent neither the views of NDSU, nor 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 policy, and 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, present or perform. Therefore, guest speakers, performers, or programs may be presented under the sponsorship of any duly recognized NDSU student, faculty, or administrative organization or any individual officer of instruction, regardless of the views they promote. 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, to the most reasonable extent possible, be extended the courtesy of an uninterrupted presentation. Except for ceremonial occasions, such as graduation addresses and facility dedications, questions must be permitted from the floor after the presentation. Speakers must accept, as condition of their appearance, the right of their audience to question or challenge statements made in their address. They must further accept their responsibility to promptly address those questions and statements. 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 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. Establish 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.
HISTORY:
New           May 11 1984
Amended       April 1992
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.

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: 350.4 BOARD REGULATIONS ON HEARINGS AND APPEALS

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:
     - to remove superfluous text (e.g. 350.4 section 1, 6, and 8);
     - to address role of the hearing officer in deliberations (350.4 section 9); current policy does not address
     - to revise reporting procedure of the SCoFR’s written report (350.4 section 11); Appropriate to have SCoFR forward its report to faculty member’s chair/head and request reconsideration if the Committee concluded the chair/head did not give the issue adequate consideration. Consistent with AAUP Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments.
     - Amended on 4/13/15: 1) Inserted the word “only” in the final sentence of the paragraph after the word “matters” in section 9; 2) changed the number of calendar days from 20 to 21 in section 1.

2. This policy change was originated by (individual, office or committee/organization):
   - Robert K. Sylvester, PharmD, Chair Standing Committee on Faculty Rights (Virginia Sublett)
   - Robert.Sylvester@ndsu.edu   virginia.sublett@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: 6/8/2015
   - Faculty Senate: 4/13/2015
   - Staff Senate: 6/8/2015
   - Student Government: 6/8/2015
   - President’s Cabinet: 6/8/2015

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 350.4
BOARD REGULATIONS ON HEARINGS AND APPEALS

SOURCE: SBHE Policy Manual, Section 605.1, 605.2, 605.3, 605.4

1. A faculty member may request a hearing with the Standing Committee on Faculty Rights by filing a written notice, accompanied by a specification of the reasons or the grounds upon which the appeal is based, with the Committee chair or senior member of the Committee and the institution's president. The institution shall have twenty-one calendar or business days from receipt by the institution's president of the notice and specifications to file a response with the Committee Chair or senior member of the Committee and the faculty member.

2. The Committee shall appoint, at the expense of the institution according to institution procedures, a hearing officer with authority to conduct pre-hearing meetings, supervise exchange or collection of information, advise the Committee and preside over the hearing. The faculty member, the institution and their representatives shall comply with all reasonable directives and requests of the hearing officer appointed by the Committee. The institution shall provide necessary clerical support for the Committee, and upon request, for the hearing officer.

3. The Committee or the hearing officer shall hold a pre-hearing meeting or meetings in order to (a) simplify the issues, (b) effect stipulations of facts, (c) provide for the exchange of documentary or other information, or (d) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious. The faculty member, the institution and their representatives shall participate in pre-hearing meetings upon request and comply with the directives of the Committee or the hearing officer. ("Discovery" is defined as the exchange or collection of information.) Discovery shall be informal and formal depositions or interrogatories for the purposes of discovery are not permitted, except with agreement of the parties.

4. The Committee or the hearing officer shall serve written notice of hearing on the faculty member and the president or their representatives at least twenty-one calendar days prior to the hearing.

5. The faculty member and the institution may stipulate to a decision on the basis of the written statements, in which case the Committee shall make its decision on that basis.

6. During the proceedings the institution and the faculty member are entitled to have an administrative or academic advisor and counsel of their choice and at their own expense. Proceedings concerning the appointment or removal of a faculty member may, pursuant to N.D.C.C. Section 15-10-17, be closed, unless the faculty member requests that the proceedings be open, in which case the proceedings shall be open. Proceedings not concerning the appointment or removal of a faculty member, including proceedings concerning discipline not involving dismissal, shall be open.

7. A verbatim transcript of the hearing or hearings shall be made at the institution's expense and shall be accessible to both parties. A party shall be provided a copy of the record, or part of the record, upon request, at the institution's expense.
8. The findings of fact, conclusions and the decision shall be based solely on the evidence received by the Committee. In cases brought under NDSU Policy 350.3(section 605.3(4), the faculty member has the burden of persuasion to prove, by a preponderance of the evidence, that the action violated the faculty member's rights; in cases appealed pursuant to NDSU Policy 350.3(section 605.3(8) or (9), the burden of proof that grounds for the institution's action exist shall rest with the institution and be satisfied only by clear and convincing evidence in the record considered as a whole.

9. The Committee may admit any evidence which is of probative value in determining the issues or if the interests of justice will best be served by admitting the evidence. Every reasonable effort shall be made to obtain the most reliable evidence available. The Committee shall grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made. Deliberations by the Committee will be conducted without the hearing officer, although the hearing officer may be consulted by the Committee on procedural matters only.

10. The faculty member shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The institution shall cooperate with the Committee in securing witnesses and making available documentary and other evidence. The faculty member and the institution shall have the right to confront and cross-examine all witnesses. Testimony may be taken by deposition, including deposition by telephone, or witnesses may testify by telephone, facsimile, video or other electronic means, upon agreement of the parties or, absent an agreement, upon request of a party and determination by the Committee or hearing officer that such use does not substantially prejudice the rights of any party. Affidavits may be received into evidence upon stipulation of the parties.

