

NDSU Faculty Senate
December 12, 2016
Prairie Rose, Memorial Union
Agenda

- I. Call to Order
- II. Attendance
- III. Approval of agenda
- IV. Approval of previous meeting minutes from November 14, 2016
- V. Consent agenda
 - a. Academic Affairs Report and General Education Report ([attachment 1](#))
 - b. Faculty Senate Bylaw Change for Equity and Diversity Committee (minor change, [attachment 2](#))
- 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 – University Curriculum Committee Report – Susan Ray Degges, Chair ([attachment 3](#))
- VIII. Unfinished Business (for input)
 - a. Faculty Senate Bylaws Article III, Section 4 – Dennis Cooley ([attachment 4](#))
 - b. Faculty Senate Bylaws Article IV, Section 11 – Dennis Cooley ([attachment 4](#))
 - c. 162 (federally mandated; seeking faculty input on clarity) – Canan Bilen-Green, Vice Provost for Faculty and Equity ([attachment 5](#))
 - d. Student resolution in support of canceling all NDSU classes the day before Thanksgiving – Kashalyn McKinster ([attachment 6](#))
- IX. New Business (for input)
 - a. 327 – Daniel Friesner, Commission of the Status of Women Faculty ([attachment 7](#))
 - b. 723 – Aaron Reinholz, Office of Research and Creative Activity ([attachment 8](#))
- X. Adjourn

**For Faculty Senate:
Approved General Education Recommendations**

For Faculty Senate Meeting on (month/year): December 12, 2016

Courses Approved for General Education (New)			
Course No.	Course Title	Recommended Categories	Recommended Outcomes
SOC 179 and 279	Society and Identity I	Humanities and Fine Arts and Global Perspectives	Human Societies
Courses Withdrawn from General Education List of Approved Courses			
ENGL 315	British Literature I	Humanities and Fine Arts	Human Societies
ENGL 316	British Literature II	Humanities and Fine Arts	Human Societies
ENGL 317	American Literature I	Humanities and Fine Arts	Human Societies
ENGL 318	American Literature II	Humanities and Fine Arts	Human Societies
ENGL 323	Creative Writing II	Upper-Level Writing	Communication

**Academic Affairs Committee Report
For Faculty Senate Meeting on December 12, 2016**

Program Changes				
Certificate in Professional Selling – adding additional electives				

Program Inactivations/Terminations				
M.Ed. Family and Consumer Science Education				
M.S. Family and Consumer Science Education				

New Courses				
Subject	No.	Title	Crs.	Effective Term
ACCT	700	Accounting for Decision Making	3	Spring 2017
ACCT	701	Financial Reporting I	3	Spring 2017
ACCT	702	Financial Reporting II	3	Spring 2017
ANSC	751	A Primer to Quantitative Genetics	1	Spring 2017
ANSC	752	Selection Index Theory and Application	1	Spring 2017
ANSC	753	Economic Breeding Programs	1	Spring 2017
ANSC	813	Domestic Animal Endocrinology	3	Spring 2017
CFS	462/662	Food Ingredient Technology	3	Fall 2017
CFS	472/672	Cereal and Food Fermentation	3	Spring 2017
CHP	450	Complementary and Alternative Therapies: An Evidence-Based Approach	2	Fall 2017
CJ	732	Applied Interpretation of Criminal Justice Methods	3	Spring 2017
ECE	737	Advanced Power Electronics	3	Spring 2017
HDFS	817	Prevention Science	3	Spring 2017
HDFS	877	Qualitative Theories and Methods in Couple and Family Therapy	3	Spring 2017
HNES	748	Nutritional Epidemiology	3	Spring 2017
HNES	753	Nutrigenomics and Advanced Lipid Metabolism in Human Nutrition	3	Spring 2017
IME	464/664	Reliability Analysis	3	Spring 2017
LANG	701	English Language and Classroom Skills for International GTAs	3	Spring 2017
LANG	702	English Language Tutorial for International GTAs	1	Spring 2017
MUSC	745	Music History Seminar	3	Spring 2017
NURS	386	Chronicity Throughout the Lifespan I	3	Spring 2017
NURS	388	Chronicity Throughout the Lifespan II	3	Spring 2017
PLSC	749	Applied Plant Molecular Breeding	3	Spring 2017

