I. Call to order at 3:02 pm

II. Attendance


Absent: E. Berry, X. Li,

III. Adoption of agenda


MOTION (Wagner/Daigh): to approve the agenda minus the Gen Ed resolution. MOTION CARRIED WITH UNANIMOUS CONSENT

IV. Approval of previous meeting minutes from September 10, 2018

MOTION: (Sassi/Bajwa): to approve the minutes from September 10, 2018. MOTION CARRIED WITH UNANIMOUS CONSENT.

V. Announcements

a. Dean Bresciani, President
   • Went on a tour of western ND (5 stops total) with President Kelly from UND to talk about the importance of research and to ask for support from lawmakers and businesspeople to invest $100 million in research at the two campuses over the next two years. Positive responses were received on this trip.
   • Governor’s Task Force has decided to recommend splitting the State Board of Higher Ed into multiple boards, but is unsure how many boards there will be at this time.

b. Ken Grafton, Provost
   • No report

c. Erin Gillam, Faculty Senate President
   • Asked senators to keep in mind that when speakers come to talk about policies or other issues, remember to talk cordially.
   • Senators will be allowed to speak twice on a topic if there are multiple senators that wish to speak so everyone gets a turn. Wait to be acknowledged by the President before speaking.
d. Molly Secor-Turner, Faculty Senate President-Elect
   • Spring 2019 book orders are due to the Bookstore by Oct. 19 to ensure they are here by first day of spring semester.
e. Amanda Booher, Staff Senate President
   • Not present
f. Chase Grindberg, Student Body President
   • Dominic Fettig – open educational resources – free or subsidized cost of online textbooks. OpenStax is one resource students use. It is a flexible, editable, and adaptable resource, as well as creditable.

Question from a senator: What are the negatives of using OER? Dominic’s answer: The time it takes moving over from using your regular textbook. Not everyone likes to use an e-book vs. a traditional textbook.

VI. Consent agenda

   a. **UCC REPORT MOVED TO NEW BUSINESS**
   b. Policy 133: Educational Policy [Attachment 1]
   c. Policy 154: Distribution of Literature [Attachment 2]
   d. Policy 155: Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees [Attachment 3]
   e. Policy 400: Purchasing General Policies [Attachment 4]
   f. Policy 601: Rights and Responsibilities of Community: Code of Student Conduct [Attachment 5]
   g. Policy 703: NDSU Card Terms and Conditions [Attachment 6]
   h. Policy 714: Senate Coordinating Council [Attachment 7]


VII. Unfinished Business

   a. Policy 352: Promotion, Tenure and Evaluation [Attachment 8]
      • Alan presented some data that he obtained from OIRA about faculty numbers.
   MOTION (Wagner/Salajan): to approve policy 352.
      i. Includes approved amendment from Sept 10 meeting [Attachment 9]

MOTION (Salajan/Secor-Turner): to amend Section 5.2, sentence 2 to read ‘If allowed by department and college policies, PTE committees may include representation from Associate/Full Professors of Practice or Research Professors **holding terminal degrees**. In such cases, **full**-voting rights for Professors of Practice or Research Professors on applications for promotion shall be determined by the respective colleges or departments. However, at the very minimum, Professors of Practice or Research Professors shall be granted full voting rights on applications for promotion of Professors of Practice or Research Professors.’

MOTION (Sassi/Bajwa): to amend the amendment by adding ‘In such cases’ in the 3rd sentence, so it would read, ‘If allowed by department and college policies, PTE committees may include representation from Associate/Full Professors of Practice or Research Professors **holding**
terminal degrees. In such cases, full-voting rights for Professors of Practice or Research Professors on applications for promotion shall be determined by the respective colleges or departments. In such cases, however, at the very minimum, Professors of Practice or Research Professors shall be granted full voting rights on applications for promotion of Professors of Practice or Research Professors.

MOTION (Haring/McCourt): to amend the amendment to add ‘, respectively’ at the end of the last sentence, so it would read, ‘If allowed by department and college policies, PTE committees may include representation from Associate/Full Professors of Practice or Research Professors holding terminal degrees. In such cases, full-voting rights for Professors of Practice or Research Professors on applications for promotion shall be determined by the respective colleges or departments. In such cases, however, at the very minimum, Professors of Practice or Research Professors shall be granted full voting rights on applications for promotion of Professors of Practice or Research Professors, respectively.’

MOTION (Florin/Aly Ahmed): to amend the amendment by removing the first ‘In such cases’ towards the top of the paragraph, so it would read, ‘If allowed by department and college policies, PTE committees may include representation from Associate/Full Professors of Practice or Research Professors holding terminal degrees. In such cases, full-voting rights for Professors of Practice or Research Professors on applications for promotion shall be determined by the respective colleges or departments. In such cases, however, at the very minimum, Professors of Practice or Research Professors shall be granted full voting rights on applications for promotion of Professors of Practice or Research Professors, respectively.’

MOTION (Haring/J. Johnson): called the question to vote on the last amended amendment directly above. MOTION PASSED WITH A VOTE OF 25-10-4. The following senators or their substitute(s) voted aye: B. Aly Ahmed, E. Conwell, A. Daigh, T. DeSutter, J. Dorfmeister, J. Frenzel, S. Haring, L. Jiang, D. Johnson, J. Johnson, J. M. Jones, B. Klamm, M. Larson, Z. Liu, K. Nelson, K. Park, D. Pemstein, F. Salajan, G. Sanders, K. Sassi, M. Secor-Turner, K. Swanson, M. Vosen Callens, T. Wahl, and A. Werre myer; the following senators or their substitute(s) voted nay: A. Andrianova, C. Hawley, R. Hearne, K. Lepper, K. Lyman, M. McCourt, R. Pieri, K. Reindl, K. Rodgers, and A. Wagner; the following senators or their substitute(s) abstained: A. Dybing, A. Green, D. Katti, and S. Nelson.

MOTION (Pieri/Hearne): to postpone further discussion to the next meeting. MOTION PASSED WITH A VOTE OF 28-10-1. The following senators or their substitute(s) voted aye: B. Aly Ahmed, A. Andrianova, E. Conwell, L. del Rio Mendoza, T. DeSutter, J. Dorfmeister, A. Dybing, J. Frenzel, A. Green, S. Haring, R. Hearne, D. Johnson, J. Johnson, J. M. Jones, D. Katti, B. Klamm, M. Larson, K. Lepper, Z. Liu, K. Lyman, M. McCourt, K. Nelson, K. Park, R. Pieri, K. Reindl, K. Rodgers, G. Sanders, and M. Secor-Turner; the following senators or their substitute(s) voted nay: A. Daigh, C. Hawley, L. Jiang, D. Pemstein, F. Salajan, K. Sassi, K. Swanson, M. Vosen Callens, T. Wahl, and A. Werre myer; the following senator abstained: A. Wagner

b. Discussion of administrator presence at Faculty Senate meetings

- Discussion as to if there should be a bylaws modification to close a section of the meeting if requested.
- Suggestion that FSEC create an ad hoc committee to modify the Faculty Senate bylaws as suggested above.
VIII. New Business

a. UCC Report + Procedural Change to GE Revalidation Timeline (Attachment 10) + Addendum (Attachment 11)

MOTION (Frenzel/Dorfmeister): to send the addendum back to the committee. MOTION CARRIED WITH UNANIMOUS CONSENT.

- Dean Peterson would like to meet with departments affected by the creation of this program.

MOTION (D. Johnson/Hearne): to approve the UCC amended report (including the change to the Gen Ed procedure).

- It was brought up to possibly have an ad hoc committee review the success of the Gen Ed program at NDSU.
- Was also brought up to have an ad hoc committee look into the 60% approval of the outcomes and the scope of the UCC.


MOTION (Haring/Hearne): to approve the UCC report. MOTION CARRIED WITH UNANIMOUS CONSENT.

b. Resolution about General Education Procedures (Attachment 12)

- Withdrawn from the agenda during adoption of the agenda (see above)

c. Planning and prioritizing Faculty Senate action for the year

- (this will be moved to the next meeting as a motion to adjourn was made before we got to this item).

IX. Adjourn

MOTION (Hearne/Daigh): to adjourn the meeting. MOTION CARRIED WITH UNANIMOUS CONSENT.

The meeting adjourned at 4:31 p.m.

Respectfully submitted,

Kelly Hoyt
Faculty Senate Secretary
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: 133 Educational 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 [X] No
   - Describe change: The changes clarify and further align with SBHE Policy 820 which was amended on May 1, 2016 and with NDUS Procedure 820.1 which was amended on May 1, 2016.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted:
     - Karin Hegstad – Customer Account Services
     - Colette Erickson – Human Resources and Payroll
   - Email address of the person who should be contacted with revisions:
     - Karin.Hegstad@ndsu.edu, Colette.Erickson@ndsu.edu

   This portion will be completed by Mary Asheim.

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

3. This policy has been reviewed/passed by the following (include dates of official action):
   - Senate Coordinating Committee: 4/10/17
   - Faculty Senate: 4/11/17
   - Staff Senate: 4/11/17
   - Student Government: 4/11/17
   - President’s Cabinet: 4/11/17

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SECTION 133
EDUCATIONAL POLICY

SOURCE: SBHE Staff Human Resources Policy Manual
SBHE Policy Manual, Section 820.2043

The North Dakota State Board of Higher Education encourages its employees within the North Dakota University System to pursue a program of continuing education,

1. For courses taken at the request of the employee, institutions shall waive or provide tuition assistance for benefited employees, limited to three approved for-credit undergraduate or graduate courses during each calendar year, in any combination of subsections 1 and 2 as follows:
   1.1 For courses taken at the campus of employee employment regardless of delivery type: 100% tuition and fee waiver is provided, with the exception of the CND, NDSA, program and course fees which shall be paid by the employee.
   1.2 For courses taken at another NDUS campus, other than the campus of employment, regardless of delivery type: a system-wide fixed 50% employer paid tuition assistance, with the employee paying the remaining 50% of tuition and 100% of all fees.

2. This educational benefit is available to benefited employees as defined in SBHE Policy 703.2. Employees who are eligible for this educational benefit are not eligible for the graduate assistant tuition waiver absent exceptional circumstances.

3. Employees may be released from work for one face-to-face regular class sessions for one academic class per semester with approval of the employee's immediate supervisor and/or department head. Approval may be granted if it does not interfere with completion of the employee's essential job duties and the essential work of the institution.

4. This policy is applicable to any degree eligible and remedial courses, regardless of delivery or instruction mode system, for NDSU employees only. This includes, but is not limited to, self-support and online courses, that would be normally accepted toward a degree program. For these types of courses, the policy does not apply to employees of other institutions or of the university system.

4.1 Waivers cannot be used for third party provided curriculum where NDSU directly pays full or partial tuition collected to the third party, sponsored, grant funded, consortium programs such as the Great Plains IDEA consortium, study abroad, study tour, or remedial professional development courses which do not result in the award of college credit.

5. Release time may be granted only for the amount of time required to attend the regular class session. Field trips and outside class activities are not included.

6. The waiver tuition assistance benefit is applicable to all North Dakota University System institutions of higher education.
6. The waiver benefit is available to NDSU employees taking classes through the Tri-College University Course Exchange. Classes taken through the Tri-College University Course Exchange by employees of other ND University System institutions are available for the 50% tuition assistance benefit paid by the employee’s institution to NDSU, subject to approval by the employee’s institution.

7. Regular employees, who are not North Dakota residents, may receive a waiver from the non-resident portion of tuition requirements for courses beyond the three classes per calendar year. All benefited employees are eligible for the North Dakota Resident tuition rate, regardless of receiving the waiver or tuition assistance benefit. It is the employee’s responsibility to ensure ND resident tuition rates are assessed.

8. Procedure:

8.1 The employee must obtain initial approval for this educational benefit from his/her immediate supervisor and/or department head, and final approval from. After the initial approval is obtained, the Human Resources and Payroll Office will review to ensure the employee is eligible as a benefitted employee. The Customer Account Services office will review the educational benefit for course and waiver exclusions, and will process the tuition waiver or tuition assistance benefit.

8.1.1 To obtain a tuition waiver or tuition assistance benefit, employees must complete the standard "NDUS Employee Tuition Waiver or Assistance" form which is available in the Human Resources and Payroll Office.

8.1.2 The request for a tuition waiver or tuition assistance must be submitted and approved prior to the beginning of the class for which the waiver benefit is requested.

8.1.3 No employee who has an overdue accounts receivable balance with the University may receive a tuition waiver or tuition assistance.

8.1.4 The benefit will count towards the three-class limit documented in Section 1, if the employee drops the course after the 100% drop date. If the employee drops the course prior to the 100% drop date resulting in the course being fully refunded, it is the employee’s responsibility to notify the Human Resources and Payroll office of the dropped class in order to utilize the benefit for future class enrollment.

8.1.5 The benefit will be considered used if the employee is enrolled in the course past the 100% drop date. If the employee does not remain enrolled in the course past the 100% drop date and wishes to use the benefit towards a new class, it is the employee’s responsibility to notify the Human Resources and Payroll office.

8.2 Upon approval of employees are responsible for registering for classes through regular admission/registration procedures.

HISTORY:

New July 1990
Amended April 1991
Amended November 1992
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<th>Date</th>
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<td>January 2011</td>
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<td>November 8, 2011</td>
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**SECTION:** Policy 154 Distribution of Literature

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: Updated Section 7 with correct policy reference and areas to contact for additional information

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Student Affairs / Mary Asheim
   - Email address of the person who should be contacted with revisions – mary.asheim@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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SECTION 154
DISTRIBUTION OF LITERATURE

SOURCE: NDSU President
Rights and Responsibilities of Community: A Code of Student Conduct

1. All individuals or organizations responsible for distribution of literature on campus must be identified on the literature.

2. All individuals or organizations distributing literature will be held responsible for cleaning up all litter resulting from its distribution. Clean-up costs will be assessed to any such person or group which does not clean up all such litter within a reasonable time.

3. Distribution by means involving shouting, pursuing, hawking, or accosting individuals is prohibited, as is any interference with normal University functions or interruption of the free flow of traffic, inside or outside a building.

4. Commercial literature may not be sold or distributed on campus unless the rules governing advertising in the NDSU Policy Section 150, Commercial and Fund-Raising Activities, have been followed. (These rules include prohibiting the placing of leaflets or flyers on cars on the NDSU campus.)

5. Any person or group of persons wishing to distribute literature to the public in the Memorial Union may use the following methods:

   a. literature racks located near the Service Center on the main level;

   b. contact tables in the main concourse area, available for reservation for up to two-week periods, (a rental fee will be charged for off-campus entities wishing to utilize contact tables);

   c. exterior locations as designated by the University. Exterior location distributions are limited to one location for no more than two consecutive weeks per group, with at least five class days between multiple registrations. In times when a large number of requests have been received, the Memorial Union Administrative Office reserves the right to reduce the two week limit to accommodate as many users as possible. Distributor(s) must register in advance in the Memorial Union Administrative Office, at which time the following information will be required.

      a) the type, location, date(s), and time of the distribution;

      b) a copy of the literature;

      c) the name of the organization represented, if any; and

      d) the name, address, and signature of the person or a group representative.
6. Literature may not be distributed in classrooms except by permission of the instructor or by registered student organizations at the scheduled meetings or events.

7. Literature may not be distributed in buildings on campus other than the Memorial Union unless it is University or student organization sponsored and complies with building policies. An employee, student or visitor may not solicit or distribute literature to NDSU employees in work areas for matters not related to NDSU business (See NDSU Policy 706.3700 Services and Facilities Usage). Literature may not be distributed in classrooms except by permission of the instructor or by recognized student organizations at the scheduled meetings or events. For questions regarding literature distribution within the Memorial Union, contact the Director of Operations. Literature to be distributed within the Residence Halls, must be approved by contact the Associate Director of Residence Life. For questions regarding literature distribution in other areas, contact the Director of Facilities Management.

8. A poster distribution list of places on campus where notices may be posted is available in the Memorial Union Administrative Office, Room 246. Bulletin boards in buildings on campus are restricted unless a notice on the board states otherwise.

9. Demonstrations

9.1 The University community is one of inquiry and persuasion. An individual or group may protest, rally or demonstrate provided such protest or demonstration does not disrupt University operations or obstruct physical movement to, from, or within any place on the campus, including University property located off the main campus. While the campus must be open to the free exchange of ideas, the University may limit the time, place and manner of protests, rallies, and demonstrations. All members of the community are expected to conduct dialogues with dignity and courtesy. Organizers and participants must allow other community members freedom of movement on campus and the freedom to engage in the performance of their duties or the pursuit of their educational activities.

9.2 A protest, rally, or demonstration must not interfere with the missions, processes, procedures or functions of the University. Therefore, organizers and participants must recognize and allow the staff and faculty of the University to engage in the performance of their duties, and for students to pursue their educational activities. Impeding or restricting these activities by making noise, blocking entrances or exits from University facilities, or by coercion, intimidation or threats or use of violence is unacceptable.

9.3 Organizers and participants are expected and required to vacate an area or facility of the University when directed to do so by an appropriate official of the University for reasons stated in subsections 9.1 or 9.2 or if there has been a failure to register pursuant to 9.4.

9.4 Any protest, rally or demonstration must be registered with the Memorial Union Administrative Office and University Police prior to the event. Whenever possible, at least 24 hours lead time will be given. The registration process will enable University officials to:

A. Outline and discuss with demonstrators the guidelines necessary to keep the demonstration non-violent and non-disruptive.
B. Plan for the control of possible counter-demonstrations which would infringe upon the rights of the demonstrators or result in violent or abusive action.
C. Identify information similar to section 5.
9.5 If the Demonstration/Parade will involve a public street, applicants may also have to get a City of Fargo Special Event permit. Parades through campus buildings are not permitted, except in the case of a silent march through the Memorial Union.

HISTORY:
New July 1990
Amended July 2001
Amended December 2002
Amended April 2005
Amended November 2005
Amended October 2007
Housekeeping September 2015
Housekeeping August 25, 2017
Policy Change Cover Sheet

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SECTION: Policy 155 Alcohol and Other Drugs: Unlawful and Unauthorized Use By Students and Employees

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? ☐ Yes ☒ No
   - Describe change: Updated Section 5.1.2 based on proposed changes to Policy 601. The two policies will need to be submitted together, and the changes to Policy 155 will be dependent upon the approval of Policy 601.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Student Affairs / Mary Asheim / 8/15/18
   - Email address of the person who should be contacted with revisions – mary.asheim@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 155
ALCOHOL AND OTHER DRUGS: UNLAWFUL AND UNAUTHORIZED USE BY STUDENTS AND EMPLOYEES

SOURCE: NDSU President
SBHE Policy Manual, Section 918


North Dakota State University has a genuine caring concern for the community in which it lives and for its people. For this reason, the university is committed to maintaining an academic and social environment that is conducive to the intellectual and personal development and the safety and welfare of all members of the university community.

This policy statement has been established because NDSU:
- is committed to changing the culture that perpetuates the misuse and abuse of alcohol and other drugs;
- is concerned with promoting the well-being of our campus and surrounding communities;
- believes that the solution to alcohol and other drug misuse and abuse will require a community-wide approach.

The misuse and abuse of alcohol and other drugs represents a major health problem in the United States today and poses a serious threat to the health and welfare of the NDSU community. In addition, alcohol and other drug abuse consequences can limit career choices and achievement. NDSU has gathered data that demonstrates that high-risk drinking among students is significantly associated with violence, memory loss, driving under the influence (DUI), sexual assault, lessening of academic performance, estrangement of social relationships and property damage. Studies outside the university show that alcohol misuse can result in serious bodily injury, illness, or death. This policy applies to all NDSU students and employees, as well as visitors to campus.

2. The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the Board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President’s residence, and other special exceptions as granted by the President or the President’s designee. For the complete State Board of Higher Education policy see SBHE Policy 918: Alcoholic Beverages.

The University prohibits the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and products (hereafter referred to as “alcohol”), as well as any illicit drugs or drug paraphernalia in University buildings, any public campus area, in
University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities).

For NDSU employees, non-compliance with this policy could result in disciplinary action up to and including termination of employment (see section 5.2).

For NDSU students and student organizations, non-compliance with this policy could result in disciplinary action up to and including suspension, expulsion or loss of status as a registered student organization (see section 5.1).