11. The Committee shall generate a written report with its findings of fact, conclusions and recommendations, (collectively the “Committee’s Decision”). The Committee’s Decision shall be forwarded to the faculty member and the chair/head of the faculty member’s department. Within twenty-one calendar days after receipt of the Committee’s Decision, the chair/head of the faculty member’s department shall submit to the president a copy of the Committee’s Decision along with her/his written position either consenting to the Committee’s Decision or disputing the committee’s Decision. In drafting her/his response, the chair/head will consult with the department as she/he determines appropriate. After receipt of this material with supporting reasons, shall be reported, in writing, to the institution’s president and the faculty member or the faculty member’s representative. If the institution’s action was a notice of dismissal and if the Committee concludes that adequate cause for dismissal has been established, but that a lesser penalty would be more appropriate, it may so recommend with supporting reasons. The president shall make a decision and provide written notice of the decision, including findings of fact and reasons or conclusions based on the hearing record, to the Committee, and the faculty member, the Provost, the appropriate dean and chair/head within twenty-one calendar days of receiving the report. Both the faculty member and the Committee may, within ten calendar days of the decision, submit a written response to the decision, to which the president may reply.

12. The decision of the president is final.

HISTORY:
Replaces portions of Policy 605, SBHE Minutes April 25, 1995, pg 6554.
Amended April 25, 1995
Amended March 1998
Amended February 2001
Amended August 2003
Amended December 2005
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 151: Code of Conduct

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 previous language was vague and ambiguous, such as what the requirements to be collegial and positive entailed. As a result, unfortunate misinterpretations of policy could adversely affect employment. The new language focuses on professional conduct with clearer guidance.
   - As per Matt Hammer:

Section 2. General Conduct, please add “the” to the first sentence of the second paragraph as shown below:

All NDSU personnel are subject to the rules and policies of the North Dakota State Board of Higher Education, NDSU, and their respective department or unit. NDSU expects all University personnel to

Additionally with Section 2., Subsection A.; Please add: “or as assigned by respective department or unit;”

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

A. Following training and job specific requirements as stated in the employee’s job description or appointment letter, or as assigned by respective department or unit;

Section 2., Subsection B. In the parenthetical,

(See Policy 100: Equal Opportunity and Non-discrimination Policy, Policy 325: Academic Freedom, or other relevant policies for guidance.)

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Faculty and Staff Senates
   - Email address of the person who should be contacted with revisions - dennis.cooley@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 151
CODE OF CONDUCT

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

1. Introduction and Application.
   This Code of Conduct governs the State Board of Higher Education and its members and establishes minimum standards for all NDUS officers and employees. The Board and entire NDUS are committed to uphold the highest ethical and professional standards. All Board members and NDUS officers and NDUS employees must, at all times, comply with all applicable laws, regulations, policies and procedures. Activities that achieve results unlawfully or in violation of applicable policies or procedures or by unethical behavior - including, but not limited to, payments for illegal acts, indirect contributions, rebates, or bribery - are not tolerated and must be reported. All conduct must meet or exceed minimum standards established by law.

2. General Conduct.
   The Board-NDSU supports an environment that is free of discrimination or harassment. All NDUS Board members, officers and employees are expected to conduct themselves in a businesslike manner. Unlawful consumption of alcoholic beverages or use of illegal drugs, being at work while under the influence of alcohol or drugs, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDUS-NDSU, are prohibited. Violation of applicable laws or policies governing possession and use of alcoholic beverages or drugs, including the Drug Free Workplace Act, SBHE Policy 615 or NDSU Policy 155 Alcohol and Other Drugs - Unlawful and Unauthorized Use by Students and Employees, applicable system office or institution policies, are prohibited. Likewise, sexual or other harassment (including actions contributing to a hostile work environment) in violation of federal or state law, or SBHE Policy 603.1, or NDSU Policy 100 Equal Opportunity and Non-Discrimination Policy is prohibited.

   Officers and employees are expected to uphold the values of honesty, respect, integrity and trust. In addition, when interacting with one another and the public, all are expected to behave in a professional, collegial, cordial, civil, positive, respectful and ethical manner.

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

   NDSU requires all employees to act professionally in their interactions with others including:
   A. Following training and job specific requirements as stated in the employee’s job description or appointment letter, or as assigned by respective department or unit,
   B. Respecting the value, creativity, and diversity of all persons, which includes diversity of opinions and professional approaches to doing things. (See Policy 100: Equal Opportunity
and Non-discrimination Policy, Policy 325: Academic Freedom, or other relevant policies for guidance and Policy 325: Academic Freedom.)

C. Contributing to an environment of respectful and productive working relationships with those with whom the person interacts, and

D. Making good faith efforts to resolve differences constructively.

3. Conflicts of Interest.

All Board members, officers, and NDSU employees are expected to perform their duties conscientiously, honestly, and in accordance with the best interests of the NDUSNDSU. All Board members, officers, and employees must comply with applicable federal and state laws. Board members, officers, and employees may not unlawfully use their position or the knowledge gained as a result of their position for private or personal advantage. All Board members, officers, and employees are responsible for their own actions. Any individual who has concerns or questions regarding a perceived or potential conflict or regarding application or interpretation of federal or state law or SBHE policy or NDSU policy is encouraged to communicate with a superior or appropriate administrative official at NDSU, with legal counsel, or attorney general.

3.1 Conflict of Interest – Contracts.

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

Pursuant to N.D.C.C. Section 48-02-12, employees of the Board may not have any interest in a public construction or repair contract.