Course Changes								
From:				To:				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
CPM	474/674	Coatings I	3	CPM	474/674	Applied Polymer Science	3	Spring 2017
CPM	475/675	Coatings II	3	HNES	789	Coatings' Materials Science	3	Spring 2017
HNES	154	Professional Preparation in Elementary School Activities	3	HNES	257	Professional Preparation in Elementary School Activities	3	Spring 2017
HNES	658	Advanced Medical Nutrition Therapy	4	HNES	658	Advanced Medical Nutrition Therapy	3-4	Fall 2017
NRM	420/620	Scenarios in Natural Resources Management	2	NRM	420/620	Sustainable Scenarios in Natural Resources Management	3	Fall 2017
PHRM	536/636	Neurology & Psychiatry	3	PHRM	536/636	Neurology & Psychiatry Pharmacotherapy	3	Spring 2017

Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions				
Subject	No.	Title	Prerequisite/Co-requisite Change	Effective Term
CPM	474/674	Applied Polymer Science	Desc: Polymers are used in many important applications such as coatings, adhesives, and composites among others. Beginning with a survey of the main methods of polymer and resin synthesis, the course will emphasize the use of polymers in coatings and other applications including polymer structure – property relationships, formulation concepts, methods of evaluation, and use of solvents. Prereq: CHEM 240 or CHEM 342	Spring 2017
CPM	475/675	Coatings' Materials Science	Desc: Materials Science of composite materials with a focus on polymeric coatings. Includes properties of component materials, design, testing and application. Specialized topics include corrosion, rheology, appearance science and adhesion.	Spring 2017
ECE	423	VLSI Design	Prereq: ECE 320	Spring 2017

Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions (continued)				
Subject	No.	Title	Prerequisite/Co-requisite Change	Effective Term

Attachment #1

ENGL	323	Creative Writing	Desc: Creative writing with a focus on one literary genre. May be repeated for credit. Prereq: ENGL 120 and any one of the following: ENGL 229, ENGL 275 or ENGL 322.	Spring 2017
HDFS	856	Longitudinal Research Methods and Analysis	Prereq: HDFS 705	Spring 2017
HNES	257	Professional Preparation in Elementary School Activities	Prereq: HNES 254, professional standing	Spring 2017
MATH	483	Partial Differential Equations	Prereq: MATH 266 and either MATH 270 or MATH 329	Fall 2017
NRM	420/620	Sustainable Scenarios in Natural Resources Management	Desc: An interdisciplinary course to investigate the key competencies needed for sustainable social-ecological systems and how sustainable scenarios can be built for the future management of natural resources.	Fall 2017
PHRM	520/620	Special Populations	Prereq: PHRM 532, PHRM 537 and PHRM 538 all with a grade of C or higher.	Spring 2017
PHRM	536/636	Neurology & Psychiatry Pharmacotherapy	Prereq: PSCI 415	Spring 2017

Course Inactivations				
Subject	No.	Title	Crs.	Effective Term
COMM	109	Communicating with Confidence	1	Spring 2017
COMM	111	Honors Public Speaking	3	Spring 2017

Temporary/Trial Topics				
Subject	No.	Title	Crs.	Effective Term
PSYC	791	Lifespan Development	3	Spring 2017

Academic Affairs Committee Addendum
For Faculty Senate Meeting on December 12, 2016

New Programs	
CFS Minor – Food Science and Technology	

Program Terminations	
Program:	Effective Term
Coaching minor	Spring 2017
B.S. and B.A. in German Education	Spring 2017
Speech Communication Education minor	Spring 2017

New Courses				
Subject	No.	Title	Crs.	Effective Term
ANSC	371	Fundamentals of Animal Disease II	3	Spring 2017
Uniform	897	Doctoral Internship	1-4	Spring 2017