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students to the NDSU Counseling Center (701-231-7671), or to agencies outside of NDSU for evaluations and/or treatment for alcohol- or other drug-related problems. NDSU personnel may also refer NDSU employees to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the Employee Assistance Program. Employees may refer students in need of services to the Counseling Center at (701) 231-7671. Faculty, staff, and students can access information on available drug and alcohol prevention programs the university offers by going to the Alcohol and Other Drug Prevention Programs website.

3.1 Organizations are required, by Federal Regulation (2 CFR § 182.215), to not only publish a drug-free workplace statement, but also establish a drug-free awareness program for employees. Part of the drug-free awareness program is to inform employees regarding the dangers of drug abuse in the workplace. Information on the health risks of alcohol abuse and drug abuse can be found at the U.S. National Library of Medicine and the National Institute for Health. Additional information can be found at the Alcohol and Other Drug Prevention Programs website.

4. These guidelines apply to students, employees, and campus organizations, which include, but are not limited to registered student organizations under the Congress of Student Organizations. For information concerning applications of this policy, please consult the Vice Provost for Student Affairs and Enrollment Management (for students) or the University Human Resources/Payroll Director (for employees).

4.1 Students and employees and their respective campus organizations may not use organizational or public funds (including general and special funds) for the purchase of alcohol or associated permits.

4.2 Sale of alcohol by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sales such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.

4.3 Off-campus activity conducted by students and employees, and their respective campus organizations shall not encourage excessive and/or rapid consumption of alcohol. The use of alcohol at any such events is expected to be lawful and low risk. Acceptable low-risk use of alcohol may vary due to certain individual considerations. For further information about low-risk alcohol consumption, see the Alcohol and Other Drug Abuse Prevention Program website.

4.4 Registered student organizations planning off campus events at which alcohol may be available must complete and file with the Student Activities Office the NDSU Event Risk.
Management Planning Notification Form. When planning an off-campus work related event where alcohol will be present, employees with questions about low-risk guidelines should contact the Director of Human Resources/Payroll, SGC Building.

4.5 University sponsored events that are held at locations off campus, and at which alcohol may be present, are required to adhere to this policy. In addition, if alcohol will be served at the event, the sponsor(s) of the event should ensure compliance with N.D.C.C. § 5-02-06(4) regarding individuals under twenty-one years of age at events where alcohol is served. Sponsors need to be aware of both potential civil and criminal liability for knowingly serving alcohol to minors or obviously intoxicated persons (N.D.C.C. § 5-01-06.1, § 5-01-09). Oversight of the distribution and consumption of alcohol is required at such events in order to manage risk. If the event is to be held on public grounds, e.g., Fargo parks, the sponsor(s) of the event is/are required to obtain the appropriate permit for the event per N.D.C.C. § 5-02-01.1(2). See, for example, the Park District of the City of Fargo Alcoholic Beverage Policy.

4.6 Alcohol shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off-campus.

4.7 The public display of advertising or promotion of the use of alcohol in University buildings or any other public campus area including all University owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, and large inflatable advertising, etc. (Entities that lease commercial or research property from the university may be excluded. However, the University may, in these leases, include provisions that will assist in its effort to promote legal and safe use of alcohol and to change the culture that perpetuates alcohol and other drug misuse and abuse.)

4.8 Alcohol promotional activities including advertising shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off-campus. This includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising.

4.9 Advertising of alcohol shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.*

*Student Media (Bison Information Network, the Spectrum, Thunder Radio)
NDSU student media (as governed by the Board of Student Media) is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and State Board of Higher Education Policy 507. Student media organizations are accountable to the Board of Student Media for standards of conduct. Because of the belief that advertising perpetuates the culture of high-risk and underage drinking, the established boards of NDSU Student Media may, if they choose to accept revenue for advertising alcohol, decide to adopt guidelines compatible with this policy. Student Media organizations shall comply with all federal laws relating to advertising of alcohol or other drugs.

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

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

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

d) Advertising of establishments that sell alcohol shall include a statement of low-risk such
as "know when to say when" or "please use our products legally and in a responsible
manner".

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

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

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

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

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

a. Written warning.
b. Conduct probation
c. Supervised conduct probation.
d. Conduct suspension.
e. Conduct expulsion.

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

a. Alcohol or other drug programming, evaluation, and/or testing
b. Written assignments.
c. Participation in a specific activity or project.
d. Restricted access.
e. Loss of privileges.
f. No contact orders.
g. Restitution.
h. Confiscation.
c. Educational sanction/project (i.e., reflection paper or research).
d. Registration/Graduation Hold.

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

Individual student behavioral actions and or student organization behavioral actions will be adjudicated as assigned by the Vice Provost for Student Affairs and Enrollment Management or designee.

Good Samaritan Responsible Action Expectations:
All students are encouraged to protect the well-being of themselves, fellow students and others wherever events occur. If a person needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, it is critical that students are expected to call take responsible action by calling an ambulance or other appropriate emergency response personnel (ambulance, police, etc.) to gain that assistance. Students/student organizations who fail to respond appropriately may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability.

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

Parental Notification:
Parents or guardians of students under 21 may be contacted by an NDSU student-affairs administrator following alcohol and/or other drug related incidents:
• If a student is found responsible for violating the University’s alcohol/drug policy that results in a University referral for assessments or evaluations for chemical dependency, and/or when University judicial sanctions of Conduct Probation or greater are assigned.
• Based on situations that appear to endanger the health, safety, or life of other persons or the student.
• If an individual is involved in incidents that resulted in significant property damage.
• If a decision is made that it is in the best interest of a particular student to involve a parent or guardian to help address other significant life concerns related to illegal use of alcohol or other drugs.
See Student Affairs website for the full policy and rationale.

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

5.2 Notice and Sanctions - Employees

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

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

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

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

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

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

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

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

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

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

HISTORY:

New March 18, 1989
Amended December 1992
Amended October 1999
Amended April 2003
Amended October 2003
Amended January 2004
(renumbered) Amended April 2010
Amended March 25, 2011
Housekeeping August 18, 2011
Housekeeping May 22, 2012
Housekeeping June 12, 2013
Housekeeping August 27, 2013
Housekeeping September 2015
Amended December 2, 2016
Housekeeping August 25, 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: 400 Purchasing General Policies

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? ☑ Yes ☐ No
   - Describe change: Thresholds were changed to match State Procurement and NDUS. Changes made to policy were change in dollar amounts, bidding documents needed for each threshold level and definitions. I also added a chart that combines the new thresholds and bidding requirements.

2. This policy change was originated by (individual, office or committee/organization):
   - Purchasing, Stacey Winter, Stacey.winter@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):

   Senate Coordinating Committee:

   Responsible Office:
   Legal Review: 06/22/2018
   Faculty Senate:
   Staff Senate:

   Student Government:

   President: Presidential exception – policy went into effect 7/1/18 per NDUS. Policy will be routed to senates after first SCC meeting at start of fall semester.

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 400
PURCHASING – GENERAL POLICIES

SOURCE: SBHE Section 803.1, Purchasing Procedures
NDSU President

1. Definitions:

a) Procurement Officer – means an individual duly authorized to enter and administer purchasing contracts and make written determinations with respect thereto and also includes an authorized representative acting within the limits of authority.

b) Commodities – means all property, including equipment, supplies, materials, printing, insurance, and leases of equipment. The definition applies to commodities obtained through payment methods, including purchase, sponsorship or exchange.

c) Services – means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports that are merely incidental to the required performance. The term includes professional services. The definition applies to services obtained through all payment methods. Including purchase, sponsorship or exchange.

d) Informal Quote/Bid – means an oral or written competitive solicitation for commodities or services that does not require formal sealed proposals, public opening, or other formalities. Award is made to the lowest cost, responsive, responsible bidder meeting specifications.

e) Informal Proposal – means a written competitive solicitation for commodities or services that does not require formal sealed proposals, public opening, or other formalities. Award is made to the highest scoring bidder based on stated evaluation criteria.

f) Formal Bid - means a process by which sealed bids are received and opened at a specific time in response to a solicitation for a well-defined commodity or service. Award is made to the responsible bidder whose bid is the lowest price and responsive to the specifications and other solicitation requirements.

g) Formal Request for proposal (RFP) - means a process by which sealed proposals are received and opened at a specified time in response to a solicitation for a certain commodity. Award is made to the highest scoring bidder based on the stated evaluation criteria. RFPs are subject to the requirements outlined in N.D.C.C. §54-44.4-10.

h) Sole Source – means that the commodity or service is unique and that the vendor, to the best of the requestor’s knowledge and belief, based on the thorough research of the requestor, is the only vendor able to furnish the commodity or service.
2. Each institution shall develop and implement necessary and appropriate policies and procedures to ensure compliance with laws and State Board of Higher Education policies governing purchasing. Officers and employees involved in purchasing decisions shall comply with all applicable federal and state laws and regulations relating to conflict of interest and acceptance of gifts and gratuities. Institution purchasing policies and procedures shall incorporate (or refer to) SBHE Policy 611.4 relating to conflict of interest, and include procedures for disclosing a conflict of interest. Further, institution purchasing policies and procedures shall address whether vendors’ offers of scholarships, endowments, and other premiums contained in bids or proposals will be considered and, if so, the criteria for evaluating such offers.

NDSU Guidelines

2.1.1 The Director of Purchasing is responsible for the preparation and enforcement of NDSU purchasing policies. The Director of Purchasing may delegate authority to an NDSU employee to purchase specific types and classes of goods and services with prior written authorization by the departmental supervisor. This authorization shall specify what may be purchased by the employee and the duration of the purchasing authorization.

2.2.1 Purchasing has the responsibility for obligating the University and for making the final determination of source of supply consistent with the required delivery schedule, ability to meet specifications and price negotiations, except where others are so authorized. These decisions will be made in conjunction with user departments as appropriate.

2.2.1.1 In the event there is an unauthorized purchase, Purchasing will arrange to meet with the individual(s) and the supplier to reduce the potential for future non-compliance. Any unauthorized purchase may result in holding the individual personally responsible.

2.2.3 The basic responsibilities of Purchasing and those of the using departments are as follows:

<table>
<thead>
<tr>
<th>Purchasing</th>
<th>Requestors</th>
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<tbody>
<tr>
<td>Responsible for:</td>
<td>Responsible for:</td>
</tr>
<tr>
<td>1. Prequalifying suppliers</td>
<td>1. Preparing purchase requisitions</td>
</tr>
<tr>
<td>2. Taking bids</td>
<td>2. Providing reasonable lead time</td>
</tr>
<tr>
<td>3. Processing quotations</td>
<td>3. Providing justifications as required</td>
</tr>
<tr>
<td>4. Negotiating with suppliers</td>
<td>4. Assuring that contract and grant requirements are met</td>
</tr>
<tr>
<td>5. Making awards</td>
<td>5. Assuring that funds are available</td>
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<tr>
<td>6. Releasing award information</td>
<td>6. Others as appropriate</td>
</tr>
<tr>
<td>7. Auditing purchasing actions of others</td>
<td></td>
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<tr>
<td>8. Administering a minority business development program</td>
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<td>9. Others as appropriate</td>
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</table>
2.4 No personal purchases shall be made in the name of the University nor shall any University resources be used in any way for the purpose of making personal purchases.

2.5 North Dakota University System, Policy 611.4; North Dakota State University Policy 151 - Conflict of Interest and North Dakota Century Code Sections 12.1-13-03 and 48-02-12 are referenced and made part of this Purchasing Policy. Any employee of the University authorized to sell or lease any property or make any contract in the employee’s official capacity may not be interested in any such sale, lease or contract.

2.6 All employees involved in federal fund projects shall comply with the conflict of interest requirements that govern any federal grants or other sponsored agreements.

2.7 Equipment and supplies purchased for use by a governmental agency are not subject to sales/use tax or federal excise tax except heating fuel, gasoline and property purchased by NDSU that is installed by an independent contractor. A letter is on file in the Purchasing Department which may be sent to vendors who need proof of our tax exemption.

2.8 In addition to this section, all other federal and state laws, rules and regulations relating to Purchasing must be followed.

3. NDUS institutions shall cooperate and make joint purchases with the Office of Management and Budget Purchasing Division when advantageous to do so as intended by North Dakota Century Code 54.44.4-02. Institutions may also purchase equipment or supplies through participation in joint purchasing alliances formed with other states or organizations, when it is advantageous to do so. Additional bids or proposals shall be solicited from other vendors when required by law or this policy.

NDSU Guidelines

3.1 All NDSU personnel will be required to purchase from prime vendor or other annual contracts or other such pricing agreements that are established.

4. Personal property, equipment or supplies estimated at less than $100,000 or more may be purchased at the discretion of the institution. When feasible, informal quotes or proposals should be solicited from more than one vendor. Reasonable steps shall be taken to ensure that qualified North Dakota vendors have an opportunity to compete for the contract. Personal property, equipment or supplies estimated at $10,000 or more must be purchased from formal bids. As many sources as possible, including qualified North Dakota vendors, should be solicited.

NDSU Guidelines

4.1 NDSU employees authorized by their respective department or unit can make a single non-repetitive purchase of a good or service in the amount of $10,000 or less. Purchases of $10,001 and above shall be processed through the NDSU Purchasing Department.

4.2 With the exception of direct purchases as defined in 5 of this policy, the following procurement requirements apply to commodities and services. In accordance with N.D.C.C. §54.44.4-11(3), procurement requirements may not be artificially divided as to constitute a lesser purchase under these requirements.
### Purchases of $10,000.01 and above shall be processed through NDSU Purchasing Department.

<table>
<thead>
<tr>
<th>Purchase Price</th>
<th>Quote/Bid Requirement</th>
<th>Documentation Maintenance Requirement</th>
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<tbody>
<tr>
<td><strong>Less than $10,000</strong></td>
<td>At least one fair and reasonable quote.</td>
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<td></td>
<td>✓ Equipment must be added to inventory if $5000.00 or greater</td>
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<td></td>
<td>✓ Software purchases must be approved by NDSU I.T. prior to purchase</td>
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<tr>
<td><strong>$10,000 - $50,000</strong></td>
<td>Solicit informal bids or quotes or proposals from at least three vendors. May send to additional vendors.</td>
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<tr>
<td>At least $10,000 but less than $50,000</td>
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<tr>
<td><strong>$50,000 - $100,000</strong></td>
<td>Solicit informal bids or proposals using SPO Online with appropriate state bidders list from at least three vendors. May send to additional vendors.</td>
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<tr>
<td>At least $50,000 but less than $100,000</td>
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<tr>
<td><strong>$100,000 +</strong></td>
<td>Must be purchased using formal bids or request for proposal (RFP).</td>
<td></td>
</tr>
<tr>
<td>$100,000 and over</td>
<td>Solicitations must be posted using SPO Online with appropriate State Bidders List from at least three bidders. May send to additional vendors.</td>
<td></td>
</tr>
<tr>
<td><strong>Documentation</strong></td>
<td><strong>Required</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Alternate Procurement form</strong></td>
<td><strong>Required if competition not solicited from at least three vendors (not required if fewer than three bids or proposals are received)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>SPO Online</strong></td>
<td><strong>Not used</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Competition</strong></td>
<td><strong>SPO Online is not used</strong></td>
<td></td>
</tr>
</tbody>
</table>
5. Consulting or other contract services and insurance estimated at less than $100,000, shall be purchased by negotiation, telephone or informal written quote or proposal. When feasible more than one vendor should be requested to submit prices to ensure appropriate competition. Reasonable steps shall be taken to ensure that qualified North Dakota vendors have an opportunity to compete for the contract. Consulting or other contract services or insurance estimated at $100,000 or more must be purchased through a formal request for proposal process that includes procedures for identifying eligible vendors, developing a comprehensive requirements document, specifying unique needs, negotiating mutually acceptable contract terms, and listing minimum proposals requirements. Payments for services may be made only according to a written contract.

4. NDSU Guidelines

5.1 Consulting services and insurance greater than $50,000 shall be coordinated through the Purchasing Department.

1. Personal property, equipment or supplies estimated at $50,000 or more, must be purchased from formal bids. As many sources as possible, including qualified North Dakota vendors should be solicited.

5. All service contracts for a term in excess of three years shall include a provision for review of contract performance at specified intervals, not less frequently than once every two years. Service contracts may not exceed a term of ten years.

NDSU Guidelines

6.15 Formal bids for goods and services shall be processed through the NDSU Purchasing Department.

6. Items which do NOT require competitive bidding are purchases made from discount contracts under a group alliance or consortium, other items possessing unique characteristics or properties which because of those peculiarities are essential to the conduct of particular research projects or instructional endeavors or sole source services. Purchases of an item or service under this exception is permitted only with the written approval of the purchasing officer or other official delegated that authority based upon documentation of:

a) The unique characteristics of the products, and

b) Specifically what task is to be performed requiring the unique characteristics of the product.

The purchasing office shall document in writing the process in all cases in which the lowest bid is not accepted. All required documentation shall be retained according to governing records retention policies.
NDSU Guidelines

7.1 A letter of justification on any Sole Source Purchase not covered under a term contract, priced at $10,000.00 and above shall be sent to the Director of Purchasing. This should be done on the Alternate Procurement Form.

7.2 Items which do not require competitive bidding are:
   a) Utilities such as telephone, electric power, and natural gas services.
   b) Public books and maps, periodicals and technical pamphlets.
   c) Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.
   d) Direct purchases from any NDSU campus auxiliary service or internal service fund operation(s).
   e) Term contracts created by the NDSU/NDUS/State Purchasing Personnel.
   f) Consulting Services up to $50,000 (excluding architect/engineering services) if the Contracted Services Agreement form is used or an agreement is reviewed and approved by the Attorney(s) assigned to NDSU. The Purchasing Department will determine if competitive bids are required for services greater than $50,000 but less than $100,000.
   g) Construction/Remodeling Services up to $30,000 total project cost, if the Contracted Services Agreement form is used and the specifications are in compliance with applicable building codes and policies and the NDUS/NDSU "Guidelines for Architects and Engineers" manual. A copy of the completed form should also be sent to the Facilities Management Director, Thorson Maintenance Center.

8. Preference shall be given to North Dakota bidders when required pursuant to N.D.C.C. Section 44-08-01. Accordingly, preference equal to the preference given or required in the state of a nonresident bidder shall be given in purchasing any goods, merchandize, supplies, or equipment. Also, when accepting bids for the provision of professional services, including research and consulting services, the contract shall be awarded to a resident North Dakota bidder if the bid of the resident North Dakota bidder is equal to or less than the low bid of a nonresident bidder and the resident North Dakota bidder has an acceptable performance history and meets the minimum requirements specified in the bid solicitation.

HISTORY:
Amended July 1990
Amended January 1997
Amended March 2003
Amended July 2004
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.

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SECTION:

Policy 601 Rights and Responsibilities of Community:
A Code of Student Conduct

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
   - Is this a federal or state mandate? ☐ Yes ☐ No
   - Describe change: Changes to increase clarity of policy, practices, and procedures and to omit redundancies and duplications of information
   - V2 changes: Adjusted language in section 3.1 and the second paragraph in 3.41 per Matt Hammer's recommendation.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted – Student Affairs / 8/22/18
   - Email address of the person who should be contacted with revisions – mary.asheim@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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SECTION 601
RIGHTS AND RESPONSIBILITIES OF COMMUNITY: A CODE OF STUDENT CONDUCT

SOURCE: NDSU President

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### 1. Introduction

#### 1.1 General NDSU Values

North Dakota State University (NDSU) students have an opportunity to gain the most from their education when every member of the NDSU community takes responsibility to observe and help maintain a code of personal conduct that contributes to the educational effectiveness of the University. The Code of Student Conduct is derived from three core values that support an educationally purposeful environment:
- Respect for the NDSU Community;
- Respect for the Protection and Rights of Others; and
- Respect for individuals in the Conduct Resolution Process.

The intent of this Code is to foster educational development of personal accountability and commitment to the community.

**Respect for the NDSU Community**
All NDSU stakeholders have a responsibility to respect the NDSU community. It is vital for all individuals to conduct themselves in a manner that does not negatively affect the educational mission of the University or the welfare of themselves or others. This includes promoting an environment conducive to learning and nurturing a sense of shared and mutual community responsibility. Community responsibility also involves awareness of how personal decisions affect others.