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

a. N.D.C.C. Sections 12.1-13-03 and 48-02-12 do not apply; and

b. The contract is approved by the NDSU President or designee, the institution’s chief financial officer or, if the employee in question is the chief financial officer or president of an institution or an officer of the Board, by the Board, following full disclosure of the employee’s interest.

All employees involved in projects receiving federal funds shall consult applicable federal laws and regulations and comply with conflict of interest rules which may govern federal grants or other sponsored agreements.

An officer or other employee who violates this policy is subject to dismissal or other disciplinary action.

Employees of NDSU authorized (including delegated authority) by Policy 712 to enter into contracts on behalf of the University must sign the North Dakota State University Conflict of Interest Disclosure Statement. All other employees will be provided notice about this Policy but need only sign the statement if they have a conflict. Notices and collection of statements shall be administered by the Purchasing Office.

Employees have an obligation to act in the best interests of NDSU. Any direct or indirect personal or financial interest which could create a conflict of interest or the appearance of a
conflict of interest in any agreement, transaction or relationship must be disclosed by the employee by completing and signing the North Dakota State University Conflict of Interest Disclosure Statement and submitting it to the employee’s supervisor. This includes but is not limited to the disclosure of privately owned assets being used or otherwise commingled with state assets and participation in any foundation, business or public entity which may create a conflict with an employee’s obligations to NDSU. See also NDSU Policy 152: External Professional Activities.

4. Outside Activities and Employment.
   Board members, officers and employees share responsibility for good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the NDSU and is encouraged. However, officers and employees must comply with applicable federal and state laws, policies in Section 611 of the SBHE Manual and related system office and institution NDSU related policies. At all times, employees must avoid outside activities that create an excessive demand upon their time and attention, thus depriving the NDSU of their best efforts in fulfilling their job duties or that create a conflict of interest, or an obligation, interest, or distraction that interferes with the independent exercise of judgment in the NDSU’s best interest.

5. Relationships with Clients and Suppliers; Conflicts of Interest.
   Board members are not NDSU employees and may have other full or part-time employment and other professional, civic and personal responsibilities and activities, in addition to their part-time service as Board members. Nevertheless, Board members must be familiar with and comply with applicable laws governing conflict of interest that apply to Board members and should strive to avoid other activities that create an obligation, interest or distraction that interferes with the independent exercise of judgment in the best interest of the NDUS. They should avoid investing in or acquiring a financial interest for their own accounts in any business organization that has a contractual relationship with the NDSU or NDSU institution, or that provides goods or services to the NDSU, if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties.

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

7. NDSU Funds and Other Assets
   Board members, officers and employees who have access to NDSU funds and other assets in any form must follow the prescribed procedures for recording, handling, and protecting money and other assets as detailed in applicable NDSU procedure manuals or other explanatory materials. Any person who has information concerning possible fraud or dishonesty shall immediately report such information to a superior or appropriate administrative official at NDSU, to legal counsel, or to the attorney general.
Board members, officers and employees responsible for spending or approving expenditure of NDUS NDSU funds or incurring any reimbursable expenses must comply with all applicable laws and policies and use good judgment on behalf of the NDUS NDSU to ensure that good value is received for every expenditure. NDUS NDSU funds and all other assets are for NDUS NDSU purposes only and not for personal use or benefit. NDUS NDSU or other public equipment, supplies and other property or assets may not be used for private or personal use, except as authorized under SBHE Policy 611.5 or other applicable law or NDSU policy.

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

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

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

10. **Privacy, Confidentiality and Open Records.**
    Board members, officers and employees must at all times comply with applicable laws, regulations and SBHE and NDSU policies concerning privacy, confidential records, access to open records and records retention.

11. **Reporting Suspected Violations; Procedures for Investigating Reports.**
    Officers and employees shall report suspected violations of this Code to their superior, or appropriate administrative official at NDSU, some other senior manager or administrator or legal advisor/attorney. In addition, the NDUS shall maintain a fraud hotline and suspected violations may be reported by use of that hotline. Any officer or employee who makes a report in good faith shall be protected against retaliation of any kind; any officer or employee who retaliates or attempts retaliation in response to a good faith report shall be subject to dismissal or other discipline. Failure to report known or suspected violations is in itself a violation and may lead to dismissal or other disciplinary action.

    Board members who have information concerning a possible violation of this Code or are uncertain
about application or interpretation of any legal requirement should report the matter to the chancellor, legal counsel, attorney general, or the attorney general.

Alleged violations of this Code involving NDUS officers or NDSU employees shall be investigated by the appropriate NDUS NDSU officer. All officers and employees shall cooperate in investigations of alleged violations. A violation of this Code is cause for dismissal or other appropriate disciplinary action, in addition to any criminal or other civil sanctions that apply.

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

a. A Statement of the organization's values;
b. The people or groups of people affected;
c. A brief description or list of key behaviors that are accepted and not accepted;
d. How to identify and resolve conflicts of interest;
e. How to report violations and to whom;
f. Consequences of violating the Code;
g. Consequences of failure to report known or suspected violations; and
h. How reports will be investigated.

The NDUS office and each institution shall NDSU require that each new employee review the Code of Conduct and sign a statement certifying the employee has read and agrees to comply with the Code. Further, all benefited employees are required to annually certify in writing that they have read and are in compliance with the Code of Conduct.

