I. Call to order

II. Attendance/substitutions

III. Adoption of agenda

IV. Approval of previous meeting minutes from March 18, 2019

V. Announcements
   a. Dean Bresciani, President
   b. Ken Grafton, Provost
   c. Erin Gillam, Faculty Senate President
   d. Molly Secor-Turner, Faculty Senate President-Elect
   e. Amanda Booher, Staff Senate President
   f. Marisa Pacella, Student Body Vice President
   g. Marc Wallman, Vice President of Information and Technology
   h. Alicia Laferriere, Dept Manager of Course Materials, NDSU Bookstore

VI. Consent agenda
   a. UCC Report (Attachment 1) and UCC Addendum (Attachment 2)
   b. UCC Procedural Change - Nonsubstantive vs Substantive Changes (Attachment 3)

VII. Unfinished Business
   a. Edits to the Faculty Senate Bylaws (submitted by the ad hoc Faculty Senate Bylaws Review Committee – approved at March 18 Faculty Senate meeting)
      i. Track-changed edits to the Faculty Senate Bylaws (Attachment 4)
      ii. Summary of all proposed changes to the Faculty Senate bylaws (Attachment 5)
   b. Policy 334: Field Trips (Attachment 6)
   c. Policy 611: Student Travel Policy (Attachment 7)
   d. Policy 611.1/334.1: International Travel for Students (Attachment 8)
      i. Note that only change is policy number

VIII. New Business
   a. Policy 162: Sexual and Gender-Based Harassment, Sexual Misconduct and Title IX (Attachment 9)
   b. Policy 156: Discrimination, Harassment and Retaliation in the Workplace (Attachment 10)

IX. Adjourn
New Programs
Undergraduate Certificate in Publishing

Program Changes
B.S./B.A.; Apparel, Retail Merchandising & Design – Apparel Studies option – added a required course and removed courses that are no longer offered.

B.S./B.A.; Apparel, Retail Merchandising & Design – Retail Merchandising option – added a required course and removed courses that are no longer offered.

B.S./B.A.; Hospitality & Tourism Management – added new courses to professional electives, removed courses that are no longer offered.

Apparel, Retail Merchandising & Design minor – added a new course and removed courses that are no longer offered.

Hospitality & Tourism Management minor – added new required courses and removed courses that are no longer offered.

B.S.; Animal Science – new option courses were added and courses were removed that are no longer required.

B.S.; Equine Science – new courses were added to replace previously required courses and more flexibility for elective credits.

Animal Science minor – 2-credit courses were replaced by 3-credit courses to eliminate confusion for students.

B.S.; Food Science – dropping ABEN 263 as a requirement and changing the AGRI 189 requirement to PLSC 189.

B.S.ConsM.; Construction Management – replace CM&E 430 with CM&E 431 on the curriculum.

B.S./B.A.; French – removal of FREN 401 as a core class and acceptable ancillary classes listed. Study Abroad requirement credits changed to 0-12.

B.S./B.A.; Human Development & Family Science – streamline program, reduce repetitiveness across coursework, improve access to upper-level courses, better prepare students for career development.

B.S./B.A.; HDFS: Elementary Education - streamline program, reduce repetitiveness across coursework, improve access to upper-level courses, better prepare students for career development.

B.S./B.A.; HDFS and B.S./B.A.; Social Work - streamline program, reduce repetitiveness across coursework, improve access to upper-level courses, better prepare students for career development.

Human Development & Family Science minor – removal of HDFS 135 and addition of HDFS 250 as prerequisites to HDFS upper-level courses.

B.S.; Dietetics – remove HNES 452 as a required course.

B.S.; Exercise Science – no more than two grades of C may be used to satisfy Exercise Science major courses. No grades of D or F may be used.

International Studies subsequent major – adjusting internationally focused course electives to reduce the number of sub/waiver forms. Also credits are no longer required to meet the study/work/research experience abroad.

B.S.M.E.; Mechanical Engineering – updated list of courses allowed to satisfy technical elective requirements.

B.S.; Microbiology – changes made to ensure accreditation requirements are met.

BSN-Nursing; LPN to BSN track – nursing content was split into two courses.

PharmD; Pharmacy – program clean-up and addition of the use of PharmCAS.

B.S.; Horticulture – minor programmatic curriculum changes were made, one course added (PLSC 215) and one course removed (PLSC 323).

Horticulture minor – made a slight modification to required courses and added elective courses.

B.S./B.A.; Psychology – the department instituted an additional option to complete the Capstone.

Managerial Psychology minor – adjustments made to match department approved requirements.

B.S.; Soil Science – AGRI 189 has been removed as a requirement and AGRI 150 has been replaced by NRM 150.

B.S./B.A.; Behavioral Statistics – updated options for Psychology Capstone.

General Education Recommendations
FREN 340 – The French-Speaking World – recommended for approval for the Humanities & Fine Arts category and the Cultural Diversity category

New Prefix
BUSI – Business

New Courses

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Effective Term</th>
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<tbody>
<tr>
<td>ADHM</td>
<td>368</td>
<td>Interior Materials</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>CM&amp;E</td>
<td>431</td>
<td>Sustainable Design and Construction</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>HDFS</td>
<td>389</td>
<td>Pre-Field Experience</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>LANG</td>
<td>709</td>
<td>Language Strategies for Research Writing</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>PSYC</td>
<td>763</td>
<td>Grant Writing for Psychological Scientists</td>
<td>Fall 2020</td>
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</table>

Course Changes

<table>
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<tr>
<th>From:</th>
<th>To:</th>
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<tbody>
<tr>
<td>Subject</td>
<td>No.</td>
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<tr>
<td>ADHM</td>
<td>368</td>
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<td>AS</td>
<td>111</td>
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<tr>
<td>AS</td>
<td>112</td>
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<td>AS</td>
<td>211</td>
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<td>212</td>
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<td>441</td>
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<td>AS</td>
<td>442</td>
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<tr>
<td>CE</td>
<td>204</td>
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<tr>
<td>HDFS</td>
<td>445</td>
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<tr>
<td>NURS</td>
<td>446L</td>
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<tr>
<td>Uniform</td>
<td>179/279/379/479/679</td>
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<td>Uniform</td>
<td>492/692</td>
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<td>VETS</td>
<td>150</td>
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**Changes in Prerequisites/Co-Requisites/Course Descriptions**

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Prerequisite/Co-requisite/Description Change</th>
<th>Effective Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABEN</td>
<td>486</td>
<td>Design Project I</td>
<td>Prereq: ABEN 263 and senior standing</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>ADHM</td>
<td>261</td>
<td>Visual Communications</td>
<td>Desc: Introduction to 3D modeling, vector graphics, imaging, and graphic design software used for interior design presentation material creation. Exploration of rendering techniques and media. Prereq: Interior Design major or minor</td>
<td>Spring 2020</td>
</tr>
<tr>
<td>ADHM</td>
<td>368</td>
<td>Interior Materials</td>
<td>Desc: This course examines the characteristics, applications, specifications and sustainability of materials used in interior spaces. The lab portion focuses on management of resources used by interior designers, including references, product information, and material samples.</td>
<td>Spring 2020</td>
</tr>
<tr>
<td>ADHM</td>
<td>404</td>
<td>Restaurant Operations Management</td>
<td>Co-req: ADHM 404L</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>ADHM</td>
<td>404L</td>
<td>Restaurant Operations Management Laboratory</td>
<td>Prereq: HNES 141</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>AS</td>
<td>111</td>
<td>Heritage and Values of the U.S. Air Force I</td>
<td>Desc: AS 111: Introduces students to the United States Air Force and provides an overview of the basic characteristics, missions, and organization of the Air Force.</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>AS</td>
<td>112</td>
<td>Heritage and Values of the U.S. Air Force II</td>
<td>Desc: AS 112: Continuation of AS 111; provides an overview of the basic characteristics, missions and organization of the Air Force.</td>
<td>Spring 2020</td>
</tr>
<tr>
<td>AS</td>
<td>211</td>
<td>Team and Leadership Fundamentals</td>
<td>Desc: AS 211: Focuses on laying the foundation for teams and leadership. The topics include skills that will allow cadets to improve their leadership on a personal level and within a team. The purpose is to instill a leadership mindset and to motivate sophomore students to transition from AFROTC cadet to AFROTC officer candidate.</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>AS</td>
<td>212</td>
<td>Team and Leadership Fundamentals II</td>
<td>Desc: AS 212: Continuation of AS 211. Focuses on laying the foundation for teams and leadership. The topics include skills that will allow cadets to improve their leadership on a personal level and within a team. The courses will prepare cadets for their field training experience where they will be able to put the concepts learned into practice. The purpose is to instill a leadership mindset and to motivate sophomore students to transition from AFROTC cadet to AFROTC officer candidate.</td>
<td>Spring 2020</td>
</tr>
<tr>
<td>Subject</td>
<td>No.</td>
<td>Title</td>
<td>Prerequisite/Co-requisite/Description Change</td>
<td>Effective Term</td>
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<tr>
<td>AS</td>
<td>321</td>
<td>Leading People and Effective Communication</td>
<td>Desc: AS 321: Study of advanced skills and knowledge in management and leadership. Special emphasis is placed on enhancing leadership skills and communication. Cadets have an opportunity to try out these leadership and management techniques in a supervised environment as juniors and seniors.</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>AS</td>
<td>322</td>
<td>Leading People and Effective Communication II</td>
<td>Desc: AS 322: Continuation of AS 321. Study of advanced skills and knowledge in management and leadership. Special emphasis is placed on enhancing leadership skills and communication. Cadets have an opportunity to try out these leadership and management techniques in a supervised environment as juniors and seniors.</td>
<td>Spring 2020</td>
</tr>
<tr>
<td>AS</td>
<td>441</td>
<td>National Security Affairs/Preparation for Active Duty</td>
<td>Desc: AS 441: Provides students the foundation to understand their role as military officers in American society. It is an overview of the complex social and political issues facing the military profession and requires a measure of sophistication commensurate with the senior college level.</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>AS</td>
<td>442</td>
<td>National Security Strategy/Preparation for Active Duty II</td>
<td>Desc: AS 442: A continuation of AS 441. This course is the foundation to understand your role as military officers in American society. It is an overview of the complex social and political issues facing the military profession and requires a measure of sophistication commensurate with the senior college level. This semester provides information that will prepare you (cadets) for Active Duty.</td>
<td>Spring 2020</td>
</tr>
<tr>
<td>CSCI</td>
<td>372</td>
<td>Comparative Programming Languages</td>
<td>Prereq: CSCI 161</td>
<td>Summer 2019</td>
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<tr>
<td>CSCI</td>
<td>413</td>
<td>Principles of Software Engineering</td>
<td>Prereq: CSCI 313 or ECE 275</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>HDFS</td>
<td>320</td>
<td>Prenatal, Infant and Toddler Development</td>
<td>Prereq: HDFS 230 and Co-req: HDFS 250</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>330</td>
<td>Child Development</td>
<td>Prereq: HDFS 230 and Co-req: HDFS 250</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>340</td>
<td>Adolescent Development</td>
<td>Prereq: HDFS 230 and Co-req: HDFS 250</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>341</td>
<td>Parent-Child Relations</td>
<td>Prereq: HDFS 242 or HDFS 230 and Co-req: HDFS 250</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>353</td>
<td>Children, Families and Public Policy</td>
<td>Prereq: HDFS 230 and HDFS 242 and Co-req: HDFS 250</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>357</td>
<td>Personal and Family Finance</td>
<td>Prereq: HDFS 242 and Co-req: HDFS 250</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>360</td>
<td>Adult Development and Aging</td>
<td>Prereq: HDFS 230 and Co-req: HDFS 250</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>430</td>
<td>Topics in Cognitive Development</td>
<td>Prereq: 6 credits of HDFS 300-400 level coursework</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>435</td>
<td>Topics in Socio-Emotional Development</td>
<td>Prereq: 6 credits of HDFS 300-400 level coursework</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>HDFS</td>
<td>445</td>
<td>Topics in Family Science: (sub-topic)</td>
<td>Desc: Advanced study of specific topic areas in Family Science. Topics vary each time the course is offered and may include mate selection, divorce, step-families, poverty, etc. May be repeated for credit with change in subtopic. Prereq: 6 credits of HDFS 300-400 level coursework and students must be a major with junior or senior standing in HDFS, WGS or FACS</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>HDFS</td>
<td>448</td>
<td>Issues in Sexuality</td>
<td>Prereq: HDFS 230 and HDFS 242 and HDFS 250 and junior or senior standing</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>462</td>
<td>Methods of Family Life Education</td>
<td>Prereq: 6 credits of HDFS 300-400 level coursework</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>468</td>
<td>Families and Work</td>
<td>Prereq: HDFS 242 and HDFS 250 and junior or senior standing</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>477</td>
<td>Financial Counseling</td>
<td>Prereq: HDFS 357 and 3 credits of HDFS 300-level coursework</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>480</td>
<td>Community Resources of Later Life</td>
<td>Prereq: HDFS 230 and HDFS 250 and junior or senior standing</td>
<td>Fall 2019</td>
</tr>
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</table>
### Changes in Prerequisites/Co-Requirements/Course Descriptions (continued)

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Prerequisite/Co-requisite/Description Change</th>
<th>Effective Term</th>
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</thead>
<tbody>
<tr>
<td>HDFS</td>
<td>482</td>
<td>Family Dynamics of Aging</td>
<td>Prereq: HDFS 242 and HDFS 250 and junior or senior standing</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>483</td>
<td>Developmentally Appropriate Practices from Birth Through Adolescence</td>
<td>Prereq: HDFS 320 and HDFS 330 and HDFS 340</td>
<td>Fall 2019</td>
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<tr>
<td>HNES</td>
<td>254</td>
<td>Curriculum, Standards and Assessment in Physical Education</td>
<td>Prereq: HNES 110 Co-req: HNES 256</td>
<td>Fall 2019</td>
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<tr>
<td>HNES</td>
<td>255</td>
<td>Professional Preparation in Middle School Physical Education</td>
<td>Prereq: students must be Physical Education major</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>HNES</td>
<td>256</td>
<td>Professional Preparation in High School Physical Education</td>
<td>Prereq: HNES 110 Co-req: HNES 254</td>
<td>Fall 2019</td>
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<tr>
<td>HNES</td>
<td>257</td>
<td>Professional Preparation in Elementary School Activities</td>
<td>Prereq: HNES 254</td>
<td>Fall 2019</td>
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<tr>
<td>HNES</td>
<td>301</td>
<td>Motor Learning and Performance</td>
<td>Prereq: acceptance into the Physical Education program</td>
<td>Fall 2019</td>
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<tr>
<td>HNES</td>
<td>336</td>
<td>Methods of Coaching</td>
<td>Prereq: acceptance into the Health Education or Physical Education program</td>
<td>Fall 2019</td>
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<tr>
<td>HNES</td>
<td>367</td>
<td>Principles of Conditioning</td>
<td>Prereq: acceptance into the Health Education or Physical Education program</td>
<td>Fall 2019</td>
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<tr>
<td>HNES</td>
<td>461</td>
<td>Administrative and Social Aspects of Physical Education and Athletics</td>
<td>Prereq: HNES 350</td>
<td>Fall 2019</td>
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<tr>
<td>NURS</td>
<td>446L</td>
<td>Population Focused Nursing Care – Clinical</td>
<td>Prereq: NURS 426</td>
<td>Fall 2019</td>
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<tr>
<td>STAT</td>
<td>661</td>
<td>Applied Regression Models</td>
<td>Desc: Simple linear regression, and introduction to various tests and confidence intervals. Includes discussion of multicollinearity and transformations. Knowledge of matrix algebra and knowledge of differential calculus is expected.</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>Uniform</td>
<td>179/279/379/479/679</td>
<td>Global Seminar</td>
<td>Desc: NDSU instructed experience or field study in a foreign country. Conducted in English for residence credit. Prereq: Prior approval by International Student and Study Abroad Services and major department. May be repeated. Standard grading.</td>
<td>Summer 2019</td>
</tr>
<tr>
<td>Uniform</td>
<td>492/692</td>
<td>Global Practicum</td>
<td>Desc: Pre-arranged study at accredited foreign institutions (study abroad), domestic institutions (National Student Exchange), or on approved study abroad programs. Prereq: sophomore standing and prior approval by International Student and Study Abroad Services and major department.</td>
<td>Summer 2019</td>
</tr>
<tr>
<td>VETS</td>
<td>101</td>
<td>Student Success Techniques: Veterinary Technology</td>
<td>Desc: This course is designed to ease the transition for new students. Students will learn skills and techniques used by successful college students. Topics will include: an overview of the Veterinary Technology Program and profession, professional communication, career opportunities, as well as student success basics.</td>
<td>Fall 2019</td>
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### Course Reactivations

