

NDSU Faculty Senate

Agenda

October 14, 2019

Arikira Room

- I. Meeting called to order at 3:01 pm
- II. Attendance/substitutions
 - a. Nonoy Bandillo for Andrew Green
 - b. Alan Denton for Kent Rodgers
- III. Approval of previous meeting minutes from September 9th
 - a. MOTION: Move to Approve (Jones/Gillam)
 - b. Motion carried by acclamation
- IV. Adoption of Agenda
 - a. MOTION: Move to Approve agenda with addition of a resolution (Pieri /Johnson)
 - b. Motion carried by acclamation
- V. Announcements
 - a. Ken Grafton, Provost
 - Recommendations from CSM Dean search committee received by Grafton
 - Voluntary Separation Incentive Program (VSIP) available from today through December 13th.
 - June 30th end date to allow already made commitments to be honored
 - Program will bypass chairs and deans initially to avoid negative pressure on employees interested in the program
 - 10% budget cut exercise going on across the campus
 - Question from Reindl: What type of budget cuts are being suggested at the university level, rather than at the college or department level?
 - Invite Bollinger to talk at Faculty Senate
 - Goal to think about equality across units in regard to budget cuts
 - b. Molly Secor-Turner, Faculty Senate President
 - No announcements
 - c. Marisa Pacella and Thomas Hill, United Way of Cass-Clay
 - Information about the goals of United Way in this area
 - d. Carlos Hawley Faculty Senate President-Elect
 - No announcements
 - a. Joseph Vollmer, Student Government
 - Student government passed a bill to implement an Environmental Sustainability Committee
 - Also passed a resolution encouraging inclusion information on email signatures related to pronouns
 - b. Elizabeth Cronin, Staff Senate President
 - No announcements
 - c. Kate Nelson DeShaw, Graduate Professional Skills Academy

- Neely Benton – NDSU Graduate Program Fair – Oct 29 from 11am-2pm
- Kate Nelson DeShaw – Graduate Skills Academy
 - Help students after they start graduate school with professional development and learning opportunities
 - Matt Warner – introduce individual development plans for students
- d. Alicia Laferriere, Bookstore updates
 - New system for textbook adoption this semester

VI. Committee Reports

- a. No reports

VII. Consent agenda

- a. Includes: 1) UCC Report, 2) Policy 100: Equal Opportunity and Non-discrimination, 3) Policy 350.1: Board Regulations on Academic Freedom and Tenure, 4) Policy 601: Code of Student Conduct, 5) Policy 713.1: Litigation Hold
- b. **MOTION: Move to Approve (Pieri/Swanson)**
 - Motion carried by acclamation

VIII. Unfinished Business

- a. None

IX. New Business

- a. Policy 154: Freedom of Speech, Expression, and Assembly (information and discussion only)
 - Casey Peterson, Interim Dean of Students
 - Needed to have a policy functional by August 27, 2019 based on legislative mandate
 - New proposed policy created by Emily Frazier, Assistant Dean of Students
 - Sassi: Section 8.2 related to chalking – limited to move-in day and homecoming
 - Peterson: need to talk to Mike Ellingson – this was thought to be a facilities concern – will check
- b. Pieri Resolution – Proposed Faculty Senate Resolution on Native Faculty and Increasing Enrollment (**resolution attached to end of minutes**)
 - Move to approve (Pieri/ Andrianova)
 - Background on why this resolution was drafted
 - Sassi: Important to serve students we have by recruiting Native American faculty
 - VOTE: Motion carried with a vote of 32:2:1 (accept: Aly Ahmed, Aldrich-Wolfe, Andrianova, Asperin, Baranko, Creese, Daigh, DeSutter, Dorfmeister, Gillam, Green, Hassel, Hawley, Johnson, Jones, Larson, Limb, Liu, Lyman, Nelson, O'Rourke, Overton, Pemstein, Pieri, Reindl, Rodgers, Sassi, Secor-Turner, Swanson, Werremeyer, Woods, Zhao; reject: Jackson, Riggins; abstain: Lepper).

X. Planning and prioritizing Senate action for the year

- a. Working on changes to developmental leave policy – making changes to make it more accessible to faculty, such that faculty can get up to 100% coverage for developmental leave policies for 6 months or shorter.
- b. Working with legal counsel about revising anti-bullying language in Policy 151
- c. Current faculty senate ad hoc committees: General Education Review, Summer School enrollment, SROI revisions
- d. Andrianova: Request to investigate graduate student insurance as one of the items for looking at
- e. Secor-Turner: Update on strategic planning process

XI. Adjourn

- a. MOTION: Move to Adjourn (Pieri/Gillam)
- b. Motion carried by acclamation
- c. Meeting adjourned at 3:57 pm