**Respect for the Protection and Rights of Others**
A community respecting the protection and rights of others is necessary to provide a positive and enriching educational environment. Conduct that inhibits the educational process is of concern, whether it occurs on or off University premises.

**Respect for Individuals Students in the Conduct Resolution Process**
All NDSU students have identified rights within the Code of Student Conduct and as afforded by due process as outlined in this Code. The University will work with students in an educational and fair manner to assist them in reflecting upon and growing from their personal experiences.

### 1.2 General Complaint Procedures
Students may report concerns, issues and complaints utilizing the Problems and Complaints guidelines and form. The complaint procedure is designed to provide for orderly collection of information, to address students’ complaints in a timely manner by appropriate University personnel, and to help students learn effective conflict resolution skills.

Students may also arrange a meeting with a staff member in the Student Affairs Office, Memorial Union 250, for advice and direction in resolving the problem. Complaints regarding student conduct covered in this Code will be resolved according to procedures described in this document.

### 1.3 Authority
The Vice Provost for Student Affairs and Enrollment Management (the “Vice Provost”), as delegated by the President, has responsibility for supervision of the process of handling the University’s response to student violations of University rules and regulations, including the
imposition of sanctions. All student non-academic conduct that violates University rules and regulations and conduct occurring off-campus that affects the University is considered the responsibility of the Vice Provost.

This authority includes the overall supervision of the various administrative committees and boards charged with hearing complaints against students or student organizations for violation of those rules and regulations. Student organizations and University employees are required to inform the Vice Provost or designee whenever action is deemed necessary against a student or student organization.

A Code of Student Conduct contains statements of University policies relevant to student life. Development and enforcement of these standards of conduct are an educational endeavor designed to foster students’ personal, social, and ethical development. This document forms the basis for student conduct expectations as a member of the NDSU community. The enforcement of these standards serves to promote the protection of the rights, responsibilities, and health and safety of members of the NDSU community.

Conduct described in this Code is illustrative rather than exhaustive. The term “including” should be interpreted to mean “including, but not limited to.” All ambiguities, inconsistencies, or clarifications of the Code will be resolved by the Vice Provost or designee. Faculty, staff, and students are encouraged to request clarification if a clause or rule is unclear. Final authority for interpretation of this Code lies with the Vice Provost.

Administrators identified in this document may designate one or more individuals to act on their behalf.

Questions should be referred to the Student Affairs Office, 250 Memorial Union.

2. Community Expectations

2.1 General Student Responsibilities
All students are expected to observe the University standards published in the University Policy Manual. This section outlines responsibilities that pertain specifically to students. However, students must follow all other University policies, procedures, contracts, or license contracts published elsewhere. In addition, students are expected to observe the laws of the community, the state, the nation, and relevant jurisdictions when touring or studying abroad.

2.2 Responsible Action Expectations
All students are encouraged to promote the well-being of themselves, fellow students, and others. If an individual needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, it is critical that students take responsible action by calling an ambulance or other appropriate emergency response personnel (police, fire, etc.) to gain that
assistance.

Responsible action includes:

1. **CALL for help:** In medical emergencies, immediate action should be taken by calling 9-1-1 either off or on campus. In non-emergency situations, you can also contact NDSU Police (701-231-8998) or notify Residence Life staff.

2. **STAY with the individual until help arrives and you have been told your assistance is no longer needed.**

3. **COOPERATE** with responding staff or emergency personnel, including all requests for information and assistance.

Students/student organizations who take such responsible action, or for whom such action is taken, will not be subject to the Student Conduct process for alleged policy violations related to alcohol or drug use or minor policy violations, nor will the incident become part of the student’s conduct record. However, students (including the student(s) needing assistance and reporter(s)) may be required to have an educational meeting with University personnel and/or complete an educational program. This protection may not apply if other conduct violations occurred within the same incident.

### 2.3 Persons Covered Under This Code

For the purpose of this document, “student” is defined as any individual who has been admitted to the University or enrolled for credit or non-credit in one or more courses. Students previously enrolled in the University may be held accountable under this Code for those violations committed any time after they were admitted and before they left the University. Students are accountable for their guests’ conduct; if a student’s guest(s) commits prohibited acts, the student may be sanctioned as if they had committed the violations themselves. Student organizations are held to the same conduct standards that apply to individual students.

### 2.4 Official University Student Conduct Communication

NDSU will use student conduct communication will be sent to the student’s email address provided by the University. This address is considered the official form of communication for all purposes (NDSU Policy 609, E-mail as an Official Communication Method to Students). It is the student’s responsibility to maintain the accuracy of all personal data. Students must are expected to monitor the University provided email account for important announcements, notifications, and other messages.

### 2.5 Prohibited Conduct Not on University Property

The University may discipline a student for acts of prohibited conduct committed outside of University property which, in the University’s determination, may adversely affect the University community or the pursuit of its objectives. When NDSU becomes aware of alleged Code violations through law enforcement or other third party reports, the University may
pursue charges under this Code against NDSU students identified in such reports.

2.6-6 Tri-College Policies
NDSU students who have allegedly violated institutional policy at Concordia College, Minnesota State University Moorhead, Minnesota State Community and Technical College, or North Dakota State College of Science will be referred to NDSU and may be subject to action under this Code.

2.6-7 Multiple Accountabilities
Because of the varying roles/relationships/responsibilities students may have within and outside of the University, a student may be held accountable for prohibited conduct under other university, local, state, or federal policies/laws/jurisdictions, including relevant jurisdictions when touring and/or studying abroad. Examples of other areas of accountability may include:

- Student athletes under the Student Athlete Code of Conduct
- Student leaders within student organizations
- Personnel actions with student employees
- Academic actions under academic programs’ professional standards
- Criminal charges or civil suits

Actions under this Code are educational (administrative) as are other actions taken under NDSU policies. Because the University’s procedures are educational and not criminal in nature, such separate proceedings do not constitute double jeopardy. The University may proceed under this Code before, during, or after the other NDSU administrative processes, or legal proceedings; NDSU does not typically wait for a court finding prior to proceeding with University process. Findings under this Code may differ from judgments in criminal courts. Court judgments are not determinative of University findings.

2.7 Financial Responsibility
All students must pay in full any debts to NDSU. For the complete text of the NDSU Collection Policy, please consult the Customer Account Services staff or NDSU Policy 513, NDSU Collection Policy.

NDSU bears no responsibility for financial obligations of individual students or student organizations. Any debts incurred, either on or off campus, by students or student groups will be the responsibility of the individual, organization and its leadership. In the event an organization dissolves and is no longer in existence, individuals holding leadership positions at the time the debt was incurred will maintain responsibility for settling outstanding debts.

NDSU will normally take no action on behalf of creditors in the case of debts incurred by students, student organizations or other student groups. NDSU officials will not use the
power of the state to act as a collection agency for private debts of students.

2.8 Bias-Motivated Violations
Any Code violation that is determined to have been motivated by hate bias based on a protected class may result in enhanced sanctions above those typically assigned for the same violations when not motivated by hate bias. See NDSU Policy 100, Equal Opportunity and Non-Discrimination Policy for further information.

2.9 Repeated Code Violations
Repeated violations of this Code are relevant in determining a student’s continued membership in the University community. Progressively more severe sanctions, including suspension or expulsion from the University, may be assigned, depending on the nature of the violation(s).

3. Prohibited Conduct

3.1 Violations of Law
The University reserves the right to address any conduct occurring on or off campus that may be construed as potential or alleged violations of local, state or federal laws. Violation of local, state, or federal law is prohibited by this Code. The University reserves the right to address conduct occurring on or off campus that may be construed as potential or alleged violations.

3.2 Complicity or Attempts to Commit in Prohibited Acts
Complicity is association with and/or participation in an act prohibited by this Code. To avoid being complicit in Code violations, students are expected to do one or more of the following:

- Personally confront those involved and stop the violation, except in cases of violence;
- Bring the violation to the awareness of a staff member; or
- Leave the scene of the violation, if not responsible for the space in which the violation is occurring.

3.3 Attempts to Commit Prohibited Acts
Students who are complicit or attempt to commit prohibited acts is a violation of this Code. Students attempting to commit prohibited acts may be sanctioned to the same extent as if they had committed the prohibited act. Students are accountable for their guests’ conduct and may be sanctioned under this provision as if they had committed the violations themselves.

3.4 Alcohol on NDSU Property
Regardless of a person's student's age, the manufacture, sale, transfer, purchase, transportation, possession, use or consumption of alcohol, and/or possession or display of
empty alcohol beverage containers anywhere on NDSU owned or controlled property and/or sponsored or supervised events is prohibited, except as authorized by NDSU Policy 155 Alcohol and Other Drugs: Unlawful and Unauthorized Use By Students and Employees.

3.4-5 Off Campus Alcohol
Students may face campus charges for alcohol related incidents occurring off campus. Illegal use or possession of alcohol occurring off campus is prohibited. Such incidents include, but are not limited to: minor in possession/consumption/under the influence of alcohol, driving under the influence of alcohol, and public consumption of alcohol.

3.5-6 Drugs Other Than Alcohol
Possession, consumption, being under the influence, or transport of illegal drugs or any other controlled substances is prohibited except pursuant to a physician’s, dentist’s, or other authorized medical personnel’s prescriptions (see next paragraph for information regarding medical marijuana). The manufacture, exchange, distribution, purchase, or sale of illegal drugs or controlled substances is prohibited. The possession of drug paraphernalia for illegal drug use is prohibited as well.

Although North Dakota state law permits the use of medical marijuana, i.e., use by individuals possessing lawfully issued medical marijuana cards, federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession, or cultivation of marijuana for medical purposes is therefore not allowed in any North Dakota State University housing or any other University property, nor is it allowed at any University sponsored event or activity off campus.

3.6-7 Conduct While Under the Influence of Alcohol or Other Drugs
Being under the influence of alcohol or other drugs is a violation of this Code when the person/student causes a disturbance or endangers, or may endanger, the safety of others, property, or themselves.

a) Endangers, or may endanger, the safety of others, property or themselves; or
b) Causes a disturbance.

3.7-8 Alcohol at Student Organization Events
Recognized NDSU student organizations planning off campus events at a venue where alcohol may be present must complete and submit an Event Risk Management Planning Notification Form Alcohol Risk Management Form (ARMA) and a guest list to the Student Activities Office, Memorial Union 120. Events involving alcohol must be closed events, intended only for organization membership and invited guests, and alcohol must be sold and served by a licensed third party vendor.
Student organization or public funds may not be used for the purchase of alcoholic beverages or gift cards to alcohol establishments.

Sale of alcoholic beverages by students and student organizations is prohibited. This includes any action that can be remotely construed as an alcohol sale, such as charging admission to parties, passing the hat, selling empty cups, and selling drink tickets. Alcohol, if available, must be sold and served by licensed third party vendors.

Common sources or a bulk quantity of alcohol, such as cases or kegs, are not permitted at any student organization sponsored event.

No activities or promotions shall encourage excessive and/or rapid consumption of alcoholic beverages. This includes contests, drinking games, and discounts or special pricing of alcoholic beverages. Use of alcohol at events is expected to be lawful and responsible.

Alcoholic beverages may not be used as awards or prizes in connection with events or activities. Prize coupons and/or gift cards donated by establishments with a liquor license must include the statement, “Not valid for purchase of alcohol.”

3.8-9 Advertising Related to Alcohol

Alcohol promotional activities, including advertising, shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off campus. This includes novelty items, giveaways, and apparel associated with the event. Advertising of establishments that sell alcohol must adhere to the following guidelines:

- Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images, or verbal phrases that refer to consumption of alcoholic beverages;
- Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse or promote alcohol specials such as two for ones, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol;
- Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary for social, sexual, or academic success;
- Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with performance of tasks that require skilled reactions such as operation of motor vehicles or athletic performance; and
- Advertising of establishments that sell alcohol shall include a statement of low-risk such as “know when to say when” or “please use our products legally and in a responsible manner.”

For additional policy details, consult NDSU Policy 155, Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees, and the Event Risk Management guidelines,
available in the Student Activities Office, Memorial Union 120.

3.9 Good Samaritan Responsibilities

All students are expected to protect the well being of fellow students and others wherever events occur. If a person needs emergency medical attention, particularly resulting from the use of alcohol or other drugs, students are expected to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Students/student organizations who fail to respond appropriately may be subject to serious University sanctions and may potentially be subject to additional civil and/or criminal liability.

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

3.10 Smoking

Smoking, including the use of electronic cigarettes, is prohibited on the NDSU grounds and in University buildings, residence halls, apartments, and enclosed structures. See (NDSU Policy 153, Smoke-Free Facilities).

3.11 Animals

With the exception of animals authorized by NDSU Disability Services or those defined as service animals under the Americans with Disabilities Act (ADA), privately owned animals are prohibited inside campus buildings, with the exception of fish. Animals in outdoor areas must be on a leash, must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on University properties and at NDSU outdoor sponsored or supervised events. Questions may be directed to the Facilities Management Director, Thorson Maintenance Center, 701-231-7911. See NDSU Policy 100.2, Use of Service and Assistance Animals, for further information.

3.12 Intellectual Property Infringement

Infringement of any intellectual property without authorization is prohibited. When reproducing or distributing information, users are responsible for observation of copyrights and other intellectual property rights of others by observing institutional and North Dakota University System (NDUS) policies and all state and federal laws, institutional and North Dakota University System (NDUS) policies. Generally, materials owned by others cannot be used without the owner’s permission. NDSU assumes no obligation to monitor users.
students for infringing activities, but will, when such activities are called to the appropriate official’s attention, investigate to determine if there is likely infringement and take appropriate action. For more information, see NDSU Policy 190, Employee Responsibility and Activities: Intellectual Property.

3.13 Use of NDSU’s Name or Trademarks
Use of NDSU’s name without prior authorization is prohibited. For additional information and guidance, please see NDSU Policy 700.1, Use of University Name.

3.14 Sale of Class Lecture Notes/Materials
Students are prohibited from transferring their class lecture notes or instructor provided materials for commercial purposes unless approved by the course instructor. In addition to copyright issues raised by such practices, commercial sales or transfers may interfere with the educational purposes of the instruction and potentially inhibit free discussion of ideas central to the academic purposes of instruction at NDSU. Note: This policy does not prevent note taking provided as part of an ADA accommodation.

3.15 Misuse of Proprietary Information
Unauthorized use or misuse of proprietary information, in whatever any form, is prohibited. “Proprietary” means property in which the University or its employees and/or students have a legal interest or responsibility to maintain confidentiality. See NDSU Policy 343, Confidential Proprietary Information.

3.16 Computer Related Conduct
Failure to follow University acceptable use of electronic communication devices is prohibited. Please see NDSU Policy 158; Acceptable Use of Electronic Communications Devices.

3.17 Deception/Falsification/Misrepresentation
Withholding information or providing false information is prohibited. This includes but is not limited to:

- Falsely representing an entity and/or committing or using the resources of an entity without proper authorization;
- Knowingly, intentionally, or recklessly making false accusations of prohibited conduct against another individual; and/or
- Providing false information or falsified evidence with the intent of harming another person; and/or
- Attempting to intimidate witnesses and/or altering, or destroying, or falsifying evidence necessary to conflict resolution.

3.18 Financial Aid Misuse
Misuse of financial aid through fraud or abuse is prohibited.
3.19 Disruption of University Business
Disruption or obstruction of University business, facilities, and grounds, such that the function or service is materially or substantially disrupted or obstructed, is prohibited. University business includes, but is not limited to: teaching, research, administration, public service functions, meetings of University committees or boards, or any other authorized University activity or organization on or off University premises.

3.20 Failure to Comply
Failure to comply with the instructions or directions of all University and/or emergency personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, recklessly obstructing or delaying any University proceedings, providing misleading or false information during an investigation, resisting or fleeing a police officer, failing to comply with assigned University conduct sanctions, or engaging in verbal and/or physical abuse directed toward any University personnel.

3.21 Identification
Students are expected to carry University identification at all times. Failure to produce a University identification card upon request by any University personnel in the performance of their duties is prohibited. Guests are expected to carry valid identification.

3.22 Bribery
Offering, giving, receiving, or soliciting anything of value to influence the official decision or action of University personnel, or an individual in a position of trust or influence, is prohibited.


Bribing others to fulfill or otherwise attempt to evade academic responsibilities, such as homework, papers, and exams, is prohibited.

3.23 Arson
Any willful or malicious burning or attempt to burn, with or without intent to defraud, is prohibited. This includes a dwelling house, public building, motor vehicle or aircraft, public property, or personal property of another is prohibited.

3.24 Burglary
The unlawful entry into a building or another structure with the intent to commit a felony or theft is prohibited. This includes, but is not limited to, unlawful entry with intent to commit a felony or larceny, housebreaking, and safecracking. Attempts to commit the aforementioned also would constitute a violation of this policy.

3.25 Robbery
The taking of, or attempting to take, anything of value under confrontational circumstances
from the control, custody, or care of a person or persons one or more individuals by force or threat of force or violence or by putting the victim another in fear is prohibited.

3.26 Motor Vehicle Theft
The theft or attempted theft of a motor vehicle is prohibited. This includes, but is not limited to, persons having unlawful access even though the vehicle is later abandoned, such as joyriding.

3.27 Theft of Property
Theft or removal of property belonging to the University or another individual is prohibited. This includes, but is not limited to, furniture, artwork, plants, electronics, books, window screens, and signs.

3.28 Theft of Services
Using University services to which one is not entitled is prohibited. This includes, but is not limited to, using campus laundry services intended only for campus residents, using parking services not purchased, using parking lots other than those assigned by campus personnel, and unauthorized use of University printing services.

3.29 Possession of Stolen Property
Possession of goods that one knows or that any reasonable person individual would realize were stolen is prohibited; as is receiving, retaining, concealing, or disposing of property knowing that it was stolen. If it can reasonably be demonstrated that the receiver was unknowing, the property should be returned to its owner with no action taken against the receiver.

3.30 Vandalism
The willful intentional destruction or defacement of property belonging to the University or another individual is prohibited. This includes, but is not limited to, writing on or tearing down bulletin boards, spray painting or unauthorized chalking of buildings or sidewalks, and intentionally breaking or damaging property.

3.31 Trespassing
To enter and/or remain in or on property to which a person student does not have a legitimate right or purpose to enter or remain is prohibited. Such property may include, but is not limited to, vehicles, apartments, houses, fenced yards, and/or other buildings or portions of buildings, such as roofs. Properties need not be specifically posted with No Trespass signs.

3.32 Unauthorized Sales, Solicitations, and Distribution of Materials
Unauthorized sales, solicitations, and/or distribution of leaflets, signs, or posters, in residence halls, university apartments, or in any other campus buildings or property are
prohibited at any time. For questions regarding sales in the Memorial Union, see the Memorial Union Administrative Office, Room 246. For questions regarding sales in residence life facilities, see the Associate Director of Residence Life, West Bison Court. For questions concerning sales in any other areas, begin the inquiry at the Student Affairs Office, Memorial Union, Room 250. Additional information, see NDSU Policy 700, Services and Facilities Usage and NDSU Policy 154, Distribution of Literature, or contact:

**Memorial Union**
Director of Operations
Administrative Office, Room 246
Memorial Union.

**Residence Life Facilities**
Associate Director of Residence Life
West Bison Court

**Other Areas**
Director of Facilities Management
Thorson Maintenance Center

### 3.33 Traffic Safety and Parking Enforcement Regulations
Failure to follow University traffic safety and parking enforcement regulations is prohibited. Please see NDSU Parking Regulations.

### 3.34 Unauthorized Entry/Use of Facilities
Unauthorized entry/use of facilities is prohibited. Examples of unauthorized entry and use include, but are not limited to:

- **Unauthorized entry onto the property of the** Any University or into a University facility or any portion thereof that has been reserved, restricted in use, or placed off limits;
- **Unauthorized presence in** Any University facility after closing hours; and
- **Unauthorized possession or use of another individual's** key/access card to any University facility; are prohibited.

