

Meeting Agenda

February 13, 2023

- I. Call to Order.
- II. Attendance.
- III. Adoption of the Agenda.
- IV. Approval of Meeting Minutes from January 23, 2023.
- V. Announcements.
 - 1. David Cook, President
 - 2. David Bertolini, Interim Provost
 - 3. Anastassiya Andrianova, Faculty Senate President
 - 4. Florin Salajan, Faculty Senate Past-President
 - 5. Warren Christensen, Faculty Senate President-Elect
 - 6. Fred Hudson, Staff Senate President
 - 7. Christian Walth, Student Body President
 - 8. Phil Hunt, Registrar
- VI. Committee and Other Reports.
 - 1. Budget
- VII. Consent Agenda.
 - 1. UCC Report
 - 2. Policy 153
 - 3. Policy 159
 - 4. Policy 811
- VIII. Unfinished Business.
- IX. General Order.
- X. New Business.
 - 1. Policy 164
 - 2. Faculty Senate Resolution in Opposition to HB 1446
- XI. Adjournment.

Meeting Minutes

January 23, 2023

- I. Call to Order: 3:00pm.
- II. Attendance: See Appendix 1.
- III. Adoption of the Agenda.
 1. Motion to approve: Akhmedov/Secor
 - i. Approved unanimously.
- IV. Approval of Meeting Minutes from December 12, 2022.
 1. Approved by unanimous consent.
- V. Announcements.
 1. David Cook, President
 - i. Not present.
 2. David Bertolini, Interim Provost
 - i. Email about PowerBI: everyone now has a license and access to the key metrics (e.g., enrollments, etc.). You can now see the enrollments in classes over a three-year period.
 - ii. On January 25 will hold the Leadership Assembly, and will communicate all the feedback on college mergers and budgets. Then, a communication to the group at large.
 - a. Question from Sen. Smith: Can you clarify what will be sent out for general input? Answer: Everything will be a proposal. Everything on investments, not just a discussion on the bill we need to pay, but also on what new programs we need to put in place. What the proposed cuts will be. These will be items we'll need feedback on.
 3. Anastassiya Andrianova, Faculty Senate President
 - i. Ad hoc legislative committee looped into the UND/NDSU legislative coordinating committee. There are seven bills of concern:
 - a. SB 2247: divisive concepts in higher education; waiting the results of that hearing.
 - b. HB 1404: lifting restrictions to conceal carry of firearms and dangerous weapons on campus.

- c. HB 1446: proposes pilot program on tenure review and gives university presidents power to terminate tenured faculty without appeal.
 - d. HB 1256: make a Class B or Class C felony for the reporter if an allegation of sexual harassment is found “false” or “frivolous.”
 - e. SB 2199 on the use of gendered pronouns was defeated in the Senate; awaiting further action.
 - f. HB 1039 and 1040: meant to prevent new hires to acquire the defined pension benefit (not available to faculty, but to certain staff).
- ii. Legislative public forum with Chris Wilson has not yet been added to the NPEI website, but will be soon. Very useful info on what you can and cannot do as an NDUS employee in a legislative session.
- iii. Faculty Listening Session with the Provost on January 31 at 3pm in Anishinaabe Theatre.
- iv. Faculty Senate Listening Session with the Provost on February 6 at 3pm in Anishinaabe Theatre.
 - a. Question from Sen. McGrath: Could you please restate your synopsis of SB 2247? Answer Pres. Andrianova: It would prohibit requiring diversity trainings that include “divisive concepts”; it would require those who are hired to perform diversity-related work to also strengthen “intellectual diversity”; it requires a biennial climate survey of campus employees to determine if they feel they can freely express their ideological viewpoints on campus, to be reported to a legislative committee.
- 4. Florin Salajan, Faculty Senate Past-President
 - i. Welcomed everyone back. Grateful to Pres. Andrianova for her coordination of the UND/NDSU legislative group, and working with them to track bills relevant to higher ed. Encourages folks to track them and consider submitting testimony. Among other bills, HB 1446 is of particular concern. It would establish a pilot program to “improve” the tenure process. It could allow university presidents to review a tenured faculty at any point, for any reason. This would give a university president total power to decide over tenured faculty’s continued employment. I wrote testimony, but the hearing has not been held on this bill yet.

5. Warren Christensen, Faculty Senate President-Elect
 - i. Update on the President's Council on Retention: focusing on retention, advising and teaching quality. Working on providing suggestions for improving teaching quality to improve retention.
6. Fred Hudson, Staff Senate President
 - i. Day of Honor for those we lost in the last couple of years is set for February 8 at 2pm and will be livestreamed, as well.
 - ii. Gunkelman Awards call for nominations will be going out in the next couple of weeks. It will be awarded in May.
 - iii. In addition to making a testimony, you can reach out to your representatives as private citizens because those calls and emails make a difference.
 - iv. Staff is concerned with wellbeing and ensuring that this is considered. Have nine priorities that we're working on. With all of the changes going on, making this place an environment where we can engage is of concern to us.
7. Christian Walth, Student Body President
 - i. Held the involvement fair last week with over 600 students.
 - ii. Lots of testifying in Bismarck, Seth Lumley from the Student Senate's legislative affairs committee is testifying in Bismarck on HB 1305, which loosens requirements for student scholarships and also on SB 2247, on "divisive concepts."
 - iii. Had discussions with two different ND legislators who thought their constituents agree with them on everything. They do not.
 - iv. One of the Student Senators reached out to put together a get-together with governance representatives from faculty and staff, as part of a Senates Summit in April. Students really want to meet Faculty and Staff Senators. This is scheduled for Monday, April 3 from 3-5pm. More info to follow.
 - v. Student Government thrift store where faculty, staff, and students can bring clothes which will be sold to students in need. Assistance is requested from faculty to spread the word.
 - a. Comment from Pres-Elect Christensen: Thank you for doing all this work.
8. Phil Hunt, Registrar
 - i. Happy New Year, everyone. Schedule planning for fall is underway. Remind you all who may need to refamiliarize yourselves with Policy 336 on final exams. Thank you for your assistance last semester with adjusting during the inclement weather period.

Reminder to take a look at the final exam policy to not schedule classes during exams.

9. Marc Wallman, VP for Information Technology
 - i. Background comments: received lots of emails after the December FS meeting. The list of classrooms to be deinstrumented circulated, we're soliciting feedback regarding the classes in which instruments will be pulled. Currently not making changes, just soliciting feedback; met/meeting with lots of groups before changes are made.
 - a. Question from Pres. Andrianova: How are you going to manage the scheduling in classrooms when these classrooms are pulled/deinstrumented. Answer from Registrar Hunt: There is a number of conversations going on now. We have plenty of classroom space. The issue is, as long as we spread our classes, we have space. One of the areas we're struggling with in learning spaces is that there seems to be an increase in requests in spaces where faculty can do active learning. It's difficult to define what "active learning" is, but once we identify what it is, we can determine what learning space is needed.
 - b. Question from Pres. Andrianova: Can the Registrar match an instructor's request for a specific classroom? Answer: We have the capability, but we need to take an inventory of what kind of tech is in the classrooms. We're doing an analysis now on what meets your needs.
 - c. Question from Sen. Kirkpatrick: Would it be possible to have a drop-down menu to select certain things to select the learning space? Answer: That would be an option we discussed. Those are concerns to bring to the Provost and other groups on campus.
 - d. Question from Sen. Fellows: Are you envisioning these decisions to be left to the departments on how to prioritize classes? Answer from Registrar Hunt: This goes back to understanding what our student demand is. We need to understand the changing demographics and needs of our students, and if students are working, we need to accommodate them.
 - e. Question from Pres. Andrianova: What do you do with the feedback from the stakeholders? Answer: It's going to go

back to the learning spaces committee and we need to determine whether we schedule classes there. It gets reviewed by the Provost. We are reviewing the data and we'll decide how to proceed.