Resources and Related Policies:

NDsu Policy 100: Equal Opportunity and Nondiscrimination Policy
NDsu Policy 110: Employment of Relatives
NDsu Policy 100.1: Nondiscrimination of the Basis of Disabilities and Reasonable Accommodation
NDsu Policy 112: Pre-employment and Current Employee Criminal Record Disclosure
NDsu Policy 151: Conflict of Interest
NDsu Policy 151.1: External Activities and Conflicts of Interest
NDsu Policy 152: External Professional Activities
NDsu Policy 155: Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees
NDsu Policy 160: Political Activities and Voting Rights of University Employees
NDsu Policy 161: Fitness for Duty
NDsu Policy 162: Sexual Harassment Policy
NDsu Policy 162.1: Consensual Relationships
NDsu Policy 169: Employee Responsibility and Activities; Theft and Fraud
NDsu Policy 169.1: Employee Misuse of Property Reports - - Protections
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: NDSU Policy 162 – SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, AND TITLE IX 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 XXX No
   - Describe change: This policy is required by federal law and implementation of this policy is guided by the U.S. Department of Education, Office of Civil Rights (OCR). This policy complies with the steps and standards NDSU has to apply in investigations and enforcement of Title IX regarding sex discrimination as described by OCR in: 1) 2001 OCR Guidance; 2) April 4th, 2011 Dear Colleague Letter; 3) 2014 Q&A on Title IX and Sexual Violence; 4) 2015 Dear Colleague Letter and Letter to Coordinators and Resource Guide; and 6) 2016 Dear Colleague Letter on Transgender Students. Explanation of most pertinent changes/additions found below.

   - NDSU’s Title IX responsibilities to address sex- and gender-based harassment
   - NDSU’s Clery Act (VAWA Sec. 304) responsibilities to address Sexual Assault, Domestic Violence, Dating Violence, and Stalking
   - Overview of the rights and responsibilities of students and employees
   - Definitions of Consent, Sexual Assault, Domestic Violence, Dating Violence, Stalking, Sexual Harassment, Sex Discrimination, and Sexual Misconduct
   - Differences between criminal and Title IX investigations
   - NDSU’s Title IX and Clery Act prohibitions on and protections against retaliation
   - The identity, role, function of, and how to contact the Title IX Coordinator
   - Confidential reporting options on- and off-campus
   - Confidentiality/privacy of reports and other investigative information
   - Resources available to victims of sex- or gender-based discrimination
   - Conducting/documenting adequate, reliable, and impartial investigations
   - Possible sanctions and protective measures NDSU may impose following a disciplinary procedure involving Sexual Assault, Domestic Violence, Dating Violence, or Stalking

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name: Canan Bilen-Green, Vice Provost for Faculty and Equity, Old Main, Suite 201
   - Date Submitted: 10/5/2016
   - Email address of the person who should be contacted with revisions: canan.bilen.green@ndsu.edu

   This portion will be completed by Mary Asheim.

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

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

   Senate Coordinating Committee:
Faculty Senate:

Staff Senate:

Student Government:

President’s Cabinet:

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North Dakota State University
Policy Manual

SECTION 162
SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL MISCONDUCT, AND TITLE IX POLICY
SEXUAL HARASSMENT POLICY

INTRODUCTION

Gathering
Promptly
Defining

SEXUAL AND GENDER
SECTION
Policy Manual
North Dakota State University
Attachment 12

1.2 North Dakota State University (NDSU) is committed to providing a safe, healthy, and non-
discriminatory learning, living, and working environment for all members of its university
community that is free from sex discrimination of any kind. Specifically, NDSU is committed to:
1) Defining conduct that constitutes prohibited sexual harassment, gender-based harassment
and sexual misconduct;
2) Providing clear guidelines for students, employees and third parties on how to report
incidents of sexual harassment, gender-based harassment and sexual misconduct and a
commitment that any complaints will be handled respectfully;
3) Promptly responding to and investigating allegations of sexual harassment, gender-based
harassment and sexual misconduct, pursuing disciplinary action when appropriate, referring
the incident to local law enforcement when appropriate, and taking action to investigate and
address any allegations of complicity and retaliation;
4) Providing ongoing assistance and support to students and employees who make allegations
of sexual harassment, gender-based harassment and sexual misconduct;
5) Providing awareness and prevention information on sexual harassment, gender-based
harassment and sexual misconduct, including widely disseminating this policy, and
implementing training and educational programs on sexual harassment, gender-based
harassment and sexual misconduct to university constituencies; and
6) Gathering and analyzing information and data that will be reviewed in order to improve
gender equity and safety, reporting, responsiveness and the resolution of incidents.

1.1 Title IX of the Education Amendments of 1972 – No person in the United States shall, on the
basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to
discrimination under any education program or activity receiving federal financial assistance.

1.3 In accordance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments
of 1972, the Violence Against Women Reauthorization Act of 2013 (VAWA), the Campus Sexual
Violence Elimination Act (SaVE), the Jeanne Clery Disclosure of Campus Security Policy and
Campus Crime Statistics Act and other federal and state laws, NDSU prohibits discrimination
based on sex or gender and other types of sexual misconduct in its employment decisions and
educational programs and activities. Title IX protects any person from sex based discrimination,
regardless of their real or perceived sex, gender identity, and/or gender expression. Female,
male and gender non-conforming students and employees are protected from any sex-based
discrimination, harassment, or violence.

1.4 NDSU prohibits all forms of sexual harassment, gender-based harassment, and sexual
misconduct, including but not limited to, intimate partner violence, sexual assault, sexual
exploitation, stalking, complicity in the commission of any act prohibited by this policy, and
retaliation against a person for the good faith reporting of any forms of misconduct or
participation in any investigation or proceeding under this policy.
1.5 Examples of the types of sex discrimination that are covered under this policy include but are not limited to: the failure to provide equal opportunity in athletics; discrimination in any course or program, notably in science, technology, engineering, and math (STEM); and discrimination based on pregnancy or parental status.