- Unauthorized activities shall include, but are not limited to, entry, use, or occupancy to spaces which students are not permitted, such as spaces limited by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender;
- **University areas that are restricted include, but are not limited to** All building roofs, fire escapes, steam tunnels, elevator shafts, equipment storage, and mechanical storage rooms, and construction sites. The use of fire escapes is strictly limited to emergency purposes.
- Duplication, manufacture, possession, or loaning or use of any key/access card or
unlocking device for use on University facilities, locks, or other property on University premises without proper authorization; and are prohibited.

- Entrance doors for on-campus housing facilities are locked 24 hours a day. Guests must meet their resident host at the entrance door to gain entry into the building. A resident must escort non-residents at all times. Entering a residential facility without being escorted by a resident or failure to escort non-residents.

3.35 Intimidation
Conduct in any form that involves an expressed or implied threat to interfere or that has the purpose or reasonably foreseeable effect of interfering with an individual’s personal safety, safety of property, academic efforts, employment, or participation in University sponsored activities, and causes the person to have a reasonable apprehension that such harm is about to occur, is prohibited.

3.36 Unwanted Physical Contact
Unwanted physical contact by a student upon another is prohibited. Examples include kissing, hugging, and backrubs.

3.37 Physical Assault
Physical assault by a student of on another person is prohibited and includes, but is not limited to: Examples include use of physical force, violence, intoxicants, or other substances to restrict the freedom of action or movement of another and/or endanger the health or safety of another, regardless if obvious or aggravated bodily injury is sustained.

- Use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person, and/or endangers the health or safety of another person;
- Unwanted physical touching by one person upon another, with or without use/threatening display of a weapon, and regardless if obvious or aggravated bodily injury is sustained.

3.38 Instigation/Provocation
The face-to-face use of personally abusive epithets that, when addressed to any person another, are inherently likely to provoke immediate violent reaction whether or not the reaction occurs is prohibited.

3.39 Disorderly Conduct and Other Disturbances
Disorderly conduct is behavior that intentionally or recklessly creates a risk of public inconvenience, annoyance, or alarm without proper authority is prohibited. These behaviors are prohibited and Examples include, but are not limited to, participating in or hosting noisy or loud parties/gatherings or other public disturbances on or off campus, fighting, engaging in
violent behavior, making unreasonable noise, fighting, engaging in violent behavior, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

Students may also be charged with Disorderly Conduct for participating in or hosting noisy or loud parties or other public disturbances on or off campus. Loud parties consist of two or more individuals whose conduct leads to noise complaints.

3.3940 Discrimination, Harassment, and Retaliation

NDSU is fully committed to equal opportunity in educational programs/activities and employment decisions for all individuals providing a safe and non-discriminatory learning, living, and working environment for all members of its university community. Any discriminatory (different or unequal treatment) or harassing actions (unwelcome behavior that has the intent or effect of unreasonably interfering with the individual’s academic or employment endeavors or creating a hostile, intimidating or offensive environment) taken against another based on age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran, or other protected class as defined by local, state, or federal law, 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, is prohibited. Any attempt to retaliate because of one’s participation in a protected act (anyone who, in good faith, alleges discrimination, harassment or sexual harassment or who provides information related to an equal opportunity grievance) is also prohibited. For complete information regarding discrimination, harassment, and retaliation please see NDSU Policy 100, Equal Opportunity and Non-Discrimination and NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures.

Students are encouraged to report incidents or information related to discrimination, harassment, and retaliation as soon as possible. Any NDSU employee who becomes aware of a violation of NDSU Policy 100 involving students shall report the complaint or policy violation (see Complaint Form) either to the Title IX Coordinator/Equity Office or to the Student Affairs Office.

Title IX Coordinator/Equity Office
Old Main 201
Phone: 701-231-7708

Student Affairs Office
Memorial Union 250
Phone: 701-231-6537

3.401 Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Compliance

NDSU strives to create a campus community free from interpersonal abuse including sexual
Students are encouraged to report incidents or information related to sexual misconduct as soon as possible. Anyone University employees who becomes aware of a Title IX complaint or violation of this policy and has the authority to take action on the complaint or violation have mandatory reporting responsibilities. They shall report the complaint or violation (see Complaint Form) either to the Title IX Coordinator/Equity Office or to the Student Affairs Office.

Title IX Coordinator/Equity Office
Old Main 201
Phone: 701-231-7708

Student Affairs Office
Memorial Union 250
Phone: 701-231-6537

Students may also report the complaint or violation to University or local police:

University Police
1523 12th Ave. N
Fargo, ND 58102
Phone: 701-231-8998

3.4.2 Other Acts of Harassment
Any unwelcome action or any series of unwelcome actions that interfere with an individual’s academic efforts, employment, personal safety, or participation in University sponsored co-curricular activities is prohibited.

3.4.3 Stalking
Stalking is prohibited. Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct that would cause a reasonable person individual to feel fear for safety to self or the safety of self or others; or to suffer substantial emotional distress. See Policy 162.

3.4.4 Lewd or Obscene Conduct
Lewd or obscene behavior that flagrantly flaunts community standards with respect to sexuality is prohibited. Lewd behavior includes, but is not limited to, sexual acts in public places and exposing genitalia in nonconsensual circumstances.

3.4.5 Endangerment of Individuals
Endangerment of individuals is prohibited. Examples include, but are not limited to:
Initiating or circulating a false report or warning,

- Willful failure to comply with orders issued by any emergency personnel during any real or perceived emergency condition or willful failure to follow safety standards;

- Tampering with any fire protection sign or device or any other emergency equipment, elevator controls, elevator shaft access, and/or other elevator equipment; and

- Tampering with elevator controls, elevator shaft access, and/or other elevator equipment,

- Willful failure to follow safety standards,

- Creating a risk of bodily harm or falsely creating the impression of risk of bodily harm to others, and

- Knowingly focusing, pointing or shining a laser pointer at an aircraft or at a person.

### 3.456 Hazing

Hazing is prohibited regardless of location, intent, or consent of participants. Hazing is defined as any action or situation that intentionally implicitly or unintentionally explicitly endangers a student or is required for student admission into or affiliation with an student organization or group. Such activities and situations include, but are not limited to, paddling in any form; creating excessive fatigue; forced consumption of any substance; forced road trips; morally degrading, demeaning, unsanitary, humiliating games or stunts; and harassment, ridicule, or other activities prohibited by law or University policy.

It is the responsibility of the organization and its leadership in conjunction with the (inter)national organization, if any, to protect potential members, members, or others' persons associated with the organization from any hazing activity or practice conducted, condoned, or encouraged by the current members of the organization, alumni, or other associates.

### 3.457 Sporting Activity Restrictions

Riding Use of skateboards, or scooters, and using in-line skates, roller skates, hover boards, and bicycles are is prohibited inside all University facilities. Use of water guns, water balloons, and throwing of flying discs, balls, or other objects also are prohibited indoors, except when authorized. Use of projectile launchers is prohibited on campus without documented permission by an appropriate University official. Launchers may include those intended for water balloons, potatoes, pumpkins and other items. For guidance, contact the Director of University Police and Safety Office.

### 3.457 Weapons/Firearms/Explosives/Weapons

Unauthorized and/or illegal possession, display or use of firearms, explosives, or other weapons is prohibited.

- Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, stun guns or similar devices designed to deliver an electric shock, daggers, knives, sabers, swords, and bows and arrows.
Explosives include, but are not limited to, bombs, explosives, fireworks, and other incendiary devices. Incendiary devices are defined as any flammable liquid substance enclosed in a readily breakable container that can be equipped with an igniter of any type.

Other weapons include, but are not limited to, martial arts implements, dangerous fuels and chemicals. Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage.

Throwing or casting any object into, upon or against any building, structure, motor vehicle or at any person is prohibited.

This policy shall not prohibit persons, students or student organizations from possessing, storing, or using weapons at approved locations for the purpose of meeting requirements of educational programs and/or a student group recognized by the University. For authorization, contact the Director of the University Police and Safety Office.

The University Police and Safety Office provides limited, temporary storage space for on-campus residents to store ammunition and sporting arms, such as those used for hunting and other shooting sports. Weapons—Sporting arms should be checked in immediately upon arrival to NDSU and checked-out immediately prior to leaving the campus. An officer must be present for check-in/check-out. The University Police and Safety Office is open and available for check-in/check-out on a 24/7 basis.

4. Student Organizations/Activities

4.1 Responsibilities of Student Organizations and Affiliated University Groups

A student organization or a group affiliated with the University shall be deemed responsible for acts of prohibited conduct committed by individuals when such acts meet one or more of the following criteria:

a) Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly;

b) Take place in the context of a tradition, custom, or past practice of the group or organization; or

c) Are reasonably foreseeable as a result of an activity carried on by the student organization or affiliated University group.

Students residing in properties owned by organizations or groups affiliated with the University will be held responsible for their conduct, conduct of their guests, and controlling access to their premises.

4.2 Student Organizations and Affiliated University Group Compliance with University Policy

Student organizations and affiliated University groups must be in compliance with
University policies, procedures, and regulations. Prohibited conduct includes, but is not 
limited to, misappropriation of funds, misuse of property, improper registration or 
misrepresentation of an organization or group, or abuse of student election regulations.

4.3 Conduct Resolution and Enforcement Procedures
For information concerning the Code resolution procedure(s) to be utilized, refer to Part 5.
Procedures and Part 6—Hearing Procedures for Potential Suspension or Expulsion Cases.

When a student organization or an affiliated University group is charged with 
prohibited conduct, the presiding officer or individuals affiliated with the group shall 
be required to participate as representatives of the group in proceedings conducted under 
this Code.

In some cases, organizational officers or student members also may be charged 
with individual violations related to the original incident involving the organization, in 
separate proceedings.

Because conduct records of student organizations are not protected by the Family 
Educational Rights and Privacy Act (FERPA), any individual is entitled to learn the results of 
conduct actions taken against student organizations as long as those disclosures do not 
compromise the privacy of any individual student’s education record. In such situations, 
federally protected individual student names will be removed per federal protections.

4.4 Recognition
Recognition of student organizations is granted by the Congress of Student Organizations 
Commission and registered in the Student Activities Office in the Memorial Union. Although 
student organizations are independent units which exist at NDSU and are not considered 
agents of the University, they are expected to uphold and comply with University policies; the 
Code of Student Conduct; and local, institutional and North Dakota University System (NDUS) 
policies and local, state, and federal laws.

Students and student organizations are free to examine and express opinions publicly and 
privately. They are free to support causes by orderly means that do not disrupt regular and 
esential operations of the University. At the same time, it should be made clear to the 
academic and the larger community that in their public expressions or demonstrations, 
students or student organizations speak only for themselves.

4.5 Membership
Membership in student organizations and affiliated University groups must be limited to 
current students, faculty, and staff of NDSU. Students who transfer to another Tri-College 
institution who want to retain membership in an NDSU registered student organization may 
be eligible for on-going membership, contingent upon approval from the Vice Provost. In the
case of dual college or tri college recognized student organizations, membership criteria as defined in the Congress of Student Organizations (CSO) guidelines must be met.

4.6 Registration Requirements
The following information must be electronically filed with the Student Activities Office:

- a. Organization registration form,
- b. Privacy Statements by students in leadership positions, and
- c. Copy of the current constitution.

Students holding elected or appointed leadership positions must meet the following academic and good conduct eligibility standards:

- a. Students in leadership positions must have attained and must maintain during the term of participation a minimal cumulative grade point average of 2.0, and may not be on academic probation.
- b. Students in leadership positions must be enrolled for and maintain a minimum of nine (9) semester credits during the term of participation and have successfully completed nine (9) credits from the most previous semester of enrollment. Graduate students must be enrolled for and maintain a minimum of five (5) semester credits during the term of participation and have successfully completed five (5) credits from the most recent semester of enrollment.
- c. Students in leadership positions must be in good conduct standing with the Student Affairs Office.

Additional information regarding eligibility for participation in co-curricular activities can be found on the Student Affairs webpage.

4.7 National/International Affiliated Organizations
National/international affiliated organizations must uphold the policies and procedures of their national/international organizations in addition to University policies and procedures. University policies will supersede in the case of conflicting policies.

4.8 On and Off Campus Activities/Events
All on and off campus activities/events must follow all guidelines and procedures set by the Student Activities Office. For further information, contact the Student Activities Office, 120 Memorial Union or ndsu.sao@ndsu.edu.

Posters, Signs, Leaflets
Placing posters, signs or leaflets, except on one’s own personal property or in areas authorized and provided for that purpose by the University, is prohibited. Individuals should seek permission from those persons who have administrative control of that location. For
4.9 Fraternities and Sororities

Membership
Social fraternities and sororities are chartered with a single institution and therefore are ineligible for Tri-College/Dual-College recognition; membership is limited to students enrolled at NDSU.

Residents of Greek Chapter Houses
Only initiated member(s) of that chapter currently enrolled at NDSU, or a house employee, may reside in the house during the fall and spring semesters without authorization from the Student Affairs Activities Office and by chapter leadership.

Summer Rules
Fraternity and sorority presidents are to furnish names of the summer house managers to the Assistant Director Coordinator of Fraternity and Sorority Life, Student Activities Office. Chapter leadership is required to inform summer residents of University and fraternity/sorority life policies.

Alcohol and Other Drugs
- Fraternity Houses – No alcoholic beverages are permitted in common areas of chapter property at any time. Members: Student members who are 21 years of age may consume alcohol in the privacy of their rooms/suites with no more than three non-room/suite residents/others who are also 21 years of age or older. If multiple individuals live in one room/suite, all residents must be 21 years of age or older for alcohol to be present and/or consumed. Illegal drugs are not permitted on chapter or campus property at any time.
- Sorority Houses – National Panhellenic Conference policy requires alcohol free facilities for all house chapters. Illegal drugs are not permitted on chapter or campus property at any time.

Code Violations
As is the case with all University student organizations, fraternities and sororities will be held responsible for any conflicts with University policies occurring in chapter residences or at functions or social events sponsored by chapters.

4.10 Commercial Solicitations and Distribution Issues
Policies and procedures exist for students who wish to distribute information. For additional information, see NDSU Policy 154, Distribution of Literature.

5. Procedures
Resolution of Alleged Code Violations

The Code resolution process generally includes the following steps:

1. Receipt of an incident report;
2. Creation of a conduct file;
3. Investigation of incident, if necessary;
4. Implementation of interim actions or remedial measures, if necessary;
5. Notice of charges alleged violations;
6. Prehearing conference;
7. Administrative hearing;
8. Notice of decision;
9. Right of appeal; and
10. Notice of appeal decision.

A detailed description of these steps is provided below. Cases related to discrimination, harassment, retaliation, and sexual misconduct may require some modification of the resolution process, as approved by the NDSU Title IX Coordinator. For additional information, see NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures.
Resolution of Alleged Student Code Violations

Resolution of Code of Student Conduct Violations

Flowchart

Receipt of Incident Report
Reports are received from on-campus and/or off-campus sources and an investigation of the information occurs, if necessary.

Investigation
An investigation related to the report occurs if necessary. In cases involving discrimination, harassment, retaliation, and sexual misconduct, the Equity Office will conduct the investigation.

Notice of Alleged Violations
Students receive correspondence from Student Affairs or Residence Life Staff. The notice provides identification of the alleged Code violations, notification of the possibility of suspension or expulsion, and requests a meeting date and time.

Non-Suspension/Expulsion Eligible Cases
Students have the right to proceed directly into the administrative hearing at the conclusion of the prehearing conference.

Prehearing Conference
Prior to the administrative hearing, the hearing officer reviews the student’s rights, hearing procedures, and answers questions.

Administrative Hearing
All student conduct cases are facilitated through an administrative hearing, but some procedures differ based on the eligibility for suspension/expulsion as an outcome. The purpose of the administrative hearing is to determine whether or not there has been a violation of university policy.

Students have the right to make a statement describing the event(s) that led to the alleged violation, bring witnesses/witness statements, and provide additional evidence.

Suspension/Expulsion Eligible Cases
The date/time for the administrative hearing and any applicable deadlines for material submission will be identified.

Non-Suspension/Expulsion Eligible Cases
The hearing typically involves only the accused student and hearing officer. Students have the right to an advisor, but the advisor is not permitted to represent the student in the hearing.

Suspension/Expulsion Eligible Cases
The hearing typically involves the accused student, hearing officer, institutional representative, witnesses, and any other parties appropriate to the process.

Students have the right to be fully represented by an attorney or non-attorney advocate. The hearing is recorded and retained as part of the student’s file.

Notice of Decision
A notice of findings is emailed within ten business days of the administrative hearing. The notice indicates if students have been found responsible and outlines any rationale assigned sanctions and conditions, if applicable.

Right of Appeal
Students are afforded a one-step appeal process. The appeal must be submitted within five business days of the Notice of Decision. The decision may be upheld, overturned, or modified.
5.1 Reporting and Investigating Complaints
When provided information by law enforcement agencies, the University reserves the right to initiate action under this Code when alleged violations of the Code are believed to have occurred. Reports and investigations are used to determine whether a student is responsible for alleged violations of the Code of Student Conduct, and include the following purposes:

- a) To provide for the education of students;
- b) To promote the health, safety, and well-being of University community members;
- c) To provide for fair inquiries concerning alleged violations of University policies;
- d) To determine whether or not any individual student has violated a University policy;
- e) To allow for consideration of extenuating or mitigating factors when a violation has been found to exist;
- f) To determine a resolution; and
- g) To help the student make a constructive response toward self-discipline.

5.2 Reporting Alleged Code Violations
Alleged Code violations should be reported as soon as possible following the discovery of alleged prohibited conduct, and Reports may be initiated by law enforcement, any member of the NDSU community, or other interested parties. An alleged violation should be reported to one of the following:

a)–
Student Affairs Office,
250 Memorial Union,
701-231-6537
ndsu.srr@ndsu.edu

b)–
Department of Residence Life,
West Bison Court, and/or
701-231-7557
ndsu.residence.life@ndsu.edu

c)–
Equity Office,
201 Old Main.
701-231-7708
ndsu.eoaa@ndsu.edu
For cases of discrimination, harassment, retaliation, and sexual misconduct, see Report Form.

5.3 Student Advisor Options

Students have the right to have an individual present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. If a student would like an advisor but needs assistance in identifying an appropriate individual, the Student Affairs Office will identify a trained staff or faculty member to work with the student.

If a student chooses to have an attorney present as his or her hearing advisor, NDSU may request legal representation be present as well. In cases that do not involve potential for suspension or expulsion, the role of an attorney shall be to advise his or her client, not to participate in the hearing.

Any advisor, attorney, or non-attorney advocate who does not respect this provision may be cautioned by the hearing officer and, if they persist, may be asked to leave and the hearing will proceed.

In cases that could result in suspension or expulsion, attorneys or non-attorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine witnesses present during the hearing, and provide the student with support, guidance, and advice throughout the process.

5.3.4 Investigations

If an investigation is to take place, the student(s) will receive notice from the office conducting the investigation. The purpose of the investigation means to gather the facts, details and circumstances associated with a complaint. The investigation may include interviewing witnesses, reviewing documents to be considered, or completing other steps that will assist the Vice Provost and/or designee to determine whether charges under the Code are warranted. Written findings of the investigation along with a recommendation for dismissal of the complaint or a recommendation of pursuing charges under the Code will be produced by the investigator(s) and provided to the Student Affairs Office. If the report indicates reasonable cause to believe that a violation occurred, then the Vice Provost's designee shall proceed with a Notice of Alleged Violations.

Upon receipt of notice, The University may independently investigate an allegation of student conduct Code violation, and may also initiate an investigation at the request of any member of the NDSU community or affected party. Designated, trained University personnel are authorized to investigate alleged violations of the Code of Student Conduct.

All cases of discrimination, harassment, retaliation, and sexual misconduct involving a
potential violation by a student shall be investigated by the Equity Office utilizing the procedures set forth in Sections 1 through 8.8 of NDSU Policy 156. The Final Investigative Report as set forth in NDSU Policy 156 shall constitute the Investigation Determination for purposes of Section 5.67 below.

Any person individual believed to have information relevant to an investigation may also be contacted and requested to make an appointment to discuss the matter. All information/evidence needs to be provided during the investigative phase in order to be considered for determining if a case will be dismissed or whether action will be pursued and in determining findings under the Code. With the exception of the reporting party, Failure to comply with a request to make and keep an appointment relevant to an investigation may result in a conduct hold being placed on a student’s registration and records.