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- IV. Adoption of the agenda
- V. Announcements
 - a. Ken Grafton, Provost
 - b. Molly Secor-Turner, Faculty Senate President
 - c. Marisa Pacella, United Way
 - d. Carlos Hawley Faculty Senate President-Elect
 - e. Elizabeth Cronin, Staff Senate President
 - f. Mason Rademacher, Student Government
 - g. Kate Nelson DeShaw, Graduate Professional Skills Academy
 - h. Alicia Laferriere, Bookstore updates
- VI. Committee Reports
- VII. Consent agenda
 - a. UCC Report (forthcoming)
 - b. Policy 100: Equal Opportunity and Non-discrimination
 - c. Policy 350.1: Board Regulations on Academic Freedom and Tenure
 - d. Policy 601: Code of Student Conduct
 - e. Policy 713.1: Litigation Hold
- VIII. Unfinished Business
 - a. None
- IX. New Business
 - a. Policy 154: Freedom of Speech, Expression, and Assembly (information and discussion only)
- X. Planning and prioritizing Senate action for the year
- XI. Adjourn

**University Curriculum Committee
For Faculty Senate Meeting on October 14, 2019**

New Programs			
College of Engineering - B.S. in Environmental Engineering			

Program Changes			
B.S./B.A.: Biological Sciences – adding new transcriptable emphases to the program.			
College of Human Sciences and Education – Graduate Certificate in Family Financial Planning – changing the name of an option.			
Graduate Certificate in Public Health – removed Community Health Leadership emphasis and added PH 745.			
PhD in Microbiology – changing the name of the program from Molecular Pathogenesis to make the program more inclusive.			

New Courses			
Subject	No.	Title	Effective Term
ECON	475	Health Economics	Spring 2020

Course Changes								
From:				To:				
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.	Effective Term
BIOL	876	Population Dynamics	4	BIOL	876	Population Dynamics	3	Spring 2020
BOT	864	Ecological Processes	3	BIOL	864	Ecological Processes	3	Spring 2020
ECE	774	Computer Architecture	3	ECE	674	Computer Architecture	3	Spring 2020
ECE	773	Advanced Digital Design	4	ECE	675	Advanced Digital Design	4	Spring 2020
TL	721	International Logistics Management	4	TL	721	International Logistics Management	3	Spring 2020

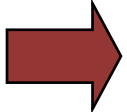
Changes in Prerequisites/Co-Requisites/Course Descriptions				
Subject	No.	Title	Prerequisite/Co-requisite/Description Change	Effective Term
MATH	374	Special Problems in Mathematics	Desc: Diverse and challenging mathematical problems are considered with the intent of honing students' problem solving and proof writing skills.	Fall 2020
MICR	481	Microbial Genomics with Computational Laboratory	Prereq: BIOL/PLSC 315	Spring 2020
PSYC	453	Organizational Psychology	Desc: Survey of topics related to application of psychology to organizational settings. Emphasis on the theoretical bases of individual (leadership, decision making) and social (influence, workgroup) factors involved in work behavior. 12 credits in psychology and/or management recommended. Prereq: Junior standing.	Spring 2020
RNG	450	Range Plants	Prereq: none	Spring 2020
SOIL	210	Introduction to Soil Science	Desc: This is a 3-credit introductory-level course that will cover the basic principles of soil science. Topics will include the concepts of soil as a natural body, composition of soil, functions of soil, soil formation and classification, physical/chemical/biological properties of soils, and soil management and conservation. Lecture periods will consist of a combination of material presentation and in-class learning activities.	Spring 2020
STAT	662	Introduction to Experimental Design	Desc: Fundamental principles of designing an experiment, randomized block, Latin square, and factorial. Also covers analysis of covariance and response surface methodology. Knowledge of inferential statistics and regression analysis is expected.	Spring 2020

Course Reactivations			
Subject	No.	Title	Effective Term
CE	630	Timber and Form Design	Spring 2020
HDFS	350	Fundamentals of Hospital Child Life	Spring 2020

Course Inactivations			
Subject	No.	Title	Effective Term
SAFE	401/601	Food Safety Information & Flow of Food	Spring 2020
SAFE	402/602	Foodborne Hazards	Spring 2020
SAFE	403/603	Food Safety Risk Assessment	Spring 2020
SAFE	404/604	Epidemiology of Foodborne Illness	Spring 2020
SAFE	405/605	Costs of Food Safety	Spring 2020
SAFE	406/606	Food Safety Crisis Communication	Spring 2020
SAFE	407/607	Food Safety Risk Management	Spring 2020
SAFE	408/608	Food Safety Regulatory Issues	Spring 2020
SAFE	409/609	Food Safety Risk Communication & Education	Spring 2020

Policy Change Cover Sheet

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



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

SECTION:100 Policy Number and Name 100, Equal Opportunity and Non Discrimination Policy

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

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

- Describe change: The change would mean additional language in the policy stating that publications are available in alternate format upon request and a contact number.

Language: This publication is available in alternate format upon request, call: (701)231-8463.