Course Changes								
From:				To:				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
AS	110	Air Force ROTC Fitness	1	AS	110	Air Force ROTC Fitness	0	Spring 2017
AS	210	Leadership Laboratory	1	AS	210	Leadership Laboratory	0	Spring 2017
AS	410	Leadership Laboratory	1	AS	410	Leadership Laboratory	0	Spring 2017

Change in Prerequisites/Co-Requisites and Change in Bulletin Descriptions				
Subject	No.	Title	Prerequisite/Co-requisite Change	Effective Term
ECON	341	Intermediate Microeconomics	Prereq: ECON 201, ECON 202, MATH 144 (or MATH 165)	Spring 2017
ECON	440	Game Theory and Strategy	Prereq: ECON 201, MATH 144 (or MATH 165), and STAT 330 (or STAT 367)	Spring 2017
PHRM	532	Infectious Disease	Prereq: MICR 470, PSCI 412	Spring 2017

Section 5. Equity and Diversity 1.

1. Voting membership shall consist of five faculty members and a faculty representative from the Commission on the Status of Women Faculty recommended by the Faculty Senate Executive Committee and appointed by the Faculty Senate President. The Executive Committee shall strive for representation from diverse groups.
2. Non-voting membership shall consist of the Vice Provost for Faculty Advancement (or designee).
3. Committee responsibilities include:
 - a. Reviewing, revising and proposing policies to ensure that rights and considerations of diverse groups or faculty are included in NDSU policy, practices, and procedures.
 - b. In particular, the committee will explore and identify ways that NDSU can be more inclusive for diverse faculty including women, people of color, and LGBTQ people. ~~sexual minorities (e.g., lesbian, gay, bisexual, or transgendered).~~

University Curriculum Committee

Report to Faculty Senate – Fall 2016

Introduction:

University Curriculum Committee's (UCC) primary purpose is to fulfill the role of shared governance in changes made to the university's curricular requirements. These include changes to curricula, courses, programs and general university requirements. UCC also serves as a major facilitator to coordinate curricular matters among the university's academic divisions/colleges.

Committee responsibilities are:

- a. Developing criteria and procedures for submitting, evaluating, and approving courses, experiences, and program proposals for curriculum and course changes.
- b. Coordinating and recommending actions on proposals for curriculum and course changes that have been received from the colleges.
- c. Overseeing the general education program, including:
 - a. Validating/revalidating courses and experiences to ensure that general education outcomes are met.
 - b. Coordinating periodic assessment of students' attainment of intended student outcomes in general education.
- d. Requesting the formation of ad hoc Faculty Senate committees to recommend policies for the evaluation of transfer credit, policies for graduation, and make other recommendations as needed, and
- e. Performing other appropriate duties as assigned by the Faculty Senate. (As approved by Faculty Senate: Article IV: Faculty Senate Standing Committees – [Section 14: University Curriculum Committee](#), May 2016)

Fall 2016 update:

1. UCC members have attended respective Academic Affairs Committee Meetings and General Education Meetings as schedules allowed.
2. Hours dedicated to committee work varies from 1 to 3 hours per week depending on committee responsibility (i.e. chair of committee), number of proposals, petitions, or policies to be reviewed.
3. UCC committee has met twice to review the charge of the committee and to establish goals for the upcoming semester and a time line of activities.
4. Two additional UCC meetings have been with the IQAOC, with the final meeting to report on progress and identify proposed goals for Spring 2017.

Proposed Goals for Spring 2017

1. Inform/train committee members in proposal review process (new course proposal, general education course proposals, student petitions).
2. Establish ad hoc committee to identify timeline for reviewing curricular proposals and policies
 - a. Establish timeline for new course proposals submissions.
 - b. Establish campus wide timeline for revalidating/renewing General Education Courses.
3. Explore collaboration with the Office of Teaching and Learning to assist faculty in course proposal development and revision.
4. Promote streamline curriculum proposal submission and approval process