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<tr>
<td>HNES</td>
<td>715</td>
<td>Teaching Concepts-Based Fitness</td>
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### Course Inactivations

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<tr>
<td>EDUC</td>
<td>718</td>
<td>Community Education</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>722</td>
<td>Instructional Systems, Media, Materials</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>729</td>
<td>Multimodal Education Delivery System</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>737</td>
<td>Helping Relationship and the Elderly</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>769</td>
<td>Politics and Policy Analysis in Education</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>777</td>
<td>Tort Liability</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>781</td>
<td>Teaching and Curriculum</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>782</td>
<td>Supervisory and Administrative Theories</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>786</td>
<td>School Facility Planning</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>787</td>
<td>Issues in Education</td>
<td>Winter 2019</td>
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<td>EDUC</td>
<td>788</td>
<td>School Finance and Business Management</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>861</td>
<td>Curriculum and Instruction Development</td>
<td>Summer 2019</td>
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<tr>
<td>EDUC</td>
<td>862</td>
<td>Instructional Models</td>
<td>Summer 2019</td>
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<tr>
<td>HD&amp;E</td>
<td>777</td>
<td>Advanced Stress Management</td>
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<tr>
<td>Course Inactivations (continued)</td>
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<tr>
<td><strong>HIST 437/637</strong></td>
<td>American West Since 1850</td>
<td>Summer 2019</td>
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<td><strong>HIST 455/655</strong></td>
<td>The Eighteenth Century</td>
<td>Summer 2019</td>
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<td><strong>HIST 470/670</strong></td>
<td>Modern Latin America I</td>
<td>Summer 2019</td>
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<td><strong>HIST 471/671</strong></td>
<td>Modern Latin American History II</td>
<td>Summer 2019</td>
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<td><strong>HIST 701</strong></td>
<td>Methods of Historical Research</td>
<td>Summer 2019</td>
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<td><strong>HIST 706</strong></td>
<td>Seminar in the Teaching of History</td>
<td>Summer 2019</td>
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<tr>
<td><strong>SOC 443/643</strong></td>
<td>International Disasters</td>
<td>Summer 2019</td>
<td></td>
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<tr>
<td><strong>SOC 445/645</strong></td>
<td>Special Populations in Disasters</td>
<td>Summer 2019</td>
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University Curriculum Committee recommendation
Change current curricular review procedures at NDSU (outlined at https://www.ndsu.edu/facultysenate/acadaffairs/channels/) and within CourseLeaf to separate curricular course change requests into the categories of 1) substantive and 2) non-substantive and expedite the curricular review process for changes that fall within the latter category.

New Programs
Graduate Certificate in Publishing
Graduate Certificate in Women and Gender Studies

Program Changes
B.S.: Accounting – clarification of degree requirements within Courseleaf.
Accounting minor; Fraud Investigation – removal of two courses and addition of electives to offer a wider range of options.
B.A.; Art – change in credits for two required courses and addition of elective options.
B.S./B.A.; Business Administration – clarification of degree requirements within Courseleaf.
B.S.; Agricultural System Management – deletion of required courses no longer relevant to the program.
B.S.; Business Administration minor – removal of old courses and addition of new courses in entrepreneurship.
Entrepreneurship certificate – adjusted credits to align with new state minimum certificate requirements.
Entrepreneurship minor – updated with best practices.
BS/BA; Industrial Engineering & Management – changed CSCI requirement and added a tech elective.
BS/BA; Manufacturing Engineering – updated electives.
Industrial Engineering & Management minor – changing the minimum requirements that must be completed at NDSU.
Manufacturing Engineering – changing the minimum requirements that must be completed at NDSU.
B.S.; Sport Management – adding more courses to accommodate for additional faculty.
B.S.; Management – clarification of degree requirements within Courseleaf.
B.S.; Marketing – clarification of degree requirements within Courseleaf.
Marketing certificate; Professional Selling – update new permanent course number.
D.M.A.; Music: Choral Conducting – updating requirements to more accurately reflect current pedagogy.
M.M.; Music: Choral Conducting – updating requirements to more accurately reflect current pedagogy.
B.S.; Natural Resources Management – removed a major requirement to allow for students to have more electives.
M.S.; Natural Resources Management – adjusting credit total required for a degree.

Program inactivation/termination
Minor in Web Design

General Education Recommendations
ADHM 316 – recommended for revalidation for Humanities and Fine Arts category
ENGL 345 – recommended for revalidation for Humanities and Fine Arts and Cultural Diversity categories
FREN 101 – recommended for revalidation for Humanities and Fine Arts and Cultural Diversity categories
FREN 102 – recommended for revalidation for Humanities and Fine Arts and Cultural Diversity categories
FREN 201 – recommended for revalidation for Humanities and Fine Arts and Cultural Diversity categories
GERM 102 - recommended for revalidation for Humanities and Fine Arts and Cultural Diversity categories
GERM 201 - recommended for revalidation for Humanities and Fine Arts and Cultural Diversity categories
HDFS 275 (formerly HDFS 475) – recommended for revalidation for Social & Behavioral Science and Cultural Diversity categories
HNES 200 – recommended for revalidation for Social & Behavioral Sciences – Wellness category
SOC 115 – recommended for approval for Social & Behavioral Sciences category
SPAN 101 - recommended for revalidation for Humanities and Fine Arts and Cultural Diversity categories
SPAN 102 - recommended for revalidation for Humanities and Fine Arts and Cultural Diversity categories
SPAN 201 - recommended for revalidation for Humanities and Fine Arts and Cultural Diversity categories

New Courses
<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Effective Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHP</td>
<td>460</td>
<td>Scientific Writing for Health Professionals</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>CSCI</td>
<td>641</td>
<td>Introduction to Computer Science Education</td>
<td>Summer 2019</td>
</tr>
<tr>
<td>ECON</td>
<td>402</td>
<td>Economics of Entrepreneurship</td>
<td>Fall 2019</td>
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Course Changes

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<tr>
<th>From:</th>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
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<th>Dept</th>
<th>To:</th>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
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<tr>
<td>ARCH</td>
<td>351</td>
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<td>Materials &amp; Construction</td>
<td>4</td>
<td>ARCH</td>
<td>ARCH</td>
<td>351</td>
<td></td>
<td>Materials &amp; Construction</td>
<td>3</td>
<td>Fall 2019</td>
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<tr>
<td>EDUC</td>
<td>841</td>
<td></td>
<td>Organization and Administration of Higher Education</td>
<td>3</td>
<td>EDUC</td>
<td>EDUC</td>
<td>707</td>
<td></td>
<td>Organization and Administration of Higher Education</td>
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<td>Fall 2019</td>
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## Course Changes (continued)

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<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Dept</th>
<th>No.</th>
<th>Title</th>
<th>Crs.</th>
<th>Effective Term</th>
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<tr>
<td>EDUC</td>
<td>842</td>
<td>Higher Education Student Affairs and Enrollment Management</td>
<td>3</td>
<td>EDUC</td>
<td>708</td>
<td>Higher Education Student Affairs and Enrollment Management</td>
<td>3</td>
<td>Fall 2019</td>
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<tr>
<td>EDUC</td>
<td>843</td>
<td>Financing Higher Education</td>
<td>3</td>
<td>EDUC</td>
<td>709</td>
<td>Financing Higher Education</td>
<td>3</td>
<td>Fall 2019</td>
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<tr>
<td>HDFS</td>
<td>475</td>
<td>Children and Families Across Cultures</td>
<td>3</td>
<td>HDFS</td>
<td>275</td>
<td>Diversity and Multiculturalism in Individual and Family Life</td>
<td>3</td>
<td>Fall 2019</td>
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<tr>
<td>HNES</td>
<td>716</td>
<td>Analysis/Teaching Physical Educ.</td>
<td>2</td>
<td>HNES</td>
<td>716</td>
<td>Financial Management in Sport</td>
<td>3</td>
<td>Spring 2020</td>
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</table>

## Changes in Prerequisites/Co-Requisites/Course Descriptions

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Prerequisite/Co-requisite/Description Change</th>
<th>Effective Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADHM</td>
<td>381</td>
<td>Hospitality Marketing and Sales</td>
<td>Prereq: ADHM 140, ADHM 141</td>
<td>Spring 2020</td>
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<tr>
<td>ASM</td>
<td>225</td>
<td>Computer Applications in Ag Systems Management</td>
<td>Prereq: CSCI 114 or CSCI 116 or MIS 116 Co-req: MATH 105, MATH 107 or MATH 146</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>COMM</td>
<td>316</td>
<td>Conflict Communication</td>
<td>Prereq: restricted to Communication professional majors or minors</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>COMM</td>
<td>375</td>
<td>Principles of Strategic Communication</td>
<td>Prereq: COMM 200 and restricted to Communication professional majors and minors</td>
<td>Summer 2019</td>
</tr>
<tr>
<td>EDUC</td>
<td>707</td>
<td>Organization and Administration of Higher Education</td>
<td>Prereq: admission to a graduate program in Education</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>EDUC</td>
<td>708</td>
<td>Higher Education Student Affairs and Enrollment Management</td>
<td>Prereq: admission to a graduate program in Education</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>EDUC</td>
<td>709</td>
<td>Financing Higher Education</td>
<td>Prereq: admission to graduate program in Education</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>HDFS</td>
<td>275</td>
<td>Diversity and Multiculturalism in Individual and Family Life</td>
<td>Desc: This course includes the study of developmental and family issues as viewed from a perspective of diversity and multiculturalism. Emphasis will be placed on understanding the role of factors such as race, ethnicity, social class, religion, sexual orientation, gender identity, and disability in developmental and family processes.</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>HNES</td>
<td>716</td>
<td>Financial Management in Sport</td>
<td>Desc: This course discusses financial strategies related to sport entities and recreation and leisure-based organizations. This course will examine business structures, sources of capital, and theories of financial management in the sport enterprise and recreation industry. A large portion of this class is the creation of a comprehensive report in which the student critically examines and analyzes the financial feasibility of a local sport or recreational endeavor. Prereq: restricted to students enrolled in the Leadership in Physical Education and Sport Master’s program</td>
<td>Spring 2020</td>
</tr>
<tr>
<td>ME</td>
<td>470/670</td>
<td>Renewable Energy Technology</td>
<td>Desc: Introduction to renewable energy technology, solar thermal energy systems, solar photovoltaic systems, wind turbines; biomass; bio-fuels; urban waste to energy from pyrolysis plants; hydrogen energy and fuel cells. Prereq: ME 350 or ME 351 and admission to the ME program.</td>
<td>Spring 2020</td>
</tr>
<tr>
<td>PHRM</td>
<td>552L</td>
<td>Pharmacy Practice Laboratory IV</td>
<td>Prereq: PHRM 551L and PHRM 545L with a grade of C or higher</td>
<td>Spring 2020</td>
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## Course Reactivations

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<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Effective Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMM</td>
<td>363</td>
<td>Advanced Web Design</td>
<td>Summer 2019</td>
</tr>
<tr>
<td>HNES</td>
<td>716</td>
<td>Financial Management in Sport</td>
<td>Spring 2020</td>
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## Course Inactivations

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Effective Term</th>
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</thead>
<tbody>
<tr>
<td>ABEN</td>
<td>383</td>
<td>Structural Design for Biosystems</td>
<td>Summer 2019</td>
</tr>
<tr>
<td>ABEN</td>
<td>763</td>
<td>Theory of Drying Biological Products</td>
<td>Summer 2019</td>
</tr>
<tr>
<td>ABEN</td>
<td>773</td>
<td>Advanced Ag Power and Machinery</td>
<td>Summer 2019</td>
</tr>
<tr>
<td>ABEN</td>
<td>783</td>
<td>Advanced Structures and Environmental Systems</td>
<td>Summer 2019</td>
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</table>
NDSU Streamlining Curricular Course Changes in CourseLeaf Proposal
Proposal Date February 19, 2019
Approved by University Curriculum Committee on April 1, 2019

Background
Administration and faculty continue to discuss and explore potential efficiencies through existing technology. CourseLeaf’s CIM Courses module is capable of updated programming to streamline the review process for simple course edits.

Proposal
Change current curricular review procedures at NDSU (outlined at https://www.ndsu.edu/facultysenate/acadaffairs/channels/) and within CourseLeaf to separate curricular course change requests into the categories of 1) substantive and 2) non-substantive and expedite the curricular review process for changes that fall within the latter category.

The category of substantive course changes would include:
- approval of new courses, including general education courses
- addition or deletion of course co-pre-requisites
- changing course credits
- requests for cross-listing of courses
- requests to seek general education classification for an existing course
- requests to revalidate current general education courses
- requests to add a graduate section to an undergraduate course (e.g., piggy-backing)

Substantive course changes would continue to follow the existing workflow path/curricular review process indicated at https://www.ndsu.edu/facultysenate/acadaffairs/channels/.

The category of non-substantive course changes would include:
- activation and inactivation of existing courses
- revision of course bulletin descriptions
- revision of course titles
- changes in course numbering
- typos

Expedited review would still involve entering proposed “non-substantive” changes in CourseLeaf. The current review process would be updated:
1) Expediting the workflow for non-substantive changes
   - Initiator > Department Chair or Head > College Curriculum Committee (FYI only) > Graduate Council (FYI only) > University Curriculum Committee (consent agenda) > Faculty Senate
2) Removing the requirement to submit a syllabi as part of requesting these changes.