- f. Question from Pres. Andrianova: How much does it cost to instrument the classrooms? Answer: We don't have money to replace almost any of the equipment. The typical room costs \$48,000 to replace equipment, some more expensive (over \$100K). It's a range. Future things we're looking at: differentiated builds of technology, need and use.
- g. Question from Pres. Andrianova: W2 forms, can you remind faculty how to be conscientious about using/storing these? Answer: If your account is accessed in an unauthorized way and if your personally sensitive info (tax returns, SSN, etc.), we don't want your confidential information compromised. Don't store these forms on your university-owned computer or send over university email. Need to notify the systems office of potential data leaks.
- h. Google Drive: we planned to charge storage, but at this point no charging will happen as we're under quota.

VI. Committee and Other Reports.

- 1. Report from ad hoc committee on faculty retention and wellness, Dr. Jeff Johnson. We made a little bit of progress on this. There is a lot going on at the university on morale, but we found a few things to focus on:
 - i. Gather feedback on what sorts of issues are affecting morale and what impacts the faculty's decision to stay here or not.
 - ii. Talked about employee engagement issues and faculty/staff perception of climate on campus.
 - iii. There are already some things going on on campus related to morale. Looking to gather more feedback on engagement issues on campus. Discussing perceptions of climate, rated very low by faculty in the 2021 Climate Survey available on the website for the Office of Institutional Research and Analysis. Low rates of endorsing the statement that "the campus has a positive climate" and that it is "welcoming." There are concerns about unwritten rules on campus.
 - iv. There's a need to improve communication on what resources are available to faculty on campus.

- v. The last issue is connection. If the faculty don't feel welcome or connected and they don't feel they are part of the community, that is a problem. Looking at faculty mentoring programs. Exploring opportunities for establishing a more effective peer-mentoring system.
 - vi. At this point, the committee is not suggesting policy recommendations, but rather gathering feedback.
- VII. Consent Agenda.
 - 1. UCC Report
 - 2. Policy 136
 - 3. Policy 155
 - 4. Policy 309
 - 5. Policy 348
 - i. Approved by unanimous consent.
- VIII. Unfinished Business.
- IX. General Order.
 - 1. Proposed amendment to the Faculty Senate Bylaws (Article IV, Sections 2, 7, 10, 11, 12, 13, 14; and Article V, Sections 2, 3, 5)
 - i. Motion to approve: Wood/Travers
 - a. Discussion
 - a. Sen. Smith: Several constituents were concerned about interdisciplinary perspective no longer represented on committees.
 - b. Comment from Past-Pres. Salajan: This has been a long-standing problem with short staffing from the Graduate School, for faculty to serve on Standing Committees as required by FS Bylaws.
 - i. Motion passed: 39 AYE; 0 NAY; 0 ABSTAIN
(See Appendix 2: Q1)
- X. New Business.
 - 1. Policy 325
 - i. Motion to approve: Salajan/Haug
 - a. Background: FS approved a previous version, but Staff Senate had amendments to consider protections for staff who participate in a research capacity.
 - a. Motion passed: 37 AYE; 0 NAY; 0 ABSTAIN (See Appendix 2: Q2)
 - 2. Policy 129
 - i. Motion to approve: Smith/Haug

- a. Background: we've seen this policy before, it's coming back to us from HR. Consulted other peer institutions' policy and proposed the change to tie salary adjustments to satisfactory completion of required and approved university trainings.
 - a. Discussion
 - i. Question about how the trainings are communicated. There are many trainings and it's not clear where they are all offered. It would be great to not have to go to multiple places. Answer from HR Director Genkinger: Agree with that statement 100%. When I first arrived, I did not know what trainings to take, as well. We're working on a project to centralize training. We'll figure out by job code to determine what training is necessary and will have a certain period of time to take these trainings. You should know whether you completed the training or not. Work towards taking the minimum training, not taking what you don't need to take.
 - ii. Question from Sen. Secor: I like your idea, simple is good, but opposed to tying salary until training is done. There are too many redundancies to training requirements.
 - iii. Question from Sen. Kirkpatrick: Similar concern on redundancies with training.
 - iv. Question from Past-Pres. Salajan: Would this platform provide personalized notifications? Answer: Yes. This is something that you should get and your supervisor should get.
 - v. Emphasizes that he wants people to take training that is meaningful. His goal is that you will want to do this training, realizing that this might not happen.
 - vi. Question from Sen. Arnold: The revision seems less specific than the original language. The initial limitation was Title IX, but there are other required trainings that need to be included. Mr. Genkinger: for example, the

fraud training from the system's office would need to be included under that umbrella of required training.

1. Motion passed: 22 AYE; 11 NAY; 3 ABSTAIN (See Appendix 2: Q3)

XI. Adjournment at 4:16pm: Fellows/Roberts

1. Passed unanimously

Appendix 1: Attendance

Last Name	First Name	Substitution	Present
AKHMEDOV	Azer		X
AMIRI	Ali		
AMBROSIO*	Tom		X
ANDRIANOVA	Anastassiya		X
ARNOLD	Lisa		X
BARABANOV*	Nikita		X
BERG	Eric		X
BRYNJULSON	Rebecca		X
CHOI	Bong-jin		X
CHOI	Juwon		X
CHRISTENSEN	Warren		X
CREESE	John		X
EMANUELSON	Pam		X
FELLOWS	Kristen		X
GAO	Jerry		X
HAUG	Karla		X
HERSHBERGER	John		
HONG	David		X
HUSETH-ZOSEL	Andrea		X
HUSEYNOV	Fariz		X
JEONG	Inbae		X
KILINA	Svetlana		X
KIRKPATRICK	Sarah		X
KIRKWOOD	Matthew		X
KRYJEVSKAIA	Mila		X
LARSON	Jamee		
LAW	Quincy		X
LIN	Zhibin		X
MARCH	Raymond		
MATTHEW	Sijo		
MCGRATH	Ryan		X
NORDSTROM	Onnolee		X
PELTIER	Allison		
PHILBRICK	Candace		X
RAHMAN	Mukhlesur		X
RAO	Jiajia		X
ROBERTS	David		X
ROSS	Darrell		X
SALAJAN	Florin		X

SECOR	Gary	X
SELEKWA	Majura	
SMITH	Matthew	X
TANGEN	Jodi	X
TRAVERS	Steve	X
VOLD	Jessica	
WOOD	Scott	X
YAN	Guiping	X
ZHANG	Qi	X