Language to appear in the last paragraph of the policy, immediately preceding the sentence beginning Direct inquiries to:

- The change would assist individuals with disabilities who need alternate format in identifying the availability of this service and to meet their needs more expediently.
- This change would assist the University in meeting the Americans with Disabilities Act requirement for "effective communication".
- This change would assist in demonstrating the University 's commitment to providing an inclusive environment for its students, staff and faculty and community stakeholders

Last paragraph of the policy:

NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to: Vice Provost, Title IX/ADA Coordinator, Old Main 201, NDSU Main Campus, Fargo, ND, 58108, 701-231-7708, nds.eoaa@nds.edu.

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

- Office/Department/Name and the date submitted Claudia Simon, Interim Director, NDSU Disability Services 04/25/19
- Email address of the person who should be contacted with revisions Claudia.simon@nds.edu

This portion will be completed by Heather Higgins-Dochtermann.

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University

Policy Manual

SECTION 100

EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

SOURCE: NDSU President
SBHE Policy 603.1
SBHE Policy 603.2

North Dakota State University (NDSU) is fully committed to equal opportunity in its employment decisions and educational programs and activities, in compliance with all applicable federal and state laws and regulations and in furtherance of appropriate affirmative action efforts. NDSU prohibits discrimination and harassment against any individual on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, status as a U.S. veteran, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.

Additionally, discrimination against an employee or applicant for employment, with respect to working conditions, work place assignment, or other privileges of employment, merely because the employee's or applicant's spouse is also an employee, is prohibited. Employment in a department or institution headed or supervised by the employee's or applicant's spouse is permitted only if the spouse does not have the power to hire or fire or make evaluations of performance of the employee or applicant.

The following two statements must be included in all bulletins, announcements, manuals, publications, guidebooks, brochures, pamphlets, catalogs, application forms, or recruitment materials that are made available to NDSU participants, students, applicants, or employees:

NDSU does not discriminate in its programs and activities on the basis of age, color, gender expression/identity, genetic information, marital status, national origin, participation in lawful off-campus activity, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, spousal relationship to current employee, or veteran status, as applicable. Direct inquiries to: Vice Provost, Title IX/ADA Coordinator, Old Main 201, NDSU Main Campus, Fargo, ND, 58108, 701-231-7708, ndsu.eoaa@ndsu.edu.

This publication is available in alternate format upon request. Please contact the owner of the publication (provide owner phone number).

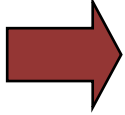
HISTORY:

New	May 1972
Amended	April 2, 1991
Amended	April 1992
Amended	August 1993
Amended	August 1999
Amended	February 2005
Amended	December 2007

Amended	June 12 2009
Amended	July 8, 2009
Housekeeping	September 2009
Amended	June 1, 2011
Housekeeping	June 22, 2011
Housekeeping	July 23, 2014
Amended	October 19, 2015
Housekeeping	October 22, 2015
Amended	April 25, 2016
Housekeeping	December 4, 2018

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SECTION:

Policy Number and Name

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

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

Section 4.c. 8), paragraph 4: regarding senior lecturers, Delete: "they are not eligible for governance activities or committee assignments provided for the University's faculty by its Constitution or Bylaws." So that Policy 350.1 is consistent with

- *Article III, Section 1 of the Faculty Senate Constitution that states: "Membership in the Faculty Senate consists of elected representatives from non-administrative, half-time or greater appointments from the following groups: faculty who hold the academic rank of professor, associate professor, assistant professor, professor of practice, senior lecturer, instructor, or research faculty." AND*
- *Article III, Section 4 of the Faculty Senate Bylaws says that for membership of faculty senate committees, "Unit representatives shall be faculty members as defined by the Senate's Constitution, unless otherwise specified under the committee description."*

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

- Office/Department/Name and the date submitted: Office of the Provost/Faculty Affairs, August 27, 2019
- Email address of the person who should be contacted with revisions: canan.bilen.green@ndsusd.edu
-

This portion will be completed by Heather Higgins-Dochtermann.

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:

North Dakota State University

Policy Manual

SECTION 350.1

BOARD REGULATIONS ON ACADEMIC FREEDOM AND TENURE; ACADEMIC APPOINTMENTS

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

1. General Principles

- a) A college or university is a forum for ideas, and it cannot fulfill its purpose of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. Academic freedom and tenure are both important in guaranteeing the existence of such a forum. This policy is intended to enable institutions under the authority of the Board to protect academic freedom.
- b) The purpose of tenure is to assure academic freedom. Academic freedom applies to all scholarly pursuits. Freedom in scholarship is fundamental to the advancement of knowledge and for the protection of the rights of the faculty members and students. It carries with it duties and responsibilities correlative with rights. These duties and rights are set forth in policy 401.1, relating to Academic Freedom, 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. These policies apply to all institution faculty unless otherwise indicated.
- c) Tenure is awarded by the Board upon recommendation of the Chancellor, following review and recommendations made pursuant to the procedures established at the institution and a recommendation by the institution's president to the Chancellor. A favorable recommendation means that the applicant meets all of the prerequisites and criteria and the award of tenure is consistent with the sound fiscal management and academic priorities of the institution and the system of education under the control of the Board. Tenure recommendations submitted to the Board shall include a brief summary of the candidate's qualifications and reasons for the recommendation. Tenure is not an entitlement, and the granting of tenure requires an affirmative act by the Board. Tenure is limited to the academic unit or program area in the institution in which tenure is granted and shall not extend to an administrative or coaching position.