- a. The UCC shall receive notification of undergraduate/graduate courses and programs of study after they have been approved by the curriculum committees of the colleges, deans and graduate school.
 - i. College curriculum committees will have the primary responsibility for evaluating routine curricular matters such as changes in course descriptions, course content, course requirements, course credits, course prefix, and course syllabi.
 - ii. The UCC will receive proposals from the college curriculum committees that deal with such routine curricular matters to be moved to a consent agenda. The UCC will return such proposals to the college curriculum committees for reconsideration only in cases where there appears to be a serious oversight on the part of the college and/or department curriculum committees.
5. The UCC will engage in a more substantive review of new course proposals, new general education course proposals, and those course proposals that have implications that go beyond the individual colleges, such as those that involve multiple colleges, those that involve campus-wide requirements and/or resources, and those pertaining to campus-wide academic programs.
 - a. Identify ad hoc committees in reviewing new course proposals.
 - b. Identify ad hoc committees in reviewing new general education course proposals.
6. The UCC shall appoint ad hoc subcommittees and/or liaison person(s) to assist the Committee in reviewing course proposals in intercollegiate, multi-disciplinary areas within the University.
7. UCC will review and recommend policies and procedures (examples include: attendance, limiting major change and repeated courses, repeated courses, etc.).
8. The UCC will review new programs (SBHE Policy 403.1)

Board approval is required for all new programs of study that designate a focused collection of instructional/learning activities the completion of which signifies a level of competence which the awarding institution so designates by a notation on the front of the student transcript. Board approval is required for all requests for appropriations in support of new programs.

The chancellor shall establish procedures for new program review and evaluation and approval of changes to existing programs resulting in new transcript entries.

9. The Office of Registration and Records will work closely with UCC to implement faculty approved curricular, policy, and procedure changes in a timely and efficient manner.



CONSENT AGENDA

[Department/College Level]

Changes in:

- Course Title
- Catalog Description
- Catalog Number
- Course Credits
 - Prefix
- Requisites
- Course Inactivation
- Temporary/Trial Topics



New Course

Proposals¹

(Ad-hoc Committee)

{Managed through CourseLeaf}

**to include syllabi



New Course

Proposals¹

General Education

(Ad-hoc Committee)

{Managed through CourseLeaf}

**to include syllabi



General Education
Student Petitions
[Ad-hoc Committee]



Revalidating/Renewing General
Education Courses
(Ad-hoc Committee)



DEGREE, MAJOR, MINOR, or
CERTIFICATE

New Program Proposal [Stage I
and II] SBHE

Title Change [Department,
Major, Minor, Degree]
Chancellor

Curricular Program Edits
CIP Code Change SBHE

¹Courses or programs offered for graduate credit are to be approved by the Graduate Council prior to Undergraduate Curriculum Committee consideration.

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. ~~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.~~

23. 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.

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Policy 162 Version 1 10/05/2016

Policy Change Cover Sheet

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



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

SECTION: **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@nds.edu

This portion will be completed by Mary Asheim.

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University
Policy Manual

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

SOURCE: NDSU President

1. INTRODUCTION

- 1.1 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.
- 1.2 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.

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- 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.

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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 unwanted 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.

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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.

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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.

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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:

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- 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.

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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.

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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.

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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.

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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").

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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:

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3.2.1. On property owned or controlled by NDSU;

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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

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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:

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Contact	Phone	Address
Title IX Coordinator	701-231-7708	Old Main 201, NDSU
Dean of Student Life	701-231-8240	Memorial Union 250, NDSU
Equity Office	701-231-7708	Old Main 201, NDSU
NDSU Counseling Center*	701-231-7671	Ceres Hall 212, NDSU
Sexual Assault Prevention & Advocacy	701-231-5733	Memorial Union 250, NDSU
NDSU Student Health Service*	701-231-7331	Wallman Wellness Center, NDSU
SARA Helpline	701-730-6149	-
NDSU Police	701-231-8998	1523 12th Avenue N., Fargo

*Confidential resources

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

Contact	Phone	Address
F-M Rape & Abuse Crisis Center	701-293-7273	317 8th Street N, Fargo
Sanford Health Emergency Center	701-234-2000	720 4th Street N, Fargo
Essentia Health Emergency Center	701-364-8000	32nd Avenue S, Fargo
Planned Parenthood	281-236-7145	803 Belsey Boulevard, Moorhead, MN
Southeast Human Services	701-298-4500	2624 9th Avenue S., Fargo
Fargo Police Department	701-235-4493	222 4th Street N, Fargo

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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.