* = Alternates

Appendix 2: Voting Record

Session Name	Active Participants	Question Count		
01-23-2023 3:55 PM	36	3		
Participant	Q1	Q2	Q3	
AKHMEDOV, Azer	AYE	AYE	AYE	
ARNOLD, Lisa	AYE	AYE	AYE	
BERG, Eric	AYE	AYE	AYE	
BRYJULSON, Rebecca	AYE	AYE	AYE	
CHOI, Bong-Jin	AYE	AYE	AYE	
CHOI, Juwon	AYE	AYE	ABS	
CHRISTENSEN, Warren	AYE	AYE	NAY	
CREESE, John	AYE	AYE	ABS	
EMANUELSON, Pamela	AYE	AYE	NAY	
FELLOWS, Kristen	AYE	AYE	AYE	
GAO, Jerry	AYE	AYE	AYE	
HAUG, Karla	AYE	AYE	AYE	
HONG, Yongtao	AYE	AYE	AYE	
HUSETH-ZOSEL, Andrea	AYE	AYE	NAY	
HUSEYNOV, Fariz	AYE	AYE	AYE	
JEONG, Inbae	AYE	AYE	AYE	
KIRKPATRICK, Sarah	AYE	AYE	NAY	
KIRKWOOD, Matthew	AYE	AYE	NAY	
KRYJEVSKAIA, Mila	AYE	AYE	AYE	
LAW, Quincy	AYE	AYE	NAY	
LIN, Zhibin	AYE	AYE	AYE	
MCGRATH, Ryan	AYE	AYE	AYE	
PHILBRICK, Candace	AYE	AYE	NAY	
RAHMAN, Md Mukhlesur	-	AYE	AYE	
RAO, Jaja	AYE	AYE	AYE	
ROBERTS, David	-	AYE	-	
ROSS, Darrell	AYE	AYE	AYE	
SALAJAN, Florin	AYE	AYE	AYE	
SECOR, Gary	AYE	AYE	NAY	
SMITH, Matthew	AYE	AYE	AYE	
TANGEN, Jodi	-	AYE	AYE	
TRAVERS, Steven	AYE	AYE	NAY	

WOOD, Scott	AYE	AYE	AYE
YAN, Guiping	AYE	AYE	ABS
ZHANG, Qi	AYE	AYE	AYE

Some Senators were unable to access online voting. Their votes are recorded below:

Q1: AYE: Ambrosio, Lin, McGrath, Rahman, Roberts, Secor; NAY: 0;

ABSTAIN: 0.

Q2: AYE: Ambrosio; NAY: 0; ABSTAIN: 0.

Q3: AYE: 0; NAY: Ambrosio; ABSTAIN: 0.

**University Curriculum Committee Report
For Faculty Senate Meeting on February 13, 2023**

Program Update
Women and Gender Studies Graduate Certificate – Core courses renumbered and electives reduced.
M.S. Microbiology – Program attempting to create alignment for the entire program from bachelor's level to doctoral with tiered outcomes.
Ph.D. Microbiology – Program changes to improve upon the doctoral outcomes by adding more specifics.
Ph.D. Natural Resources Management title change – New title: Ph.D. Natural Resource Sciences
M.S. Business Analytics – Removing prerequisite of CSCI 765 and adding MIS 710.
M.S. Natural Resources Management title change – New title: M.S. Natural Resource Sciences
PHARM.D. Doctor of Pharmacy – Names of courses updated.
B.S. Accounting – Accounting elective update.

New Program

New Courses			
Subject	No.	Title	Effective Term
MUSC	109	World Music – also listed below in the General Education section.	Fall 2023

Course Inactivations			
Subject	No.	Title	Effective Term

Changes in Course Descriptions and/or Requisites				
Subject	No.	Title	Title/Prerequisite/Co-requisite/Description Change	Effective Term
CJ	460	Criminal Court System	Removing POLS 325 and admission to the Criminal Justice professional program as prerequisites.	Fall 2023
ENGL	336	Literature and the Environment	<p>Old course description: Milestones of American writing about nature and culture from Thoreau to the present. Reading and analysis of literary encounters with place and issues that arise when the local is global.</p> <p>New course description: The study of literature and culture from an ecological or environmental perspective, with an emphasis on how diverse authors treat the subject of nature. Reading and analysis of literary encounters with place and issues that arise when the local is global.</p> <p>See below for general education revalidation listing.</p>	Fall 2023
ME	673	<p>Old title: Polymer Engineering</p> <p>New title: Engineering with Polymeric Materials</p>	<p>Old course description: This course will introduce basic polymer materials including plastics, rubbers, adhesives; structures, properties, and relationships of polymers; additives; processing technologies, applications and development.</p> <p>New course description: This course will introduce basic polymer materials including plastics, rubbers, fibers, and adhesives; structures, properties, and their relationships of polymers; additives; processing technologies, applications and development.</p>	Fall 2023
SOC	422	Development of Social Theory	Removing SOC 110 as a prerequisite.	Fall 2023

General Education Changes/Revalidations				
Subject	No.	Title	Action	Category
MUSC	109	World Music	Requesting General Education	Requesting category A and G.
ENGL	336	Literature and the Environment	Revalidation	Categories A and G.

Policy Change Cover Sheet

This form must be completed for each policy presented. All areas in **red** including the header must be filled in or it will be sent back to you for completion. Gender-inclusive language should be used in revised and new policies submitted to SCC.

*If the revisions you are requesting include housekeeping changes, please submit the housekeeping changes first. The SCC Secretary will notify you once the housekeeping changes have been made and you can submit the Policy Change Cover Sheet at that time. Please submit housekeeping changes to ndsuscc@ndsus.edu.

Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

Policy Number and Name: Section 153 Smoke-Free Facilities

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

The following bullets indicate the changes and effects of the proposed policy changes:

- Smoke-free policy to tobacco-free policy
- Tobacco is more clearly defined in the proposed updated policy
- Includes a definition section
- Creates a healthier campus environment
- Encourages student, staff and faculty to adopt a healthier lifestyle and contributes to overall well-being
- Tobacco-free policy motivates individuals to quit tobacco use. Cessation services are offered at no charge for students. ND Quits is available for non-student population.
- All other NDUS campuses have a tobacco free policy

Is this a federal or state mandate: ☐ Yes ☒ No

This policy applies to (check all that apply): ☒ Students ☒ Staff ☒ Faculty ☐ Other (please describe):

Individual/Department/Committee or Organization submitting the policy change:

Emily Hegg, Associate Director of Campus Well-being, Student Health Service

Date Submitted to SCC Secretary: September 26, 2022

Email address of the person who should be contacted if revisions are requested:

Emily.hegg@ndsus.edu

NDSU's Strategic Plan Inclusivity and Diversity Goal Checklist*. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-

Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	X			Demonstrates an ethic of care and compassion
The <i>economic</i> impact on students, staff, faculty, others was considered.	X			Tobacco Treatment Specialists and cessation services are available and provided by Student Health Service at no cost to the student.
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).	X			
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).	X			Reduce nicotine dependance; Tobacco Treatment Specialists for cessation assistance available through student health
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	X			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	X			Key Campus stakeholders were contacted and all indicated support of change in policy: President's Council for Campus Well-being Campus Well-being Educators (student peer educators) Public Health Association (student organization) Dr. Charles Peterson-Dean CHP

			<p>Dr. Kimberly F. Wallin, Ph.D. Dean and Professor / College of Science and Mathematics</p> <p>Dr. Pamela Johnson, Chair, MPH</p> <p>Dr. Carla Gross- Associate Dean, Nursing</p> <p>Angela McAdams, Director, Department of Allied Sciences</p> <p>Dr. Mark Strand- Professor Pharmacy Practice and Public Health Departments</p> <p>Dr. Brody Maack, Pharmacy Practice</p> <p>Dr. Michael Kelsch, Pharmacy Practice</p> <p>Patricia Dirk, Director of Student Health Services</p>
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.	X		Sought input from the Public Health Law Center (PHLC) and Fargo Cass Public Health, both of which were in support of the proposed policy changes
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	X		
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.	X		Data will continue to be collected through the American College Health Association - National College Health Assessment

This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	X			Tobacco free policies are generally self-enforcing; Would be updated within the Student Code of Conduct and other personnel policies within the NDSU policy manual; Updated signage will be needed
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The SCC Secretary will keep record of all actions taken on this policy change request on the SCC policy tracking spreadsheet. You will be notified once the policy has been approved and updated or if further revisions are requested.