2. Definitions of terms used in sections 605.1, 605.2, 605.3 and 605.4 of Board Policy (350.1, 350.2, 350.3, 350.4 NDSU Policy Manual):

- a) "Academic Year" means the period, approximately nine months in duration, starting with the beginning of the Fall semester and ending following completion of the Spring semester.
- b) "Board" means the North Dakota State Board of Higher Education.

- c) "Faculty" means all members of the academic staff, excluding only coaches and administrators in their capacities as coaches or administrators.
- d) "Receipt" means either actual or constructive receipt. Constructive receipt means the sending party has taken all reasonable steps to ensure that the receiving party has received actual notice.

"Academic unit or program area" shall be defined as the department or comparable unit. Comparable unit shall be determined by the President after consultation with relevant department, college, and university faculty and representatives.

"Head of an academic unit" shall be defined as the department chair or equivalent administrative appointment. Equivalent administrative appointment includes faculty coordinating a program area who have administrative responsibility for evaluating probationary and tenured faculty and making recommendations for tenure, promotion, renewal or nonrenewal, dismissal, or termination.

3. General Procedures

- a) Because of the variety of scope and organizational structure of the institutions under the control of the Board, the faculty governance structure at each institution, in accordance with section 305.1 of these policies, shall recommend procedural regulations to the president to implement policies 605.1, 605.2, 605.3 and 605.4, including:

The faculty governance structure at North Dakota State University is the University Senate.

- 1. Procedures for continuing evaluation of both probationary and tenured faculty members; and
- 2. Criteria and procedures by which faculty members are evaluated and recommended for tenure.

Procedures for the continuing evaluation of both probationary and tenured faculty members, and criteria and procedures by which faculty members are evaluated and recommended for tenure are published in the NDSU Policy Manual, Section 352.

- b) The criteria for tenure evaluation and continuing evaluation of probationary and tenured faculty shall include scholarship in teaching, contribution to a discipline or profession through research, other scholarly or professional activities, and service to the institution and society. Institutions may adopt additional criteria. The regulations defining these criteria shall be consistent with the nature and mission of the institution.
 - 1. Institutions shall establish various tenure "plans" appropriate to the diverse missions of individual institutions, designed to encourage emphasis on research, scholarship in teaching (including, for example, utilization of technology in teaching and innovative teaching methods), service (including, for example, technology transfer and economic development) and other areas of emphasis. Institution

regulations shall include guidelines for determining weight to be given each of the criteria for tenure evaluation and continuing evaluation. The guidelines shall provide for varying emphasis on the enumerated criteria based upon the faculty member's plan, the needs of the institution and the background, abilities and interests of the faculty member.

2. Tenured and probationary faculty contracts shall identify the faculty member's tenure plan and describe the faculty member's duties and goals. The contracts shall specify the weight to be given the criteria for evaluating performance. The contract provisions shall be reviewed and, when appropriate, revised as a part of the faculty member's periodic evaluations.
- c) Eligibility for tenure requires a probationary period of six years of continuous academic service to the institution, during which the faculty member is evaluated at least annually according to an evaluation process designed to foster continuous improvement. The term may be extended beyond six years or the continuous service requirement may be waived in exceptional circumstances. Institutions shall establish procedures for granting extensions or waivers of the continuous service requirement in exceptional circumstances, which must include maternity or parental leave and appropriate accommodations for faculty members with disabilities. Institution procedures may define additional exceptional circumstances including, for example, family emergencies or extended illness.

A faculty member desiring an extension of the six-year probationary period or a waiver of the continuous service requirement based on exceptional personal or family circumstances shall make a written request for an extension or waiver to the department chair or head of the academic unit. The written request shall be made within 90 days from the time of the exceptional circumstances justifying the extension or waiver request. The chair or head of the academic unit shall forward a recommendation on the request to the Dean who shall also review the matter and forward a recommendation on the request to the Provost. Approval of the extension or waiver request rests with the Provost and the President of the University. Denial of an extension or waiver request is a matter related to promotion and tenure appealable pursuant to Policy 350.