1.6 For complaints and reports of sexual harassment, gender-based harassment, or sexual misconduct against students, employees, and third parties, general provisions relating to complaint resolution procedures set forth in NDSU Policy 156.6-156.9 shall apply. Informal resolution (mediation) will not be used to resolve complaints of sexual assault and intimate partner violence, as defined in this policy.

1.7 This policy shall not be construed to restrict academic freedom, nor shall it be used to restrict constitutionally protected freedom of expression.

1.8 Violations of this policy may result in sanction against an employee (faculty and staff), up to and including termination. Violations of this policy may result in sanction against a student up to and including suspension and expulsion.

2. PROHIBITED CONDUCT

2.1 Sexual Harassment, Gender-Based Harassment and Sexual Misconduct. This policy prohibits sexual harassment, gender-based harassment and sexual misconduct by or against any student, employee or third party. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, written, graphic, physical or otherwise, that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University’s education or employment programs and/or activities.

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person’s ability to participate in or benefit from the University’s education or work programs or activities. Gender-based harassment does not necessarily involve conduct of a sexual nature.

Sexual misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, intimate partner violence, sexual violence, and other misconduct based on sex.

The complete definitions of these terms, as well as other key terms used in this policy, are set forth in 12.1-12.21 below.

2.2 Retaliation – This policy prohibits any adverse action taken against a person for making a good faith report of sexual harassment, gender-based harassment, or sexual misconduct, assisting someone making such a report, or participating in any proceeding under this policy.

2.3 Complicity – This policy prohibits any act taken with the purpose of aiding, facilitating, promoting or encouraging sexual harassment, gender-based harassment, or sexual misconduct by another person.
2.4 Certain intimate relationships – NDSU also prohibits certain intimate relationships when they occur between an employee and any student for whom he or she has a professional responsibility as set forth in Policy 162.1.

2.5 Interference with an investigation – Any person who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an investigation may include, but is not limited to:
1. Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
2. Divulging confidential information;
3. Removing, destroying, or altering documentation relevant to the investigation; or
4. Providing false or misleading information to the investigator, or encouraging others to do so.

2.6 Violations of law – Behavior that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the North Dakota Century Code criminalizes and punishes some forms of sexual assault, domestic violence, stalking, and physical assault, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

2.7 Obligation to provide truthful information – All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of prohibited conduct is prohibited and subject to disciplinary action and sanctions under the appropriate disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

2.8 Amnesty for drug and alcohol use – NDSU strongly encourages all University community members to report instances of sexual harassment, gender-based harassment or sexual misconduct as soon as possible. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to report due to potential policy violations. To minimize hesitancy, an individual who reports sexual harassment, gender-based harassment or sexual misconduct, either as a complainant or as a witness, will not be subject to disciplinary action for any violation of NDSU’s Policy 155 against alcohol and other drugs in connection with the reported incident.

3. TO WHOM THIS POLICY APPLIES

3.1 This policy applies to all University students who are registered or enrolled for credit or non-credit courses (“Students”); employees consisting of all full-time and part-time faculty, regular staff employees, and nonbanded, nonacademic staff (“Employees”); and visitors, guests, applicants for admission to or employment with the University, contractors, vendors, university affiliates and others conducting business on campus (“Third Parties”).

3.2 This policy applies to conduct by or against students, employees, and third parties of which the University is made aware, wherever the misconduct occurs:

3.2.1. On property owned or controlled by NDSU;
3.2.2. Off NDSU property, if

1) The misconduct was in the context of a University employment or education program or activity, including, but not limited to, NDSU-sponsored study abroad, research, on-line, or internship programs; or
2) Outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third parties while on campus or other property owned or controlled by NDSU or in any University employment or education program or activity.

3.3 Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression (real or perceived) of the Reporting Party or Responding Party.

4. TITLE IX COORDINATOR

4.1 The Title IX Coordinator oversees NDSU’s compliance with Title IX; ensures appropriate education and training; coordinates the University’s investigation, response, and resolution of all reports under this policy; and ensures appropriate actions to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. The name and contact information for the Title IX Coordinator can be found on the University’s Title IX website.

4.2 Concerns about NDSU’s application of Title IX, VAWA, Title VII, or the Clery Act may be addressed to the Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at http://www2.ed.gov/about/offices/list/ocr/addresses.html, OCR@ed.gov or (800) 421.3481); and/or the Equal Employment Opportunity Commission (at https://www.eeoc.gov/contact/, info@eeoc.gov or (800) 669-4000).

5. IMMEDIATE ASSISTANCE IN CASES OF SEXUAL MISCONDUCT AND SUPPORT RESOURCES

5.1 Reporting to law enforcement – Students or employees who experience or observe any form of sexual assault or intimate partner violence on or off campus and third parties who experience sexual assault or intimate partner violence on NDSU grounds are strongly encouraged to report the incident immediately by:
1) calling 911,
2) contacting the Fargo Police (701-235-4493),
3) their local police precinct, or
4) NDSU Police (701-231-8998), who are available 24 hours a day, 7 days a week. Campus police and safety officers can also assist the Reporting Party with filing a complaint both on and off campus, and in obtaining immediate medical attention, counseling and other services.