* The President’s Council for Campus Well-being is committed to integrating a “Health in All Policies” approach when current policies are revised and new policies are developed. Why a “Health in All Policies” approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person’s well-being. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

North Dakota State University

Policy Manual

SECTION 153

~~SMOKE~~~~TOBACCO~~-FREE ~~FACILITIES~~~~CAMPUS~~

SOURCE: SBHE Policy Manual, Section 917

~~Fargo Municipal Code of Ordinances 10-1001 through 10-1002~~
~~North Dakota Century Code 23-12-09 through 23-13-11~~~~North Dakota~~
~~Century Code 50-11.1-02.2~~
~~and 23-12-10~~ NDSU President

~~The use of tobacco products is linked to many health hazards including cancer, heart disease, stroke, lung disease, diabetes and Chronic Obstructive Pulmonary Disease (COPD). Use of tobacco products is the leading cause of preventable death and disability in North Dakota. North Dakota State University is committed to promoting healthier educational, work and living environments. North Dakota State University recognizes the serious health risks associated with the use of tobacco products, both to users and non-users alike, and believes that the use of Tobacco Products is detrimental to the health and safety of students, employees and visitors.~~

~~This tobacco-free policy is established to:~~

- ~~1. Reduce the high incidence of tobacco use in North Dakota.~~
- ~~2. Protect the health and safety of all students, employees, and the general public.~~
- ~~3. Establish a standard of healthy, tobacco-free behavior.~~

Definitions:

~~"Campus Property" includes all property, both indoor and outdoor, that is owned, operated, leased, occupied or controlled by NDSU, including all buildings, stairwells, parking lots, offices, green spaces and sidewalks that are located on such property. Campus property also includes all vehicles owned or leased by NDSU and all private vehicles during the time in which those vehicles are on NDSU property and/or used for NDSU work-related activities.~~

~~"Electronic Smoking Device" means any device that can be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.~~

~~"Employee" means any person employed by NDSU in a full-or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by NDSU, or any person working on Campus Property on a volunteer basis. The term includes all exempt and non-exempt employees, contactors, vendors and consultants.~~

~~"Off-Campus, School-sponsored Event" means any event sponsored by NDSU that does not take place on Campus Property.~~

~~"Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or hookah, or any other lighted or heated product, whether natural or synthetic, containing, made of, or derived from nicotine, tobacco, marijuana, or any other plant, that is intended for inhalation. Smoking also includes carrying or using an activated Electronic Smoking Device.~~

Commented [EH1]: Proposing the policy name change to "Tobacco-Free Campus"

Commented [EH2]: Added Fargo Municipal Code of Ordinances Article 10-1001 through 10-1103 to support and be inclusive of current city ordinances related to smoking and tobacco use. Included definition of "Tobacco Products" from 10-1001.

Commented [EH3]: Removed North Dakota Century Code 50-11.1-02.2 due to redundancy of Smoke-Free Facilities policy section 2 that prohibited smoking in a child care facility or near children enrolled in the facility. Under the proposed Tobacco-Free Campus policy, the inclusive prohibition of all tobacco use would include these facilities.

Expanded North Dakota Century Code to include 23-12-09 through 23-12-11 to support and be inclusive of current effective laws of North Dakota related to smoking and tobacco use.

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Commented [HE4]: Added statement explaining rationale for the policy.

Commented [HE5]: Added "Campus Property" definition to add clarity on the locations of which this policy is covered. Definition is directly from BreatheND North Dakota's Comprehensive Model Tobacco-Free Campus Policy.

Commented [EH6]: Added "Electronic Smoking Device" definition as the "Smoking" definition includes reference to such devices.

Commented [HE7]: Added "Employee" definition as it is important to clarify that this policy includes even those who are volunteering or are working with NDSU through other means.

Commented [HE8]: Added "Off-Campus, School-sponsored Event" definition to ensure our policy is upheld at any and all NDSU sponsored events. Allowing tobacco use at off-campus activities will jeopardize the credibility and stance NDSU has against tobacco use.

Commented [HE9]: Moved the location of this definition. Suggested a minor revision to this definition to language that is more comprehensive.

"Student" means any person enrolled in any educational course or program offered by NDSU.

"Tobacco Product" shall mean, any product containing, made of, or derived from tobacco or nicotine, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe, tobacco, chewing tobacco, snuff, or snus. "Tobacco Product" also means an Electronic Smoking Device and any component or accessory used in the consumption of a Tobacco Product, such as filters, rolling papers, pipes, and substances used in Electronic Smoking Devices, whether or not they contain nicotine. "Tobacco Product" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

"Tobacco Use" means the act of Smoking, the use of smokeless tobacco, or the use of any other Tobacco Product in any form.

"Visitor" means any person who is not a Student or Employee.

To support and model a healthy lifestyle for our students, employees and community, North Dakota State University establishes the following tobacco-free policy.

For the purpose of this policy, "smoking" is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of an e-cigarette which creates a vapor, in any manner or any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Policy.

Policy:

1. NDSU prohibits the use of Tobacco Products at all times anywhere on Campus Property. This includes, but is not limited to, the use of Tobacco Products by employees, students, contractors, vendors, and visitors to NDSU.
2. The use of Tobacco Products is prohibited at all events held on Campus Property, whether or not such events are sponsored by, or associated with, NDSU, and all Off-Campus, School-sponsored Events.
3. All tobacco-related promotions, advertising, marketing, distribution, sponsorship, and acceptance of financial contributions and/or gifts are prohibited on Campus Property, at Off-Campus, School-sponsored events, and in all publications controlled by NDSU.
4. NDSU prohibits the sale or distribution of Tobacco Products on Campus Property and at Off-Campus, School-sponsored Events. Smoking is prohibited on the North Dakota State University grounds and in University buildings, residence halls, apartments and enclosed structures.
4. Smoking is not permitted in a child care facility or near children enrolled in the facility. (ND Century Code 50-11.1-02.2)
3. Outdoor smoking is permitted at the N.D. Research and Extension Centers (excluding the Main Experiment Station), but only in those outdoor areas at least 50 feet from buildings.

Commented [HE10]: Added "Student" definition.

Commented [EH11]: Added "Tobacco Products" definition directly from Fargo Municipal Code of Ordinances 10-1001 with slight modification for greater clarity and to encompass synthetic nicotine products.

Commented [EH12]: Added "Tobacco Use" definition to ensure clarity of intended use.

Commented [HE13]: Added "Visitor" definition to ensure we have all persons included in the policy.

Commented [HE14]: Added a supporting statement

Commented [EH15]: Added contractors and vendors to be inclusive and transparent with expectations of all individuals entering the campus.

Commented [HE16]: Moved previous "Smoke-Free Facilities" policy section 7 up to be included in new "Tobacco-Free" policy section 1 to place greater emphasis and clarity of whom this policy impacts.

Commented [EH17]: The tobacco use prohibition clarifies that this ban includes all University grounds and University owned, operated or leased buildings and properties. Removed "residence halls, apartments and enclosed structures" as these are already included in the current statement.

Commented [HE18]: Added statement regarding the prohibition for both on and off campus property events to ensure our policy is upheld at any and all NDSU sponsored or hosted events. Allowing tobacco use at such activities will jeopardize the credibility and stance NDSU has against tobacco use.

Commented [EH19]: Added policy statement related to advertising of tobacco use and products. Although the Student Affairs Advertising Guidelines states "Tobacco products or companies that promote tobacco use" are not accepted, expanding upon this prohibition within the Tobacco-Free Campus Policy itself will emphasize the importance of the campus stance on tobacco use.

Commented [EH20]: Added policy statement clarifying the prohibition of tobacco product sales on campus. Expanding upon this prohibition within the Tobacco-Free Campus Policy itself will emphasize the importance of the campus stance on tobacco use.