Rationale
North Dakota State University could benefit from more efficient method for approving curriculum changes. Currently, non-substantive changes and other requests can take a long time and involve a lot of faculty effort. Meanwhile, substantive change requests, which also require significant time in review, are delayed often. This proposal will:
- Permit greater focus on substantive matters of curriculum, by saving initiating and reviewing entities at North Dakota State University time spent on non-substantive curricular matters.
• Encourage departments to make curricular updates in a timely fashion, creating more nimble and innovative curricula that match evolving program needs.
• Create greater consistencies in curricular review at all levels, with improved understanding of what should be reviewed in each proposal.

Next Steps
Proposal presented to University Curriculum Committee, with ultimate approval at Faculty Senate. Registrar Rhonda Kitch would coordinate statement of work with CourseLeaf representatives and ensure the Office of Registration and Record’s budget can fund the effort. Goal for updates to be ready by start of fall 2019 semester.
Article I: Faculty Senate Membership

Section 1.
Each representation unit shall have one elected Faculty Senator (hereto within referred to as "Senator") for every fifteen eligible faculty members (see Constitution Article 3, Section 1), or major fraction thereof, assigned to the representation unit as of October 1 of the previous academic year. Faculty members, regardless of their location (e.g., Agriculture Experimental Station and the NDSU Extension Service), shall be counted in and vote with their assigned representation unit.

Section 2.
Members of representation units, including senior lecturers, assistant/associate/full professors of practice, assistant/associate/full professor of research faculty, assistant/associate, and full professors, chairs/heads/or their equivalents, assistant/associate deans, and deans shall be eligible to vote for representatives.

Section 3.
The following are considered representation units for the purposes of determining Senate seats:

a. College of Agriculture, Food Systems, and Natural Resources
b. College of Arts, Humanities, and Social Sciences
c. College of Business
d. College of Engineering
e. College of Human Development and Education
f. College of Health Professions
g. College of Science and Mathematics

Section 4.
The Senate President (hereto within referred to as "President") with the assistance of the Senate Secretary of the Senate (hereto within referred to as "Secretary") will stagger Senate terms so that approximately one-third of the Senators from each representation unit are elected each year. Each unit shall hold a meeting to elect the necessary Senators by April 15 of each year for the term to begin in May of that year.

Section 5.
Terms of office shall begin on the Tuesday following Spring Commencement. The term of office of an elected Senator shall be three years. Senators cannot be reelected for consecutive terms.

Section 6.
If a Senator must vacate her/his seat, the vacancy shall be filled by a special election within the unit from which she/he was elected. The term of a member under these circumstances shall commence immediately and shall be for the duration of the absence or unexpired term of the
regularly elected member.

Section 7.

A Senator may be removed from office by way of a two-thirds majority vote at a regular Senate meeting, followed by a two-thirds majority vote at the next meeting. This action may never be part of a consent agenda. In the event a Senator is removed, the Senate President will inform the relevant academic unit to elect another Senator before the Senate meets in its next regular meeting.

Section 8.

All Senators are expected to:

1. Attend all Senate meetings. If unable to attend the meeting, the Senator must find a competent substitute (who is not already a Senator) to act as her/his proxy at the meeting. Said proxy will have all rights and privileges accorded a regular Senator. The Senator must provide signed notification of the substitution to the Secretary of the Senate prior to start of the meeting.

2. Prepare for Senate meetings, including reading the agenda and all attachments prior to the meeting.

3. Participate in meetings, as long as doing so advances the business of the Senate.

4. Disseminate Senate information to their individual representation units.

5. Gather opinions and other information from their representation units concerning Senate activity.

6. Show proper decorum during meetings.
Article II: Organization and Faculty Senate Operation

Section 1.
Administrative officers of the Senate consist of the President, the President-Elect, and the Immediate Past President.

Section 2.
The President-Elect shall be elected for a one-year term by the Senate at the last meeting of the Senate in the academic year. The President-Elect will be elected from the roster of current or former Senators.

Section 3.
At the end of the term, the President will assume the role of the Immediate Past President, and the President-Elect will succeed the President for a one-year term of office. In the event the outgoing President is unable or unwilling to serve as the Immediate Past President, the President will appoint another past President as a replacement for the position of Immediate Past President.

Section 4.
During their respective terms the President-Elect, the President, and the Immediate Past President will not represent their representation units in the Senate.

Section 5.
The authority of the President-Elect, the President, and the Immediate Past President will be terminated before the end of its term if she/he/she loses eligibility, voluntarily resigns with eligibility or is removed from office by the Senate with or without eligibility.

1. Voluntary resignations shall be tendered before the Senate at its regular meetings.
2. Removal of the President, President-Elect or Immediate Past President by the Senate requires a two-thirds vote at a regular Senate meeting, followed by a two-thirds vote at a special meeting of the Senate convened in not more than two weeks after the first meeting. The second meeting will be convened and presided by a Special Returning Officer who will be appointed by the Senate immediately after the first vote. The removed officer shall not complete her/his/her term as a Senator.
3. In the event that the authority of the President is terminated, but the President-Elect is still in good standing, the President-Elect will assume the role of President to finish the term left by the removed President and then she/he/she will start her/his/her originally elected term.
   a. The removed President will not serve as Immediate Past President.
   b. The assumed President may wish to appoint one of the Senators to assist in the duties of the President-Elect. This appointment does not necessarily imply automatic elevation to the full position of President-Elect at the end of the term.
4. In the event that the authority of the President-Elect is terminated, the Senate will vote to replace the President-Elect at the next regular meeting of the Senate. These actions may never be part of a consent agenda.
5. In the event the authority of the Immediate Past President is terminated, the President will appoint the most recent eligible President to serve in that capacity.
6. In the event that the authority of both the President and the President-Elect is terminated at the same time:
   a. If the authority of the Immediate Past President is still in good standing, then she/he/she will convene and preside the Senate meeting to elect a new President and the President-Elect in not more than two weeks.
   b. If the authority of the Immediate Past President is also terminated, then a Special Returning Officer appointed by the Senate will convene and preside over the election of the President and the President-Elect in not more than two weeks. Article II, Section 5.5 above will then be used to fill the position of the Immediate Past President.

Section 6.
Duties of the President shall include the following:
1. Preside at all meetings of the Senate.
2. Set the agenda of the Senate in consultation with the Senate Executive Committee.
4. Chair the Senate Executive Committee.
5. Introduce the President at the State of the University Address.
6. Appoint committee members, as outlined in Articles IV and V.
7. Coordinate the dissemination of information relating to Senate activities.
8. Represent the Senate on administrative councils.
9. Provide the Secretary and the incoming President with an annual report summarizing the Senate activities for the preceding year.
10. Submit policies or actions approved by the Senate to the University President for consideration.

Section 7.
Duties of the President-Elect shall include the following:
1. Assist the President in executing the duties of the office.
2. Serve as President during any absence by the President.
3. Serve on the Senate Executive Committee.
5. Represent the Senate to the Staff Senate and the Student Government.

Section 8.
Duties of the Immediate Past President shall include the following:
1. Advise the President and the President-Elect regarding past practices and other matters for the maintenance of continuity from one administration to the next.
2. Preside over regular meetings in the absence of both the President and the President-Elect.
3. Serve on the Senate Executive Committee.
4-Undertake duties outlined in Article II, Section 9.2-9.4 in the absence of the Secretary at a
Faculty Senate meeting.

Section 9.
The administrative role of Secretary of the Senate shall be appointed by Office of the Provost; the Secretary of the Senate is not a voting member of the Senate. The duties of the Secretary shall include:

1. Acquire the agenda and related attachments, if any, from the President, then prepare and disseminate the agenda in accordance with Article II, Section 13.
2. Maintain a current roster of Senators and record attendance to confirm a quorum.
3. Collect and read the member substitution authorizations at the meeting.
4. Record and disseminate meeting minutes according to Section 15.
5. Disseminate meeting minutes according to Article II, Section 16.
6. Schedule a room for all Senate meetings.
7. Maintain a permanent record of Senate minutes.
8. Maintain a permanent record of annual reports submitted by the President and chairs of Senate committees.
9. Maintain records of standing committee membership.
11. Archive all past versions of Constitutions and Bylaws.
12. Verify the eligibility of Senators and committee members.
13. Perform other appropriate tasks as assigned by the President in consultation with Office of the Provost.

Section 10.
Regular meetings of the Senate shall be held at 3:00 pm on the second Monday of each month of the academic year. The meetings will be held the third Monday of the month if the second Monday is a University or State holiday, or if University classes are not yet in session at least one week prior to the second Monday of the month.

Section 11.
Special meetings may be called by the President or on petition of one-third of the membership of the Senate.

Section 12.
Meetings of the Senate shall be open to the public; however, debate on some of the agenda items through the Committee and Other Reports agenda item. Following this agenda item, the meeting may be deemed closed at the discretion of the Senate. For closure to occur, a motion to close the meeting enter executive session must be made and seconded, and a majority vote must be achieved. If the motion is approved, all non-Senators and non-invited guests will be asked to leave except the Secretary and Parliamentarian; the Senate can also exempt some invited guests to stay in the executive session. At each Senate meeting the University President of the University, the Provost, the Student Body President, and the Staff Senate President will be invited to make announcements. The Senate President may allow other non-Senators to speak and/or provide reports. However, only Senators may make motions and only Senators may vote on motions before the Senate.
Section 13.

SenateFaculty Senate meetings shall be conducted under Robert’s Rules of Order, Newly Revised. The SenateFaculty Senate will confirm the appointment of a person not on the Senate to serve as Parliamentarian. Whenever doubt arises on questions of procedure the President or a Senator may ask the Parliamentarian for a ruling. There is no term limit for Parliamentarian.

Section 14.

The primary business of the SenateFaculty Senate is to review, propose, and approve of policy with respect to the following matters:

1. Academic freedom, including rights and responsibilities.
2. All curricular matters, including establishment, dissolution, and substantial changes to degree programs.
3. Research and scholarship.
4. Admissions standards and prerequisites.
5. Requirements for regular certificates and degrees.
6. Regulations regarding attendance, examinations, grading, scholastic standing, and honors.
7. Teaching quality.
8. Professional standards and criteria for positions accorded academic rank.
10. And other academic matters.

The agenda for each regular meeting shall be posted to the SenateFaculty Senate website at least one week before each meeting. Any member of the SenateFaculty Senate may request of the President of the SenateFaculty Senate that an item be placed on the agenda. The order of business for SenateFaculty Senate meetings shall be as follows:

1. Adoption of the agenda.
2. Approval of the previous meeting minutes of the previous meeting.
3. Announcements.
4. Committee and other reports.
5. Consent agenda.
6. Committee and other reports.
7. Unfinished business.

At the October meeting, the primary order of business will be planning and prioritizing SenateFaculty Senate goals for the academic year. The order of business for this meeting will be as follows:

1. Adoption of the agenda.
2. Approval of the previous meeting minutes of the previous meeting.
3. Announcements.
4. Consent agenda.
5. Planning and prioritizing SenateFaculty Senate action for the year.
6. Adjournment.

The President, in consultation with the Executive Committee, may add an urgent piece of new or committee business to this meeting if the timing is critical.
Section 15.
A quorum of at least 55 percent of the total voting membership of the Senate shall be present in order to conduct Senate business.

Section 16.
The minutes of the meeting shall be posted to the Senate website by the Secretary within one week after the meeting.
Article III: Faculty Senate Committees

Section 1.
Duties of standing committees include:

1. Selecting a chair who will serve as a liaison to the Senate.
2. Initiating and reviewing policy and policy changes in their areas of responsibility.
3. Providing their recommendations to the 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 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 Senate Faculty Senate Committee (except Academic Integrity, Conflict of Interest Advisory, Executive, Faculty Rights, and Grade Appeals) will make an oral report of progress to the Senate at the May meeting of the Senate or at the President of the Senate’s request. Committees will also 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 Senate’s Constitution, unless otherwise specified under the committee description. Such membership shall be presented to the 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 meeting of the spring semester, unless otherwise specified.

Section 5.
After the Senate has approved membership in the standing committees, each committee will meet and elect a chair, who will communicate all committee business to the Senate. The Senate Executive Committee has the right to remove the chair of a standing committee and seek a replacement from the standing committee membership if the chair is not effectively performing their duties.

Section 6.
All Senate committee action is subject to review and approval by the Senate.

Section 7.
The Senate may create special committees as it deems necessary. Such committees shall be...
discharged upon the completion of their assigned duties. The duties of a special committee should not duplicate work being done by or usurp the responsibility of a standing committee without approval by said standing committee. Special committees shall be commissioned by a majority vote of the full Senate.
Article IV: Faculty Senate Standing Committees

Section 1. Academic Integrity

1. Voting membership (seven members):
   a. One tenured faculty member from each representation unit.
      i. Full professor is preferred.
      ii. An associate professor may be appointed.

2. Non-voting membership:
   a. There are no non-voting members for this committee.

3. Terms and limits:
   a. Two-year term.
   b. Limit of four consecutive years (two terms).
   c. No designation about non-consecutive terms.

4. Committee responsibilities:
   a. Provide investigative assistance on cases involving academic misconduct as described in Policy 326.
   b. Select panels composed of three persons competent to investigate allegations. Such panels may include members from outside the University.
   c. Review and recommend policies pertaining to academic integrity.

Section 2. Budget

1. Voting membership (eight members):
   a. One faculty member from each representation unit.
   b. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.

2. Non-voting membership (two members):
   a. Non-voting members shall consist of the Provost (or designee) and Vice President for Finance and Administration (or designee).

3. Terms and limits:
   a. Three-year term
   b. Limit of two consecutive terms (six years).
   c. Terms shall be staggered, so that new members have at least one year to become familiar with the committee and its work.
   d. Unless by necessity, no more than one third of the committee may be in their first year of service to the committee.
   e. To maintain continuity within ongoing budgetary discussions, the outgoing Chair of the committee will continue to serve for at least the year following their term.
      i. If the outgoing Chair is no longer the representative of an academic unit, they will serve in a non-voting, advisory capacity.
      ii. If the outgoing Chair is reappointed/re-elected to represent their academic unit, then they will return to normal committee membership.

4. Committee responsibilities:
a. Become familiar with the University budget process.
b. Develop a set of guiding principles which align with strategic priorities, with the intent of informing University budget decisions from a faculty perspective.
c. Solicit input regarding the budget process from a wide range of faculty and on an ongoing basis.
d. Serve as a resource for the Provost in budget matters.
e. Act as a conduit of information between faculty and Administration for budget discussions and decisions.

Section 3. Conflict of Interest Advisory

1. Voting membership (five members):
   a. Five tenured faculty members.
   b. These faculty members are recommended by the Executive Committee and appointed by the President.
   c. No two committee members may have primary appointments in the same representation unit.
   d. In the event that a member of the committee recuses her/himself from the committee for a particular case or is recused by committee vote, the committee will appoint a replacement, first considering those who have previously served on the committee.

2. Non-voting membership:
   a. There are no non-voting members for this committee.

3. Terms and limits:
   a. Two-year term.
   b. Limit of four consecutive years (two terms).

4. Committee responsibilities:
   a. Serve as an advisory body to the Administration on the issue of conflict of interest.
   b. Initiate and review policies concerning conflict of interest and make recommendations regarding such policy to the Senate.
   c. Hear and rule on appeals of decisions in conflict of interest cases.
   d. Act in accordance with procedures approved by the Senate, specifically Policy 151.1.