5.2 Obtaining immediate medical attention and emotional support – An individual who experiences any form of sexual assault or intimate partner violence is encouraged to seek immediate medical care to treat injuries, obtain preventive treatment for sexually transmitted diseases, and preserve evidence, among other things. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible, either on or off-campus. On-campus resources include:
1) Nurses and/or nurse practitioners at the Student Health Service (701-231-7331; hours of operation: Monday, Wednesday, Thursday, Friday: 8:00 a.m.-5:00 p.m., Tuesday: 8:00 a.m.-7:00 p.m.), and
2) Counselors at the NDSU Counseling Center (701-231-7671; Monday, Wednesday, Friday: 8:00 a.m.-5:00 p.m., Tuesday and Thursday: 8:00 a.m.-7:00 p.m.). Counselors are trained to provide crisis intervention and provide referrals for longer-term care as necessary.

5.3 On campus resources, counselors, and health care providers:
### 5.4 Off-campus resources, counselors, and health care providers:

<table>
<thead>
<tr>
<th>Contact</th>
<th>Phone</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>F.M Rape &amp; Abuse Crisis Center</td>
<td>701-293-7273</td>
<td>331 8th Street S., Fargo</td>
</tr>
<tr>
<td>Sanford Health Emergency Center</td>
<td>701-234-2000</td>
<td>720 4th Street N., Fargo</td>
</tr>
<tr>
<td>Essentia Health Emergency Center</td>
<td>701-394-8900</td>
<td>32nd Avenue S., Fargo</td>
</tr>
<tr>
<td>Planned Parenthood</td>
<td>281-236-7135</td>
<td>603 Belsey Boulevard, Moorhead, MN</td>
</tr>
<tr>
<td>Southeast Human Services</td>
<td>701-298-4500</td>
<td>2624 9th Avenue S., Fargo</td>
</tr>
<tr>
<td>Fargo Police Department</td>
<td>701-235-4493</td>
<td>222 4th Street N., Fargo</td>
</tr>
</tbody>
</table>

### 6. REPORTING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT OR SEXUAL MISCONDUCT

#### 6.1 All students, employees, and third parties are strongly encouraged to promptly report any incidents of sexual harassment, gender-based harassment, or sexual misconduct that they experience and/or observe to the Title IX Coordinator or the Equity Office.

#### 6.2 Any person (student, employee, or third party) having a complaint under this policy (NDSU Policy 162) should submit a completed complaint form available online at https://www.ndsu.edu/equity/forms/ or by contacting the Title IX Coordinator or 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.

#### 6.3 Anyone who would like to file a sexual harassment, gender-based harassment, or sexual misconduct 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. Complaints filed against a student or student organization will be resolved in coordination with the Dean of Student Life Office. If a 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.

#### 6.4 All students, employees, and third parties may also report incidents of sexual misconduct to law enforcement, including on-campus and local police. Reporting parties who choose to notify law enforcement will be provided the assistance of the Title IX Coordinator or the Equity Office in contacting these authorities if the individual wishes. Reporting Parties may also decline to notify law enforcement of incidents of sexual misconduct.
6.5 Reports of sexual misconduct made to NDSU Police will automatically be reported to the Title IX Coordinator regardless of whether the individual who experienced the sexual misconduct chooses to pursue criminal charges.

6.6 Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the mandatory reporting requirements stated in 7.1-7.3. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These individuals are encouraged to provide students or employees with information and guidance regarding university reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to university administrators without the student or employee’s express permission.

6.7 Anonymous reporting - NDSU students and employees may report incidents of sexual harassment, gender-based harassment, or sexual misconduct anonymously. 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/.

7. NOTICE OF MANDATORY REPORTING RESPONSIBILITIES

7.1 It is the responsibility of the entire university community to foster a safe, healthy, and non-discriminatory learning, living, and working environment that is free from sex discrimination of any kind. 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.

7.1.1. Observeance of sexual misconduct – All NDSU employees who observe any form of sexual misconduct must notify the Title IX Coordinator or the Equity Office.

7.1.2. Report of sexual misconduct – All NDSU employees who receive a report of sexual misconduct involving a student must contact the Title IX Coordinator or the Equity Office. NDSU supervisors, managers, department heads, deans, directors, or administrators who receive a report of discrimination involving employees must document the report and contact the Title IX Coordinator or the Equity Office. The provisions of 11.1.1 do not apply to confidential support resources providing services as described in 9.3.

7.2 To comply with 7.1.1. or 7.1.2, NDSU employees must within three business days notify the Title IX Coordinator or the Equity Office. Employees are encouraged to complete and submit an NDSU Sexual Misconduct Report Form (Report Form) to the Title IX Coordinator or the Equity Office. The Report Form is available online at https://www.ndsu.edu/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 this policy.

7.3 Upon receipt of a report of a violation, NDSU will initiate its complaint procedures.

8. REMEDIAL AND PROTECTIVE MEASURES
8.1 Upon receipt of a complaint or as otherwise informed of sexual harassment, gender-based sexual harassment, or sexual misconduct NDSU will, where appropriate, take interim measures to stop, prevent, and remedy the harm to those affected by the prohibited conduct. Interim measures are intended to be protective and/or remedial for one or both parties, and may be temporary or permanent and may be modified by the University as circumstances change.

8.2 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.

8.3 Remedial measures may be kept in place through the conclusion of any review, investigation, or appeal process.

8.4 Remedial measures can be implemented regardless of whether or not the reporting party pursues formal university or criminal action.