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Commented [EH21]: Removed "Smoke-Free Facilities" policy section 2 "Smoking is not permitted in a child care facility or near children enrolled in the facility" due to redundancy as these facilities are already included in current policy section 1.

Commented [EH22]: Removed "Smoke-Free Facilities" policy section 3 to eliminate permission of a designated smoking perimeter at the N.D. Research Extension Centers.

Limiting the list of exemptions will strengthen the policy and stance towards a tobacco-free environment. ...

~~4. Entities exempt from Policy 153, Section 1, include private companies in the NDSU Research and Technology Park, facilities owned on land leased to and controlled by other governmental or private entities, Northern Crop Institute, and Newman Outdoor Field.~~

~~5. Smoking is prohibited in state owned or leased vehicles and motorized equipment.~~

6.5. The smoke-free facilities prohibition does not apply to specific activities used in connection with the safe practice of traditional spiritual, religious or cultural ceremonies (See https://www.ndsu.edu/multicultural/student_support/ for information on cultural ceremonies such as smudging, etc.).

56.1 When engaging in a spiritual, religious or cultural ceremony using smoke in any campus location, the following precautions should be taken:

Identification of the location of the nearest fire pull station and fire extinguisher;

Communication with appropriate students and NDSU personnel (room/suitemates and building directors) to share time and location of ceremony. Please contact NDSU personnel in person or by phone;

Contain embers and ashes in abalone shells, ceramic bowls, or similar items; and

Extinguish embers/ashes appropriately to eliminate risk of fire.

~~7. Faculty, staff, students and visitors to NDSU are covered by this policy.~~

Communicating the Policy to Students, Employees, & Public:

This policy will be included in the NDSU Policy Manual and the Code of Student Conduct and communicated as part of the employee and student orientation. North Dakota State University shall post signs indicating that the Campus Property is tobacco-free in all locations and in the manner identified in NDCC 23-12-10.4.1(a) and (b). In addition, notices should be posted in other highly visible places on Campus Property including, but not limited to, walkways, athletic fields, parking lots and at all Off-Campus, School-sponsored Events. Students, employees and the public will be notified of this policy in writing or electronically and, when feasible, through verbal announcements at school-sponsored events.

Enforcement:

All individuals on Campus Property or at an Off-Campus, School-sponsored Event share in the responsibility for adhering to and enforcing this policy. All members of the NDSU community are expected to support this policy and cooperate in its implementation and enforcement. Students, employees, and visitors violating this policy should be reminded of the policy and asked to comply.

Violations of the policy by students may be cause for disciplinary action in accordance with the Code of Student Conduct.

Violations of the policy by employees will be handled in accordance with written personnel policies contained in the NDSU Policy Manual.

Visitors violating this tobacco-free policy will be asked to refrain from using Tobacco Products while on Campus Property or to leave the premises. Law enforcement officers may be contacted to escort visitors off

Commented [EH23]: Removed "Smoke-Free Facilities" policy section 4 pertaining to policy exemptions.

By adding a Campus Property definition to the policy, it is redundant to include a specific exemption for those entities that do not fall under this proposed definition. Therefore, the exemption of "facilities owned on land leased to and controlled by other governmental or private entities" was removed.

Removed "private companies in the NDSU Research and Technology Park", "Northern Crop Institute" and "Newman Outdoor Field," as these private companies and the field are already exempt with the current statement as they are not considered Campus Property as indicated in the proposed definition. This exemption will also include the Fargodome as it is a city owned facility on NDSU land. Note that the Fargodome and Newman Outdoor Field have their own smoke-free policies (however, do not include all tobacco use). With the new proposed policy and included definitions, any NDSU Off-Campus, School-sponsored Event held within these facilities will abide by the proposed policy.

Limiting the list of exemptions and including those who are exempt within the current statement will strengthen the policy and stance towards a tobacco-free environment.

Commented [EH24]: Removed "Smoke-free facilities" policy section 5. This addition here re private vehicles is not necessary since the definition of "Campus Property" encompasses vehicles, including private vehicles while on campus property —so, the first policy provision prohibiting the use of tobacco products anywhere on "campus property" should cover this.

Commented [EH25]: Removed current policy section 7 related to who is covered by this policy as the proposed policy section 1 includes who the policy impacts.

Commented [HE26]: In accordance with suggested tobacco-free policy development, a "Communicating the Policy to Students, Employees, & Public" was included.

Content was developed from BreatheND North Dakota's Comprehensive Model Tobacco-Free Campus Policy.

the Campus Property or to cite the visitor for trespassing if the person refuses to leave the Campus Property.

Cessation Resources:

Dangers of tobacco use can be found at the U.S. Department of Health & Human Services and Centers for Disease Control and Prevention websites.

Students requesting tobacco cessation assistance are encouraged to visit with a NDSU Student Health Service Certified Tobacco Treatment Specialist.

Tobacco cessation resources can be found on the North Dakota Department of Health Tobacco Prevention and Control website.

(Dangers of smoking can be found at the American Cancer Society website, and smoking cessation resources are listed in the NDDH Directory of North Dakota Tobacco Cessation Programs.)

Smoke Free Campus Website

Commented [HE27]: In accordance with suggested tobacco-free policy development, a “Enforcement” section was included. Content was developed from BreatheND North Dakota’s Comprehensive Model Tobacco-Free Campus Policy.

Most of whom I have visited with regarding the policy was under the belief that we were already a tobacco-free campus. However, if enforcement is a concern, clear communication and education with the implementation of a “Tobacco-Free Campus” policy will be needed to ease any confusion and create better understanding of why NDSU would support this policy change.

Commented [HE28]: Added information for Student Health Service as the department has certified Tobacco Treatment Specialists available to assist students with their desire to quit the use of tobacco.

Commented [EH29]: Updated tobacco free resources indicating dangers of use as well as resource for cessation assistance

Commented [EH30]: Removed “Smoke Free Campus Website” text and link as the hyperlink was broken and the listed webpage is not active.

HISTORY:	
New	June 21, 1990
Amended	April 2006
Amended	February 2008
Amended	March 1, 2010
Housekeeping	December 2010
Housekeeping	May 31, 2012
Housekeeping	April 11, 2013
Housekeeping	April 22, 2013
Housekeeping	June 15, 2018
Amended	August 23, 2021
Amended	November 3, 2021

Policy Change Cover Sheet

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*If the revisions you are requesting include housekeeping changes, please submit the housekeeping changes first. The SCC Secretary will notify you once the housekeeping changes have been made and you can submit the Policy Change Cover Sheet at that time. Please submit housekeeping changes to nds.scc@nds.edu.

Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

Policy Number and Name:

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):

- Updated Statutory Caps and removed broken link

Is this a federal or state mandate: ☒ Yes ☐ No

This policy applies to (check all that apply): ☒ Students ☒ Staff ☒ Faculty ☒ Other (please describe):

Vendors/Contractors

Individual/Department/Committee or Organization submitting the policy change: **University Police & Safety**

Date Submitted to SCC Secretary: 12/13/2022

Email address of the person who should be contacted if revisions are requested: Jennifer.quenette@nds.edu

NDSU's Strategic Plan Inclusivity and Diversity Goal Checklist*. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).			x	
The <i>economic</i> impact on students, staff, faculty, others was considered.			x	
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).			x	
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).			x	
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).			x	
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy			x	Century Code
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.			x	Century Code
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.			x	
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.			x	
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)			x	

The SCC Secretary will keep record of all actions taken on this policy change request on the SCC policy tracking spreadsheet. You will be notified once the policy has been approved and updated or if further revisions are requested.