Section 4. Council of College Faculties

1. Voting membership (three members):
   a. Three faculty members elected to staggered three-year terms.
   b. The faculty shall elect each spring by secure electronic ballot a faculty member to serve.

2. Non-voting membership:
   a. There are no non-voting members for this committee.

3. Terms and limits:
   a. Three-year term.
   b. No restriction on consecutive terms.

4. Responsibilities:
   a. All responsibilities and procedures are determined by the Constitution and Bylaws of the Council of College Faculties.
Section 5. Equity and Diversity

1. Voting membership (six members):
   a. Five faculty members.
   b. One faculty representative from the Commission on the Status of Women Faculty
      i. Recommended by the Executive Committee. The Executive Committee shall strive for representation from diverse groups.
      ii. Appointed by the President.

2. Non-voting membership (one member):
   a. Vice Provost for Faculty Affairs and Equity.

3. Terms and limits:
   a. Two-year term.
   b. Limit of four consecutive terms.

4. Committee responsibilities:
   a. Review, revise, and propose 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, LGBTQ (lesbian, gay, bisexual, transgender, and/or queer) people.

Section 6. Executive Committee

1. Voting membership (ten members):
   a. One Senator from each representation unit.
   b. The President.
   c. The Immediate Past President.
   d. The President-Elect.

2. Non-voting membership (five members):
   a. One faculty representative of the Graduate School, designated by the Dean of the Graduate School
   b. One faculty representative of the Provost’s Office, designated by the Provost.
   c. One faculty representative from the Commission on the Status of Women Faculty.
   d. The Secretary.
   e. The Parliamentarian.

3. Terms and limits:
   a. One year starting immediately following the regular May Senate meeting.

4. Committee responsibilities:
   a. Meet and organize for the academic year during the first week of the fall semester.
   b. Delegate tasks to Senate committees
   c. Review the progress of Senate committees.
   d. Set the agenda for upcoming Senate meetings.
   e. Interpret, when necessary, provisions of the Constitution and the Bylaws.
Section 7. Faculty Affairs

1. Voting membership (seven members):
   a. One faculty member from each representation unit.

2. Non-voting membership (two members):
   a. One faculty representative from the Commission on the Status of Women Faculty
   b. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.

3. Terms and limits:
   a. Two-year term.
   b. Limit of four consecutive years (two terms).
   c. No designation about consecutive terms.

4. Committee responsibilities include:
   a. Review policies and procedures relating to faculty affairs such as academic freedom, promotion, tenure, and evaluation, teaching, and service.
   b. Review and recommend revisions to the personnel sections of the Faculty Handbook concerning faculty affairs.
   c. Review the Ombudsperson’s annual report and perform an annual interview and written evaluation of the Ombudsperson and office (to be submitted to the Ombudsperson and Provost at the end of each fall semester). The review and evaluation shall be conducted by a subcommittee comprised of at least three faculty members with broad college representation who do not possess any actual or perceived conflict of interest with the Ombudsperson's Office.

Section 8. Faculty Pool for Administrative Search Committees

— Membership:
   — All active Senators

— Terms and limits:
   — The entirety of their term as Senator.

— Procedures:
   — For each administrative search out of the Provost office, the Provost shall send a request to the President, listing the number of faculty members from the faculty pool the Provost will seat on the search committee.
   — The President (or designee) shall ask the Senators for nominations from the pool and hold a vote among Senators.
   — A list with the names of the top candidates shall be generated. The number of candidates on this list shall be the number requested by the Provost, plus one.
   — Once an adequate list of qualified candidates is generated, that list shall be sent by the President (or designee) to the Provost.
   — The Provost shall select from that list the number of faculty members she/he indicated are needed for that search committee.

Section 9. Faculty Rights

1. Voting membership (five members):
   a. Five members, each from different representation units.
i. Restricted to tenured full professors who do not hold an administrative appointment in an academic or non-academic unit.

ii. Elected by the faculty each spring by secure electronic ballot.

b. In the event that a member of the committee recuses her/himself from the committee for a particular case or is recused by committee vote, the committee will appoint a replacement to serve for that case.

i. The replacement will preferably be a faculty member who has previously served on the committee.

ii. Broad representation, while a worthwhile goal, is not always achievable. However, the replacement member should be from a different representation unit than the other four members, if reasonably possible.

iii. Members sitting on an appeal shall complete that appeal even if the member’s term expires while the appeal is pending.

2. Non-voting membership:
   a. There are no non-voting members for this committee.

3. Terms and limits:
   a. Five-year term.
   b. Begins and ends on August 15.
   c. No consecutive term limit has been set.

4. Committee responsibilities:
   a. Responsibilities and procedures are determined by directives of the North Dakota State Board of Higher Education.

Section 10. Grade Appeals Board

1. Committee purpose:
   a. To provide an avenue for students to challenge any grade they believe to have been unfairly assigned.

2. Voting membership (twelve members; ten alternates):
   a. One faculty member and one alternate from each representation unit.
      i. These faculty are elected by their representation unit.
   b. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.
   c. Three students and three student alternates selected by the Student Government.
      i. Students should be full-time students.
      ii. Students should have a minimum 2.00 cumulative grade point average.
      iii. Students should be of junior standing.
   d. One representative from the Provost’s Office, who will also serve as Board Chair.

3. Non-voting membership:

4. Terms and limits:
   a. Three-year term.
   b. No consecutive term-limit has been designated.

5. Committee responsibilities:
a. Hear charges of inequitable or prejudiced academic evaluations and provide redress for improper evaluation.
b. Act in accordance with procedures approved by the Senate, specifically Policy 337.

Section 11. Program Review

1. Voting membership (eleven members):
   a. One tenured faculty member from each representation unit.
      i. Each representation unit shall also select an alternate faculty member to serve in case of recusal.
   b. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.
   c. One faculty representative of the Provost’s Office, designated by the Provost.
   d. Two students selected by the Student Government.

2. Non-voting membership:
   a. There are no non-voting members for this committee.

3. Terms and limits:
   a. Four-year term.
   b. Limit of two consecutive terms.

4. Committee responsibilities:
   a. Develop criteria and procedures for review of academic programs.
   b. Perform 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. Address concerns and make recommendation to the Senate regarding duplication of programs and courses.
   d. Recommend policies for University support to individual programs.
   e. Coordinate the time of and use of external program reviews by accrediting agencies and/or other expert evaluators in its review of specific academic programs.

Section 12. Research and Consulting

1. Voting membership (eight members):
   a. One faculty member from each representation unit.
   b. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.

2. Non-voting membership (one member):
   a. One representative of the Vice President for Research and Creative Activities, designated by the Vice President for Research and Creative Activities.

3. Terms and limits:
   a. Two-year term.
   b. Limit of four consecutive terms.

4. Committee responsibilities:
   a. Initiate and review policies related to University research and consulting issues and make recommendation for consideration of said policy to the Faculty Senate.
b. Review research development programs and provide technical and funding reviews for faculty proposals submitted to the development programs.

Section 13. Technology and Instructional Services

1. Voting membership (eight members):
   a. One faculty member from each representation unit.
   b. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.

2. Non-voting membership (one member):
   a. Three representatives from Information Technology (IT) Division.
   b. One student representative appointed by Student government

3. Terms and limits:
   a. Two-year term.
   b. Limit of four consecutive terms.

4. Committee responsibilities:
   a. An annual review of IT support services to the NDSU teaching and research communities.
   b. Make recommendations for Senate approval of any changes proposed by the IT Division regarding policy, implementation procedures, or classroom and instructional technologies.
   c. Formulate recommendations regarding needs of the faculty that are unmet by the IT Division.
   d. Serve as the liaison between the Senate and the IT Division’s administration.

Section 14. University Curriculum

1. Voting membership (ten members):
   a. One tenured faculty member from each representation unit.
      i. Each representation unit shall also select an alternate faculty member to serve in case of recusal or absence.
   b. One tenured faculty representative of the Graduate School, designated by the Dean of the Graduate School.
   c. Two students, one graduate and one undergraduate, appointed by the Student Government.
   d. Only a voting faculty member will be elected as Chair, and the Chair shall have served at least one year on the committee.

2. Non-voting membership (three members):
   a. One representative of the Provost’s Office, designated by the Provost.
   b. One representative of the Registrar’s Office, designated by the Registrar.
   c. One representative of the Libraries, designated by the Dean of Libraries.

3. Terms and limits:
   a. Four-year term.
   b. No consecutive terms for voting members. No restriction for non-voting members.
   c. Terms shall be staggered, so that no more than one-third of the members are new.
4. Committee responsibilities:

a. Develop criteria and procedures for submitting, evaluating, and approving courses, experiences, and program proposals for curriculum and course changes.

b. Coordinate and recommend actions on proposals for curriculum and course changes that have been received from the colleges.

c. Oversee the general education program, including:
   i. Validation/revalidation of courses and experiences to ensure that general education outcomes are met.
   ii. Coordination of periodic assessment of students’ attainment of intended student outcomes in general education.

d. Request the formation of an *ad hoc* Senate committee(s) to recommend policies for the evaluation of transfer credit, policies for graduation, and make other recommendations as needed.

e. Perform other appropriate duties as assigned by the Senate.

Section 1. Academic Integrity

Membership shall consist of one tenured faculty member with the rank of professor from each representation unit. If a full professor is not available, an associate professor may be appointed.

Committee responsibilities include:

Providing investigative assistance on cases involving academic misconduct as described in Policy 326.

Selecting panels of three persons competent to investigate allegations; such panels may include members from outside the University.

Reviewing and recommending policies on academic integrity.

Section 2. Budget

Voting members shall consist of one faculty from each representation unit, and a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean.

Each term is three years, and a member may serve no more than two consecutive terms.

Terms shall be staggered so that new members have at least one year to become familiar with the committee and its work. Unless by necessity, no more than one third of the committee may be in their first year of service to the committee.

To maintain continuity within ongoing budgetary discussions, the outgoing Chair of the Committee will continue to serve for at least the year following their term. If the outgoing Chair is no longer the representative of an academic unit, they will serve in a non-voting, advisory capacity. If the outgoing chair is reappointed/re-elected to represent their academic unit, then they will return to normal Committee membership.

Non-voting members shall consist of the Provost (or designee) and Vice President for Finance (or designee).

Committee responsibilities include:

Becoming familiar with the University budget process.

Developing a set of guiding principles which align with strategic priorities, with the intent of informing University budget decisions from a faculty perspective.

Soliciting input regarding the budget process from a wide range of faculty and on an
ongoing basis.
Serve as a resource for the Provost in budget matters.
Acting as a conduit of information between faculty and administration for budget discussions and decisions.

Section 3. Conflict of Interest Advisory
Committee membership shall consist of five tenured faculty recommended by the Senate Faculty Senate Executive Committee and appointed by the Senate Faculty Senate President.
No two committee members may have primary appointments in the same representation unit.
Committee responsibilities include:
Serving as an advisory body to the administration on the issue of Conflict of Interest.
Initiating and reviewing policies concerning Conflict of Interest and making recommendations regarding such policy at the Senate Faculty Senate.
Hearing and ruling on appeals of decisions in conflict of interest cases.
Acting in accordance with procedures approved by the Senate Faculty Senate, specifically Policy 151.1.
In the event that a member of the committee recuses himself/herself from the committee for a particular case or is recused by committee vote, the committee will appoint a replacement, first considering those who have previously served on the committee.

Section 4. Council of College Faculties
Membership shall consist of three faculty members elected to staggered three-year terms. Each spring the faculty shall elect by secure electronic ballot a faculty member to serve on the Council of College Faculties.
Responsibilities and procedures of the Council of College Faculties are determined by the Constitution and Bylaws of the Council.

Section 5. Equity and Diversity
Voting membership shall consist of five faculty members and a faculty representative from the Commission on the Status of Women Faculty recommended by the Senate Faculty Senate Executive Committee and appointed by the Senate Faculty Senate President. The Executive Committee shall strive for representation from diverse groups.
Non-voting membership shall consist of the Vice Provost for Faculty Advancement (or designee).
Committee responsibilities include:
Reviewing, revising and proposing policies to ensure that rights and considerations of diverse groups or faculty are included in NDSU policy, practices, and procedures.
In particular, the committee will explore and identify ways that NDSU can be more inclusive for diverse faculty including women, people of color, LGBTQ (lesbian, gay, bisexual, transgender, and/or queer) people.
Section 6. Executive Committee of the Senate

Voting membership shall consist of one Senator from each representation unit, the President, the immediate Past President, and the President-Elect. The term of office shall be for one year following the regular May meeting.

Non-voting membership shall consist of 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, a faculty representative from the Commission on the Status of Women Faculty, the Senate Faculty Senate Secretary, and the parliamentarian. The term of office of all members of Executive Committee shall be for one year following the regular May meeting.

During the first week of the fall semester, the Executive Committee shall meet and organize for the academic year.

Committee responsibilities are the following:
Delegating tasks to Senate Faculty Senate committees.
Reviewing the progress of Senate Faculty Senate committees.
Setting the agenda for upcoming Senate Faculty Senate meetings.
Interpreting, when necessary, provisions of the Senate Faculty Senate Constitution and Bylaws.

Section 7. Faculty Affairs

Membership shall consist of one faculty member from each representation unit, a non-voting faculty representative from the Commission on the Status of Women Faculty, and a non-voting faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean.

Committee responsibilities include:
Reviewing policies and procedures relating to faculty affairs such as academic freedom, promotion, tenure, and evaluation, teaching and service.
Reviewing and recommending revisions to the personnel sections of the Faculty Handbook concerning faculty affairs.
Reviewing the ombudsperson’s annual report and performing an annual interview and written evaluation (to be submitted to the Ombudsperson and Provost at the end of each Fall semester) of the ombudsperson and office. The review and evaluation shall be conducted by a subcommittee comprised of at least three faculty members with broad college representation who do not possess any actual or perceived conflict of interest with the ombudsperson office.

Section 8. Faculty Pool for Administrative Search Committees

Membership shall consist of all active Senators for the entirety of their term.

For each administrative search out of the Provost office, the Provost shall send a request the Senate Faculty Senate President listing the number of faculty members from the faculty pool the Provost will seat on the search committee.

The Senate Faculty Senate President (or designee) shall ask the Senators for nominations (from the pool) and hold a vote (among Senators). A list with the names of the top candidates shall be generated. The number of candidates on this list shall be the number requested by the Provost plus one.

Once an adequate list of qualified candidates is created, that list shall be sent by the
Senate Faculty Senate President (or designee) to the Provost.
The Provost shall select from that list the number of faculty members she/he indicated are needed for that search committee.

Section 9. Faculty Rights
Membership, responsibilities, and procedures are determined by directives of the North Dakota State Board of Higher Education.
Membership consists of five members, from different representation units, elected for five-year terms by the faculty. Membership is restricted to tenured full professors who do not hold an administrative appointment in an academic or non-academic unit.
Each spring the faculty shall elect by secure electronic ballot a faculty member to serve on the Standing Committee on Faculty Rights. Committee members' terms will begin and end on August 15.
In the event that a member of the committee recuses himself/herself from the committee for a particular case or is recused by committee vote, the committee will appoint a replacement to serve for that case, preferably a faculty member who has previously served on the committee. Broad representation, while a worthwhile goal, is not always achievable. However, the replacement member should be from a different representation unit than the other four members if reasonably possible.
Members sitting on an appeal shall complete that appeal even if the member’s term expires while the appeal is pending.