5.45 Interim or Remedial Measures
In the interest of safety and security, upon receipt of notice, interim actions or remedial measures may be implemented by the Student Affairs Office prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not limited to, no contact orders, housing/workplace changes, loss of privileges, restricted access to campus, or temporary emergency suspension.

5.56 Searches and Seizures Right to Entry
University policy on the privacy of student rooms stipulates that entry and search of University residences by University officials will be permitted only in one or more of the following instances:

- a) The student consents to the search;
- b) The University officials responsible fear an imminent danger to health, safety, life, or property;
- c) The Vice Provost or designee provides a written administrative authorization specifying reasons for the search, objects of information sought, and area to be searched;
- d) University officials fear imminent destruction of evidence relevant to a suspected violation of University policies.

When students are suspected of violating NDUS or NDSU Acceptable Use Policies, student computers, associated peripheral devices, and media storage devices may be taken into temporary custody on authority of the Information Technology Security Staff to collect and preserve evidence of possible violations of local, state, or federal laws (NDSU Policy 158, Acceptable Use of Electronic Communications Devices). If additional questions remain, contact the Information Technology Security Officer (ITSO).
The University will not intervene between students and searches authorized under law by any law enforcement agencies. The University requires that University officials notify the Vice Provost and/or designee of searches when they become aware of the action searches by law enforcement. The University will not intervene between students and searches authorized under law by any law enforcement agencies.

The right to inspect residence hall rooms and university apartments without notice is reserved by the University for purposes of maintenance, cleaning, fire, personal safety and administering provisions of the license agreements. The University will provide reasonable notice, when possible. Such entry by the University shall not be regarded as a search, but is separately agreed to and authorized by the student through provisions in the residence hall agreements or university apartment license agreements. Items that pose an imminent danger to health, safety, life, or property may be taken into temporary custody by residence life staff, university police, or other emergency personnel.

5.67 Notice of Charges
Alleged Violations
If the investigation determines that charges are appropriate, a written notice will be sent via authorized University email, to the responding student to arrange a prehearing conference.

The notice of charges will include:

- Nature of the alleged Code-violation;
- Date, time, and place of the alleged Code-violation;
- Source of the information;
- Maximum sanction applicable if found in violation of the Code of Student Conduct;
- The student’s right to be represented by an attorney or non-attorney advocate, at the student’s expense, if suspension or expulsion are identified as potential sanctions; and
- Notice that a decision may be made in the student’s absence based on the information currently available.

The student must be given notice in writing of a summary of the charges alleged violations and evidence to be presented in sufficient time to ensure an adequate opportunity to prepare for the hearing. The University will provide the student oral or written notification of the hearing at least five three business days prior to the hearing date. Students may consent to a shorter notice period, if they so choose.

5.78 Prehearing Conference
During the prehearing conference, the hearing officer will discuss the:

- a) Student’s rights and responsibilities,
- b) Nature of the complaint and how the Code of Student Conduct may have been violated, and
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- c) Process for resolution of alleged Code violations.

The student may request to proceed with an immediate hearing, except in cases that may result in suspension or expulsion. The hearing officer may refuse to hear the case and refer it to another hearing officer.

5.89 Conduct Hearings

The Code of Student Conduct resolution process will be facilitated through an administrative hearing to determine whether or not there has been a violation of University policy. Although all cases are heard administratively, some procedures differ between cases that are not eligible for suspension/expulsion and those that are eligible for suspension/expulsion. The University reserves the right to determine procedures and appropriate individuals to include in the process. In an administrative hearing, the responding student has a right to make a written and/or oral statement describing the event(s) that lead to the charges, bring witnesses or witness statements, and provide any additional evidence.

In all cases involving an allegation of discrimination, harassment, retaliation, or sexual misconduct, both reporting and responding students shall have equal procedural rights as detailed in NDSU Policy 156, Discrimination, Harassment, and Retaliation Complaint Procedures.

University administrators who have direct responsibility for student organizations will process conduct cases related to fraternities, sororities, and student organizations. Individual organizational boards will address only violations of those organizational standards, not violations of this Code.

Non-Suspension/Expulsion Eligible Conduct Hearings

A non-suspension/expulsion eligible conduct hearing is an administrative hearing that generally involves only the responding student and the hearing officer. The hearing officer is the individual appointed by the University to process an alleged violation of University policy. The hearing officer shall typically be a University employee; however, the University may, in its discretion, retain a non-employee to serve as a hearing officer at the University’s expense.

Following the hearing, the student, reporting and responding parties, will receive a written notification of the hearing outcome within 10 business days.

Suspension/Expulsion Eligible Conduct Hearings

A suspension/expulsion eligible conduct hearing is an administrative hearing that involves the responding student, hearing officer, institutional representative, and any other individual(s) appropriate to the process. The hearing officer is the individual appointed by the University to process an alleged violation of University policy. The hearing officer shall
typically be a University employee; however, the University may, at its discretion, retain a non-employee to serve as a hearing officer at the University's expense. The institutional representative is the individual appointed by the University to present the findings at the hearing.

Prior to the hearing, any materials being utilized during or witnesses being called to the hearing must be submitted to the Student Affairs Office by a deadline set during the prehearing conference.

The hearing will be recorded and retained as part of the student's conduct file. Access to the recording will be made available for the purpose of preparing an appeal. The reporting and responding parties may access the recording, including for the preparation of an appeal. Requests for access should be directed to the Student Affairs Office.

Following the hearing, the student(s) reporting and responsible parties will receive a written notification of the hearing outcome notice of decision within 10 business days.

5.9 Student Advisory Options

The student has the right to have a person present who may act in an advisory capacity. Hearing advisors may not serve as witnesses. Hearing advisors who do not comply with hearing procedures or the directives of the hearing officer may be cautioned by the hearing officer and if they persist, may be asked to leave.

If a student chooses to have an attorney present as his or her hearing advisor, NDSU may request legal representation be present as well. In cases that do not involve potential for suspension or expulsion, the role of an attorney shall be to advise his or her client, not to participate in the hearing. Attorneys who do not respect this provision may be cautioned by the hearing officer and if they persist, may be asked to leave.

In cases that could result in suspension or expulsion, attorneys or nonattorney advocates may fully participate, which means they may make opening and closing statements, examine and cross-examine witnesses present during the hearing, and provide the student with support, guidance and advice throughout the process.

5.10 Default Proceedings and Unresolved Alleged Code Violations

When a student/organization fails to appear for a hearing appointment without advance notice, or leaves the University with unresolved alleged violations, the hearing officer may make a decision in the student/organization's absence, providing the student/organization was issued adequate written notice of the date, time, and place of the scheduled hearing via the NDSU email system.

In certain cases, the hearing officer reserves the option to place a registration hold may be
placed on the student's records and the case will be archived until such time the student requests re-registration or a resolution of the pending matter.

5.11 Student Organizations in Default
In the event a student organization becomes inactive rather than appearing for a hearing, the default decision will typically be withdrawal of recognition granted by the Congress of Student Organizations Commission. In addition, officers of the organization at the time of the incident may face conduct proceedings individually (see Section 3.20, Failure to Comply) and also may be charged with one or more of the original alleged violations of the Code arising from the alleged misconduct by the organization.

If the organization requests registration reactivation at a later date, the Vice Provost or designee will assign a hearing officer to meet with the student organization leadership to determine responsibility for the original charges, determine or recommend the appropriate sanction, and if that sanction is less than suspension or expulsion, will assess the need for any current remedial actions.

5.12 Conflicts of Interest
Any hearing officer who has a conflicting interest in the particular case may not participate. Each party has the right to challenge the appointment of a hearing officer. Challenges must be submitted in writing to the Vice Provost or designee at least five days prior to the hearing. If a party fails to raise an actual or reasonably perceived conflict by objecting to that person five days in advance, any objection is deemed to be waived. An individual hearing officer may not be disqualified solely on the basis of his or her position in the University community.

5.13 Burden of Proof
The burden of proof will rest upon the University.

5.14 Standard of Proof
The standard of proof will be a “preponderance of the evidence.” A student is found to have violated this Code when:

- a) The student admits to the violation, or
- b) Evidence admitted at the hearing indicates by a preponderance of the evidence that the student is responsible for a violation in violation of the Code.

5.15 Witnesses/Witness Statements
Prior to the hearing, names of witnesses being called to the hearing must be submitted to the Student Affairs Office by a deadline set during the prehearing conference. All parties will be given reasonable opportunity to present witnesses and/or witness statements and will be allowed to address questions to any witnesses participating in the hearing. All questions will
be addressed through the hearing officer; however, the hearing officer may allow for direct questioning of non-party witnesses. Witnesses will be given reasonable latitude to respond fully to questions and will only remain for the duration of their own testimonies. All written statements that are to be considered are to be provided at least two business days prior to the hearing. Written statements must also be signed and dated, with the name of the witness printed below to ensure legibility or sent electronically directly by the witness. Deviations to the time restriction may be granted as long as all parties have sufficient time to prepare.

Character witnesses are not permitted. The hearing officer will exclude any information from the hearing documentation that appears to be a character statement rather than facts or evidence related to the case. If the responding student is found responsible for violating this Code, character statements may be considered during sanctioning. All parties may submit up to three letters to the hearing officer, at least two business days prior to the hearing. Each letter must be dated and signed, with the name of the individual signing printed below to ensure legibility or sent electronically from the author of the written statement.

5.16 Evidence
In cases that involve an investigation, all evidence is to be provided during the investigation. All parties will be given reasonable opportunity to present any written or oral information, or other documentation, or other evidence that is relevant in determining responsibility. All pertinent information that is to be considered is to be provided at least two business days prior to the hearing. Deviations to the time restriction may be granted as long as all parties have sufficient time to prepare.

Because Due to the hearing is being an educational process, formal rules of evidence do not apply. For this reason, hearsay evidence may be permitted. Hearsay evidence refers to testimony given by a witness who speaks about information received from others, rather than information given directly by that witness. The value of such evidence rests within the discretion of each hearing officer.

5.17 Self Incrimination
Parties shall not be compelled to incriminate themselves by being obligated to testify that they engaged in conduct constituting a violation of this Code and/or local, state, or federal law.

5.18 Closed Hearings
All hearings are generally closed except to those persons who are part of the proceedings. The Vice Provost or designee may permit a limited number of NDSU personnel to be present as observers for the purpose of training. Other exceptions may also be made as deemed appropriate by the Vice Provost or designee.
5.19 Appeals
Students sanctioned for violations of any part of this Code of Student Conduct or relevant University policies may appeal. Reporting and responding students are limited to one appeal and that decision is final (see Section 8, Appeal Procedures).

6. Hearing Procedures for Potential Suspension or Expulsion Cases

6.1 Introduction
With all parties present, the hearing officer will call the meeting to order and will ask all parties participating in the hearing to introduce themselves and identify their role in the proceedings.

The hearing officer will describe the general outline of the hearing and will read the following honesty statement:

Honesty Statement
The University expects that all information presented in this hearing will be true and correct to the best of each participant's knowledge. If students willfully provide false information, they will be in violation of NDSU's Code of Student Conduct. As a result, they may also be subject to additional disciplinary action. Dishonest behavior by any faculty or staff members will be reported to supervisors for any necessary disciplinary action.

If a student is represented by an attorney or non-attorney advocate, that individual has the ability to fully participate in the hearing as indicated in section 5.9.3, Student Advisory Options. Hearing advisors, (attorneys, or non-attorney advocates) will be required to sign a confidentiality statement pertaining to information about all parties involved in the hearing.

The hearing officer will dismiss witnesses until they are called to speak.

Honesty Statement
The University expects that all information presented in this hearing will be true and correct to the best of each person's knowledge. If students willfully provide false information, they will be in violation of NDSU's Code of Student Conduct. As a result, they also may be subject to additional disciplinary action. Dishonest behavior by any faculty or staff members will be reported to supervisors for any necessary disciplinary action.

6.2 Complaint and Response
The institutional representative, hearing officer or investigator will present the case.

The responding student and reporting parties (and/or attorney or non-attorney advocate) will be permitted to respond to the charges, alleged violations, and present information that is relevant in determining whether the student violated one or more sections of the Code. The hearing officer is responsible for determining relevancy.
6.3 Presentation of Witnesses
All parties shall be allowed to present witnesses who may be asked questions by the hearing officer, responding student (and/or attorney or nonattorney advocate), reporting party, and Vice Provost or designee of any of the other parties. All questions will be directed to the hearing officer who will determine reasonableness and relevancy and reasonableness to the proceeding, request clarification if necessary, ask if the respondent understands the question and request a response. The hearing officer will seek clarification if necessary and request a response.

6.4 Questioning of Parties
The institutional representative, reporting student (and/or attorney or nonattorney advocate), and responding student (and/or attorney or nonattorney advocate) All parties will be permitted to ask questions of each other. Questions will also be permitted by the hearing officer and the Vice Provost’s designee, who may question either party.

6.5 Closing Statements
All parties The reporting and responding parties (and investigator if applicable) will have an opportunity for a closing statement.

6.6 Notice of Decision
The hearing officer will provide written notice of decision to the responding student (and reporting party if applicable) stating whether or not the Code of Student Conduct was violated. The written notice will include the findings, rationale, sanctions, terms, and conditions for continued enrollment or re-enrollment, if any. The notice will generally be provided within 10 business days following the hearing. The Vice Provost may grant time extensions, if necessary.

7. Sanctions and Conditions
A sanction is a consequence placed upon any student for violations of specified University policies. Sanctions help define the student’s relationship with the University in the context of current and potential future conduct, including a notice that further violations may lead to more severe -conduct sanctions.

If a student is found not responsible for the alleged Code violation(s), no disciplinary action will be taken against the responding student; however, having been through the Code process, the student is considered knowledgeable regarding the Code’s provisions and expectations, and that knowledge may be taken into consideration in the event of future Code actions.

In cases in which the student is found responsible for violating one or more policies, alleged Code
violations, a sanction may be imposed. Sanctions may not include suspension or expulsion unless the student receives prior written notice that the case was serious enough to warrant suspension or expulsion. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

1. Written warning,
2. Conduct probation,
3. Supervised conduct probation,
4. Conduct suspension, or
5. Conduct expulsion.

The hearing officer will issue the written decision within 10 business days from the date of hearing. Sanctions of suspension are noted in the student’s transcript throughout the duration of the suspension period, while sanctions of expulsion remain permanently.

When certain mitigating circumstances exist, such as an extended period of time between the incident and reenrollment, a finding of responsibility may result in no sanctions imposed.

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

- 1. Alcohol or other drug programming, evaluation, and/or testing;
- 2.—Written assignments;
- 3.—Participation in a specific activity or project;
- 4.—Restricted access;
- 5.—Loss of privileges;
- 6.—No contact orders; and/or
- 7.—Restitution; and/or
- 8.—Confiscation.

In assigning a sanction and/or terms and conditions for inappropriate student conduct, the hearing officer, in consultation with the Vice Provost designee, will consider factors, including:

- a)—Facts of the case as presented from all relevant sources, including the responding student and/or witnesses;
- b)—Existence of any physical evidence or written or oral information provided by the responding student and/or witnesses;
- c)—Type and severity of the offense;
- d)—Impact on the victim(s) and/or the educational community, and its members;
- e)—Previous incidents of prohibited conduct committed by the accused student; and
- f)—The ability and/or willingness of the responding student to accept responsibility.
Parents or guardians of students under 21 may be contacted by an NDSU administrator following alcohol and/or other drug related incidents.

7.1 Sanctions

Written Warning

A warning is a written notification that subsequent Code violations will typically result in more severe sanctions.

Conduct Probation

Conduct probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with University policies; local, state, and federal laws; and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.

Supervised Conduct Probation

Supervised conduct probation is written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with University policies and local, state, and federal laws. Generally, supervised conduct probation requires meetings with a member of Student Affairs or Residence Life at regularly established intervals to monitor progress in behavioral, academic, social, vocational, and other areas of the student’s life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further prohibited conduct may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion.

Conduct Suspension

Conduct suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not to exceed two academic years. In cases of crimes of violence, hate crimes, and/or Title IX related violations, the Vice Provost may specify a longer period of suspension.

- a) A student may not re-enroll during the period of conduct suspension.
- b) The student’s eligibility for any refund of tuition/fees will be subject to the University’s normal withdrawal policy.
- c) The notice of conduct suspension will include the conditions for readmission that must be met prior to application for readmission. Students may obtain information regarding reactivation from Registration and Records, Ceres Hall, or online through One Stop. An interview meeting with a member of the Student Affairs Office may also be required prior to acceptance of the student’s application for readmission.
The student’s transcript will carry a notation “may not register for nonacademic reasons <effective date range>,” without further explanation. Upon completion of the suspension, the notation will be removed by the University.

A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the conduct suspension.

In addition to being ineligible for enrollment, a student is also ineligible for employment with NDSU.

There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student also may be required to obtain prior written permission from a member of the Student Affairs Office staff before being on any portion of the NDSU campus during the period of suspension. Approval is generally granted only to permit a student to conduct business related to the University.

Conduct suspension is a permanent conduct record. A permanent record indicates that student conduct files may be retained indefinitely at the discretion of the Vice Provost, but not less than seven (7) years.

Student organizations placed on suspension may have all rights and privileges provided by CSO revoked for the duration of their suspension. In order to regain all rights and privileges, the student organization is required to comply with and complete any and all sanctions and terms and conditions.

Conduct Expulsion

Expulsion is a written notification that the student is permanently ineligible to return to the University. The expulsion will be recorded on the student’s transcript as “may not register for nonacademic reasons” and is a permanent record.

Conduct expulsion is a permanent conduct record. A permanent record indicates which student conduct files may be retained indefinitely at the discretion of the Vice Provost, but not less than seven (7) years.

The student must leave University residences and cease all use of University owned or controlled buildings, properties, and services as designated in the expulsion notice. The expulsion notice will also include any other specific restrictions and a time frame during which these restrictions apply. These may include restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities.

Written requests for exceptions to restrictions may be directed to the Vice Provost or designee; however, approval is generally only granted for the purpose of conducting official University business. Requests for readmission will not be approved.

7.2 Conditions

Alcohol and/or Other Drug Programming, Evaluation, and/or Testing
A student may be required to participate in alcohol and/or other drug programming as a result of participating in any incident involving the use or abuse of alcohol and/or other drugs. The University reserves the right to require alcohol/drug testing and/or evaluation as a condition of enrollment or continued enrollment when:

- a) A student’s conduct endangers or may endanger the safety of themselves, others, or property, and/or
- b) A pattern of misconduct has been demonstrated by a student.

**Written Assignments**

Students may be required to complete written assignments as a means of reflecting and/or learning more about a particular topic.

**Participation in a Specific Activity or Project**

A student may be required to participate in a specific activity or project, such as public service, an educational class, and/or meeting with a designated University official, and/or other assignment.

**Restricted Access**

Students may have access to University facilities and grounds restricted for a specified period of time. Restricted access may include but is not limited to entry into University facilities or athletic fields, access to specific University offices, and visiting and/or living in any University housing facility. Students found in violation of restricted access directives may be issued a trespass citation by University Police and may be subject to further conduct action.

**Loss of Privileges**

A student may be denied various privileges associated with being a student at NDSU. Such privileges may include, but are not limited to, one or more of the following:

- a) Participating in or attending events sponsored by the University or by students;
- b) Holding office in any CSO recognized student organizations;
- c) Receiving or being a guest in residence life facilities;
- d) Access to parts of or all University property, including eligibility to reside in University facilities;
- e) Receiving financial aid;
- f) Being employed by the University;
- g) Representing the University, including travel on behalf of the University;
- h) Sponsoring or hosting organization or campus wide functions;
- i) Using IT Information Technology Services; and
- j) Maintaining recognized student organization status with the CSO.

**No Contact Order**
Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include, but are not limited to, any and all forms of communication, access to University owned or controlled locations, and specified minimum distances.

**Restitution**

A student may be required to repair, pay the cost for repair, or pay for cost of replacement of any university or state property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer, taking into consideration the fair market value or cost to repair the damaged item(s). In the case of personal injury, the responsible party may be required to cover the cost of medical care for others harmed as a result of the student’s actions.