* The President's Council for Campus Wellbeing is committed to integrating a "Health in All Policies" approach when current policies are revised and new policies are developed. Why a "Health in All Policies" approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person's wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

SECTION 159
INJURY CLAIMS AGAINST NDSU AND STATE RISK FINANCING

SOURCE: NDSU President

1. Claims by third parties (employees' injuries are processed through Workers Compensation) against the State or NDSU and University employees are governed primarily by state law, NDCC ch. 32-12.2. This law resulted from a North Dakota Supreme Court decision decided in 1994 which overturned sovereign immunity.
2. Claims for injuries caused by a state employee within the scope of that employee's employment are brought against the State and not against the individual employee. The injured party must file a claim with the State Risk Manager in the Office of Management and Budget ("OMB") within 6 months of the injury. Civil actions for damages must be brought against the State within 3 years of the accident.
3. NDSU, through a designated official, the Assistant Attorney General assigned to the University, notifies OMB of incidents via an OMB Incident Report Form. University employees should either fill out a University Incident Report Form and submit this to the Assistant Attorney General assigned to the University or contact the Assistant Attorney General assigned to the University directly. The State Risk Manager, if the injured party wants to file a claim, then sends claim forms to the claimant. The claim is then investigated.

4. The ~~current~~ coverage by the State is as follows:

7/1/2022: \$375,000 per person and \$1,000,000 per occurrence
7/1/2023: \$406,250 per person and \$1,625,000 per occurrence
7/1/2024: \$437,500 per person and \$1,750,000 per occurrence
7/1/2025: \$468,750 per person and \$1,875,000 per occurrence
7/1/2026: \$500,000 per person and \$2,000,000 per occurrence
7/31/2027: Act becomes ineffective and will require legislation making future adjustments or making past adjustments permanent.

~~\$250,000 per person and \$1,000,000 per occurrence.~~

- ~~4.~~ The State self-insures for this amount. Any judgment beyond this amount would have to go the North Dakota Legislature for an appropriation.
5. OMB has approval authority for state agencies to purchase additional insurance. There are other risk financing coverages; for example, auto insurance, medical malpractice, property insurance through the State Fire and Tornado Fund, aviation liability policies, boiler and machinery coverage, fidelity bonding, and others. On occasion, unique insurance may need to be purchased for specific events. Normally, however, the Risk Management Fund is sufficient. Questions about insurance coverage can be directed to the Assistant Attorney General assigned to the University. Certificates of self-insurance are available.

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6. A special situation exists in the case of students or visitors to the campus who appear to have suffered a possible serious injury on the campus and who are unable, because of unconsciousness or other reasons, to clearly request that an ambulance be called for them. When staff members have called the ambulance themselves in the past, there have been cases where the injured person subsequently refused to pay the ambulance bill. This is unfortunate, but a more serious problem could result from neglecting to get prompt medical attention, with a real potential for a liability suit directed against the University.

University personnel should continue to request the services that an injured person appears to need. In most cases, the person or family will be grateful for the action and assume the expenses without question. In the remaining cases, the University will pay for the service if the ambulance company seeks reimbursement against the calling party in order to ensure that staff members involved in making decisions under stressful circumstances know that they have institutional support. The injured party is liable for the bill, however.

7. Employees not only need to be a part of risk management, but also need to be circumspect about making statements to injured parties, other third parties, or even to other University employees who aren't involved in the investigation about the situation. Statements made can be used against the University in future lawsuits. Employees should confine their statements to the facts and contact the Assistant Attorney General assigned to the University for advice on how the matter should be handled. IF AN EMPLOYEE IS SUED, THE EMPLOYEE HAS TEN DAYS TO NOTIFY THE PRESIDENT AND REQUEST LEGAL REPRESENTATION. EMPLOYEES SHOULD CONTACT THE ASSISTANT ATTORNEY GENERAL ASSIGNED TO THE UNIVERSITY IMMEDIATELY IN SUCH SITUATIONS.
8. Settlements are made, if warranted, by consultation between the University, the State Attorney General's Office, and the State Risk Manager after reviewing all the investigation reports.
9. Employees do have a risk of individual liability if they are acting outside the scope of their employment. An employee is acting within the scope of their employment if the employee is acting on behalf of NDSU performing lawfully assigned duties. However, an employee who acts in a reckless or grossly negligent manner, commits malfeasance in office, or commits willful or wanton misconduct is deemed not be acting within the scope of their employment. In such rare cases, the State has no responsibility to defend the employee.

For more information regarding state employee liability see:
<http://www.ag.nd.gov/Brochures/FactSheet/LiabilityStateEmployees.pdf>

HISTORY:

New	July 1990
Amended	June 1996
Amended	December 1997
Amended	October 2007
Amended	February 2009
Housekeeping	September 2015
Housekeeping	October 2015

Policy Change Cover Sheet

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*If the revisions you are requesting include housekeeping changes, please submit the housekeeping changes first. The SCC Secretary will notify you once the housekeeping changes have been made and you can submit the Policy Change Cover Sheet at that time. Please submit housekeeping changes to nds.scc@nds.edu.

Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

Policy Number and Name: 811: Allowable Cost Policies - Subcontracts

Effect of policy addition or change: Update language to be consistent with Uniform Guidance.

Explain the important changes in the policy or effect of this policy. No substantive changes

Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s): Changes to this policy are the result of a desk audit performed at NDSU by National Science Foundation.

- Update 1/11/2023: Responsible Office (Lisa Riplinger) suggested the following edits:
 1. Section 10, last sentence. The Accounts Payable Voucher should then follow the applicable **electronic** approval workflow **within DocuSign**.
 2. Section 10.a., first sentence. ~~Based on~~ The evaluated risk level identified in section **7.a.** above will determine ~~what the~~ documentation requirements **that** must accompany a submitted invoice.

Is this a federal or state mandate: ☒ Yes ☐ No

This policy applies to (check all that apply): ☐ Students ☒ Staff ☒ Faculty ☐ Other (please describe):

Individual/Department/Committee or Organization submitting the policy change: SPA & GCA

Date Submitted to SCC Secretary: 12/29/22

Email address of the person who should be contacted if revisions are requested:
Courtney.peterson.1@nds.edu

NDSU's Strategic Plan Inclusivity and Diversity Goal Checklist*. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).			x	
The <i>economic</i> impact on students, staff, faculty, others was considered.			x	
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).			x	
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).			x	
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).			x	
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	x			
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.	x			
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	x			
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.	x			
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	x			

The SCC Secretary will keep record of all actions taken on this policy change request on the SCC policy tracking spreadsheet. You will be notified once the policy has been approved and updated or if further revisions are requested.