Section 10. Grade Appeals Board
The purpose of this Board is to provide an avenue for students to challenge any grade they believe to have been unfairly assigned. Membership shall consist of one faculty member and one alternate from each representation unit, the Associate Vice-President of Academic Affairs, a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean, three students and three student alternates selected by the Student Government. The Associate Vice-President of Academic Affairs will serve as Board Chair, and Policy 337 governs process.
Faculty shall be elected for three year terms by their representation unit.
Students should be full-time students with a minimum 2.00 cumulative grade point average and junior standing.
Committee responsibilities include:
Hearing charges of inequitable or prejudiced academic evaluations and to provide redress for improper evaluation.
Acting in accordance with procedures approved by the Senate Faculty Senate, specifically Policy 337.

Section 11. Program Review
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.
Each representation unit’s member term shall be four years, with a maximum of two
Committee responsibilities include:

Developing criteria and procedures for review of academic programs.
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.
Addressing concerns and making recommendation to the Senate regarding duplication of programs and courses.
Recommending policies for University support to individual programs.
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.

Section 12. Research & Consulting
Voting membership shall consist of one faculty member from each representation unit and a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean.
Non-voting membership consists of a representative of the Vice President for Research, Creative Activities, and Technology Transfer.
Committee responsibilities include:
Initiating and reviewing policies related to University research and consulting issues and make recommendation for consideration of said policy to the Senate.
Reviewing research development programs and providing technical and funding reviews for faculty proposals submitted to the development programs.

Section 13. Technology and Instructional Services Committee
Voting membership shall include one faculty member from each of the representation units and a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean. Non-voting membership shall include one representative from Information Technology Division (IT).
Committee responsibilities shall include:
An annual review of IT support services to the NDSU teaching and research communities.
Making recommendations for Senate approval of any changes proposed by the IT Division regarding policy, implementation procedures, or classroom and instructional technologies.
Formulating recommendations regarding needs of the faculty that are unmet by the IT Division.
Serving as the liaison between the Senate and the IT Division’s administration.

Section 14. University Curriculum Committee
Voting members shall consist of one tenured faculty member from each of the representation units, a tenured faculty representative appointed by the Dean of the College of Graduate and Interdisciplinary Studies, and two students—one graduate and one undergraduate—appointed by the Student Government. The Provost, Registrar, and Dean of Libraries shall each appoint one non-voting representative.
Terms shall be four years. Voting members shall not serve consecutive terms. Terms shall be staggered so that no more than one-third of the members are new.

One faculty member will be elected as chair. Neither the Provost’s, Registrar’s, nor Dean of Libraries’ representative shall serve as chair.

The chair shall have served at least one year on the committee.

Each representation unit shall also select an alternate faculty member to serve in case of recusal or absence.

Committee responsibilities are:

Developing criteria and procedures for submitting, evaluating, and approving courses, experiences, and program proposals for curriculum and course changes.

Coordinating and recommending actions on proposals for curriculum and course changes that have been received from the colleges.

Overseeing the general education program, including:

Validating/revalidating courses and experiences to ensure that general education outcomes are met.

Coordinating periodic assessment of students’ attainment of intended student outcomes in general education.

Requesting the formation of ad hoc SenateFaculty Senate committees to recommend policies for the evaluation of transfer credit, policies for graduation, and make other recommendations as needed, and

Performing other appropriate duties as assigned by the SenateFaculty Senate.
Article V: Joint Standing Committees

Section 1. Senate Coordinating Council

1. Voting membership (nine-six members):
   a. One representative of the Faculty Senate as appointed by the Faculty Senate
      President. Two representatives from the Faculty Senate.
   b. One representative of the Staff Senate as appointed by the Staff Senate President. Two
      representatives from the Staff Senate.
   c. One representative of Student Government appointed in accordance with the
      Student Government Code. Two representatives from the Student Senate.
   d. Faculty Senate President.
   e. Staff Senate President.
   f. Student Body President.

2. Non-voting membership (three-five members):
   a. Provost (or designee).
   b. Vice President for Student Affairs and Enrollment Management (or designee).
   c. Vice President for Finance and Administration (or designee).
   d. Two representatives from Office of the Provost to facilitate meetings and maintain
      records. Two representatives of one of these Vice President’s offices, one of whom will facilitate
      meetings and one of whom will maintain records.
   i. The Vice President’s offices will rotate responsibility for calling meetings and
      maintaining records every three to five years.
   j. The council may decide to invite policy initiators to the meetings as non-voting
      members to explain policy changes.

3. Terms and limits:
   a. No term or limit on consecutive terms has been designated.

4. Committee responsibilities:
   a. Review policy to determine first whether it is ready to bring to any of the Senates or
      whether it should be returned to the policy makers for clarification and revision.
   b. Coordinate the distribution of policies to the appropriate Senate body consistent with the
      Faculty Senate, Staff Senate, and Student Government constitutions.
   c. Send policies that have been voted on to appropriate channels at NDSU for final
      approval.
   d. Serve in a liaison capacity regarding the Faculty Senate, Staff Senate, Student
      Government, and Administration.

Section 2. Campus Space & Facilities

1. Voting membership (seventeen members):
   a. One faculty member from each representation unit.
   b. Three staff members, appointed by the Staff Senate.
c. Three student members (graduate, undergraduate, and on-campus), appointed by the Student Government.
d. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.
e. Provost (or designee).
f. Registrar.
g. Vice President for Finance and Administration (or designee).

2. Non-voting membership (four members):
   a. Director of Facilities Management.
b. Chair of the Department of Architecture and Landscape Architecture.
c. Assistant to the Director of the North Dakota Agricultural Experiment Station.
d. One representative of the Libraries, designated by the Dean of Libraries.

3. Terms and limits:
   a. No term or limit on consecutive terms has been designated.

4. Committee responsibilities:
   a. Provide for the systematic development and review of the “Campus Master Plan” and Guidelines for Campus Development.
   b. Recommend policies and procedures to meet the current and future needs for all physical facilities and review changes in University space allocation, including classrooms and laboratories.
   c. Review proposed building projects and major building renovations prior to presentation to the State Board of Higher Education and the Legislature.
   d. Recommend policies for site location for new buildings and for overall landscaping.
   e. Recommend traffic and parking regulations, to include cars, buses, bicycles, and pedestrians.
   f. Recommend plans for sidewalks, streets, and parking lots.

Section 3. Library

1. Voting membership (thirteen members):
   a. One faculty member from each representation unit.
b. Two students (one undergraduate and one graduate), appointed by the Student Government.
c. One staff member, appointed by the Staff Senate.
d. One representative from Information Technology Services
e. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.
f. Dean of Libraries.

2. Non-voting membership:
   a. There are no non-voting members for this committee.

3. Terms and limits:
   a. No term or limit on consecutive terms has been designated.

4. Committee responsibilities:
   a. Formulate policy recommendations for the NDSU Libraries.
Section 4. University Athletics

1. Committee purpose:
   a. The University Athletics Committee serves as the NDSU Athletics Advisory Board, as described in the constitution of the National Collegiate Athletics Association (NCAA).

2. Voting membership (sixteen members):
   a. One faculty member from each representation unit.
   b. Two students.
   c. Student Body Vice President.
   d. President of the Student-Athletes Advisory Council.
   e. Two representatives of the Staff Senate.
   f. Director of Intercollegiate Athletics.
   g. Senior Women’s Administrator.
   h. Faculty Athletics Representative.

3. Non-voting membership:
   a. There are no non-voting members for this committee.

4. Terms and limits:

5. Committee responsibilities:
   a. Promote compliance with principles of conduct as defined by the NCAA.
   b. Act as the Board of Appeals for athletic grievances.
   c. Initiate and review policies concerning University athletics and make recommendations for consideration of said policy to the Senate. Such areas of concern include guidelines for athletic schedules, guidelines for participation in postseason activities, awards for excellence in athletics, and eligibility of athletes.
   d. Review upcoming issues at intercollegiate conference meetings and recommend institutional positions.
   e. Review the budget of the athletic programs prior to its approval by the University President.
   f. Stimulate interest in athletic events throughout the University community.

Section 5. Equal Opportunity Hearing Panel

— Voting membership (eighteen members):
   — Six faculty members:
     — Appointed by the Faculty Senate President in consultation with the Faculty Senate Executive Committee.
     — Six students appointed by the Student Government President.
     — Six staff members appointed by the Staff Senate President.
     — Each President shall strive for diverse representation (gender, ethnicity, etc.) in her/his group of appointees.
   — Non-voting membership:
     — There are no non-voting members for this committee.
   — Terms and limits:
     — No term or limit on consecutive terms has been designated.
Committee responsibilities:

Act in accordance with procedures and policy approved by the Senate, specifically Policy 156.

Section 6. University Assessment

1. Voting membership (seventeen members):
   a. One faculty member from each representation unit.
   b. One representative from the General Education Committee.
   c. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.
   d. Provost (or designee).
   e. Two students (one undergraduate and one graduate), appointed by Student Government.
   f. One representative from the Division of Student Affairs and Enrollment Management.
   g. One representative from the NDSU Extension Service.
   h. One representative from the Office of Institutional, Research and Analysis.
   i. One representative from Distance and Continuing Education.
   j. Director of the Office of Accreditation and Assessment.

2. Non-voting membership:
   a. There are no non-voting members for this committee.

3. Terms and limits:
   a. No term or limit on consecutive terms has been designated.

4. Committee responsibilities:
   a. Periodic review of the assessment of student learning in undergraduate and graduate academic programs, within the units in the Division of Student Affairs and Enrollment Management and in the NDSU Extension Service.
   b. Develop procedures for annual reporting of assessment activities by departments and other academic units, units in the Division of Student Affairs and Enrollment Management, and the NDSU Extension Service on their assessment activities.
   c. Provide feedback and assistance to departments and other academic units on their assessment activities.
   d. Provide a yearly summary of assessment activities to the Senate, the Provost, the Vice President for Agriculture and University Extension, and the Director of the NDSU Extension Service.

Section 1. Senate Coordinating Council

Voting membership shall consist of two representatives each from the Faculty, Student, and Staff Senates, the Senate Faculty Senate President, the Staff Senate President, and the Student Body President.

Non-voting membership shall consist of the Provost (or designee), the Vice President for Student Affairs (or designee), the Vice President for Finance and Administration (or designee), and representatives of one of these Vice President’s offices, one of whom will facilitate meetings and one of whom will maintain records. The Vice President’s offices will rotate responsibility for
calling meetings and maintaining records every three to five years. The coordinating council may
decide to invite policy initiators to the meetings as non-voting members to explain policy
changes.

Committee responsibilities include:

- Reviewing policy to determine first whether it is ready to bring to any of the Senates or
  whether it should be returned to the policy makers for clarification and revision.
- Coordinating the distribution of policies to the appropriate Senates body consistent
  with the Senate Faculty Senate, Staff Senate, and Student Government Constitutions.
- Sending policies that have been voted on to appropriate channels at NDSU for final
  approval.
- Serving in a liaison capacity regarding the Senate Faculty Senate, administration, Staff
  Senate, and Student Government.

Section 2. Campus Space & Facilities

Voting members shall consist of one faculty member from each representation unit, three staff
members appointed by the Staff Senate, three student members (graduate, undergraduate, and on-
campus) appointed by the Student Government, a faculty representative of the College of
Graduate and Interdisciplinary Studies designated by the Dean, the Provost (or designee), the
Registrar, and the Vice President for Finance and Administration (or designee).

Non-voting members shall consist of the Director of Facilities Management, the Chair of the
Department of Architecture and Landscape Architecture, the Assistant to the Director of the
North Dakota Agricultural Experiment Station, and a representative of the Dean of Libraries.

Committee responsibilities include:

- Provide for the systematic development and review of the “Campus Master Plan” and
  Guidelines for Campus Development.
- Recommending policies and procedures to meet the current and future needs for all
  physical facilities and reviewing changes in University space allocation including
  classrooms and laboratories.
- Reviewing proposed building projects and major building renovations prior to
  presentation to the State Board of Higher Education and the Legislature.
- Recommending policies for site location for new buildings and for overall landscaping.
- Recommending traffic and parking regulations, to include cars, buses, bicycles, and
  pedestrians.
- Recommending plans for sidewalks, streets, and parking lots.

Section 3. Library

Membership shall consist of one faculty member from each representation unit, one
undergraduate and one graduate student appointed by the Student Government, a staff member
appointed by the Staff Senate, a representative from Information Technology Services, a faculty
representative of the College of Graduate and Interdisciplinary Studies designated by the Dean,
and the Dean of Libraries.

Committee responsibilities include:

- Formulating policy recommendations for the NDSU Libraries.
Section 4. University Athletics

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

The University Athletics Committee serves as the NDSU Athletics Advisory Board as described in the constitution of the National Collegiate Athletics Association (NCAA).

Committee responsibilities include:

- Promoting compliance with principles of conduct as defined by the NCAA.
- Acting as the Board of Appeals for athletic grievances.
- Initiating and reviewing policies concerning University Athletics and making recommendations for consideration of said policy to the Senate Faculty Senate. Such areas of concern include Guidelines for athletic schedules, guidelines for participation in postseason activities, awards for excellence in athletics, eligibility of athletes.
- Reviewing upcoming issues at intercollegiate conference meetings and recommending institutional positions.
- Reviewing the budget of the athletic programs prior to its approval by the University President.
- Stimulating interest in athletic events throughout the University community.

Section 5. Equal Opportunity Hearing Panel

Membership shall consist of six faculty members appointed by the Senate Faculty Senate President in consultation with the Senate Executive Committee, six students appointed by the Student Government President, and six Staff members appointed by the Staff Senate President.

Each President shall strive for diverse representation (gender, ethnicity, etc) in her/his group of appointees.

Committee responsibilities include:

- Acting in accordance with procedures and policy approved by the Senate, specifically Policy 156.

Section 6. University Assessment

Membership shall consist of one faculty member from each representation unit, a representative from the General Education Committee, a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean, the Provost (or designee), one undergraduate student, and one graduate student appointed by the Student Government, a representative from the Division of Student Affairs, a representative from the NDSU Extension Service, a representative from the Office of Institutional, Research and Analysis, a representative from Distance and Continuing Education, and the Director of the Office of Accreditation and Assessment.

Committee responsibilities include:

- Periodically reviewing the assessment of student learning in undergraduate and graduate academic programs, within the units in the Division of Student Affairs and in the NDSU Extension Service.
- Developing procedures for annual reporting of assessment activities by departments and other academic units, units in the Division of Student Affairs, and the NDSU Extension Service on their assessment activities.
Providing feedback and assistance to departments and other academic units on their assessment activities.

a. Providing a yearly summary of assessment activities to the Senate Faculty Senate, The Provost, the Vice President for Agriculture and University Extension, and the Director of the NDSU Extension Service.
Article VI: Amending the Bylaws

Section 1.
Amendments to the bylaws may be proposed by the Senate Faculty Senate or by a petition signed by twenty-five percent of the Faculty. At a meeting of the Senate Faculty Senate where the amendment is proposed, a vote will be cast to determine whether to consider the amendment at the next regular Senate Faculty Senate meeting. If two-thirds of the votes cast are in favor of the bylaws change, it will be added to the agenda for the next regular meeting of the Senate Faculty Senate.