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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.

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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.

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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.

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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.

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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.

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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/>.

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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.

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

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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.

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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.

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

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8. REMEDIAL AND PROTECTIVE MEASURES

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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

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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

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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.

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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.

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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.

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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.

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

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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

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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.

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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.

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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).

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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 clear 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.

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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.

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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.

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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.

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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:

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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.

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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.

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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).

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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.

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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.

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12.7 Reporting Party - A person or entity (in the case of the university) who submits a complaint alleging a violation of this policy.

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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.

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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.

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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.

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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.

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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.

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12.10.3. The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.

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- 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.

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

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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

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person's sex (including pregnancy, sexual orientation, and gender identity/expression) or having a policy or practice that has a disproportionately adverse impact on protected class members.

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 (HIV) without the other's knowledge.

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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 benefitting from the University's education or employment programs and/or activities (hostile environment).

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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.

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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.

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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.

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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

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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.

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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.

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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.

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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.

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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.~~
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- 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 reported¹, 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-being², 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

1. CDC, "Reducing the risk for injury while traveling for Thanksgiving holidays"
Morbidity and Mortality Weekly Report 50, No. 45 (2001), 1016-1017.
2. Ramon B. Zabriskie, and Bryan P. McCormick, "The Influences of Family Leisure
Patterns on Perceptions of Family Functioning," Family Relations 50, No. 3 (July
2001): 281-289.

Policy Change Cover Sheet

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



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

SECTION: Policy 327- Evaluation of Academic Deans, Directors and Department Chairs and Heads

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

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change: adding Provost and FT Vice Provosts, Academic Vice Presidents, and FT Associate/Assistant Deans, to be evaluated under this policy; clarifying annual review and comprehensive review responsibilities; changing comprehensive review from every three years, to year three of initial appointment and every five years thereafter; streamlining evaluation criteria; separating evaluation procedure from policy.
- Version 2 includes Faculty Senate recommendation to remove references to confidentiality in Section 5 under Procedure; the review cannot be confidential due to state requirements.
- Version 2 was approved by the Faculty Senate. Those changes are mapped out in the current document. In addition, Version 3 includes minor wording changes to sections 3-5 to incorporate feedback from legal counsel. Hence, the vast majority of the revisions in this document were originally approved by the Faculty Senate.

Please note that the attached procedures are provided as information to accompany the policy changes and do not need to be voted upon.

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

- Office/Department/Name and the date submitted: Commission on the Status of Women Faculty, working with the Office of the Provost – submitted 10-16-2015
- Email address of the person who should be contacted with revisions: Daniel.Friesner@nds.edu
Karon.Froelich@nds.edu

This portion will be completed by Mary Asheim.

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

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

Senate Coordinating Committee: 11/7/16

Faculty Senate:

Staff Senate: 11/16/16

Student Government: 11/16/16

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Policy 327 Version 3 10/19/16

President's Cabinet: 11/16/16

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

SECTION 327
EVALUATION OF ACADEMIC ADMINISTRATORS~~ACADEMIC DEANS, DIRECTORS~~
~~AND DEPARTMENT CHAIRS AND HEADS~~

SOURCE: NDSU President
Faculty Senate

1. Introduction

North Dakota State University believes every university employee deserves regular evaluation of his or her professional duties as they relate to a formal job description and the university's needs. This process should be transparent and constructive~~honest, open, and forthright~~; including an acknowledgment of the employee's achievements, as well as an assessment of his or her ability to match the university's expectations, ~~and a determination of areas needing improvement.~~