* The President's Council for Campus Wellbeing is committed to integrating a "Health in All Policies" approach when current policies

are revised and new policies are developed. Why a “Health in All Policies” approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person’s wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

North Dakota State University

Policy Manual

SECTION 811

ALLOWABLE COST POLICIES – ~~SUBCONTRACT~~~~SUBAWARDS~~

SOURCE: NDSU President

1. A ~~Subcontract-Subaward~~ is a formal written agreement issued by NDSU for the performance of a portion of an NDSU sponsored project which will be performed by the ~~subcontractor's~~ ~~subrecipient/awardee's~~ personnel utilizing its own resources and facilities. A ~~Subcontract-Subaward~~ is only issued for the performance of ~~Substantive~~ Programmatic Work. A ~~Subcontract-Subaward~~ can be issued to another educational institution, a laboratory, or a private entity, either for-profit or non-profit.
2. ~~Substantive~~ Programmatic Work is a portion of the sponsored project's activities in which the ~~subcontractor-subrecipient/awardee~~ has responsibility for decision making and contributes to the scholarly/scientific conduct of the sponsored project. NDSU will not issue a ~~Subcontract-Subaward~~ for routine service work or for goods or services which are commonly provided in the course of the third-party organization's operations.
3. Under federal guidelines, none of the ~~project activities~~ ~~Substantive Programmatic Work~~ under a grant, contract or cooperative agreement may be ~~sub~~awarded or contracted to a third-party without prior approval of the ~~f~~Federal sponsoring agency.
4. Under non-federal sponsored projects, NDSU's prime award and the sponsor's guidelines must be reviewed to determine whether a ~~Subcontract-Subaward~~ can be issued for any ~~Substantive~~ Programmatic Work.
5. All arrangements for the conduct of ~~Programmatic Work~~ ~~activities that are subcontracted~~ shall be formalized in a written ~~agreement/contract~~ between NDSU and the third-party. The agreement must identify the federal or prime award under which the funding originates, state the activities to be performed (Statement of Work), the budget period/time schedule, the federal or prime award's terms and conditions that are applicable to the ~~subrecipient/contractor~~, the maximum amount of funding obligated by NDSU, money for which NDSU may become liable to the third party under the agreement, the cost principles which will be used in determining allowable costs (for cost reimbursable contracts), and any other ~~appropriate~~ applicable terms ~~and conditions, including those required under 2 CFR §200.332(a), as applicable.~~
6. No NDSU employee, officer, or agent shall participate in the selection, award, or administration of a ~~Subcontract Subaward~~ in which there is any potential or actual conflict of interest unless such conflict is disclosed and managed pursuant to NDSU Policy ~~Section~~ 151.1.
7. ~~Subrecipients shall be selected based upon its~~ ~~Subcontracts-Subawards shall be made only with~~ ~~responsible third parties who possess the potential~~ ability to perform successfully under the terms and conditions of ~~a proposed project~~ the prime award, including an analysis of the entity's financial condition; the entity's ~~Consideration shall be given to such matters as~~ integrity; ~~its history, record~~ of past performance; its financial and technical resources; ~~and/or its~~ accessibility to other necessary resources.

7.a. ~~Subrecipients awards~~ will be evaluated and given a risk rating of low, moderate, or high. The ~~subaward~~ risk evaluation is outlined in the Grant & Contract Accounting Procedure Subaward & Subrecipient Monitoring section.

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8. The Office of Sponsored Programs Administration will assist the investigator in preparing the documentation necessary for any ~~subcontracting subaward proposal submission and arrangement~~, negotiate, and execute all ~~Subcontracts~~ Subawards.
9. When budgeting for a ~~Subcontract~~ Subaward in a proposal, the investigator shall include the ~~Subcontract~~ Subaward value as a single line item of direct cost. ~~The subrecipient's A-Subcontract Subaward~~ budget should be attached to the total proposal budget along with a ~~separate~~ budget justification, a Statement of Work, and a letter documenting the ~~proposed subrecipient third party's~~ commitment to the project.

10. All invoices for payments under ~~Subcontracts~~ Subawards should be submitted to ~~ndsu.gca@ndsu.edu the Office of Grant and Contract Accounting~~. The Office of Grant and Contract Accounting will review the invoice for compliance with the terms of the ~~Subcontract~~ Subaward and prepare an Accounts Payable Voucher. The Accounts Payable Voucher will then be sent to the Principal Investigator for certification of the work performed as set forth below. The Accounts Payable Voucher should then ~~be returned to the Office of Grant and Contract Accounting for processing follow the applicable electronic approval workflow within DocuSign~~.

10.a. ~~Based on the evaluated risk level identified in section 7.a, above will determine what the documentation requirements that must accompany a submitted invoice. These details are outlined in the Grant & Contract Accounting Procedure Subaward & Subrecipient Monitoring section.~~

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11. All Accounts Payable Vouchers for ~~Subcontract~~ Subaward payments will include a certification statement to be signed by the investigator verifying as follows:

"I certify that any required programmatic reports have been received and have found the work performed to be satisfactory and in accordance with the established policies of the contract agreement. I HAVE REVIEWED AND APPROVED THE WORK PERFORMED BY (name). I FOUND THE WORK TO BE SATISFACTORY AND IN ACCORDANCE WITH THE ESTABLISHED TERMS AND CONDITIONS OF THE CONTRACT SUBAWARD AGREEMENT."

12. The initial \$25,000 of payments under a ~~subcontract subaward~~ agreement should be coded ~~Account 624010. Accumulated payments in excess of \$25,000 should be coded Account 624005 in accordance with the Grant & Contract Accounting Procedure Subaward & Subrecipient Monitoring section.~~

HISTORY:

New	July 1990
Amended	April 1992
Amended	August 2007
Amended	October 2007
Amended	May 1, 2012

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Policy Change Cover Sheet

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Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

Policy Number and Name: 164. EMERGENCY PROCEDURES

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):

New Section 2.1.4 clarifies that when the University is closed or classes are cancelled due to severe weather, all class meetings in any format are cancelled. Following a campus closure or class cancellation as outlined in section 2, holding classes in any format not only creates confusion but is also inconsistent with policy 164.

Further justification for adding 2.1.4:

- In consideration for student equity and student access to technology and other resources whether on or near campus or in their own homes.
- A campus closure, while may be inconvenient for instructors and students, should not be ignored because of new understandings of educational technology and instructional delivery methods.
- Continuing to hold classes in a modified format may directly create liability issues for the University as well as instructors.
- Update 1/5/2023: Legal proposed new language to clarify section 2.1.4

Is this a federal or state mandate: ☐ Yes ☒ No

This policy applies to (check all that apply): ☒ Students ☒ Staff ☒ Faculty ☐ Other (please describe):

Individual/Department/Committee or Organization submitting the policy change:

Canan Bilen-Green, Office of the Provost/Faculty Affairs, UCC Chair Adam Marx.

Date Submitted to SCC Secretary: 1/5/2023

Email address of the person who should be contacted if revisions are requested:

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NDSU's Strategic Plan Inclusivity and Diversity Goal Checklist*. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).		X		Revision clarifies policy
The <i>economic</i> impact on students, staff, faculty, others was considered.		X		
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).		X		
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).		X		
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	X			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	X			Revision developed in response to inquiries, comments from faculty, staff, students, parents.
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.	X			UCC
This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	X			Revision clarifies policy
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.		X		
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	X			Revision clarifies policy

The SCC Secretary will keep record of all actions taken on this policy change request on the SCC policy tracking spreadsheet. You will be notified once the policy has been approved and updated or if further revisions are requested.

* The President's Council for Campus Wellbeing is committed to integrating a "Health in All Policies" approach when current policies are revised and new policies are developed. Why a "Health in All Policies" approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person's wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

North Dakota State University

Policy Manual

SECTION 164

EMERGENCY PROCEDURES

SOURCE: NDSU President

The purpose of the following emergency procedures is to provide for an immediate and orderly response to situations so the well-being of faculty, staff, students, and visitors will be assured.

1. EMERGENCY SERVICES

- 1.1 Ambulances/Fire/Police/Sheriff: **911**
When dialing, remain on the line, give location and describe problem.
- 1.2 Employees should become familiar with evacuation procedures and guidelines in the ["Personal Safety & Security on the NDSU Campus" handbook](#).
- 1.3 The Communication Call Center will serve as an Emergency Control Center in the event of campus emergencies.