Section 2.
The Secretary of the Senate Faculty Senate will distribute the proposed amendment to all members of the faculty no later than nine days after the Senate Faculty Senate votes to consider the amendment at their next regular meeting.

Section 3.
At the next regular meeting of the Senate Faculty Senate, if approved by two-thirds of the ballots cast, the change will be submitted to the University President.

Section 4.
When approved by the University President, the changes shall become effective immediately.
Housekeeping Changes

1. All instances of "senators" have been revised to "Senators" (title case).
2. All unnecessary/additional spaces have been removed.
3. The phrases "she or he" or "her or his" have been changed to "she/he" or "her/his", respectively. To keep consistent, all instances of "he/she" or "his/her" have also been changed to "she/he" or "her/his", respectively.
4. "Senate", "Senator", or "President" have been have been explicitly denoted to indicate "Faculty Senate", "Faculty Senator", and "Faculty Senate President" throughout the remainder of the document to avoid misinterpretation with Staff/Student Senate/Senator and University President). In instances where appropriate, adjectives such as "Faculty" or "University" have been added for clarification.
5. Oxford commas have been used throughout for consistency.
6. Fractions (i.e., 1/3, 2/3) have been replaced by text (i.e., one-third, two-third).
7. Any number less than 20 has been changed to text.
8. In instances where a Senator could have been a previous Faculty Senate Senator OR a previous University Senate Senator, the term "Faculty/University Senate/Senator" has been used.
9. In Article 1, Section 2, clarified that members of representation units include professors of practice, professors of research, and professors (assistant, associate and full designated for each type). The previous wording said the same but was less clear "professors of practice, research faculty and assistant/associate/full professors".

Content changes

1. Article 2, Section 8: added a responsibility of the Immediate Past President to take on secretarial duties in the absence of a secretary. Specific language added:

   Section 8.
   Duties of the Immediate Past President shall include the following:
   1. Advise the President and the President-Elect regarding past practices and other matters for the maintenance of continuity from one administration to the next.
   2. Preside over regular Senate regular meetings in the absence of both the President and the President-Elect.
   3. Serve on the Senate Executive Committee.

   3-4. Undertake duties outlined in Article II, Section 9.2-9.4 in the absence of the Secretary at a Faculty Senate the meeting.
2. Article 2, Section 12: added the ability of the Senate to enter an executive session in after Announcements and Committee reports. If a motion is made, seconded and a majority vote is achieved, then non-Senators will be asked to leave. Specific language added/modified:

Section 12.
Meetings of the SenateFaculty Senate shall be open to the public; however, debate on some of the agenda items through the Committee and Other Reports agenda item. Following this agenda item, the meeting may be deemed closed at the discretion of the Senate. For closure to occur, a motion to close the meeting enter executive session must be made and seconded, and a majority vote must be achieved. If the motion is approved, all non-Senators and non-invited guests will be asked to leave except the Secretary and Parliamentarian; the Senate can also exempt some invited guests to stay in the executive session.

At each Senate meeting the University President of the University, the Provost, the Student Body President, and the Staff Senate President will be invited to make announcements. The SenateFaculty Senate President may allow other non-Senators to speak and/or provide reports. However, only Senators may make motions and only Senators may vote on motions before the Senate.

3. Article 2, Section 14: Changed the position of “Committee and Other Reports” in the order of business from after the “Consent Agenda” to before that item. This allows reports to be completed before the Senate begins their primary business, which starts with the consent agenda. Specific language modified:

The agenda for each regular meeting shall be posted to the SenateFaculty Senate website at least one week before each meeting. Any member of the SenateFaculty Senate may request of the President of the SenateFaculty Senate that an item be placed on the agenda. The order of business for SenateFaculty Senate meetings shall be as follows:

1. Adoption of the agenda.
2. Approval of the previous meeting minutes of the previous meeting.
3. Announcements.
4. Committee and other reports.
5. Consent agenda.
6. Committee and other reports.
7-6. Unfinished business.

4. Article 3, Section 3: removed requirement that most standing committees are required to give a 5-minute report at the May Faculty Senate meeting. This was removed since it is generally not done. Specific language modified:

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 SenateFaculty Senate Committee (except Academic Integrity, Conflict of Interest Advisory, Executive, Faculty Rights, and Grade Appeals) will make an oral report of progress to the Senate (five minutes) at the May meeting of the SenateFaculty Senate, or at the President of the SenateFaculty Senate’s request. Committees will also submit a written report at the end of the academic year.
5. Article 3, Section 5: Gives the Faculty Senate Executive Committee the ability to remove a chair of a standing committee if they are not performing their duties. Specific language added:

Section 5.
After the Faculty Senate has approved membership in the standing committees, each committee will meet and elect a chair, who will communicate all committee business to the Senate. The Senate Executive Committee has the right to remove the chair of a standing committee and seek a replacement from the standing committee membership if the chair is not effectively performing their duties.

6. Articles 4 and 5: The structure of the information about each standing or joint committee has been changed to make it standardized across sections and easier to identify important information about each committee. No content changes have been made, but given the extensive reformatting, this goes beyond simple housekeeping changes. Example of restructuring:

7. Articles 4 and 5: In committee membership, any mention of the “Vice President for Academic Affairs” being a part of the committee has been changed to “Provost (or designee)”. This change was requested by Provost Grafton since this position may not be filled in the near future, and more generally, hamstring committee membership if a future Provost restructures their offices and eliminates the Vice President for Academic Affairs position. Example of the change:

Old format with mention of VP of Academic Affairs:

Section 10. Grade Appeals Board
The purpose of this Board is to provide an avenue for students to challenge any grade they believe to have been unfairly assigned. Membership shall consist of one faculty member and one alternate from each representation unit, the Associate Vice President of Academic Affairs, a faculty representative of the College of Graduate and Interdisciplinary Studies designated by the Dean, three students and three students
New format with mention of representative from the Provost’s office:

Section 10, Grade Appeals Board

1. Committee purpose:
   a. To provide an avenue for students to challenge any grade they believe to have been unfairly assigned.

2. Voting membership (twelve members; ten alternates):
   a. One faculty member and one alternate from each representation unit.
      i. These faculty are elected by their representation unit.
   b. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.
   c. Three students and three student alternates selected by the Student Government.
      i. Students should be full-time students.
      ii. Students should have a minimum 2.00 cumulative grade point average.
      iii. Students should be of junior standing.
   d. One representative from the Provost’s Office, who will also serve as Board Chair.

NOTE: The only place this change has NOT been made is Article 4, Section 5: “Equity and Diversity Standing Committee”. For this committee, the “Vice Provost for Faculty Advancement (or designee)” has been replaced with “Vice Provost for Faculty Affairs and Equity”. This change was made because the prior position no longer exists and it is the explicit job of the Vice Provost for Faculty Affairs and Equity to oversee issues covered by this committee.

8. Article 4, Section 8: This section (Faculty Pool for Administrative Search Committees” has been struck from the bylaws. The motivation for this is that this pool and its use is a policy, hence does not belong in the bylaws. Further, administrators do not use this pool, so unless we are going to begin enforcing use of this, there is no function in having this standing committee.

9. Article 4, Section 13: Increased representation on the Technology and Instructional Services committee to include three non-voting representatives from the IT division (current bylaws state only one IT representative can be a member of the committee) and one student representative appointed by Student Government. These changes are made at the request of the current Technology and Instructional Services committee, who feel that increased information from key IT staff and from a student perspective would be valuable in fulfilling their committee responsibilities. Specific language changed highlighted in yellow (no track changes since all of Article 4 has been modified into a new format):

Section 13, Technology and Instructional Services

1. Voting membership (eight members):
   a. One faculty member from each representation unit.
   b. One faculty representative of the Graduate School, designated by the Dean of the Graduate School.

2. Non-voting membership (one member):
   a. Three representatives from Information Technology (IT) Division.
   b. One student representative from appointed by Student government.
10. Article 5, Section 1. Membership of the Senate Coordinating Council has been updated to reflect approved changes to Policy 714. Specific language changes shown below:

Section 1. Senate Coordinating Council

1. Voting membership (nine six members):
   a. One representative of the Faculty Senate as appointed by the Faculty Senate President.
   b. Two representatives from the Faculty Senate.
   c. One representative of the Staff Senate as appointed by the Staff Senate President.
   d. Two representatives from the Staff Senate.
   e. One representative of Student Government appointed in accordance with the Student Government Code.
   f. Two representatives from the Student Senate.
   g. Faculty Senate President.
   h. Staff Senate President.
   i. Student Body President.

2. Non-voting membership (three five members):
   a. Provost (or designee).
   b. Vice President for Student Affairs and Enrollment Management (or designee).
   c. Vice President for Finance and Administration (or designee).
   d. Two representatives from the Office of the Provost to facilitate meetings and maintain records.
   e. Two representatives of one of these Vice President’s offices, one of whom will facilitate meetings and one of whom will maintain records.
      i. The Vice President’s offices will rotate responsibility for calling meetings and maintaining records every three to five years.
      ii. The council may decide to invite policy initiators to the meetings as non-voting members to explain policy changes.

11. Article 5, Section 5. The Equal Opportunity Hearing Panel is no longer needed; hence, it has been struck from the bylaws as a joint standing committee. It was referred to as part of Policy 156 (Discrimination, Harassment and Retaliation Complaint Procedures), but has been removed from that policy since 2016 when the Policy was revised through a resolution agreement with OCR.
Policy Change Cover Sheet

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

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

SECTION: Policy 334 Field Trips

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy).
   Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? ☐ Yes ☒ No
   - Describe change: The reporting office and process for student travel has been changed, and Policy 334 and Policy 611 are being combined into one policy so that all of the student travel information can be found in one place. The updates will be reflected in Policy 334, and the name of the policy will be changed from Field Trips to Student Travel Policy. Once the changes for Policy 334 have been approved, Policy 611 can be removed from the policy manual.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Student Affairs 12/7/18
   - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu or matthew.skoy@ndsu.edu

   This portion will be completed by SCC Secretary (Kelly Hoyt).
   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):

   Legal Review:

   Responsible Office:

   Senate Coordinating Committee:

   Faculty Senate:

   Staff Senate:

   Student Government:

   Provost:

   President:

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 334
FIELD TRIPS
STUDENT TRAVEL POLICY

SOURCE: NDSU President

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

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

1. **INTRODUCTION:** The opportunity to represent North Dakota State University throughout the state, the nation, and the world is one of the many benefits of being a member of the NDSU student body. When it comes to the safety and concern for our students, it is expected that, for each student traveling, an academic department and/or university unit will follow the required process. The types of activities and events covered by this process include course related field trips, co-curricular departmental student travel, and meetings of academic organizations or governance entities where a student is officially representing the University.

This policy pertains to student travel within the United States. For information about traveling overseas (Study Abroad), contact the Office of International Student and Study Abroad Services and see Policy 334.1 International Travel for Students.

2. **STUDENT TRAVEL PROCESS:** Notification of any proposed field trip out of town must be provided. Examples of trip information to be provided include a list of all student participants/passengers, their expected time of departure/return, and names of instructors/advisors accompanying students, and emergency contact information. Student drivers must comply with ND SBHE Policy 512.

All student travel must be in compliance with University policy regarding the use of State Fleet vehicles for student travel as follows:

- Use of State Fleet vehicles must be reviewed and approved in advance.
- Use of State Fleet vehicles for student travel is limited to that which is on behalf of and authorized by NDSU.
- Use of State Fleet vehicles for academic purposes must be authorized by the dean of the respective college.
- Student employees acting within the scope of employment on behalf of NDSU is authorized use.

3. **REQUIRED FORMS:** Students must use required travel forms.

3.1 **Travel Notification Form**
A Travel Notification Form is required:
• For all travel involving students, except for student employee travel. Employees include student employee, research assistant, graduate assistant, etc., where the student is acting within the scope of the job he or she has been hired to complete.
• For sponsored events or activities. A sponsored event or activity is one that the University endorses by supporting it financially, or by sending students to participate in it as official representatives of the University.
• For all recognized student organizations traveling.

3.2 Student Travel Waiver
A Student Travel Waiver is required:

• For any travel not listed on a class syllabus.
• For any travel completed by a non-employee of the University. Employees include student employee, research assistant, graduate assistant, etc., where the student is acting within the scope of the job they have been hired to complete.
• For students traveling with a recognized student organization as per CSO guidelines.

Questions may be directed to the Office of Student Activities.

______________________________

HISTORY:

New July 1990
Amended October 2001
Amended October 2007
Amended November 2008
Housekeeping September 2015
This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.

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

SECTION: Policy 611 Student Travel Policy

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? ☐ Yes ☒ No
   - Describe change: Policy 334 and Policy 611 are being combined into one policy. Policy 611 can be removed from the policy manual when the updated changes for Policy 334 have been approved.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Student Affairs 12/7/2018
   - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu or matthew.skoy@ndsu.edu

   This portion will be completed by SCC Secretary (Kelly Hoyt).
   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):

   Legal Review:

   Responsible Office:

   Senate Coordinating Committee:

   Faculty Senate:

   Staff Senate:

   Student Government:

   Provost:

   President:

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SCC://SCC_cover_sheet.doc Revised 11/09/2017
SECTION 611
STUDENT TRAVEL POLICY

SOURCE: NDSU President
North Dakota SBHE Policy 512

INTRODUCTION: This policy defines requirements and expectations for student travel in the interest of promoting and benefiting the health and welfare of students. This policy applies to student travel sponsored by an academic department, university unit, or Congress of Student Organization (CSO) recognized student organizations. Student drivers must comply with the NDSU student travel procedures and ND SBHE Policy 512.

This policy pertains to student travel within the United States. For information about traveling overseas (Study Abroad), contact the Office of International Programs, and more specifically, the Study Abroad site.

SCOPE: The opportunity to represent North Dakota State University throughout the state, the nation, and the world is one of the many benefits of being a member of the NDSU student body. This policy applies to the travel of enrolled undergraduate or graduate students to attend activities or events that are consistent with the North Dakota State Board of Higher Education (SBHE) Policy 512, applicable state law, and state fleet rules which are:

a. organized or sponsored by the University; or

b. funded by the University or the NDSU Student Government; or

c. undertaken using a vehicle owned or leased by the University.

The types of activities and events covered by this policy include course related field trips, and meetings of academic organizations or governance entities where a student is officially representing the University.

The policy does not apply to travel undertaken by individual students solely for personal interests and benefits (including, but not limited to, out of town athletic events, or to engage in student-teaching, internships, practicum or clinical experiences, observations or research, unless the research is organized by a member of the faculty).

Questions about whether or not this policy applies to a particular type of student travel may be directed to the Office of Student Affairs.

DEFINITIONS:

a. A **organized event** is one that is initiated, planned, and arranged by a member of the University's faculty or staff.

b. A **sponsored event** or activity is one that the University endorses by supporting it financially, or by sending students to participate in it as official representatives of the University.
c. An **enrolled student** is one who has been admitted to and is attending classes at the University.