~~As this evaluation process policy pertains to the campus provost, full-time vice provosts, academic vice presidents who report to the provost, academic deans, full-time academic associate and assistant deans, directors of academic offices, and chairs and heads, directors, and other academic supervisory personnel, the evaluation process will include input from a variety of groups; faculty will play a major role in evaluation of academic administrators. It is expected that an evaluation will always emphasize areas of special achievement, while also identifying areas needing improvement. This should be a constructive and useful experience to be welcomed by the person being evaluated. It is a required part of an ongoing process designed to ensure that the person evaluated continues to meet both his or her own needs, as well as the needs of affected university publics.~~

2. Annual Review~~Timetables~~

Each administrator covered by this policy will be reviewed annually by the administrative supervisor to whom that person reports in accordance with Policy 167.

3. Comprehensive Review

All administrators covered under this policy will undergo a comprehensive review. Evaluation of deans, directors, and chairs will include input from a variety of groups. This document is designed to guide faculty, as they play a major role in evaluation of academic supervisors. It is expected that deans, chairs, and directors will be evaluated formally. The first comprehensive review will be completed by the end of the administrator's third year of appointment. Subsequent reviews will occur at least every three years, to be completed by the end of the fifth year after the prior review. Interim reviews may be initiated requested by the administrator or by the person to whom the administrator reports. If a review indicates substantial areas of concern or lack of performance, the next review will be completed within two years of that review. The college or department Promotion, Tenure and Evaluation (PTE) committee, supervising administrator, or the employee himself/herself may request an evaluation.

4. Common Review Criteria

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Review criteria ~~will~~ should be based on the administrator's job description and which may include, but are not limited to, the following:

- a) leadership, strategic planning and assessment;
- b) administration and management;
- c) commitment to institutional values including equity and diversity, academic freedom, and shared governance;
- d) external relations;
- e) service to the broad mission of the University.

The relative importance of evaluation areas will vary with ~~position of the administrator~~ job description; therefore, some criteria above may not apply and others may be added.

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5. Procedures

Comprehensive ~~r~~Reviews will be initiated by the administrator's supervisor, and must be conducted according to the Comprehensive Review Procedures for Academic Administrators.

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Review committees – consisting of tenured faculty, relevant administrators, and staff – will be formed in accordance with the Comprehensive Review Procedures. The review committee shall prepare a report summarizing its findings for submission to the supervisor.

~~As personnel matters, reviews and any materials generated during the review process are confidential.~~ The supervisor will provide a summary of the review to the unit ~~for public distribution.~~

3. Evaluation of academic deans and directors

3.1 — Evaluation standards

While standards vary among colleges and divisions, the considerations below are designed to help guide Evaluation Committees in forming their evaluation:

- a) Leadership. Promotes high standards for the unit in areas of scholarship, instruction, and outreach; communicates priorities, standards, and administrative procedures effectively; articulates a vision for the future; provides national and statewide visibility and recognition for the unit; contributes to the leadership of the university and effectively advocates for the university.
- b) Planning. Works effectively with staff in identifying appropriate short-term and long-term goals, in setting priorities, and in focusing resources across all unit missions.
- c) Administration and Management. Oversees the recruitment and appointment of highly qualified staff; provides support for the successful recruitment and retention of chairs, faculty and staff; manages the dean's or director's office effectively; shares governance with staff when appropriate; provides for effective budget management; works effectively with other colleges; makes decisions in a timely fashion.

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- d) ~~Affirmative Action. Encourages diversity and implements mechanisms for attracting and retaining women and underrepresented groups; encourages respect for all persons in the unit.~~
- e) ~~Instruction. Coordinates and implements curricula as developed by the faculty.~~
- f) ~~Outreach. Promotes the service component of the unit's mission; provides mechanisms for the successful delivery of outreach programs; is responsive to the needs of external constituencies.~~
- g) ~~Development. Within the context of the college, successfully works with the Development Foundation and other organizations in identifying and pursuing philanthropic support for the unit; develops public and constituency support for the unit.~~
- h) ~~Personnel Development. Supports and defends academic freedom; provides guidance, support and resources for faculty and staff development, particularly in promotion, tenure and evaluation.~~
- i) ~~Assessment. Effectively evaluates or assesses the units under his/her administration; acknowledges areas of excellence, and recommends areas where improvement is needed.~~