When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. Failure to make timely arrangements for restitution may result in the cancellation of the student’s registration, prevention of the student’s re-registration, or more severe sanctions including, but not limited to, conduct suspension or expulsion. When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

**Confiscation**

In addition to items seized as evidence, goods used or possessed in violation of University policies and/or local, state or federal laws, may be confiscated and not be returned to the student. This includes, but not limited to, falsified information or identification.

8. **Appeal Procedures**

Students sanctioned for violations of this Code may make one appeal. Cases resulting in suspension or expulsion are appealed to the Vice Provost or designee. All other appeals are addressed to the Vice Provost or designee, or an administrator of Residence Life, depending upon who served as the hearing officer.

In all cases involving an allegation of discrimination, harassment, retaliation, or sexual misconduct, the reporting party is also allowed to file an appeal within the same parameters identified in 8.2. In these cases, an appeal could result in a different decision regarding the finding of responsible or not responsible and/or stronger, the same, or lesser sanctions than originally imposed.

8.1 **Deadline for Appeals**

An appeal of any conduct process decision must be made in writing within five business days following the date the sanction notice is provided to the student. In extraordinary circumstances, an extension of time may be granted at the discretion of the Vice Provost or designee.
circumstances, the Vice Provost may grant time extensions. The University reserves the right, however, to reduce the time allowed for a student appeal in cases that may have the potential to result in harm to persons an individual and/or property. The reduced time for appeal will be specified in the decision letter along with the rationale for allowing reduced time for an appeal. The appeal must be written by the student and shall contain the student's name, date of the decision or action, and reason(s) for the appeal.

8.2 Appeal Documentation
Appeals must be submitted to the appeal officer specified in the decision letter using the designated appeal form. The documentation must specify in detail one or more of the following bases of appeal:

- a) The severity of the sanction was not consistent with the severity of the offense,
- b) The finding of the Code having been violated or not was not substantiated by the evidence, and/or
- c) The student's due process rights as outlined in this Code were violated, which materially or substantially impacted the decision. Those rights believed to be violated must be specified.

In all cases involving an allegation of discrimination, harassment, retaliation, or sexual misconduct, the reporting party is also allowed to file an appeal within the same parameters identified above. In these cases an appeal could result in a different decision regarding the finding of responsible or not responsible and/or stronger, the same, or lesser sanctions than originally imposed.

A copy of an appeal will be given to the other party who will have the opportunity to respond. Students will have no more than 5 five business days to submit their response to the other party's appeal; however, the response cannot include an appeal if the time period for appeal has already expired. In cases that only involve a responding student, the appeal officer may not increase the sanctions/actions imposed by the hearing officer.

8.3 Emergency Provisions
Normally a properly filed notice of appeal suspends the imposition of sanctions until the appeal is decided; however, some emergency provisions may be sustained maintained throughout the appeal to protect persons an individual and/or property. Such provisions will be explained in the original letter to the student outlining the decision, along with the rationale for maintaining those emergency provisions throughout the appeal.

8.4 Appeal Advisory Board
The appeal officer reserves the right to appoint an appeal advisory board to review appeals. In such instances, the appointed advisory board will make a recommendation that the appeal officer may accept or reject. The decision of the appeal officer will generally be issued within
business days of receiving the recommendation from the advisory board and that decision will be final.

8.6.4 Review
The appeal officer/advisory board will review the written appeal documentation/response to appeal from the student(s) and materials from the original hearing, including the recording. In reviewing the appropriateness of sanctions, the student’s entire conduct file may be considered. After reviewing these materials, the appeal officer may decide to do one of the following:

a) issue a decision based solely on the evidence,
b) issue a decision based on a review of evidence and discussion with the involved principals,
c) recall one or more witnesses,
d) return the case to the hearing officer conducting the original hearing for presentation of new evidence and reconsideration of the decision and/or sanctions.

8.5 Appeal Advisory Board
The appeal officer reserves the right to appoint an appeal advisory board to review appeals. In such instances, the appointed advisory board will make a recommendation that the appeal officer may accept or reject. The decision of the appeal officer will generally be issued within 10 business days of receiving the recommendation from the advisory board and that decision will be final.

8.6 Decision/Sanction
When the reporting student appeals, the appeal officer may uphold or change the original decision/sanction. When the responding student appeals, the appeal officer may not increase the sanctions/actions imposed by the hearing officer. After reviewing appeal materials, the appeal officer may decide to do one of the following:

- Uphold the decision,
- Remand the case back to the original hearing officer,
- Adjust the sanction, or
- Assign a new hearing officer.

The decision on the appeal will generally be made within 10 business days of receipt of the appeal, but may take longer during University recesses or in the event of complex cases.

8.7 Rehearing Requests for Cases Resulting in Suspension or Expulsion
Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original
hearing, and/or evidence that the student was not afforded due process as outlined in this Code. A request for reconsideration of the case should be submitted to the Vice Provost. Information that may be considered may include police reports, transcripts of legal proceedings and the outcome of any civil or criminal proceeding directly related to the appeal.

9. Special Circumstances and Conditions

9.1 Registration/Graduation Hold
a) If a student (new, current, or returning) fails to respond to a request to meet to discuss an alleged violation of this Code, or fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this Code, a hold may be placed on the student’s eligibility to register or the student’s current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the University’s withdrawal policy.

b) Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending. If the student withdraws before NDSU becomes aware of the potential violation of this Code, the student’s academic records may be placed on hold and the allegations must be resolved prior to the student’s readmission.

9.2 Returning and/or New Students
If a student, during a period of non-enrollment, commits an act that violates this Code during a period of non-enrollment, a registration hold may be placed to prevent the student’s registration until a hearing may be held on that matter. The student may be notified about these holds at the time the University is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, a hearing officer, in consultation with the Vice Provost or designee, may place a registration hold to deny a student the eligibility to register. Reasons may include, but are not limited to, the student’s arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the student or others in the University community, and/or as otherwise provided by NDSU Policy 607, Admission & Re-Enrollment Safety Risks; Background Checks.

9.3 Rehearing Requests for Cases Resulting in Suspension or Expulsion
Any student who is suspended or expelled has the right to request a reconsideration of the case based on new or contradictory evidence that was not available at the time of the original hearing, and/or evidence that the student was not afforded due process as outlined in this Code. A request for reconsideration of the case should be submitted to the Vice Provost. Information that may be considered may include police reports, transcripts of legal proceedings, and the outcome of any civil or criminal proceeding directly related to the appeal.

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9.34 Temporary Emergency Suspension
A student may be temporarily suspended by the Vice Provost, pending a hearing, when the student’s actions or threats of action indicate a serious threat to the welfare and/or safety of persons, an individual or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five business days following the suspension. In unique circumstances, any alteration to this timeline will be at the discretion of the Vice Provost. If the suspension is upheld, the suspension remains subject to the rules outlined in Conduct Suspension (see Section 7.1, Sanctions) and remains a matter of permanent conduct record. Conditions under which emergency suspension may be imposed:

a) To ensure the health, safety or well-being of members of the University community,
b) To preserve University property,
c) To ensure the suspended student’s safety and well-being, or
d) To ensure against the disruption of, or interference with, the normal operations of the University.

9.4 Negotiated Withdrawal
In rare circumstances, a student may be allowed to negotiate a mutually agreed upon withdrawal for a specified period of time. Other conditions may also need to be met prior to application for reenrollment. Such conditions will be provided to the student in writing at the time of the negotiated withdrawal.

A student requesting readmission will be required to meet with the Vice Provost or designee prior to approval of the student’s petition for readmission. The student must be academically eligible for readmission to NDSU and may be required to pass a criminal background check at the student’s expense prior to readmission.

9.5 Administrative Withdrawal
A student may be subject to administrative withdrawal if it is determined by clear and compelling evidence that the student’s actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property, engages or threatens to engage in conduct that:

a) Poses a significant threat of harm to self or others, or
b) Poses a threat of disruption of, or interference with, the normal operations of the University community.

Consideration will be given first to use of normal conduct processes of counseling, voluntary withdrawal, or use of other alternatives whenever appropriate.

Students wishing to return to the University may obtain information regarding reactivation
from Registration and Records, Ceres Hall, or online through One Stop. An interview meeting with a member of the Student Affairs Office staff also will be required prior to acceptance of the student’s application for readmission.

9.6 Negotiated Withdrawal

In rare circumstances, a student may be allowed to negotiate a mutually agreed upon withdrawal for a specified period of time. Other conditions may also need to be met prior to application for reenrollment. Such conditions will be provided to the student in writing at the time of the negotiated withdrawal.

A student requesting readmission will be required to meet with the Vice Provost or designee prior to approval of the student’s petition for readmission. The student must be academically eligible for readmission to NDSU and may be required to pass a criminal background check at the student’s expense prior to readmission.

9.6 Interim Actions

In the interest of safety and security, interim actions may be implemented by the Vice Provost prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include, but not limited to no contact orders, housing/workplace changes, loss of privileges, or temporary emergency suspension.

9.7 Crimes of Violence

The term “crime of violence” means:

- an offense that has an element of use, attempted use, or threatened use of physical violence against the person
- any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Examples include, but are not limited to, arson, auto theft, assault, aggravated assault, burglary, kidnapping/abduction, manslaughter, murder, resisting arrest through the use or threat of physical force, robbery, vandalism, and sexual offenses.

In cases of crimes of violence, the Vice Provost may increase, but not decrease, timelines stated in the Code and may determine by whom the case is heard.

9.8 Notification of Hearing Outcomes for Crimes of Violence

Individuals who are victims of crimes of violence have a right to be notified of the outcome of complaint resolution procedures, upon written request to the Vice Provost. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated
as the alleged victim.

Notification shall be limited to the responsible student(s), part(s) of the Code violated, and assigned sanction(s). Individuals in receipt of this information may assume personal civil liability for releasing this information to others.

10. Conduct Records

10.1 Disclosure
All conduct records are confidential and may not be disclosed in whole or in part except as provided under law, including but not limited to, the Family Education Rights and Privacy Act (FERPA), the USA Patriot Act, and lawful court orders.

The conduct record shall be separate from the student’s academic record, but shall be considered a part of the student’s educational record. All conduct records shall be retained in the Student Affairs Office or other offices as authorized by the Vice Provost.

As provided under FERPA, information concerning Code violations for alcohol and/or drugs may be shared with parents. In addition, Code violations may also be shared with some academic departments upon request and as necessary to fulfill their professional obligations. A procedure exists between Student Affairs and Athletics that provides for full exchange of information concerning Code violations by student athletes with the pertinent athletic personnel and the Athletic Director.

10.2 Retention and Destruction
In cases in which a student is found not responsible, all records related to that student’s cumulative conduct history will be retained for seven years from the date of the incident.

Sanctions Less than Suspension or Expulsion
In cases in which a student is found in violation and receives a sanction less than Suspension or Expulsion, with or without additional terms and conditions, all records related to that student’s cumulative conduct history will be retained for seven years from the date of the student’s last conduct violation. Student conduct records may be retained indefinitely at the discretion of the Vice Provost.

Suspension or Expulsion
In cases in which a student is found in violation and receives a sanction of suspension or expulsion, conduct records may be retained on a permanent basis indefinitely at the discretion of the Vice Provost, but not less than seven years. In cases in which a student is found in violation and receives a sanction of expulsion, conduct records will be retained on a permanent basis.

Student Organization Records
Records of conduct violations involving student organizations will be retained for seven years following the date of the incident. Student organization conduct records may be retained indefinitely at the discretion of the Vice Provost.

FINAL NOTE:
Occasionally there may be a need to update certain details such as changes to staff titles, office locations, etc. that are mentioned-referred to in this document. The Vice Provost may make editorial housekeeping changes relating to this document as long as the substance of the document is not affected.

There are a number of additional University policies that pertain to students and are too numerous to include within the text of this Code. Students are urged to read these documents that may be found at the locations listed below. NDSU students are responsible for knowing the contents of all NDSU policies and may be held accountable under A Code of Student Conduct for any violations of policy.

Related University Policy Statements

1. Bank and Investment Accounts for Student Organization Bank Accounts
2. NDSU Policy 703, NDSU Card Terms and Conditions
3. NDSU Policy 162.1, Consensual Relationships
4. License Agreement for Residence Halls
   License Agreement for University Apartments
6. SBHE Policy 506.1, Immunization: TB Testing
6. Federally Mandated Sexual Assault Prevention Training
8. SBHE Policy 401.2, Political Activities
9. License Agreement for University Apartments
10. NDSU Policy 154.1, Sale or Distribution of Racially and Sexually Offensive Material
11. Student Organization Guidelines and Procedures
   NDSU Policy 513, NDSU Collection Policy
   NDSU Policy 155 Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees

HISTORY:

New
Amended September 27, 1999
Amended May 31, 2011
Amended August 23, 2014
Amended September 18, 2015
Housekeeping October 6, 2015
Housekeeping June 23, 2017
Amended 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: Policy Number and Name NDSU Card Terms and Conditions

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 was changed to match business practices in place by Customer Account Services and housekeeping changes.

2. This policy change was originated by (individual, office or committee/organization):
   - Office/Department/Name and the date submitted Wendy McCrory, Program Manager, NDSU Card Center/Software Programs
   - Email address of the person who should be contacted with revisions wendy.mccrory@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):

   Senate Coordinating Committee:

   Responsible Office: 8/28/2018
   Legal Review: 9/4/2018
   Faculty Senate:
   Staff Senate:
   Student Government:
   President:

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SECTION 703
NDSU CARD TERMS AND CONDITIONS

SOURCE: NDSU President

A. NDSU CARD.

The NDSU Card is the official North Dakota State University identification card. All faculty, staff and students are required to have a NDSU Card for identification, security, and access to University buildings and services. The card must be carried at all times while on the NDSU campus. Cardholders must present the card for identification if requested by a University official. The card is valuable and should be treated like cash, a credit card or a key. See Policy 707 for policies on card/key access.

North Dakota State University issues an all-campus card subject to the following terms and conditions:

1. To obtain a NDSU Card, an individual must first be assigned a university generated identification number.

2. The NDSU Card is intended for campus use only and must be returned upon request.

3. The NDSU Card is non-transferable and will be confiscated and returned to the NDSU Card Center if found in the possession of another person.

4. The NDSU Card must be presented upon any request for campus services.

5. The cardholder will not damage or alter the card in any manner. This includes, but is not limited to, punching holes in or affixing unapproved stickers to the card.

6. The NDSU Card, transactions and activities related to the use of the card, and any account balances are the sole responsibility of the individual cardholder.

7. IMMEDIATELY report lost, found, or stolen cards to the NDSU University Police (701-231-8998) or the NDSU Card Center (701-231-6252).

8. A replacement NDSU Card can be obtained at the NDSU Card Center (Memorial Union). A photo ID is required at the time of replacement.

9. The NDSU Card is valid for as long as the person retains their student, faculty or staff status at NDSU.

10. A fee is charged for all new cards and a replacement fee is charged for any lost, stolen or invalid card. The department will be charged for the first card for all faculty and staff, will be charged to his/her department. Billing information is required at the time of the card production. Lost, stolen or invalid cards will be the responsibility of the employee.
11. Cardholders may only possess one valid ID card. Any card that has been replaced after the previous was lost or stolen is no longer valid. Cards cannot be reactivated.

12. Associate Status for any individual/group must have prior approval by the NDSU President or Vice President for Student Affairs/Information Technology. Associate Status is granted to groups or individuals who may work on campus, but are not students or staff at the University.

12.1 Associate Status does not guarantee access to all NDSU activities, events, and facilities.

13. The NDSU Card Department Associate Director, Program Manager, Campus Police or Facilities Management may revoke a NDSU Card if it is determined that abuse of the privileges associated with the NDSU Card has occurred. Students who misuse their NDSU Cards may also be referred to the Dean of Student Life Office Associate Vice Provost for Student Affairs for possible disciplinary actions. Faculty or staff misuse will be reported to the faculty or staff members' supervisor.

B. CAMPUS CASH ACCOUNT.

Campus Cash is a debit card service that is linked to the NDSU NDSU Card. This benefit is free to ALL students, faculty and staff. There are NO hidden charges, expenses or interest.

1. A $5 minimum is required for opening a Campus Cash account and for additional deposits.

2. After opening, no minimum balance must be maintained.

3. Cash refunds are not given for any Campus Cash purchases at any participating merchants. Credit is returned to the Campus Cash account.

4. Campus Cash balances carry over from semester to semester. Refunds on any balance above $15 at the end of the academic year are available by submitting a Refund Form. For balances below $15, the customer is required to spend out this amount.

5. For those students who are graduating, withdrawing, or cancelling enrollment from the University, and who also have a balance of $15 or more on their Campus Cash accounts, the University will first apply the balance to the student’s University (Campus Connection) account. If there is no money owed to the student’s University NDSU account, a refund will be generated.

5.1 If the check or direct deposit funds are returned, the University shall retain it for safekeeping for three years. Attempts are periodically made to contact the student until the time the check is written off and the money is turned over to the state abandoned property office.

5.2 Checks that are neither returned nor cashed for more than two years after becoming payable are presumed abandoned (N.D.C.C. § 47-30.1-02.1).

5.3 Uncashed NDSU checks are accounted for as outstanding checks until they are written off.
5.4 When uncashed NDSU checks are written off, they are temporarily placed in a local
NDSU fund for old outstanding checks. On November 1st of each year, NDSU submits
the outstanding check funds with the required reports to the state abandoned
property office. Separate unclaimed property reports are required for over $50,
versus $50 and under.

5.5 Per N.D.C.C. § 47-30.1-03, any intangible property (which includes, but is not limited
to, moneys, checks and credit balances), that is unclaimed for more than three years
becomes abandoned property and is then reported and handed over to the
administrator of the state abandoned property office, who is then responsible for the
safekeeping and final disposition of the abandoned property.

6. A $15 fee, or the account balance if it is under $15, will be imposed for accounts
that are inactive for more than one year from the date of the last transaction.

6. Customers with checks returned for insufficient funds will have their Campus Cash
accounts frozen until payment is received.

7. Funds are non-transferable.

8. IMMEDIATELY report lost or stolen cards to the NDSU University Police (701-231-8998).
   Once the card has been reported lost, the cardholder is not responsible for any additional
   purchases. Per federal regulations, the cardholder is responsible for up to $50 if the lost or
   stolen card is reported within two business days. If the lost or stolen card is not reported
   within two business days, the cardholder can be liable up to $500 or the total account
   balance, whichever is lower.

Privacy Statement: Through the Family Educational Rights and Privacy Act, also known as FERPA or the
Buckley Amendment, data collected on the use of University facilities and services by an individual
cardholder will only be used for University purposes within FERPA guidelines. Information regarding a
cardholder’s account will not be provided to third parties unless required by applicable laws or within
written permission of the cardholder.

HISTORY:

New April 1998
Amended May 2005
Amended October 2007
Amended March 25, 2011
Housekeeping April 4, 2016
Policy Change Cover Sheet

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

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

SECTION: 714 SENATE COORDINATING COUNCIL

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: In section 2 updated the list of Voting and Non-Voting Members due to recent reorganization. Office of the Provost will provide administrative support to SCC and policy approval process. Quorum guidelines were added.
   - 4/11/18 – Section 2 information clarified.

2. This policy change was originated by (individual, office or committee/organization):
   - Office of the Provost, October 25, 2017
   - canan.bilen.green@ndsu.edu

   This portion will be completed by 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):

   Senate Coordinating Committee:

   Faculty Senate:

   Staff Senate:

   Student Government:

   President’s Cabinet:

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SECTION 714
SENATE COORDINATING COUNCIL

SOURCE: NDSU President
SBHE Policy 350.1

SOURCE: NDSU President
SBHE Policy 305.1
Faculty Senate Bylaws

1. The Senate Coordinating Council coordinates the routing and adoption of policies and policy changes for their placement into the NDSU Policy Manual. “All policies of a permanent nature affecting the University as a whole should be published in the electronic NDSU Policy Manual. Before approval by the President and placement into the policy manual, such policies, except for interim policies adopted pursuant to subsection 6, must be presented to the Senate Coordinating Council who will direct each policy for review by the appropriate Senates consistent with the Faculty Senate, Staff Senate and Student Body Constitutions and purview of each Senate. Failure to present a policy to the Senate Coordinating Council will not invalidate a policy, but may result in unnecessary delay in its implementation or having a policy resubmitted to the proposing body or department for potential revisions. The Senate Coordinating Council does not approve or disapprove policies but facilitates the policy review process by the various Senates. Finally, the Senate Coordinating Council advises the President on their placement in the manual.”