4. **STUDENT TRAVEL**: All student travel must be in compliance with University policy and the NDSU student travel procedures.

   a. Use of State Fleet vehicles must be reviewed and approved in advance. Use of State Fleet vehicles for student travel is limited to that which is on behalf of and authorized by NDSU.
      i. Use of State Fleet vehicles for academic purposes must be authorized by the dean of the respective college.
      ii. Student employees acting within the scope of employment on behalf of NDSU is authorized use.
   
   b. All participants must be provided information regarding potential risks associated with the trip and travel arrangements. All participants must sign the completed NDSU Student Field Trip Informed Consent, Assumption of Risk and Release form.

   c. **Student Responsibilities**:
      i. The privilege of traveling on behalf of the university comes with certain responsibilities for individual students.
      ii. Students must make their own arrangements with faculty for missed classes. Faculty members are not required to excuse student absences.
      iii. Students are expected to comply with the NDSU Rights and Responsibilities: A Code of Student Conduct at all times. Concerns regarding inappropriate conduct must be reported to the Vice Provost for Student Affairs and Enrollment Management for consultation and resolution. Resolution may involve a conduct hearing upon return to NDSU. The Vice Provost for Student Affairs and Enrollment Management or designee, in consultation with the respective academic dean as appropriate, has the right to impose limitations on a student’s participation at any time during the planning process or during the trip (i.e., may not drive vehicle). In the event a student’s conduct is so disruptive as to require their termination of participation from the trip, the student will be responsible for their own arrangements for returning to NDSU, including, but not limited to, any cost of transportation, lodging, and meals. Removal from the trip does not release a student from their financial obligations for the trip, as agreed to prior to departure.
      iv. All student drivers who are duly authorized for State Fleet use must have automobile insurance and must be in good standing with the University system.
      v. Student drivers must comply with and enforce the Student Travel procedures.

This policy is in accordance with the North Dakota SBHE Policy 512.

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**HISTORY:**

New June 19, 2014
Housekeeping September 30, 2015
Housekeeping August 22, 2017
Policy Change Cover Sheet

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

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

SECTION:

611.1 International Travel for Students

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy).
   Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? □ Yes □ No
   - Describe change: Changing policy number
     Explanation: Policy 334 and Policy 611 are being combined into one policy, Policy 334. Policy 611 will be removed from the policy manual when the updated changes for Policy 334 have been approved. Therefore, Policy 611.1 needs to be moved under Policy 334 as Policy 334.1 at that time as well.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Student Affairs 12/7/18
   - Email address of the person who should be contacted with revisions – mary.asheim@ndsu.edu or matthew.skoy@ndsu.edu

   This portion will be completed by SCC Secretary (Kelly Hoyt).
   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):

   Legal Review:

   Responsible Office:

   Senate Coordinating Committee:

   Faculty Senate:

   Staff Senate:

   Student Government:

   Provost:

   President:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!
1. **POLICY STATEMENT** - North Dakota State University (NDSU) promotes the health, safety, and security of all students while traveling outside the United States for University-related purposes. The University, in consultation with the program leader or appropriate administrator, reserves the right to cancel any international activity at any time due to health, safety, or other concerns. Any planned or anticipated travel to a country or region under a travel warning or travel alert as designated by the U.S. Department of State is subject to review and approval and modifications or cancellations by appropriate administrators and the Office of International Student and Study Abroad Services. Current travel conditions can be reviewed on the U.S. Department of State website at: [http://travel.state.gov](http://travel.state.gov).

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

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

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

3. **DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

5.1 In the event of an emergency, students are required to follow the instructions provided by ISSAS including any applicable health insurance provider instructions relevant to the program. Students agree to update ISSAS with current and correct contact information, including email address, physical address and phone number.

6. **STUDENT CONDUCT AND REMOVAL FROM PROGRAM** - While abroad, students are bound by policies in the *NDSU Rights and Responsibilities: A Code of Student Conduct*, by the rules of the
foreign institutions, and by the laws of the geographical location of the program. NDSU may take
disciplinary action against students who violate the Code of Student Conduct while participating in
a study abroad program.

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

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

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

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

___________________________________________________________________________________

**HISTORY:**

New April 26, 2017
Housekeeping August 28, 2017
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 nndsu.policy.manual@ndsu.edu first so that a clean policy can be presented to the committees.

SECTION: 162: Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX

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).

Changes to existing policy to incorporate the most accurate and up-to-date information regarding sexual harassment, gender-based harassment, sexual misconduct, and Title IX violations. The submitted changes include but are not limited to:
- removing the prohibition of informal resolution in complaints regarding sexual misconduct;
- adding information to mirror Policy 601 regarding amnesty for drug and alcohol use;
- correcting “NDSU” or “Campus” Police to “University” Police in several sections;
- adding information in several sections providing contact information for the new Sexual Assault Prevention and Advocacy Coordinator;
- updating numerous on-campus resources contact information;
- correcting “remedial” measures to “interim” measures;
- correcting no contact “directive” to no contact “order”;
- adding “administrative action” for clarification under interim measures section;
- clarifying training requirements;
- deleting repeat example under section 12.16; and
- adding last section addressing a required annual review of the policy.

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

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

   The Equity Office annually reviews Policy 162. The last content updates were made effective January 16, 2017 with the most recent housekeeping updates made effective November 9, 2017. The Equity Office is responsible for receiving and resolving complaints in addition to reviewing and developing NDSU policy regarding sexual harassment, gender-based harassment, sexual misconduct, and Title IX violations. Both students and employees are covered under this policy.

   Submitted on: October 18, 2018 by the Equity Office

   Contact: Canan Bilen-Green (canan.bilen.green@ndsu.edu)

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This portion will be completed by SCC Secretary (Kelly Hoyt).
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):

   Legal Review:

   Responsible Office:

   Senate Coordinating Committee:
The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!
1 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.
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.

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.

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

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

**2. PROHIBITED CONDUCT**

2.1 Sexual Harassment, Gender-Based Harassment and Sexual Misconduct. This policy prohibits sexual harassment, gender-based harassment and sexual misconduct by or against any student, employee or third party. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other 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 benefiting from the University’s education or employment programs and/or activities.

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

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

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

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

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

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

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

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

2.8 Amnesty for drug and alcohol use – NDSU strongly encourages all University community members to report instances of sexual harassment, gender-based harassment or sexual misconduct as soon as possible. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to report due to potential policy violations. To minimize hesitancy, an individual who reports sexual harassment, gender-based harassment or sexual misconduct, either as a Reporting Party complainant or as a witness, will not be subject to the Student Conduct process for alleged policy violations related to alcohol or drug use, Policy 155, or other minor policy violations, nor will the incident become part of the student’s conduct record, disciplinary action for any violation of NDSU’s Policy 155 against alcohol and other drugs in connection with the reported incident.

3. TO WHOM THIS POLICY APPLIES

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

3.2 This policy applies to conduct by or against students, employees, and third parties of which the University is made aware, wherever the misconduct occurs:
   3.2.1. On property owned or controlled by NDSU;
   3.2.2. Off NDSU property, if
       1) The misconduct was in the context of a University employment or education program or activity, including, but not limited to, NDSU-sponsored study abroad, research, on-line, or internship programs; or
2) Outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third parties while on campus or other property owned or controlled by NDSU or in any University employment or education program or activity.

3.3 Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expressions (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) University NDSU Police (701-231-8998), who are available 24 hours a day, 7 days a week. University 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. 24-hour on call service at 701-231-7671.; and
2) Sexual Assault Prevention and Advocacy Coordinator at the Student Health Service (701-231-5733; Monday through Friday 8-5).
5.3 On campus resources, counselors, and health care providers:

<table>
<thead>
<tr>
<th>Contact</th>
<th>Phone</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX Coordinator</td>
<td>701-231-7708</td>
<td>Old Main 201</td>
</tr>
<tr>
<td>Student Affairs Office</td>
<td>701-231-8240</td>
<td>Memorial Union 250</td>
</tr>
<tr>
<td>Equity Office</td>
<td>701-231-7708</td>
<td>Old Main 201/202</td>
</tr>
<tr>
<td>NDSU Counseling Center*</td>
<td>701-231-7671</td>
<td>Ceres Hall 212</td>
</tr>
<tr>
<td>Sexual Assault Prevention &amp; Advocacy*</td>
<td>701-231-7331</td>
<td>Wallman Wellness Center 102</td>
</tr>
<tr>
<td>NDSU Student Health Service*</td>
<td>701-231-7331</td>
<td>Wallman Wellness Center 102</td>
</tr>
<tr>
<td>University Police</td>
<td>701-231-8998</td>
<td>1523 12th Avenue N., Fargo</td>
</tr>
</tbody>
</table>

*Confidential resources

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

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

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

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

6.2 Any person (student, employee, or third party) having a complaint under this policy (NDSU Policy 162) should submit a completed complaint form available online at https://www.ndsu.edu/equity/forms/ or by contacting the Title IX Coordinator or the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, ndsu.eoaa@ndsu.edu. The Complaint Form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equity Office. The Equity Office is available to assist with completing the Complaint Form as needed.

6.3 Anyone who would like to file a sexual harassment, gender-based harassment, or sexual misconduct complaint against a student or student organization also has the option of filing the
complaint with the Student Affairs Office, Memorial Union 250, NDSU Main Campus, 701-231-8240. Complaints filed against a student or student organization will be resolved in coordination with the Student Affairs 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 Student Affairs Office, in coordination with the Equity Office, under the procedures found in Rights and Responsibilities of Community: A Code of Student Conduct.

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

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

6.7 Anonymous reporting - NDSU students and employees may report incidents of sexual harassment, gender-based harassment, or sexual misconduct anonymously. NDSU may be limited in its ability to respond to a report if it is submitted anonymously. Additionally, in very limited circumstances, NDSU may need to take action to learn the identity of an individual who submitted an anonymous report. For more information, see https://www.ndsu.edu/biasreport/.

7. NOTICE OF MANDATORY REPORTING RESPONSIBILITIES

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

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

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

7.2 To comply with 7.1.1. or 7.1.2, NDSU employees must within three business days notify the Title IX Coordinator or the Equity Office. Employees are encouraged to complete and submit an NDSU Sexual Misconduct Report Form (Report Form) to the Title IX Coordinator or the Equity Office. The Report Form is available online at https://www.ndsu.edu/forms/ or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, ndsu.eoaa@ndsu.edu. The Report Form can be submitted via email at ndsu.eoaa@ndsu.edu or by bringing it to the Equity Office. The Equity Office can assist with completing the Report Form as needed. The Equity Office is the official university record holder for documentation under this policy.

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

8.2 Interim Remedial measures may include, but are not limited to, a no contact order directive, a safety plan, residence modifications, academic modifications and support, work schedule and/or location modifications, parking modifications, referral to counseling or other health services, administrative leave, temporary suspension, or any other measure deemed appropriate by NDSU.

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

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

9. PRIVACY AND CONFIDENTIALITY

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

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

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

10. TRAINING AND EDUCATION

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

10.2 All new employees must attend training within the first 30 days of employment and receive supplemental training every three years. Current employees are required to participate in face-to-face training every three years.

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

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

11. FREE EXPRESSION AND ACADEMIC FREEDOM

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

12. DEFINITIONS

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

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

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

Consent must be all of the following:
1) Knowing: Consent must demonstrate that all individuals understand, are aware of, and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the sexual activity.
2) Active: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.
3) Voluntary: Consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).
4) Present and ongoing: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one
type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time – provided the person withdrawing consent makes that known in clearly understandable words or actions.

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

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

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

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

12.2.4. Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes 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.

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

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

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

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

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

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

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

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

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

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.

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.

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.

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.

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

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

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
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.

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).

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

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

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

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

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

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

13. RESOURCE OF RELEVANT TERMS AND DEFINITIONS IN NORTH DAKOTA

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

13.1 The North Dakota Human Rights Act prohibits discrimination in employment on the basis of sex, including pregnancy, childbirth and related medical conditions (ND Cent. Code Sec. 14-02.4-01 et seq.). Sexual harassment is expressly included in the Act’s definition of discrimination based on sex. The Act applies to all employers in the state. It is also unlawful under the state law to retaliate or threaten to retaliate against a person who files a complaint of sexual harassment, or testifies or assists in a proceeding or investigation.
13.2 Consent is defined in North Dakota as follows (NDCC 12.1-17-08):

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

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

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

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

HISTORY:
New September 29, 1980
Amended October 7, 1987
This policy will be reviewed on an annual basis for clarity and content to ensure compliance with federal and state laws and regulations. Any proposed changes to this policy should be submitted to the Equity Office before May 15 for review.
Policy Change Cover Sheet

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

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

SECTION: 156: Discrimination, Harassment, and Retaliation Complaint Procedures

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

Changes to existing policy to incorporate the most thorough procedures when reviewing and investigating complaints. Most changes are included in an effort to clarify the policy. Explanation of the most pertinent changes/additions/deletions found below (grammatical changes not included). Addition of federally mandated reporting requirements regarding NSF PIs and co-PIs included.

Title Change: to reflect correct policy title – for clarification
2.2: To reflect correct policy title and to include all categories of complaints throughout policy - for clarification.
2.3: “Equity Director” is not correct title. Throughout policy this has been changed to reflect Equity Office - for clarification
2.5: Definition added to emulate Policy 162 - for clarification
2.6: Definition added to emulate Policy 162 - for clarification
3.1.1: To reflect correct policy title, clarify investigative process, process of complaints when Responding Party is both a student and an employee, and add specific procedures regarding complaints against Equity Office - for clarification
3.1.2: Remove 180 day time limit - for clarification
3.1.4: Additional confidential resources - for clarification
5.1: Clarify No Contact Order - for clarification
7.2: Additional informal resolution process options - for clarification
8.5: Addition of Title IX Policy (162) and inclusion of all categories of complaints - for clarification
8.10: Clarification in supervisor imposition of disciplinary action, and addition of mandatory reporting of findings against NSF PIs or co-PIs. (see Federal Register Notice released September 21, 2018) - for clarification and federal mandate
8.13: Addition of investigation interference consequences (as outlined in Policy 162, Section 2.5) - for clarification
8.14: Addition of False Reports consequences (as outlined in Policy 162, Section 2.7) - for clarification
10.1 - 10.4: Expansion and clarification of mandatory reporting obligations - for clarification
12.1: Addition of NSF contact information in reference to section 8.10 – federal mandate

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

2. This policy change was originated by (individual, office or committee/organization):
The Equity Office annually reviews Policy 156. The last updates were made effective August 22, 2017. The procedures delineated in Policy 156 are executed by the Equity Office regarding all discrimination, harassment, retaliation, and sexual misconduct complaints involving both students and employees.

Contact: Canan Bilen-Green, Vice Provost for Faculty and Equity, Old Main, Suite 201 canan.bilen.green@ndsu.edu.