3.2 ~~Evaluation Procedures~~

- a) ~~The Office of the Provost initiates evaluations of these administrators. To ensure faculty involvement, the faculty of a college or unit must organize a committee consisting of full time non-administrative faculty at the assistant professor, associate professor, or full professor level. Members of the Evaluation Committee are recommended to the Provost the college or unit's PTE Committee, as appropriate under the evaluative charge of this group. However, members of the college's PTE Committee cannot appoint themselves.~~
- b) ~~The number of faculty on the committee may be flexible, but should total at least five. Evaluation Committee members should decide at an initial meeting the number of members constituting a quorum. A timetable should be set in consultation with the Provost or other senior administrative office to assure that the faculty evaluation material is ready in time to be included in the entire evaluation document.~~
- c) ~~The Evaluation Committee will propose a written evaluation form based upon the formal job description, dean's statement of goals and accomplishments, and a statement of self-assessment. A draft of this proposed evaluation form will be made available to the dean/director, who will be invited to offer input before it is finalized. The final evaluation form will be used to solicit responses from faculty, chairs, peer administrators, and others including classified staff, students, recent graduates, and external constituencies, if appropriate.~~

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- d) ~~The Evaluation Committee will analyze the completed evaluation forms and prepare a committee evaluation report summarizing the findings for the Provost. Evaluation Committee members who do not agree with the majority report may append a dissenting report. If the Evaluation Committee believes the needs of the college or division have changed, it may recommend to the Provost that the position description be changed.~~
- e) ~~Upon receipt of the committee's evaluation report, the Provost will also analyze and summarize the data. The Provost will then meet with the Evaluation Committee to determine consensus and discuss differences. The Provost will prepare a draft report of the final evaluation and provide it to the dean. The Provost will meet with the dean and discuss the findings of the Evaluation Committee. Following this meeting, a final evaluation report will be written and placed in the individual's official personnel file. To ensure that the process remains open and positive, it is strongly suggested that the dean/director discuss this final evaluation report at a subsequent college or division faculty meeting.~~
- f) ~~At any time, faculty or staff not on the committee, of course, may contact the Office of the Provost or other appropriate supervising officer directly with compliments or concerns relating to the person being evaluated.~~

4. ~~Evaluation of chairs and heads~~

4.1 ~~Evaluation standards~~

~~While standards vary among colleges and divisions, the considerations below are designed to help guide Evaluation Committees in forming their evaluation.~~

- a) ~~Leadership. Promotes high standards for the unit in areas of scholarship, instruction, and outreach; communicates priorities, standards, and administrative procedures effectively; articulates a vision for the future; provides national and statewide visibility and recognition for the unit; contributes to the leadership of the university and effectively advocates for the university.~~
- b) ~~Planning. Works effectively with staff in identifying appropriate short-term and long-term goals, in setting priorities, and in focusing resources across all unit missions.~~
- c) ~~Administration and Management. Oversees the recruitment and appointment of highly qualified staff, provides support for the successful recruitment and retention of faculty and staff, manages the department office effectively, shares governance with staff when appropriate, provides for effective budget management, works effectively with other departments, makes decisions in a timely fashion.~~
- d) ~~Affirmative Action. Encourages diversity and implements mechanisms for attracting and retaining women and underrepresented groups; encourages respect for all persons in the unit.~~

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- e) ~~Instruction. Coordinates and implements curricula as developed by the faculty.~~
- f) ~~Outreach. Promotes the service component of the unit's mission, provides mechanisms for the successful delivery of outreach programs, is responsive to the needs of external constituencies.~~
- g) ~~Development. Within the context of the (college) unit, successfully works with the Development Foundation and other organizations in identifying and pursuing philanthropic support for the unit; develops public and constituency support for the unit.~~
- h) ~~Personnel Development. Supports and defends academic freedom; provides guidance, support and resources for faculty and staff development, particularly in promotion, tenure and evaluation.~~
- i) ~~Assessment. Effectively evaluates or assesses the units under his/her administration; acknowledges areas of excellence, and recommends areas where improvement is needed.~~