2. The membership of the Senate Coordinating Council is made up of the following individuals or their designees:

Voting Members:
1. Faculty Senate President
2. Staff Senate President
3. Student Body President
4. Two-One representatives of the Faculty Senate as appointed by the Faculty Senate President.
5. OneTwo representatives of the Staff Senate as appointed by the Staff Senate President.
6. OneTwo representatives of Student Government appointed in accordance with the Student Government Code.

Non-Voting Members:
1. Provost (or designee)
2. Vice President for Student Affairs (or designee)
3. Vice President for Finance & Administration (or designee)
4. Two representatives from Office of the one of these Vice President’s or Provost’s offices to facilitate meetings and maintain records. Every three to five years, these offices will rotate responsibility for selecting representatives to facilitate meetings and maintain records.
Policy initiators and stakeholders are welcome and encouraged to attend the meetings as non-voting members. Only a governing body president or representative can determine whether a policy may move to their governing body for consideration. Therefore, a quorum of at least one voting member of each governing body shall be present in order to conduct SCC business.

3. Committee Responsibilities

1. The Senate Coordinating Council reviews 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 revisions.
2. The Senate Coordinating Council coordinates the distribution of policies to the appropriate senate body consistent with the Faculty Senate, Staff Senate, and Student Body Constitutions and purview of each Senate.
3. After approval or review by the appropriate senate bodies, the Senate Coordinating Council sends policies to appropriate channels at NDSU for final approval.
4. The Senate Coordinating Council serves in a liaison capacity regarding the Faculty Senate, Staff Senate, Student Government, and administration.

4. The Senate Coordinating Council follows the NDSU Policy Manual Process for coordinating policy review and revisions prior to publication in the NDSU Policy Manual. (For detailed information on the process, please see the Senate Coordinating Council Process link on the NDSU Policy Manual website.)

5. After a policy is reviewed by the Senate Coordinating Council and placed in policy manual format, and routed to the various senates, Provost, Vice Presidents, councils, committees or other parties for approval or input as needed, it will be submitted to the President for approval. Following such approval the policy will be returned to Office of the Provost the office currently responsible for maintaining records for distribution and publication in the manual (available on the NDSU web site at www.ndsu.edu/policy).

6. The President has the authority to adopt interim policies and procedures concerning matters for which legislative authority is delegated by the State Board of Higher Education to campus legislative bodies. Any adoption of an interim policy or procedure must include notice to all Senates prior to or at the time the policy or procedure takes effect. Not later than six months of its effective date, the President shall present the interim policy or procedure to the various Senates for review and their decision, subject to the President's approval or veto, concerning whether the policy or procedure should be continued, revised or discontinued.

HISTORY:
New November 1992
Amended May 1996
Amended January 1998
Amended March 2002
Amended February 2003
Amended October 2004
Amended May 2005
Amended September 2007
Amended January 2008
Housekeeping December 2009
Housekeeping July 2010
Housekeeping February 14, 2011
Amended October 12, 2011
Policy Change Cover Sheet

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SECTION: Policy 352 – Promotion, Tenure and Evaluation

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
   - Sec. 1.3: New section describing responsibility of colleges to create and enforce workload policies and to demonstrate congruency of such policies with promotion and tenure requirements.
   - Sec. 5.2: Outlines involvement of Professors of Practice and Research Professors in the PTE process.
   - Sec. 5.3: Clarifies involvement in the PTE process of faculty and administrators who have themselves applied for promotion/tenure.
   - Sec. 6.2: Clarifies procedure for tenure-track faculty who withdraw or do not submit a portfolio.

2. This policy change was originated by (individual, office or committee/organization):
   - Ad Hoc Committee of the Faculty Senate for Review of Policy 352 – submitted 4-19-2018
   - Email address of the person who should be contacted with revisions: Alan.Denton@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):
   - Senate Coordinating Committee:
   - Responsible Office:
   - Legal Review:
   - Faculty Senate:
   - Staff Senate:
   - Student Government:
   - President:

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SECTION 352
PROMOTION, TENURE AND EVALUATION

SOURCE:  NDSU President
          NDSU Faculty Senate

1. INTRODUCTION

1.1 The promoting of faculty and awarding of tenure, and the prerequisite processes of
evaluation and review, are of fundamental importance to the long-term ability of the
University to carry out its mission. Promotion recognizes the quality of a faculty member's
scholarship and contributions in the areas of teaching, research, and service. Promotion
acknowledges that the faculty member's contribution to the university is of increasing value.
Tenure assures academic freedom and enhances economic security for faculty members
who show promise of sustained contributions in those three areas. Tenure aims to both
recognize a candidate's potential long-term value to the institution as evidenced by
professional performance and growth and to provide the expectation of continued
employment. The decision to award tenure rests on criteria that reflect the potential long-
term contribution of the faculty member to the purposes, priorities, and resources of the
institution, unit, and program. With the individual autonomy derived from academic freedom
and tenure comes the responsibility to create and/or maintain an ethical, respectful, and
professional work climate for oneself, one's colleagues, one's students, and others with
whom one relates professionally. Due to the emphasis on institutional purposes and
priorities, tenure recommendations should be reviewed at department, college, and
university levels.

1.2 From the University's mission flows the expectation that each faculty member will make
contributions of high quality to the areas of teaching, research, and service. "Teaching"
includes all forms of instruction both on- and off-campus. "Research" includes basic and
applied research and other creative activities. "Service" includes public service, service to
the University, college, and department, and service to the profession. Because of the
University's mission, the quality and quantity of contributions in all three areas will be
considered at the times of promotion and tenure. But, because of variations among faculty
in strengths and/or responsibilities, faculty members are not expected to exhibit equal
levels of accomplishment in all areas. Moreover, disciplines will vary with respect to the
kinds of evidence produced in support of quality of contributions.

1.3 All colleges are responsible for creating and enforcing a workload policy. Workload policies
and procedures are documents that map percentage allocations of time, across teaching,
research, and service, as specified in a job description with actual job duties. Colleges are
responsible for demonstrating congruency between the policy and its promotion and tenure
requirements.

1.4 The policies and standards of each college should be congruent with the University's mission
and its policies on promotion and tenure, and also should reflect the college's unique
expectations of its faculty members. The policies and standards of academic units within
each college should be consistent with the missions of the University and college and their

policies on promotion and tenure, and also should designate evidence of how faculty in the academic unit meet the expectations of the college and University.

2. UNIVERSITY PROMOTION, TENURE, POST-TENURE, AND EVALUATION: CRITERIA AND EVIDENCE

2.1 Promotion and granting tenure are not automatic. In addition to contributions in the areas of teaching, research, and service, consideration may be given to factors such as professional background and experience. Expectations for faculty in Professor of Practice and Research Professor positions may differ from those for tenure-line faculty.

2.2 The evaluation of a candidate's performance shall be based on the individual's contributions to teaching, research, and service, on- and off-campus, in regional, national, or international activities. Judgments will be based on evidence of both the quality and significance of the candidate's work.

2.2.1 TEACHING

2.2.1.1 CRITERIA In the areas of teaching (as defined above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure, and post-tenure review:

- 2.2.1.1.1 The effective delivery of instruction to and the stimulation of learning by students and/or clients;
- 2.2.1.1.2 the continuous improvement of courses or instructional programs;
- 2.2.1.1.3 the effective advising and mentoring of undergraduate and/or graduate students.

2.2.1.2 EVIDENCE A candidate demonstrates quality of teaching (encompassing both instruction and advising) by providing evidence and information from multiple sources such as:

- 2.2.1.2.1 the receipt of awards or special recognition including certification or licensing for teaching;
- 2.2.1.2.2 student, peer, and client evaluation of course materials, expertise, and ability to communicate knowledge;
- 2.2.1.2.3 peer evaluation of an individual's contribution to the improvement of instructional programs through the development and/or implementation of new courses, curricula or innovative teaching methods;
- 2.2.1.2.4 the dissemination of best practices in teaching;
- 2.2.1.2.5 evaluation by advisees of the quality of graduate and undergraduate advising.
2.2.2 RESEARCH

2.2.2.1 CRITERIA In the areas of research and creative activities (as defines above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure, and post-tenure review:

2.2.2.1.1 contributions to knowledge, either by discovery or application, resulting from the candidate's research, and/or

2.2.2.1.2 creative activities and productions that are related to the candidate's discipline.

2.2.2.2 EVIDENCE A candidate demonstrates quality of research by providing evidence of completed original work (i.e. published/in press, exhibited, or funded) from multiple sources such as:

2.2.2.2.1 presentation of scholarly or professional papers, and publication of books or articles;

2.2.2.2.2 juried or invited presentations or productions in the theater, music, or visual arts, design, and architecture;

2.2.2.2.3 the development and public release of new products or varieties, research techniques, copyrights, and patents or other intellectual property;

2.2.2.2.4 peer evaluation of research by colleagues from an individual's discipline or area of expertise;

2.2.2.2.5 the receipt of awards or special recognition for research;

2.2.2.2.6 the receipt of grants or other competitive awards.

2.2.3 SERVICE

2.2.3.1 CRITERIA In the areas of service (as defined above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure and post-tenure review:

2.2.3.1.1 contributions to the welfare of the department, college, university, or profession, and/or

2.2.3.1.2 contributions to the public that make use of the faculty member's academic or professional expertise.

2.2.3.2 EVIDENCE A candidate demonstrates quality of service by providing evidence and information from multiple sources such as:

2.2.3.2.1 the receipt of awards or special recognition for service;
2.2.3.2.2 evaluation of an individual's service contributions by peers, administrators, and constituents;

2.2.3.2.3 active participation in and leadership of societies which have as their primary objective the furtherance of scholarly or professional interests or achievements;

2.2.3.2.4 active participation and leadership in University governance and programs at the department, college, university and system levels;

2.2.3.2.5 contributions to fostering a campus climate that supports and respects faculty, staff, and students who have diverse cultures, backgrounds, and points of view;

2.2.3.2.6 effective management or improvement of administrative procedures or programs;

2.2.3.2.7 contributions to knowledge as editors of scholarly publications, or service on editorial boards, juries, or panels;

2.2.3.2.8 contributions to the operation of state or federal agencies.

2.3 The foregoing lists are not exhaustive, and other forms of information and evidence might be produced in support of the quality and significance of the candidate's work. The mission statements and specific promotion and tenure criteria of the individual academic units are important in defining the appropriate forms of evidence in the context of the candidate's discipline and distribution of responsibilities.

3. COLLEGE AND DEPARTMENTAL PROMOTION, TENURE, POST-TENURE, AND EVALUATION CRITERIA

3.1. Each academic unit is responsible for refining the University promotion, tenure, post-tenure, and evaluation criteria and applying those criteria within the special context of the unit. Thus, each academic unit will develop specific promotion, tenure, post-tenure, and evaluation criteria and designate the types of evidence to be used for evaluation of progress toward tenure, for renewal, promotion, and tenure decisions, and for post-tenure review. Within the framework of the University's promotion and tenure criteria, each academic unit shall specify the relative emphasis on teaching, research, and service, and the extent to which a faculty member's assigned responsibilities can be allocated among teaching, research, and service. Expectations for faculty in Professor of Practice and Research Professor positions may differ from those for tenure-line faculty.

3.2. A statement of promotion, tenure, post-tenure, and evaluation criteria specific to each college shall be developed by the Promotion, Tenure, and Evaluation (PTE) committee of the college in consultation with the Dean and approved by the faculty of the college. The faculty of each department shall also develop a statement of criteria for promotion, tenure, post-tenure, and evaluation that shall be reviewed and approved by the college PTE committee and the Dean to assure consistency with the college promotion, tenure, post-tenure, and evaluation criteria. The college and departmental statements, and any subsequent changes,
shall be reviewed and approved by the Provost assure consistency with University and State Board of Higher Education (SBHE) policies.

3.3. For probationary faculty, and for non-tenure-line faculty at the assistant rank, the basis for review of the candidate's portfolio and any recommendations on promotion and/or tenure shall be the promotion and tenure guidelines and criteria of the academic unit that were provided to the candidate at the time of the candidate's appointment to the position. The dean or director of the college or equivalent unit has the responsibility to provide to the appointee these documents, as well as a position description, contract, or other document that constitutes a tenure or work plan. Tenured and non-tenure-line candidates for promotion to the rank of full professor may choose to be evaluated by the criteria in effect at the time of the previous promotion, if the application is made within eight years of the previous promotion. Thereafter, candidates shall be evaluated by the criteria in effect at the time of application. Candidates applying for promotion to the rank of full professor more than eight years after the previous promotion may choose to be evaluated based on work completed in the eight years immediately prior to applying rather than on their entire post-promotion record.

3.4. Faculty Hired Without Previous, Relevant Experience

For a faculty member without previous academic-relevant experience, eligibility for tenure requires a probationary period of six years. Evaluations for promotion to Associate Professor and granting of tenure will ordinarily be conducted concurrently. However, exceptional academic accomplishments may warrant early promotion prior to the completion of the six years of the probationary period. Petitions for early promotion shall be initiated by department heads/chairs, and not by faculty members themselves.

3.5 Faculty Hired with Previous Relevant Experience

3.5.1 Individuals hired into a tenure-eligible position at a negotiable faculty rank may be hired with tenure and at a rank of Associate Professor or Professor when this is negotiated as a provision of the original contract. Decisions regarding tenure and advanced rank are made using the same process and standards as in the customary promotion and tenure process, although the timeline may be altered. The recommendation proceeds through the regular channels, including the respective Department and College PTE Committees, the Department Chair/Head, College Dean, Provost and President, prior to hire. The process of review is initiated by the Chair/Head of the unit in which the tenure line is housed.

3.5.2 A probationary faculty member with relevant professional/academic experience may be given credit toward tenure and promotion when this is negotiated as a provision in the original contract. The Department PTE Committee recommends to the Department Chair/Head the maximum number of years of tenure credit offered.

There are two options:

3.5.2.1 Faculty may be hired with one to three years of tenure credit. For each year of tenure credit awarded, one year shall be subtracted from the tenure application deadline. For example, given one year of credit, promotion and tenure application would be due in the fifth year of service; given three years, the application would be due in the third year of service. Faculty accomplishments during the tenure credited years are included as
accomplishments in the faculty member’s promotion and tenure portfolio. Requirements for promotion and tenure shall be adjusted according to the years at NDSU to maintain productivity at the same rate as that expected for promotion and tenure without tenure credit; for example, if six quality publications are required in the six-year probationary period for promotion and tenure, then one quality publication shall be required for each year the faculty member is at NDSU.

3.5.2.2 Faculty may be allowed the full six-year probationary period with the option of applying for promotion and/or tenure at any time following three years of academic service. How prior work is considered must be specified in the appointment letter.

3.5.2.3 For either option, failure to achieve tenure will lead to a terminal year contract. 3.6 Extensions to Probationary Period, apply in all other cases.

3.5.3 Any exceptions to Section 3.5 must be approved by the President.

3.6 Extension of Probationary Period

At any time during the probationary period but prior to the sixth year (or prior to the year in which the portfolio is due), a faculty member may request an extension of the probationary period not to exceed a total of three years based on institutional, personal or family (pertaining to a child, spouse/partner or parent, as described in NDSU Policy 320) circumstances, personal illness or disability, which, according to reasonable expectations, impede satisfactory progress towards promotion and tenure. Faculty given promotion and tenure credit are also eligible for this extension. Faculty members are encouraged to request probationary period extension as soon as they recognize the need for extension. Written notification to the Provost must be submitted within one year of the beginning of the event for which the extension is requested and approved prior to July 1 of the year in which the tenure/promotion portfolio is due. A faculty member who submits an extension request during the academic year in which they are to undergo third year review must successfully undergo third-year review and renewal before any extension can take effect. The request must be in writing and will be submitted to the Provost who will review the request and will approve or deny the request. Denial of an extension may be appealed under NDSU Policy 350.4, however, appeals will not be granted for requests that are submitted outside the required timeline for extension.

3.6.1 Extension of Probationary Period for Childbirth or Adoption

A probationary faculty member who becomes the parent of a child (or children in case of twins, triplets, etc.) by birth or adoption, prior to the year in which the portfolio is due, will automatically be granted a one-year extension of the probationary period upon written notification to the Provost. While NDSU supports the use of the extension, the probationary faculty member has the option at any time after the birth or adoption to return to the original schedule of review. Any additional extensions beyond the one year (per birth/adoptive occurrence, not to exceed three years total extension) must be requested under the provisions of 3.6 above.

3.6.2 Extension of Probationary Period for Personal Illness or Disability

A probationary faculty member who experiences a personal illness or disability may request an extension of his/her probationary appointment. Medical documentation of
the personal illness or disability is required. Such documentation shall be collected and housed by the Office of Human Resources/Payroll following guidelines provided in NDSU Policy 168. However, the Office of Human Resources/Payroll shall not make recommendations to the Provost pertaining to probationary period extension requests. The faculty member will grant the Provost access to Human Resources records relevant to the request. The Provost shall maintain strict confidentiality of such documentation. Written notification of the request for an extension, along with supporting documentation, must be provided to the Provost.

3.6.3 Extension of Probationary Period for Institutional Circumstances

A probationary faculty member may be granted an extension of probationary period due to institutional circumstances, such as major disruption of work or faculty’s ability to perform their duties beyond the reasonable control (e.g., natural or human-caused disaster, or lab-space unavailability) of the faculty member. Written notification of the request, along with supporting documentation, for an extension must be provided to the Provost.

3.6.4 Procedures for Initiating, Reviewing, and Approving Notifications/Requests for Extension of the Probationary Period

3.6.4.1 Notification of extension of the probationary period due to childbirth or adoption may be initiated by the faculty member, the Department Chair/Head, or the Dean of the college.

3.6.4.2 Request for extension of the probationary period due to personal or family circumstances, personal illness or disability shall be initiated by the faculty member. In the case of requests involving disability or illness, it is the responsibility of the faculty member to provide appropriate documentation to adequately demonstrate why the request should be granted.

3.6.4.3 Request for extension of the probationary period due to institutional circumstances may be initiated by the faculty member, the Department Chair/Head, or the Dean of the college.

3.6.4.4 Faculty members may inform their Department Chair/Head and/or Dean of the college of their request if they wish to do so, but they are not required to do so.

3.6.4.5 Extension of the probationary period requests shall be submitted to the Provost using the Request for Probationary Period Extension form.

3.6.4.6 Once an extension of the probationary period request is approved, the faculty member, Department Chair/Head, and the Dean of the college will be notified in writing by the Provost. If the request is denied, the faculty member will be notified in writing by the Provost.

3.6.5 Confidentiality

Individuals involved in the extension of the probationary period process (which may include the supervisor, the Department Chair/Head, the Dean of the college, the Provost, and/or the Office of Human Resources/Payroll) have the responsibility of
keeping information pertaining to the request confidential and not sharing such information with individuals not involved in the process. Medical documentation provided by a faculty member requesting extension of the probationary period shall be maintained in a confidential file separate from the employee's official personnel file in the Office of Human Resources/Payroll. Other written documentation and forms pertaining to the request/notification of extension of the probationary period shall be maintained in a confidential file separate from the employee's official personnel file in the Office of the Provost. It is understood that some information provided pursuant to this policy may be subject to disclosure pursuant to North Dakota open records laws.

3.6.6 Granting of an extension does not increase expectations for performance. For instance if the department requires at least five refereed journal articles in the standard six year probationary period, and a faculty member receives an extension of the probationary period, then the department will still only require at least five refereed journal articles for that faculty member's probationary period.

Related Policies and Procedures:
Policy 156. Discrimination, harassment, and retaliation complaint procedures (http://www.ndsu.edu/fileadmin/policy/156.pdf)

3.7 Each academic unit shall establish the criteria for promotion and tenure, including early promotion, as part of its statement on promotion, tenure, post-tenure review, and evaluation.

4. PERIODIC REVIEW

4.1 Periodic reviews of faculty serve multiple functions. The reviews assist faculty members in assessing their professional performance, assist the administration in delineating areas to which particular effort should be directed to aid in improving the professional achievement of the faculty members, and contribute to the cumulative base upon which decisions about renewal, promotion, and tenure are made. In addition, periodic reviews may result in changes in responsibilities, modified expectations, and/or altered goals for performance.