- d) An institution may, subject to procedural requirements stated in this policy and sections 605.2, 605.3, and 605.4, decline to renew the contract of probationary faculty without cause at any time during the probationary period.
4. Faculty appointments shall be probationary, tenured or special.
- a) PROBATIONARY APPOINTMENTS are renewable annually and yield credit toward tenure. The probationary term is limited to six years of continuous academic service, excluding extensions to the term or exceptions to the continuous service requirement granted in exceptional circumstances.
 1. An individual with previous professional experience may, at the discretion of the institution, be given tenure credit not to exceed three years for this experience, with such credit to be regarded as academic service to the institution for the purpose of these regulations. The faculty member shall be informed in writing of

this policy and the institution's decision prior to or at the time of appointment.

Acceptability of tenure credit shall be evaluated by the department chair and the dean or director of the college or equivalent unit. Approval of credit toward tenure rests with the Provost and the President of the University.

2. Time spent on leave of absence or developmental leave may be counted, up to a maximum of two years, as academic service for the purposes of these regulations. The amount shall be determined, and the faculty member informed in writing, including any applicable conditions, prior to authorization of the leave.

*Approval **for leave credit** is required by the department chair, dean, and Provost.*

- b) TENURED APPOINTMENTS recognize a right, subject to Board policy, to continuous academic year employment in an academic unit or program area as defined by an institution and stated on the contract. A faculty member shall qualify to be recommended for a tenured appointment by satisfying the criteria for tenure developed in accordance with subsection 3 of this policy.

1. The following persons are not eligible for tenured appointment:

- i. Faculty members with a part-time or temporary appointment. However, faculty members who have been awarded part-time tenure as established by previous Board policy and those who accept a part-time appointment after being awarded tenure in a full-time position shall continue to have such tenure recognized.
- ii. An institution's president:

The President's Office maintains the list of faculty members who have been awarded part-time tenure under previous Board policy.

2. The Board may, following review and recommendations made pursuant to the procedures established at an institution award tenure in exceptional circumstances, defined by the institution's procedures, to an institution's chief academic officer or to any other person appointed to the faculty who has not met the eligibility requirement of subdivision 3 (c) of this policy, provided that the person, at the time tenure is granted has:
 - i. Held a tenured appointment at another institution, or
 - ii. Been a faculty member at the institution for at least one prior academic year.
3. The Board may, following review and recommendation made pursuant to the procedures established at an institution award tenure in exceptional circumstances, defined by the institution's procedures, to any person appointed to the faculty who has not met the eligibility requirements of subdivisions 3(b) and 3(c) of this policy, provided that the person has a documented record of outstanding achievement and consistent excellence in a discipline or profession gained through research, scholarly or professional activities, or service.

Materials in support of a candidate for tenure under exceptional circumstances shall be submitted to the department or academic unit in which tenure is sought. The materials shall be reviewed at the department or unit level and the chair or head of the academic unit shall forward the unit's recommendation to the Dean and the college PTE committee, who will review the materials and unit recommendation and make independent recommendations to the Provost. The Provost will review the materials and recommendations and provide a recommendation to the President who will make a final recommendation to the State Board of Higher Education.

- c) SPECIAL APPOINTMENTS do not involve either tenure credit or status. Special appointments are all appointments except tenured or probationary appointments, including:
- 1) Courtesy adjunct appointments awarded in accordance with Board policy to professional people who contribute to the academic or research program of the institution;
 - 2) Visiting appointments for people holding academic rank at another institution of higher education;
 - 3) Appointments of retired faculty members on special conditions;
 - 4) Initial appointments supported wholly or partially by other than state appropriated funds;
 - 5) Appointments clearly limited to a brief association with the institution, as defined by the institution;
A brief association, as defined at NDSU, will be a maximum duration of six consecutive years. Exceptions to this policy must be approved by the chair, dean and Provost.
 - 6) Terminal appointments given with notice of non-renewal to faculty members who were previously on probationary appointment. A terminal appointment with notice of nonrenewal must be given to a faculty member no later than the end of the sixth year of probationary appointment if the decision is made to deny tenure;
 - 7) Part-time faculty;
 - 8) Lectureship appointments, which shall be for performance of specifically assigned academic duties only, without general faculty responsibilities;

*Lecturers provide the services defined in the letter of appointment, which are generally limited to teaching specific courses or advising a certain number of students; participation in faculty governance is not provided for. These appointments are compensated and may be for one **or two semesters** at a time. Full-time lectureship appointments are considered temporary. Service beyond a total of six **consecutive** years **requires a written justification by the department and approval by the dean and the Provost.***

A Senior Lecturer appointment is also available for academic staff of distinguished merit and ability when a probationary faculty appointment is either inappropriate or unavailable.

Factors to be considered in awarding a Senior Lecturer appointment include the academic degree and years of experience of the candidate, as well as the level of courses taught and the quality of instruction. ~~Although Senior lecturers may be expected to participate in college activities and committees, they are not eligible for governance activities or committee assignments provided for the University's faculty by its Constitution or Bylaws.~~

Senior Lecturers shall be appointed annually (or for a longer period with the approval of the Provost) at a salary appropriate for their qualifications, responsibilities and department.