4.2 ~~Evaluation Procedure for chairs and heads~~

- a) ~~Chairs also must be evaluated at least once every three years, with the dean of the college or the director of the unit initiating the evaluation process. The dean, in conjunction with the department faculty, will form an ad hoc committee consisting of at least three faculty members.~~
- b) ~~This ad hoc committee chair will propose a written evaluation form based upon the chair's formal job description, statement of goals and accomplishments, and a statement of self-assessment. A draft of this proposed evaluation form will be made available to the chair, who will be invited to offer input before the document is finalized. The final evaluation form will be used to solicit response from faculty, peer administrators, and others including classified staff, students, recent graduates, and, if appropriate, external constituencies.~~
- c) ~~The ad hoc committee will analyze the completed evaluation forms and prepare a report summarizing the findings for the dean. Evaluation Committee members who do not agree with the majority report may append a dissenting report. If the Evaluation Committee believes the needs of the department or unit have changed, it may recommend to the dean that the position description be changed.~~
- d) ~~Upon receipt of the report from the Evaluation Committee, the dean will also analyze and summarize the data. The dean will then meet with the ad hoc committee to determine consensus and discuss differences. The dean will prepare a draft report and provide it to the chair. The chair will meet with the dean regarding the report. Following this meeting, a final report will be written and placed in the individual's official personnel file. To ensure that the process remains open and positive, it is strongly suggested that the chair discuss this evaluation at a subsequent department faculty meeting.~~

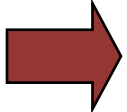
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~~e) At any time, faculty or staff not on the committee, of course, may contact the deans' office or other appropriate supervising officer directly with compliments or concerns relating to the person being evaluated.~~

HISTORY:	
New	July 1990
Amended	April 1992
Amended	January 1995
Amended	January 1996
Amended	February 1997
Amended	May 1997
Amended	January 2003
Amended	October 2007
Housekeeping	February 14, 2011
Housekeeping	July 12, 2013

Policy Change Cover Sheet

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



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

SECTION:

Policy 723: Use of Unmanned Aircraft Systems

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
 - Is this a federal or state mandate? ☒ Yes ☐ No
 - Describe change: This proposed new policy is to address the use of Unmanned Aircraft Systems (UAS) for university related activities. The policy states that employees and students must comply with Federal Aviation Administration regulations and other applicable laws. It directs users to a web page where NDSU procedures are found. The policy describes the role of the university UAS Advisory Panel.
2. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted: Office of Research and Creative Activity, Aaron Reinholz, 10/31/2016
 - Email address of the person who should be contacted with revisions: aaron.reinholz@nds.edu

This portion will be completed by Mary Asheim.

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

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

Senate Coordinating Committee: 11/7/16

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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North Dakota State University

Policy Manual

SECTION 723

USE OF UNMANNED AIRCRAFT SYSTEMS

SOURCE: NDSU President

1. The operation of Unmanned Aircraft Systems (UAS) is regulated by the Federal Aviation Administration (FAA) and relevant state law. The term UAS includes all types of unmanned aircraft including what are commonly called drones and model aircraft. North Dakota State University employees and students must comply with FAA requirements, state law, and any other locally applicable laws or regulations for flight operations of unmanned aircraft systems over NDSU property or for any university related activity.
2. NDSU will establish procedures to ensure compliance with these legal obligations and to reduce the risks of UAS flight operations to safety, security and privacy. The procedures can be obtained from the [NDSU UAS web page](#).
3. As part of its commitment to growing the use of UAS for research and education, and its commitment to ensuring that such use is being conducted according to the regulations, NDSU has established a UAS Advisory Panel. The UAS Advisory Panel provides oversight for the establishment and maintenance of the UAS procedures. They also review the proposed use of UAS for research and education purposes to consider any privacy or ethics related concerns.

HISTORY:

New