2. SEVERE WEATHER / NATURAL DISASTER

- 2.1 During periods of severe weather, one of the following three statements will be made through area media by the University and, when necessary, by department heads: 1) the University will be in full operation, 2) classes are to be canceled, or 3) the University is closed.
 - 2.1.1 Employees who are unable to report to work when the University remains open during inclement weather shall notify their supervisor at the beginning of their work day and take annual leave or leave without pay.
 - 2.1.2 When classes are simply canceled, all personnel will be on regular duty even though classes are not held.
 - 2.1.3 Only "key employees" may be required to work during the period when the institution is officially closed. All other employees will be granted leave with pay for hours which they would normally work during the storm period. "Key employees" shall be designated in writing by each department. During the emergency the department head may authorize other *regular* employees to work as "key employees."

2.1.4 When classes are cancelled (2.1.2) or the University is closed (2.1.3), there shall be no class meetings of any kind, regardless of class delivery format. Class delivery format may not be modified in response to a cancellation or closure. class meetings in any format are to be cancelled. Class delivery format may not be modified by the instructor of record.

2.2 Upon reopening of the University, regular policies and procedures will be in effect.

3. TORNADO

- 3.1 When the threat of a tornado is imminent, the city/campus emergency sirens will be activated.
- 3.2 Stay calm and seek an area of safety immediately and monitor local weather announcements if possible.
- 3.3 If you are outside, seek shelter in a nearby sturdy building if time permits, or lie flat in a ditch or low-lying area.
- 3.4 If you are inside a building, seek shelter immediately in the lower level or interior hallway or room of the building, get under something sturdy, stay away from outside windows and walls, and assume a crouched position with arms over your head.
- 3.5 If you are in a vehicle in the immediate path of the tornado, get out immediately and seek an area of safety if time permits, or if unable to leave the vehicle, ensure the lap/shoulder belt is on, and cover your head with your arms and/or any other protective items available to you such as coats, blankets or cushions.
- 3.6 Remain in an area of safety until the all clear has been provided by the weather announcements or other emergency authorities.

4. CHEMICAL/RADIATION ACCIDENT

- 4.1 In the event of a serious chemical or radiation spill or accident, call 911, or report the circumstances to the Safety Office, 231-7759.
 - 4.1.1 Be prepared to give specifics (e.g. chemical/radioactive material, building name, room number, person[s] injured, etc.)
 - 4.1.2 If necessary, evacuate the building by activating the fire alarm. Refer to building evacuation instructions posted in the building.

5. BOMB THREAT

If you need information regarding a bomb threat, please contact the University Police (231-8998).

6. FIRE REPORTING AND BUILDING EVACUATION PROCEDURES

- 6.1 Know how to activate the fire alarm system, and sound the nearest alarm in the building.
- 6.2 Alert the Fire Department at 911 from the nearest telephone from which you can safely call. Provide them with:

1. Your name (calling from NDSU)
 2. Location of the fire (building name, room #)
 3. Extent of the fire, and
 4. If applicable, indicate that someone will be at a specific entrance to the building to give directions.
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- 6.3 Calmly alert people in the building and evacuate the building by following the EXIT signs. **DO NOT USE THE ELEVATORS.** When a fire alarm is activated, **ALL PERSONS MUST EVACUATE THE BUILDING IMMEDIATELY!**
 - 6.4 Once an alarm has been activated and immediate attention has been given by emergency personnel to the safety of others, and **if it is safe to do so**, close corridors, windows, doors, and stairwells to prevent the spread of fire and smoke.
 - 6.5 Remain outside of the building at a safe distance.
 - 6.6 Meet police or fire personnel upon their arrival to direct them to the fire.
 - 6.7 Emergency fire systems, such as fire extinguishers and fire alarms, must be in a state of readiness at all times. It is a criminal offense to tamper with firefighting equipment or to sound a false alarm. In instances where the fire alarm is utilized to evacuate buildings as in the case of a bomb threat, the alarm is to be activated **only** upon authorization of the main administrative office in the building.
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HISTORY:

New	July 1990
Amended	December 1992
Amended	June 1994
Amended	May 1995
Amended	January 1996
Housekeeping	March 21, 2013
Housekeeping	October 2, 2014
Amended	June 5, 2015

Resolution Against House Bill 1446 Relating to a Pilot Program for Tenured Faculty Review at Institutions of Higher Education

Whereas proposed House Bill 1446 ([HB 1446](#)) stipulates that the president of each institution of higher education under the control of the state board of higher education (SBHE) “may review performance of any or all of the duties and responsibilities [...] of any faculty member holding tenure at any time the president deems a review is in the institution’s best interest” (Section 2.1);

Whereas HB 1446 stipulates that a university president “may not renew the contract of the tenured faculty member, unless the president specifically articulates why it is in the interest of the institution to continue to employ the faculty member” (Section 2.3);

Whereas HB 1446 (in its amended version 23.0083.04004) stipulates that a university president’s review of tenured faculty under the control of the SBHE “is not reviewable by a faculty member or faculty committee” (Section 2.6), thereby overriding existing NDSU Policy [Policy 350.3](#), according to which faculty maintain the right to appeal the recommendation for dismissal to the Standing Committee on Faculty Rights within 21 calendar days of the dismissal recommendation (Section 8.a);

Whereas HB 1446 (in its amended version 23.0083.04004) stipulates that “[a] faculty member whose contract is not renewed or whose employment is terminated or suspended as a result of a review [...] may appeal the review to the North Dakota university system chancellor” (Section 2.6), thereby offering an appeal that may not be meaningful as the chancellor is the direct supervisor of a university president and may be reluctant to overrule their recommendation for dismissal;

Whereas the process of acquiring tenure is conducted ethically, with multiple checks and balances, and in accordance with SBHE [Policy 605.1](#) *Academic Freedom and Tenure; Academic Appointments* and North Dakota State University (NDSU) [Policy 352](#) *Promotion, Tenure and Evaluation*;

Whereas SBHE [Policy 605.1](#) and NDSU [Policy 352](#) already specify procedures for post-tenure review that ensure accountability for tenured faculty’s performance of contractual duties and responsibilities; SBHE [Policy 605.1](#) specifies the policy and procedure for faculty termination due to financial exigency, “upon discontinuance of the program in which the faculty member is

employed” (Section 7); and NDSU [Policy 350.3](#) *Board Regulations of Nonrenewal, Termination or Dismissal of Faculty*, specifies the terms and due process for the termination of faculty appointments for “financial exigency” and “adequate cause” (Sections 6 and 8); now therefore, be it

Resolved, that the NDSU Faculty Senate:

1. upholds SBHE [Policy 605.1](#), according to which “[t]he purpose of tenure is to assure academic freedom,” and the duties and rights related to academic freedom are set forth in [SBHE Policy 401.1](#), and the [1940 Statement of Principles on Academic Freedom and Tenure](#) (Rev. 1990), adopted by the American Association of University Professors and the Association of American Colleges;
2. supports academic freedom, which is not only a fundamental right afforded to faculty but also one of the criteria for accreditation by the Higher Learning Commission (HLC), NDSU’s accreditation body, according to which an accredited “institution is committed to academic freedom and freedom of expression in the pursuit of truth in teaching and learning” (Section D), and its “governing board preserves its independence from undue influence on the part of donors, elected officials, ownership interests, or other external parties” (HLC [Criterion 2 Integrity: Ethical and Responsible Conduct](#) Section C.4);
3. upholds the NDSU Faculty Senate’s [guiding principles for shared governance](#), which reiterate SBHE [Policy 305.1](#) *Institution President Authority and Responsibilities; Contract Terms* that “each President shall ensure effective and broad-based participation in the decision-making process from faculty, staff, students, and others in those areas in which their interests are affected” (Section 4.a); and
4. urges Chairman Shauer and Members of the Committee on Government and Veterans Affairs at the Sixty-Eighth Legislative Assembly of North Dakota to vote “do not pass” on HB 1446.