Notice of termination of a Senior Lecturer appointment must be given by March 1 of the first full year of academic service, or by December 15 of the second or subsequent year of service, in order for the termination to be effective as of the end of that fiscal year of service.

9) Graduate teaching assistant appointments.

10) Postdoctoral fellowships and clinical appointments; and

11) Other faculty appointments, not probationary or tenured, that are designed to help fulfill the institution's mission or meet long-term needs. The appointments shall be subject to an agreement describing the faculty member's duties and goals, criteria and weight assigned each criteria for evaluation. The term of an appointment and agreement, or renewal thereof, may not exceed three years. The faculty member's performance and achievement of goals shall be evaluated during the final year of an appointment. An appointment may be renewed only if the evaluation demonstrated satisfactory performance.

12) Research Professorships

- i. **Research Professorships** shall be for faculty members whose primary function is research in a position that is supported entirely by extramural funding; provided however, funding for faculty members located at branch stations of the North Dakota Agricultural Experiment Station is not limited to extramural funds. Research Professorships are offered to individuals with experience and scholarly qualifications comparable to regular faculty members at the same rank. Thus, the appointments may be made at the levels of a) Research Assistant Professor, b) Research Associate Professor, or c) Research Professor. Research Professorships shall be hired using existing university policies and guidelines, and the appointment must be associated with an academic department and/or a research unit within an academic department. It may, however, be made in one or more departments. If the appointment is a joint appointment between two units, the appointment must exceed 50% in one of the units, and the Chair/Head in the majority unit would take primary responsibility for annual evaluations.

- ii. To the extent applicable, the duration of the appointment is based upon extramural funding. Research Professorships neither carry tenure nor are eligible for tenure.
- iii. The position is typically 100% research. No teaching or university service is expected, but professional service (e.g., reviewing submissions; presenting at conferences) is an inherent responsibility of the position. Departments may have different expectations concerning the role that the appointee plays in departmental service activities (e.g., attending the departmental meetings, voting on departmental issues). Research Professorships will not typically involve formal classroom teaching. In rare cases in which a Research Faculty is considered for a teaching assignment, a separate part-time teaching appointment is required, and the Research Faculty should reduce their research effort accordingly. All non-research activities are, of course, subject to constraints imposed by the funding agencies providing support for the primary appointment.
- iv. Research Professorships are not counted for the purposes of determining unit representation for University Governance. The appointee's role in graduate education shall be governed by the department and by existing policies of the Graduate School.
- v. An annual written evaluation will be completed by the department Chair/Head. If the Research Faculty is working within a research group, then the Chair/Head shall consult with the Research Director of the Principal Investigator for input on the appointee's evaluation. It is essential that the evaluation be based upon a current position description. One component of the annual review will be the assessment of past and upcoming funding for the position.
- vi. Promotion is initiated via a departmental recommendation. The recommendation is signed by the College's Promotion, Tenure and Evaluation Committee, by the Dean, and by the Provost. Typically promotion cannot be achieved until the candidate has spent a minimum of five years in rank. Promotion shall be based primarily on demonstrated success in research, publications and extramural funding (i.e.; demonstration of knowledge dissemination in his/her field, supervision of graduate researchers, and/or continued funding support.
- vii. A Research Faculty member is eligible to apply for a tenure-track position. Upon recommendation by the chair, dean, and the Provost, up to 3 years prior experience in a Research Professorship can be counted toward tenure.

13) Professor of Practice

- i. The designation, Professor of Practice, shall be for faculty members whose primary function is to teach in their academic discipline and carry out other responsibilities assigned at the discretion of the department or college, including apportionment of their time to service and/or other professional responsibilities. Appointments at the Assistant, Associate, and Full Professor of Practice are based on academic qualifications, as describe below.