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

This portion will be completed by SCC Secretary (Kelly Hoyt).
Note: Items routed as information by SCC will have date that policy was routed listed below.
The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

SCC://SCC_cover_sheet.doc Revised 11/09/2017
1. INTRODUCTION

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

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

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

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

2. DEFINITIONS

2.1 Discrimination – Different or unequal treatment of an individual (or group), based on one or more of the protected classes of the individual (or group), except as where permitted or required by law, that negatively affects their education, employment, or other participation in educational programs or activities.
2.1.1 Protected classes for purposes of these procedures are: age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, status as a U.S.
veteran, or participation in lawful activity off NDSU’s premises during nonworking hours, which is not in direct conflict with the essential business-related interests of NDSU. (See NDSU Section 100, Equal Opportunity and Non-Discrimination Policy).

2.2 Discrimination Complaint – A complaint alleging discrimination in violation of NDSU’s Equal Opportunity and Non-Discrimination Policy and/or NDSU’s Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy, including complaints of discrimination, harassment, or retaliation, or sexual misconduct (hereafter referred to as a complaint).

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

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

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

2.5 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, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, intimate partner violence, sexual violence, and other misconduct based on sex. All are prohibited by or against any student, employee, or third party. For more specific information, please refer to Policy 162: Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX.

2.6 Retaliation - Intimidation, harassment, reprisal, or other adverse/unfavorable action taken against an individual (or group) in response to their protected activity, which could include, but is not limited to, filing a discrimination and/or harassment complaint, reporting discrimination and/or harassment, or participating in a discrimination and/or harassment investigation.

3. FILING A DISCRIMINATION COMPLAINT

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

3.1.1 How to file a discrimination complaint - A discrimination complaint is initiated by completing a NDSU Discrimination/Harassment/Retaliation/Sexual Misconduct
Complaint Form (Complaint Form) and filing it with the Equity Director Office. The Complaint Form is available online at https://www.ndsu.edu/equity/forms/ or by contacting the Equity Office in Suite 201, Old Main, NDSU Main Campus, 701-231-7708, ndsu.eoaa@ndsu.edu. The Complaint Form is also available in the Student Affairs Office, Memorial Union 250, NDSU Main Campus, 701-231-8240. 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.

The Equity Office will investigate all discrimination, harassment, retaliation, and sexual misconduct complaints involving employees utilizing the procedures set forth in this policy and will coordinate the resolution of those complaints.

The Equity Office will investigate all discrimination, harassment, retaliation, and sexual misconduct complaints utilizing Sections 1 through 8.8 of this policy if the complaint identifies an alleged violation by a student. The resolution of a the
formal complaint, including pre-hearing, hearing and appeals, will be conducted by the Student Affairs Office, in coordination with the Equity Office, pursuant to NDSU Policy 601. The informal resolution of a complaint will be conducted by the Equity Office, pursuant to Section 7 of this policy.

If the Responding Party is a student and an employee, the Equity Office will determine which role predominates in the context of the discriminatory conduct based upon the facts and circumstances, including the role of the Responding Party at the time of the conduct and the location of the incident.

Any allegations brought forth against the Equity Office will be investigated by the President using procedures as outlined in this policy.

3.1.2 Deadline for filing a discrimination complaint - NDSU encourages those who believe they have been discriminated against to file a discrimination complaint as soon as possible. If too much time has passed since the most recent incident occurred, the delay may result in loss of relevant evidence and witness testimony, limiting NDSU’s ability to take appropriate action. Unless the Equity Director agrees otherwise in writing, the Complaint Form must be submitted within 180 calendar days of the most recent incident of discrimination.

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

3.1.4 Confidential support resources - If seeking a confidential resource, NDSU students may contact the NDSU Counseling Center at 212 Ceres Hall, NDSU Main Campus, 701-231-7671, and the Student Health Service at Wallman Wellness Center 102, NDSU Main Campus, 701-231-7331, or the Sexual Assault Prevention and Advocacy (SAPA) Coordinator at Wallman Wellness Center 102, NDSU Main Campus, 701-231-5733. The Faculty/Staff Assistance Program, as described in NDSU Section 134, is a confidential resource for NDSU employees. Faculty and staff may also contact the Ombudsperson at Library Room 20C, NDSU Main Campus, 701-231-5114 as an additional confidential resource.

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

5.4 RETALIATION PROHIBITED

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

6.5 REMEDIAL MEASURES

6.15.1 Upon receipt of a discrimination complaint or as otherwise informed of alleged discrimination under these procedures, NDSU will, where appropriate, take reasonable steps to remedy the harm to those affected by discriminatory conduct. Remedial measures may include, but are not limited to, a no contact Order 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.
7.6 PRELIMINARY EVALUATION OF DISCRIMINATION COMPLAINT

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

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

If the complaint is dismissed, the Reporting Party may submit a request for reconsideration of the complaint within three business days of receipt of the Preliminary Evaluation Determination. The Reporting Party may submit additional documentation or information that supplements the original complaint. This may include, but is not limited to, additional evidence or names of witnesses. Complaints resubmitted with no additional information will not be reviewed for reconsideration. Submit all reconsiderations to the Equity Office, in Suite 201, Old Main 201, NDSU Main Campus, 701-231-7708, ndsu.eoaa@ndsu.edu. As needed, the Equity Office is available to facilitate finding a resource to assist the Party with completing a request for reconsideration.

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

8.7 INFORMAL RESOLUTION

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

8.27.1 Informal resolution is optional - When providing the Notice of Action to the Parties, the Equity Office may inquire if the Parties are interested in attempting to resolve the discrimination complaint through informal resolution. The Parties will have three business days to individually decide if they would like to use informal resolution and should inform the Equity Office of their decisions in writing. The informal resolution process will only be used upon mutual agreement of the Parties. Either Party may inform the Equity Office at any time that they want to discontinue their participation in the informal resolution process and the formal resolution process will commence. The Equity Office Director reserves the right to deny the Parties the option of using the informal resolution process if it is deemed to be inappropriate or inadequate as applied to a particular discrimination complaint.

8.37.2 Informal resolution process - Informal resolution may involve the Equity Office, the Student Affairs Office, administrators, supervisors, Ombudsperson, and/or external moderators working with the Parties to arrive at an appropriate and mutually agreeable resolution of the discrimination complaint. The informal resolution process will not require that the Parties meet face-to-face to resolve the discrimination complaint but may allow it, depending on the nature of the complaint and the power differential between the Parties.

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

9.8 FORMAL RESOLUTION

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

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

(1) An interview with each of the Parties;
(2) Interviews with witnesses identified by the Parties or determined otherwise;
(3) A review of evidence provided by the Parties or collected otherwise; and
(4) An opportunity for the Parties to submit questions of each other and/or the witnesses. Upon receipt of any such questions, the investigators will determine which questions, if any are relevant, and present them to the intended recipient for a response.
Equal opportunity will be given to the Parties to access and present evidence during the investigation. The Parties will be provided with periodic status updates throughout the course of the investigation.

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

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

### 9.58.5 Standard of proof
- In all cases, the applicable standard of proof for determining responsibility for an alleged violation is “preponderance of the evidence” – meaning, in order for an individual (or group) against whom a discrimination complaint was filed to be held responsible for discrimination, it must be determined that it is more likely than not that the individual (or group) violated NDSU’s Equal Opportunity and Non-Discrimination Policy and/or NDSU’s Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy, which may include discrimination, harassment, or retaliation, or sexual misconduct.

In cases involving an alleged violation by an employee, the determination of responsibility shall be made by the investigator(s).

In cases involving an alleged violation by a student, the determination of responsibility shall be made by the Hearing Officer, consistent with the procedures detailed in NDSU Policy 601.

### 9.68.6 Preliminary Investigative Report
- After an investigator(s) has finished the comprehensive investigation of a discrimination complaint, the investigator(s) will draft a preliminary investigative report.

For complaints involving an alleged violation by a student, the report shall include the findings of the investigation along with a recommendation for dismissal of the complaint or a recommendation of pursuing charges. If there is reasonable cause to believe that a violation has occurred, the recommendation shall be to pursue charges; if such reasonable cause is not present, the complaint shall be dismissed. Reasonable cause is a lower standard than preponderance of the evidence, and shall mean that there are just or legitimate grounds to believe that a violation has occurred.

For all other complaints, the report shall include the findings of the investigation along with a determination whether the individual (or group) against whom the discrimination complaint was filed is responsible for discrimination, including harassment or retaliation.
The report will also include, at a minimum, a summary of the relevant information gathered during interviews and otherwise that informed the preliminary investigation. Unless there are extenuating circumstances, the report will be drafted within 30 calendar days of initiation of the comprehensive investigation. The report will be provided to the Parties and, if applicable, a Review Committee as determined by the Equity Office (see 8.7). The Parties will have five business days from receipt of the report to respond to the Preliminary Investigative Report and/or any information found in the report in writing. As needed, the Equity Office is available to facilitate finding a resource to assist a Party with putting its response in writing.

9.7.8 Review Committee – A Review Committee, at the discretion of the Equity Office, may be utilized to provide feedback on the Preliminary Investigative Report. Unless there are extenuating circumstances, a Review Committee will meet within 10 calendar days of issuance of the Preliminary Investigative Report in order to finalize the Investigative Report. The Review Committee will be comprised of no fewer than three properly trained NDSU faculty or staff members (no students) that do not have a conflict of interest with the Parties. If a Party believes there is a conflict of interest with a member(s) of the Review Committee, the Party should follow the procedures and deadline established in 8.3 to dispute the member(s). Prior to meeting, Review Committee members will review the Preliminary Investigative Report and any written response to the report made by the Parties. The Review Committee may ask the investigator(s) who issued the Preliminary Investigative Report to be available during their meeting in order to answer questions related to the investigation and to provide access to documentation in the investigative file as needed. In limited circumstances, the Review Committee may request that the investigator(s) gather additional information if the committee decides it cannot make a recommendation without the additional information. In that case, each Party will be provided with the additional information gathered and will have the opportunity to respond to it in writing.

9.8.8 Final Investigative Report – Upon completion of any feedback provided by a Review Committee, the Preliminary Investigative Report will become the Final Investigative Report. For complaints involving an alleged violation by a student, the final report shall be provided to the Student Affairs Office along with a recommendation for dismissal of the complaint or a recommendation of pursuing charges. If there is reasonable cause to believe that a violation has occurred, the recommendation shall be to pursue charges; if such reasonable cause is not present, the complaint shall be dismissed.

The Final Investigative Report for employees will include recommended disciplinary action, if any, in addition to a finding as to whether, discriminatory conduct, including harassment, retaliation, or sexual misconduct occurred. The Final Investigative Report as well as notice of the right to appeal for employees as afforded in 8.12, will be provided in writing to the Parties.

8.9 Disciplinary action for discriminatory conduct – NDSU does not tolerate discrimination, including harassment, retaliation, or sexual misconduct and will take appropriate disciplinary action against anyone found responsible for the aforementioned discrimination. Students found responsible for discrimination, harassment, retaliation, or sexual misconduct under the procedures in Section 601: Rights and Responsibilities of Community: A Code of Student Conduct (Section 601) will be subject to disciplinary action, up to and including expulsion. Employees found responsible for discrimination, harassment, retaliation, or sexual misconduct under these procedures will be subject to disciplinary action, up to and including termination. The disciplinary action recommended by the Review Committee will depend on the severity of the discriminatory conduct and whether the individual (or group) was previously found responsible for discrimination, harassment, retaliation, or sexual misconduct.
9.98.10  Imposition of disciplinary action – If neither pParty exercises the right to appeal as afforded in 8.12, the Equity Office Director will either: (1) notify any administrator or supervisor provided with a modified Notice of Action as described in 6.2 that the matter has been resolved without recommended disciplinary action; or (2) provide the Final Investigative Report to the appropriate administrator, supervisor, whether previously provided a modified Notice of Action as described in 6.2 or otherwise, and consult with the administrator or, supervisor regarding imposition of the recommended disciplinary action. If either pParty exercises the right to appeal, (1) or (2) will be conducted by the Equity Office Director once the appeal process has concluded.

Disciplinary action for employees will be imposed by the appropriate administrator or supervisor on behalf of NDSU. The administrator or supervisor has three business days to confirm in writing to the Equity Office that the disciplinary action has been implemented. If the administrator or supervisor disagrees with the recommended disciplinary action, the administrator or supervisor must provide a basis for disagreement in writing to the Equity Director within 3 business days of receipt of the final investigative report.

For employees who have direct funding as a National Science Foundation (NSF) Principal Investigator (PI) or co-Principal Investigator (co-PI), or have funding from another entity where NSF is the prime sponsor, NDSU is required to notify NSF of: (1) Any finding/determination regarding the PI or any co-PI that demonstrates a violation of NDSU policies; and/or (2) if the PI or any co-PI is placed on administrative leave or if any administrative action has been imposed on the PI or any co-PI by NDSU relating to any finding/determination or an investigation of an alleged violation of NDSU policies. This notification to NSF must be provided regardless of where the finding/determination or administrative leave or action occurred while the PI or co-PI were carrying out award activities. The reporting requirement is effective beginning October 21, 2018.

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

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

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

8.13 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 termination or expulsion. Interference with an investigation may include, but is not limited to:

1) Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
2) Divulging confidential information;
3) Removing, destroying, or altering documentation relevant to the investigation; or
4) Providing false or misleading information to the Investigator, or encouraging others to do so.

8.14 False Reports - In cases where complaints are found to be baseless or frivolous, and where the Responding Party consents, the university will take affirmative steps to restore the reputation of the person or persons believed to be wrongly accused. False reports where there is non-factual information offered should not be confused with unsubstantiated allegations where there is insufficient information to determine if a person is responsible or not.
The procedures described above do not eliminate the rights of a party to participate subsequently in pre-disciplinary action review and/or an appeal as afforded elsewhere under NDSU policy. Furthermore, for purposes of these procedures, an appeal process available to the individual (or group) against whom a discrimination complaint was filed must be available to the individual (or group) who filed the discrimination complaint.

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

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

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

NOTICE OF MANDATORY REPORTING RESPONSIBILITIES AND TRAINING

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

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

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

To comply with 10.1.1 or 10.1.2, NDSU employees must promptly complete and submit an NDSU Discrimination/Harassment/Retaliation/Sexual Misconduct Report Form (Report Form) to the Equity Office. The Report Form is available online at https://www.ndsu.edu/equity/forms/ or by contacting the Equity Office, Old Main 201, 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.
Equity Office can assist with completing the Report Form as needed. The Equity Office is the official university record holder for documentation under these procedures.

10.3 Upon receipt of a Report Form, NDSU will initiate its discrimination complaint procedures.

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

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

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

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

Upon receipt of a Report Form, NDSU will initiate its discrimination complaint procedures.
Mandatory training - All NDSU employees must complete equal opportunity and non-discrimination training on an annual basis. In addition to mandatory training, employees are encouraged to contact the Equity Office with any questions they may have related to equal opportunity and non-discrimination at NDSU, including inquiries regarding their responsibilities as mandatory reporters.

12.11. DISCRETIONARY INVESTIGATION

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

13.12. FILING WITH AN EXTERNAL AGENCY

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

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

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

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

National Science Foundation
Office of the Director
Alexandria, VA 22314
NSF.gov/harassment
programcomplaints@nsf.gov

HISTORY:

New December 20, 1977
Amended September 1993
Amended January 1996
Amended June 2000
Amended October 2007