9. PRIVACY AND CONFIDENTIALITY

9.1 Confidentiality will be maintained to the extent possible - NDSU will keep the complaint and its investigation confidential to the extent that it is possible without compromising NDSU’s commitment and obligation to investigate allegations of sexual misconduct, to protect the university community, and to the extent allowed by law. As NDSU has an obligation to maintain an environment free of sex discrimination and sexual misconduct, most employees have mandatory reporting and response obligations and may not be able to honor a reporting party’s request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality. However, confidentiality cannot be guaranteed as NDSU may have an obligation to take specific actions once aware of alleged conduct.

9.2 NDSU is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. Information related to a report of prohibited conduct will be shared with a limited circle of NDSU employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in NDSU’s response to reports of prohibited conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

9.3 Confidential support resources - If seeking a confidential resource, NDSU students may contact the NDSU Counseling Center (212 Ceres Hall, NDSU Main Campus, 701-231-7671) and the Student Health Service (Wallman Wellness Center, NDSU Main Campus, 701-231-7331). The Faculty/Staff Assistance Program, as described in NDSU Section 134, is a confidential resource for NDSU employees.

10. TRAINING AND EDUCATION

10.1 This policy is published on the university’s website and information on this policy and related policies is included in mandatory training for new students and employees.

10.2 All new employees must attend training within the first 60 days of employment and receive supplemental training every three years.

10.3 Employees are encouraged to contact the Title IX Coordinator or the Equity Office with any questions they may have related to sexual harassment, gender-based sexual harassment, or
sexual misconduct at NDSU, including inquiries regarding their mandatory reporting responsibilities.

10.4 University employees and administrators responsible for implementing this policy, including the Title IX Coordinator, deputy coordinators, supervisors, managers, department heads, deans, directors, investigators, review committee members, and hearing officers, must receive annual training about offenses, investigatory procedures, due process requirements, and university policies related to or described in this policy.

11. FREE EXPRESSION AND ACADEMIC FREEDOM

NDSU is committed to free expression and principles of academic freedom. Vigorous discussion and debate, as well as free inquiry and free expression, are essential to NDSU’s educational mission and are critical to diversity and intellectual life. NDSU is equally committed to providing a safe, healthy, and non-discriminatory learning, living, and working environment for all members of its university community. Discrimination, harassment, and retaliation against members of the University community are not protected expression or the proper exercise of academic freedom. When resolving violations of this policy, NDSU will respond appropriately while respecting the principles of free expression and academic freedom.

12. DEFINITIONS

The terms and definitions used here are important components of University policy. The definitions are intended to give meaning to these terms in the context of the University community. Criminal and other applicable state laws may use different definitions. Section 13 provides North Dakota criminal law terms and definitions.

12.1 Complicity - Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

12.2 Consent - Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent must be all of the following:

1) Knowing: Consent must demonstrate that all individuals understand, are aware of, and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the sexual activity.

2) Active: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.

3) Voluntary: Consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).

4) Present and ongoing: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one
type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time – provided the person withdrawing consent makes that known in clearly understandable words or actions.

Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age, physical condition, or disability that impairs the individual’s ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, incapacitation due to consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring. Consent is not effective if it results from: (a) the use of physical violence, (b) threats, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to engage in sexual activity. When determining whether consent was present, the University will consider whether a reasonable person in the same position should have known whether the other party could or could not consent to the sexual activity.

12.2.1. **Physical violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

12.2.2. **Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person’s reputation, or to cause a person academic or economic harm.

12.2.3. **Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person’s size, alone, does not constitute intimidation; however, a person’s size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

12.2.4. **Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

12.2.5. **Incapacitation** is a state of being that prevents an individual from having capacity to give consent. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.
12.3 Discrimination Based on Pregnancy or Parental Status - Excluding persons from, denying them the benefit of, or discriminating against them due to their pregnancy or status as a parent. To ensure a pregnant student’s access to their education, faculty and staff must make modifications that are reasonable and responsive to the student’s temporary pregnancy status. Faculty that have their own policies about class attendance and make-up work must make sure their policies are not discriminatory.

12.4 Gender-Based Harassment – Verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person’s ability to participate in or benefit from the University’s education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this Policy.

12.5 Intimate Partner Violence - Any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence is an offense that meets the definition of domestic violence or dating violence:

12.5.1 Domestic Violence - Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common or by a person with whom the Reporting Party is cohabiting (or has cohabited) with a spouse or intimate partner.

12.5.2 Dating Violence - Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

12.5.3 Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

12.5.4 Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

12.6 Public Indecency - Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to: 1) Exposing one’s genitals or private areas; 2) Public urination; 3) Defecation; and/or 4) Public sex acts.

12.7 Reporting Party – A person or entity (in the case of the university) who submits a complaint alleging a violation of this policy.
12.8 Responding Party – Generally, the Responding Party is the person who is alleged to be responsible for the Prohibited Conduct alleged in a complaint.

12.9 Retaliation – Any adverse action taken against a person for making a good faith report of Prohibited Conduct, assisting someone making such a report, or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

12.10 Sexual Assault – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault includes nonconsensual sexual contact and nonconsensual sexual intercourse.

12.10.1 Nonconsensual Sexual Contact – Any intentional sexual touching, however slight, with any object or body part without consent. Sexual Contact includes:
1) Intentional contact with the breasts, buttock, groin, or genitals whether clothed or unclothed;
2) Touching another with any of these body parts;
3) Making another touch you or themselves with or on any of these body parts; or
4) Any other intentional bodily contact in a sexual manner.

12.10.2 Nonconsensual Sexual Intercourse – Any sexual penetration or intercourse, however slight, with any object or body part, by a person upon another person that is without consent and/or is effectuated by force. Sexual intercourse includes
1) Vaginal or anal penetration by a penis, tongue, finger, or object; or
2) Any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

12.10.3 The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.
1) Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.
2) Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
3) Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
4) Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

12.10.4 Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment.