4.2 The procedures for periodic review that are developed by each academic unit shall be reviewed and approved by the college PTE committee and the Dean.

4.3 All full-time faculty will be reviewed annually. Unless college or department procedures provide otherwise, annual reviews of non-tenured faculty shall be conducted so that decisions and notifications can be made in accord with the deadlines listed in Section 350.3.

4.4 Probationary faculty hired into tenure-track positions must receive special review during their third year of service to the institution. This third-year review shall recognize and reinforce areas of strength as well as point out areas of weakness that could jeopardize the
case for promotion and tenure. Specific formative evaluations shall be provided to help candidates prepare their strongest case for promotion and tenure. Any extension granted prior to the third year review will delay the review by an equal period.

4.5 While faculty in Professor of Practice and Research Professor positions are not eligible for tenure, promotion through ranks is encouraged and is based on time in rank and satisfactory evaluations of assigned responsibilities. An application for promotion is initiated via a departmental recommendation and follows the same procedure and submission deadlines as for tenure-line faculty. Faculty in such positions are eligible to apply for promotion from assistant to associate after the completion of five years in rank.

4.6 Unless college or department procedures provide otherwise, the department chair or head of the academic unit will be responsible for the conduct of the reviews and the communication of their results. Periodic reviews shall result in a written report to the faculty member being reviewed. The report shall state expectations and goals for the coming review period. For probationary faculty, the report shall include an assessment of the faculty member's progress toward tenure and recommendations for improvement. Should the periodic reviews indicate that a faculty member is not making satisfactory progress toward tenure, the report may include a recommendation for nonrenewal. In making a judgment on satisfactory progress toward tenure, due consideration shall be given to the candidate's academic record, performance of assigned responsibilities, and potential to meet the criteria for promotion and tenure at the end of the probationary period.

4.7 Colleges and departments shall develop specific post-tenure review policies appropriate to their faculty. Annual reviews of tenured faculty shall include an evaluation of the faculty member's performance relative to the current position description. For Associate Professors, annual reviews must include specific recommendations to strengthen the case for promotion. Annual reviews of Professors must recognize and reinforce areas of strength, as well as discuss areas of weakness and recommend improvements. Should the annual reviews indicate that performance of a faculty member is unsatisfactory under the standards for post-tenure review, the report shall include a recommendation for appropriate remedial action.

4.8 The faculty member being reviewed shall have 14 days to respond in writing to the written report if the faculty member wishes to do so. The written report, and any written response from the faculty member, shall become part of the faculty member's official personnel file.

5. COMPOSITION OF PTE COMMITTEES

5.1 Each college shall have a PTE Committee consisting of at least three faculty members elected by the faculty of the college. The college PTE committee shall be as reflective as possible of the college's breadth of disciplines and fields of expertise. Ordinarily, at least three departments or sub-units of a college will be represented on the committee, and usually no more than one member of the same department may serve on the committee at one time.

5.2 Only tenured faculty members who have completed three years of full-time appointment with the University and who have attained the rank of associate professor or above are eligible for election to service with full voting rights on a college or department PTE Committee. When reviewing applications for promotion of Professors of Practice or Research Professors, PTE committees are encouraged to solicit advisory input from Associate/Full Professors of Practice or Research Professors, if allowed by department and college policies.
committees may include representation from Associate/Full Professors of Practice or Research Professors. In such cases, full voting rights for Professors of Practice or Research Professors are limited to applications for promotion of Professors of Practice or Research Professors.

5.3 Prior to commencement of deliberations, the chair of any PTE committee must have received PTE committee training within the last three years, provided through the Office of the Provost. Faculty members and administrators being considered for promotion may not be involved in any candidate review and recommendation process, including the selection of external reviewers, while under consideration. Nonadministrative faculty members who have applied for promotion and/or tenure may not be involved in the review and recommendation process of any candidate. Administrators who have applied for promotion may not be involved in the review and recommendation process of any candidate where there may be an actual or apparent conflict of interest. A candidate may provide input concerning selection of external reviewers if allowed by department and college policies.

5.43 The department and college PTE committees’ reviews and recommendations are part of a process of peer review. Thus, faculty holding academic administrative appointments, including those with interim status, are not eligible to serve. (“Academic administrative appointment” includes appointments as President, Provost, Vice President or Provost, Associate or Assistant Vice President or Provost, Dean, Associate or Assistant Dean, Department Chair or Head, Associate, Assistant or Vice Chair or Head, and any other administrators who supervise and/or evaluate other faculty.) Center or Program Directors who do not supervise and/or evaluate other faculty are eligible to serve.

5.54 A college PTE committee member who has voted on the promotion/tenure of a candidate in the department PTE committee shall be recused from the vote by the college PTE committee. In such a case, college policy shall determine whether the committee member may or may not deliberate with the committee on the candidate.

5.65 Faculty members, including administrators, who participate in the PTE process shall be recused from deliberations and decisions regarding a candidate if there is a past or current relationship that compromises, or could have the appearance of compromising, a faculty member’s judgment with regard to the candidate. The following list, while not exhaustive, illustrates the types of relationships that constitute a conflict of interest:

- A family relationship
- A marital, life partner or dating/romantic/intimate relationship
- An advising relationship (e.g., the faculty member having served as the candidate's PhD or postdoctoral advisor)
- A direct financial interest and/or relationship
- Any other relationship that would prevent a sound, unbiased decision

Recusal due to a conflict of interest with one candidate does not prevent a faculty member from participating in deliberations and decisions regarding other candidates.

6. PTE PROCEDURES

6.1 The candidate shall ensure that the electronically submitted portfolio is current, accurate and complete for review at the department level using procedures consistent with department and college policies. The chair or head shall forward the electronic portfolio together with the department's recommendations, and an explanation of the basis for them, to the College Dean and the College's PTE Committee according to the PTE Timeline.
6.2 In the absence of an approved extension, faculty who do not submit a tenure portfolio during their final probationary year, or who withdraw a submitted tenure portfolio, shall receive a one-year terminal contract for the following year.

6.2.1 After the deadline for submission of the portfolio to the Dean's office, as stated on the PTE timeline, the information that may be added to the portfolio is limited to:
   a) Recommendations by the evaluating units considering the portfolio at that time;
   b) the candidate's response to those recommendations;
   c) any materials requested by the evaluators.

6.2.2 Candidates may petition the college Dean and PTE committee to add additional materials after the deadline. The Dean and PTE committee must both agree to the addition in order for additional material to be added.

6.2.3 Any additional materials added to the portfolio must pertain to information or material already in the portfolio, such as pending publications or grant proposals.

6.3 Unsolicited individual faculty input is limited to the department level of review.

6.4 Recommendations and any other materials collected as part of the evaluation process at the department, college, and university levels must be added to the candidate's portfolio before being sent forward to the next level of review. At the time that any written materials are added to the candidate's portfolio, copies of the added material must be sent to the candidate for review. The candidate shall have 14 calendar days to respond in writing and must be included in the portfolio for review at the next level.

6.5 Allegations of misconduct discovered after the deadline for submission of the portfolio to the Dean's Office that could be detrimental to a candidate's case (e.g. academic misconduct) shall be handled through the appropriate University policy and mechanisms. In such cases, the PTE process will be suspended until the allegations are resolved. Once the PTE process resumes, the candidate may update the portfolio.

6.6 Colleges and departments shall document that they have followed all procedures; e.g., by a comprehensive checklist of the steps in the PTE process. The documentation must be included in the portfolio.

6.7 The College PTE Committee and the College Dean shall separately and independently review and evaluate the candidate's portfolio without discussion or communication.

6.8 The college PTE Committee shall prepare a written report, including recommendations and an explanation of the basis for them, that shall be included in the candidate's portfolio. The report and recommendations shall be submitted to the Provost according to the PTE Timeline. A copy shall be sent to the Dean, the chair or head of the academic unit, and the candidate.

6.9 The College Dean shall also prepare a separate written report, including recommendations and an explanation of the basis for them that shall be included in the candidate's portfolio. The Dean shall forward the report and recommendations, and the portfolio of the candidate,
to the Provost according to the PTE Timeline. A copy of the Dean's report shall be sent to the College PTE committee, the chair or head of the academic unit, and the candidate.

6.10 The Provost shall review the candidate's materials and the recommendations of the Department, College PTE Committee, and College Dean, and shall solicit input from a nonvoting advisory committee consisting of a faculty representative from each College PTE Committee, selected by the Provost with attention to diversity. The Provost shall submit a recommendation to the President in writing, including an explanation of the basis for it, by the deadline established in the PTE guidelines. Copies of the Provost's written recommendation shall be sent to the candidate, the Department Chair/Head, the College Dean, and the Department and College PTE Committees.

6.11 When appropriate, the President shall then make the final recommendation to the SBHE for tenure. When appropriate, the President shall notify the candidate of promotion or denial of promotion.

6.12 In the case of joint appointments, the primary responsibility for the review rests with the department and the college that hold the majority or plurality of the appointments. Such department or college shall solicit input from the other units holding the remainder of the appointment as appropriate to the allocation of effort. This input from other units which shall be included in the portfolio.

6.13 When evaluating faculty participating in interdisciplinary programs, the primary department may solicit input from the director of the interdisciplinary program as appropriate to the allocation of effort.

7. APPEALS

7.1. Appeals of periodic reviews are made by requesting a reconsideration by the evaluating party. If not satisfied, the faculty member may initiate the grievance process pursuant to Section 353.

7.2. Appeals of nonrenewal and nonpromotion decisions shall be pursuant to Policy 350.3.

8. DOCUMENT RETENTION

Electronic copies of portfolios shall be maintained by the appropriate college for the length of time specified by the university records management policy. Disposal of these documents, as well as filing of archival copies, will also conform to the university records management policy.

HISTORY:
Amended May 13, 1974
Amended February 10, 1975
Amended December 12, 1988
Amended May 14, 1990
Amended April 1992
Amended December 12, 1994 (Effective date July 1, 1995)
Amended June 1997
Amended November 2000
Amended October 2001
Amended October 2007
Amended July 2008
Housekeeping February 14, 2011
<table>
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<tr>
<td>Amended</td>
<td>October 11, 2011</td>
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<tr>
<td>Amended</td>
<td>June 19, 2014</td>
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<td>Amended</td>
<td>October 19, 2015</td>
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<td>Amended</td>
<td>January 27, 2016</td>
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<td>Amended</td>
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<td>Amended</td>
<td>September 8, 2016</td>
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<td>Amended</td>
<td>April 12, 2017</td>
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<td>Housekeeping</td>
<td>April 19, 2017</td>
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<td>Amended</td>
<td>March 29, 2018</td>
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</table>
Policy 352 amendment to Section 1.3 that was approved by Faculty Senate at the 9/10/18 meeting:

Colleges are responsible for ensuring that promotion and tenure evaluation criteria be aligned with official position descriptions.
### Program Changes

B.S./B.A. Biological Sciences Education – adding BIOL 252 as a required course in the curriculum

### New Courses

<table>
<thead>
<tr>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Effective Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANSC</td>
<td>200</td>
<td>Introduction to Anthrozoology</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>ANSC</td>
<td>485</td>
<td>Poultry Industry and Production Systems</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>MGMT</td>
<td>472</td>
<td>Managing Family Enterprises</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>PSCI</td>
<td>300</td>
<td>Pharmaceutical Organic Chemistry</td>
<td>Fall 2019</td>
</tr>
<tr>
<td>PSCI</td>
<td>301</td>
<td>Biochemistry and Molecular Biology for Pharmacists</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>VETS</td>
<td>387L</td>
<td>Veterinary Clinical Pathology Lab</td>
<td>Spring 2019</td>
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</table>

### General Education Recommendation

ANSC 200 – approval for Social & Behavioral Sciences category

### Course Changes

<table>
<thead>
<tr>
<th>From:</th>
<th>Subject</th>
<th>No.</th>
<th>Title</th>
<th>Cs.</th>
<th>To:</th>
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<th>Title</th>
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<th>Effective Term</th>
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<tr>
<td>HNES</td>
<td>436</td>
<td>Contemporary Issues in Sport Mgt</td>
<td>3</td>
<td>HNES</td>
<td>436</td>
<td>Managing Sport Facilities</td>
<td>3</td>
<td>Spring 2019</td>
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<td>THEA</td>
<td>362</td>
<td>Dance Styles for Theatre</td>
<td>1</td>
<td>THEA</td>
<td>362</td>
<td>Dance Styles for Theatre</td>
<td>2</td>
<td>Fall 2018</td>
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<td>VETS</td>
<td>387</td>
<td>Veterinary Clinical Pathology III</td>
<td>3</td>
<td>VETS</td>
<td>387</td>
<td>Veterinary Clinical Pathology</td>
<td>2</td>
<td>Spring 2019</td>
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<tr>
<td>VETS</td>
<td>483</td>
<td>Clinical Veterinary Practicum 1-3</td>
<td>1-3</td>
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<td>483</td>
<td>Clinical Veterinary Practicum</td>
<td>1</td>
<td>Fall 2018</td>
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### Changes in Prerequisites/Co-Prerequisites/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>HNES</td>
<td>436</td>
<td>Managing Sport Facilities</td>
<td>Desc: This class will cover numerous issues from construction-related concerns to marketing facilities, naming rights, and concession concerns. Also covered will be topics related to the facility management side of the industry, with special attention paid to back-of-the-house operations such as water, heating, cooling, and related activities. This is a comprehensive course focusing on applied rather than theoretical knowledge. Prereq: HNES 190, HNES 224, HNES 226, HNES 304 and students must be admitted to the Sport Management professional program.</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>MS</td>
<td>110</td>
<td>Army ROTC Physical Fitness</td>
<td>May be repeated for credit.</td>
<td>Fall 2018</td>
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<tr>
<td>NURS</td>
<td>446</td>
<td>Population Focused Nursing Care</td>
<td>Prereq: NURS 366</td>
<td>Fall 2018</td>
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<tr>
<td>NURS</td>
<td>446L</td>
<td>Population Focused Nursing Care – Clinical</td>
<td>Prereq: NURS 366</td>
<td>Fall 2018</td>
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<tr>
<td>PHRM</td>
<td>552L</td>
<td>Pharmacy Practice Laboratory IV</td>
<td>Co-req: PHRM 580</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>THEA</td>
<td>362</td>
<td>Dance Styles for Theatre</td>
<td>Desc: Intermediate study of the concepts and principles of ballet, tap and lyrical/jazz through studio practice and performance. May be repeated for credit. Prereq: BFA MT permission of the instructor or head of the dept.</td>
<td>Fall 2018</td>
</tr>
<tr>
<td>VETS</td>
<td>387</td>
<td>Veterinary Clinical Pathology</td>
<td>Desc: A course regarding the study of urine analysis, cytology and serum chemistry principles and procedures commonly utilized in veterinary medicine. Co-req: VETS 387L and must be accepted into the Veterinary Technology program.</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>VETS</td>
<td>483</td>
<td>Clinical Veterinary Practicum</td>
<td>Desc: A case based course designed to pull together the knowledge learned in lectures and the skills taught in labs throughout the Veterinary Technology program. Prereq: Must be accepted into the Veterinary Technology program.</td>
<td>Fall 2018</td>
</tr>
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</table>

### Course Inactivations

<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>355</td>
<td>Flat Pattern Design &amp; Draping</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>CED</td>
<td>725</td>
<td>Wellness in Native Communities</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>CED</td>
<td>726</td>
<td>Youth Development in Native Communities</td>
<td>Spring 2019</td>
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<tr>
<td>CED</td>
<td>727</td>
<td>Indian Country Agriculture and Natural Resources</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>CED</td>
<td>728</td>
<td>Role of Tribal Colleges in Economic Development</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>CED</td>
<td>742</td>
<td>Economic and Fiscal Impact Analysis</td>
<td>Spring 2019</td>
</tr>
<tr>
<td>CED</td>
<td>743</td>
<td>Cost-Benefit Analysis</td>
<td>Spring 2019</td>
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<tr>
<td>CED</td>
<td>744</td>
<td>Local Economic Analysis</td>
<td>Spring 2019</td>
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### Course Inactivations (continued)

<table>
<thead>
<tr>
<th>Subject</th>
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<th>Title</th>
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<tbody>
<tr>
<td>CSCI</td>
<td>454</td>
<td>Operations Research</td>
<td>Fall 2018</td>
</tr>
</tbody>
</table>
How often are General Education courses evaluated?
Courses that have been approved for the General Education program are required to be evaluated every five years to ensure that learning outcomes are being met as indicated. In late summer/early Fall 2018, departments will receive a list of courses due for evaluation. New courses can also be proposed in fall semesters for evaluation and approval, and new courses are encouraged to help keep the program up to date and to help fill demand in required categories/outcomes. Currently highest demand is for D, G, S.

When are proposals evaluated by the UCC?
Submission procedures of proposals for General Education new courses or revalidation of courses is only open in fall semester. The UCC will continue to evaluate all submitted courses that flow to them by the end of fall semester. General Education courses that are being revalidated will have until February 15 of the spring semester. If a course due for evaluation is not submitted, it will be automatically removed from the General Education course list in the next issue of the Bulletin.
### New Program

Bachelor of Science in Health Sciences from the College of Health Professions

### Course Changes

<table>
<thead>
<tr>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject No.</td>
<td>Title</td>
</tr>
<tr>
<td>FIN 450/650</td>
<td>Money and Capital Markets</td>
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### Changes in Prerequisites/Co-Requisites/Course Descriptions

<table>
<thead>
<tr>
<th>Subject No.</th>
<th>Title</th>
<th>Prerequisite/Co-requisite/Description Change</th>
<th>Effective Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIN 450/650</td>
<td>Advanced Bank Management</td>
<td>Desc: This course provides an in-depth examination of the financial services industry, with a focus on depository institutions. Topics will include profitability, bank regulation and examination, lending, enterprise risk management, deposit operations, and several others. This course includes a bank profitability simulation and examines several topics from Finance 430 at a deeper level, along with a number of new topics. Prereq: FIN 430 and students must be College of Business professional majors or minors, junior or senior classification and a 2.50 minimum cumulative NDSU grade point average.</td>
<td>Fall 2018</td>
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### Course Reactivation

<table>
<thead>
<tr>
<th>Subject No.</th>
<th>Title</th>
<th>Effective Term</th>
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<tbody>
<tr>
<td>HDFS 682</td>
<td>Family Dynamics of Aging</td>
<td>Fall 2018</td>
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### Course Inactivation

<table>
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<th>Subject No.</th>
<th>Title</th>
<th>Effective Term</th>
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<tbody>
<tr>
<td>MNT 735</td>
<td>Optoelectronics Materials and Processing</td>
<td>Fall 2018</td>
</tr>
</tbody>
</table>
Resolution Delaying Implementation of General Education Re-Validation

Whereas in August of 2018 the University Curriculum Committee issued a 5-year schedule for General Education Re-Validation which requires courses falling into General Education Category A (Humanities and Fine Arts) to submit revised syllabi to the Committee by December of 2018;

Whereas the re-validation process requires substantial revision of course syllabi to meet general education learning objectives adopted by the Faculty Senate at various times between 2013 and 2017, and a new submission format adopted by the University Curriculum Committee in August of 2018;

Whereas the courses on the re-validation schedule for the Fall of 2018 fall almost entirely in the College of Arts Humanities, and Social Sciences (44 of 48 courses), with the majority falling in only three departments: English (7 courses), Modern Languages (12 courses), and History, Philosophy, and Religious Studies (8 courses);

Whereas the burden of revising these syllabi in a three-month period constitutes an undue burden on the twenty-nine tenured and tenure-track faculty in the aforementioned departments, who are all engaged full-time in teaching and research and who had no notice of this obligation prior to August of 2018;

Resolved, that the Faculty Senate of North Dakota State University:

1) Instructs the University Curriculum Committee to extend the deadline for submission of revised syllabi for re-validation in General Education Category A (Humanities and Fine Arts) to at least Fall of 2019; and

2) Recommends that the University Curriculum Committee revise its schedule for re-validation of all general education courses to avoid placing undue burdens on individual departments in any given semester or academic year.