- a) **Assistant Professor of Practice.** For appointment as Assistant Professor of Practice, candidates must have a terminal degree or equivalent professional experience, and demonstrated professional or industrial/business experience. The length of appointment may be 1-3 year, renewable every year upon satisfactory performance of assigned responsibilities, the majority of which will be instructional activities and practice.
 - b) **Associate Professor of Practice.** For appointment as Associate Professor of Practice, candidates must have a terminal degree or equivalent professional experience, evidence of leadership in instructional activity in academic or professional instruction that has had a significant impact on the department, college, university, or profession. The length of appointment may be 1-4 years, renewable every year upon satisfactory performance of assigned responsibilities, the majority of which will be in instructional activities and practice.
 - c) **Professor of Practice.** For appointment as Professor of Practice, candidates must have a terminal degree or equivalent professional experience, evidence of contributions to advancing learning in the field (i.e. national visibility in dissemination of instructional methods and/or materials, successful grant funding for instructional activities/innovations, leadership in professional organizations.) The length of appointment may be 1-5 years, renewable every year upon satisfactory performance of assigned responsibilities, the majority of which will be in instructional activities and practice.
- ii. Departments may have different expectations concerning the role that the appointee plays in departmental service activities (e.g., attending departmental meetings, voting on departmental issues). The appointee's role in graduate education shall be governed by the department and by the existing policies of the Graduate School. An annual written evaluation will be completed by the department Chair/Head.
 - iii. The position of Assistant, Associate, or Professor of Practice neither carries tenure nor eligibility for tenure, though promotion is possible through ranks, based on time in rank and satisfactory evaluation of assigned responsibilities. Promotion is initiated via a departmental recommendation. The recommendation is signed by the College's Promotion, Tenure and Evaluation Committee, by the Dean, and by the Provost. Typically, the promotion cannot be achieved until the candidate has spent a minimum of five years in rank. Promotion shall be based primarily on demonstrated success in instructional activities and other assigned responsibilities.
 - iv. A faculty of practice member is eligible to apply for a tenure-track position. Upon recommendation by the chair, dean and Provost, up to 3 years prior experience in a Professorship of Practice can be counted toward tenure probation.
5. The general terms and conditions of appointment shall be provided the appointee in a written contract. The contract shall state whether the appointment is probationary, tenured or special. The term of a contract, except contracts made pursuant to paragraph 4(c)(11), shall generally not exceed one year. A multiple-year contract must be subject to termination upon

discontinuance of the program in which the faculty member is employed, non-appropriation or loss of funds, or other financial exigency.

For faculty on nine- or ten-month contracts covering the traditional academic year (generally, August to May), institutions shall not later than June 30 each year, provide notice of renewal terms with a contract, agreement or appointment letter to be signed by both parties. Absent good cause or agreement extending or establishing a different deadline, faculty must sign and return a contract or other document indicating acceptance of contract terms not later than July 20. Institutions shall establish procedures providing that failure to return a signed contract or other document indicating acceptance of contract terms by July 20 constitutes a resignation resulting in termination of employment, effective July 20, except for good cause shown by the faculty member or unless the institution has granted an extension. Prior to the end of the spring semester each year, institutions shall provide notice to faculty summarizing the process and deadlines for contract renewal, including information on extending deadlines to accommodate faculty who may be traveling or not able to readily receive and respond to communications during summer months.

For a faculty appointment, the contract consists of the letter offering the position, the annual notice of renewal terms, the current job description of the individual faculty member, and the current policies and procedures of NDSU and the State Board of Higher Education. The department chair or head of an academic unit will ensure that all faculty have job descriptions that are periodically reviewed and updated. Each job description will be signed by the Dean, the Chair or head of the academic unit, and the faculty member and filed in the faculty member's official personnel file. Each job description shall specify how a faculty member's assigned responsibilities will be allocated among teaching, research, and service which will determine the weight to be given to each area of responsibility for tenure, promotion, and continuing evaluations.

6. The institutional process for evaluation of faculty, the criteria and minimum expectations for promotion and for tenure, and provisions concerning required notices, shall be made known to the appointee at the time of appointment. This disclosure may be accomplished by a published description of the process, criteria, and expectations in a faculty handbook or similar document. Such provisions are subject to change according to processes established for adoption or amendment of Board and institutional policies. Institution procedures shall provide for annual evaluation of all full-time faculty. The procedures shall include provisions requiring that evaluations are completed in a timely and appropriate fashion and that the institution takes appropriate remedial action in response to unsatisfactory evaluations. Evaluation criteria shall relate to a faculty member's duties and goals and be appropriately weighted in accordance with the terms of the faculty member's contract. Evaluations of all teaching faculty must include significant student input.

At the time of appointment, the appointee shall be provided with information, which contains the institutional process for evaluation of faculty, as well as minimum expectations for promotion and tenure. In addition, specific departmental and college guidelines for promotion, evaluation and tenure, if applicable, will be made available to the appointee.

The dean or director of the college or equivalent unit will be responsible for providing these documents to the appointee.

Note: Since this Policy repeats Board Policy, the section numbers in the Board Policy refer to Board Policy numbers. The italicized portions of Policies 350.1-350.4 are NDSU Policy which implement or supplement Board Policy.

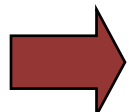
HISTORY:

Replaces portions of Policy 605 SBHE Minutes April 25, 1995 pg 6554

Amended	April 25, 1995
Amended	July 1, 1996
Amended	January 1997
Amended	June 1997
Amended	February 2001
Amended	October 2001
Amended	August 2003
Amended	October 2005
Amended	October 2007
Amended	December 2008
Amended	December 19, 2011
Amended	September 25, 2012
Amended	October 4, 2012
Amended	November 29, 2015

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 ndsuscc@ndsusd.edu first so that a clean policy can be presented to the committees.

SECTION: **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 are related to format, organizational changes, and process/procedure adjustments.