12.11 Sex Discrimination – An act that deprives a member of the university community of his or her rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits, or opportunities with the university on the basis of the
12.12 Sexual Exploitation - Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Sexual Exploitation includes, but is not limited to:

1. Recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person’s consent;
2. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
3. Engaging in voyeurism (watching private sexual activity without the consent of the participants or viewing another person’s intimate parts, including genitalia, groin, breasts or buttocks, in a place where that person would have a reasonable expectation of privacy);
4. Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity;
5. Exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals or private areas;
6. Prostituting another person; or
7. Exposing another person to a sexually transmitted disease (STD), infection (STI), or virus (HV) without the other’s knowledge.

12.13 Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, written, graphic, physical or otherwise, when:

1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic, standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (quid pro quo harassment); or
2) Such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University’s education or employment programs and/or activities (hostile environment).

12.13.1. Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute sexual harassment.

12.13.2. A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

12.14 Sexual Misconduct - A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, gender-based harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, intimate partner violence, sexual violence, and other misconduct based on sex.

12.15 Stalking - A course of unwelcome conduct directed at a specific person that would cause a reasonable person to fear for his/her own safety or the safety of others or would cause that person to suffer severe emotional distress.
person to suffer substantial emotional distress. Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. Reasonable person means a reasonable person under similar circumstances and similarly situated to the Reporting Party. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

12.15.1 Stalking includes “Cyber-Stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

12.16 Examples of inappropriate behavior that may constitute Sexual Harassment or Sexual Misconduct include, but are not limited to:
1) Sexual teasing, jokes, remarks, or questions;
2) Sexual looks and gestures;
3) Sexual innuendoes, humor, or stories;
4) Communicating in a manner with sexual overtones;
5) Inappropriate comments about dress or physical appearance;
6) Inappropriate discussion of private sexual behavior;
7) Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
8) Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
9) Sexual favoritism;
10) Pressure for dates or sexual favors or forced sexual activity;
11) Unwelcome sexual advances;
12) Unwelcome physical contact (touching, patting, stroking, rubbing);
13) Nonconsensual video or audio-taping of sexual activity;
14) Exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals or private areas;
15) Unwelcome sexual advances;
16) Obscene gestures
17) Sexual graffiti, pictures, or posters;
18) Sexually explicit profanity;
19) Domestic or dating violence;
20) E-mail, texting ("sexting") and internet use that violates this policy;
21) Nonconsensual sexual intercourse, sexual assault, or rape; or
22) Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

13. RESOURCE OF RELEVANT TERMS AND DEFINITIONS IN NORTH DAKOTA

Because some of the offenses in this Policy are also crimes under State law, the University provides this summary of relevant North Dakota terms and definitions as a resource. Community members who are involved in legal action related to a sexual crime or offense under North Dakota law should consider speaking with an attorney for specific information about relevant State law and legal advice.

13.1 The North Dakota Human Rights Act prohibits discrimination in employment on the basis of sex, including pregnancy, childbirth and related medical conditions (ND Cent. Code Sec. 14.02.4.01 et seq.). Sexual harassment is expressly included in the Act's definition of discrimination based on sex. The Act applies to all employers in the state. It is also unlawful under the state law to retaliate or threaten to retaliate against a person who files a complaint of sexual harassment, or testifies or assists in a proceeding or investigation.
13.2 Consent is defined in North Dakota as follows (NDCC 12.1-17-08):

1. When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is a defense if:
   (a) Neither the injury inflicted nor the injury threatened is such as to jeopardize life or seriously impair health;
   (b) The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
   (c) The conduct and the injury are reasonably foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury, having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.

2. Assent does not constitute consent, within the meaning of this section, if:
   (a) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
   (b) It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
   (c) It is induced by force, duress, or deception.

13.3 Domestic violence is defined in North Dakota (NDCC 14-07.1-01) as physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members. The code defines family or household member as a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court. As the State of North Dakota includes persons who are in a dating relationship under the state’s domestic violence laws, any violence committed by dating parties would fall under domestic violence.

13.4 NDCC 12.1-17-07.1 states that no person may intentionally stalk another person. The state defines “stalk” as engaging in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person’s immediate family and must cause a reasonable person to experience fear, intimidation or harassment. The state defines course of conduct as a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity. The state defines immediate family as a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.

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 Provost for Faculty and Equity, the University legal 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 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
Housekeeping April 14, 2016
SR-XX-17

A Resolution in Support of Cancelling All NDSU Classes the Day Before Thanksgiving

Whereas, North Dakota State University (NDSU) is a student focused university, and

Whereas, many NDSU students have long drives home for the Thanksgiving holiday, and

Whereas, there are NDSU students who need to skip class the day before Thanksgiving or drive through the night in order to make it home, and

Whereas, Thanksgiving is within the season that the most motor-vehicle accidents are reported, and

Whereas, all NDSU students should be able to spend the entire Thanksgiving day with their families, and

Whereas, research shows that family time is vital to a student’s mental health and well-being, and

Whereas, there is a current lack of uniformity in the cancellation of classes the day before Thanksgiving, therefore be it

Resolved, that NDSU Student Senate supports the cancellation of all NDSU classes the day before Thanksgiving.

Respectfully submitted,

Kashalyn McKinster  
Student Senator | Resident Halls

Briana Heskin  
Student Senator | College of Business

Julina Hilliard  
Student Senator | Off-Campus

Eduardo I. Faundez  
Student Senator | College of Graduate Studies