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

- **Student Affairs and Enrollment Management, August 13, 2019**
- Casey.Peterson@ndsusd.edu or Emily.Frazier@ndsusd.edu

This portion will be completed by Heather Higgins-Dochtermann.

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

North Dakota State University
Policy Manual

SECTION 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 students 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 the welfare of themselves or others or 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 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 general 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 [and Enrollment Management](#) Office, [Old Main 100 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 any 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.

~~The~~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 and Enrollment Management Office, Old Main 100-250 Memorial Union.

1.4 Individuals Covered Under this Code

For the purpose of this document, "student" is defined as any individual who has been admitted to the University, and is enrolled in one or more courses. Students may be held accountable under this Code for violations committed any time after they were admitted. Students are accountable for their guests' conduct; if a student's guest 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 as individual students.

Additionally, individuals permitted by special status to utilize NDSU services may be held accountable under this Code. The University will use its discretion to determine if such action is necessary and/or appropriate.

Students may have varying roles within and outside of the University. As such, a student may be held accountable for prohibited conduct through multiple processes. 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

The University's procedures are educational and not criminal in nature, so 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

Commented [EF1]: The new 1.4 is the content revised and moved from 2.3, as it is a better fit in the introductory section of the Code, as it is descriptive, not an expectation. The definition of student has been broadened slightly to allow NDSU to address conduct that may occur with special status individuals (NDSCS students living with or utilizing services, VET, Upward Bound)

Commented [HM2]: If NDSU broadens this definition, is the expectation that these "special status" students will be adjudicated through the Code (e.g. will a TRIO student have to go through the hearing process to be terminated from the program; similarly, will a non-student spouse)?

Commented [EF3]: This content was pulled from 2.7 multiple accountabilities, because it is further descriptive of the definition of a student and how a student is covered under the Code.

does not typically wait for a court judgment 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. Community Expectations

2.1 General Student Responsibilities

All students are expected to observe the University standards published in the [University Policy Manual](#). [Policy 601](#) outlines responsibilities that pertain specifically to students. However, students must follow all other University policies, procedures, contracts, or license ~~agreements~~ ~~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.~~

The University may address acts of prohibited conduct committed outside of University property when NDSU becomes aware of alleged Code violations through law enforcement or other third party reports.

Commented [EF4]: This was revised in 2.5 and moved to 2.1 as it is all referring to student responsibilities of their behavior/conduct

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~~ students can also contact NDSU Police (701-231-8998) or notify Residence Life staff.
2. STAY with the individual until help arrives and ~~you have notice has been told your given~~ that 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 ~~s~~Student ~~c~~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~~ Individuals 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 in one or more courses. Students may be held accountable under this Code for violations committed any time after they were admitted. 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 as individual students.

~~2.32.4~~ Student Conduct Communication

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

~~2.5~~ Prohibited Conduct Not on University Property

The University may discipline a student for acts of prohibited conduct committed outside of University property. When NDSU becomes aware of alleged Code violations through law enforcement or other third party reports, the University may pursue action under this Code against NDSU students identified in such reports.

~~2.6~~ 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 may be subject to action under this Code.

~~2.7~~ 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 judgment 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.

~~2.8 Bias Motivated Violations~~

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

Commented [EF5]: The content of 2.8 and 2.9 will be relocated to Section 7, as both contain information regarding enhanced or progressive sanctioning.

~~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

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 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

Attempt~~ings~~ to commit prohibited acts is a violation of this Code and may be addressed. ~~Students attempting to commit prohibited acts may be sanctioned to the same extent as if the prohibited act had been committed they had committed the prohibited act.~~

3.4 Alcohol on NDSU Property

Regardless of a 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.

3.5 Off Campus Alcohol

Illegal use or possession of alcohol ~~occurring~~ off campus is prohibited. ~~Such incidents include: including~~ minor in possession/consumption/under the influence of alcohol, driving under the influence of alcohol, and public consumption of alcohol.

3.6 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 is prohibited.

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~~ NDSU housing or ~~any~~ other University property, nor is it allowed at any University sponsored event or activity off campus.

3.7 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~~ prohibited when the student causes a disturbance or endangers, or may endanger, the safety of others, property, or themselves.

3.8 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 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.

Commented [EF6]: Moved content to end of 3.8 to frontload the prohibited conduct and put the informational/directional information at the end.

Common sources or a bulk quantity of alcohol, such as cases or kegs, are not permitted at any student organization sponsored event, or in fraternity and/or sorority housing.

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."

Student organization or public funds may not be used for the purchase of alcoholic beverages or gift cards to alcohol establishments.

Recognized NDSU student organizations planning off campus events at a venue where alcohol may be present must complete and submit an 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.

3.9 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, and is prohibited. -This includes novelty items, giveaways, and apparel associated with the event. Advertising of establishments that sell alcohol must adhere to the following guidelines:

- Shall not include brand names, logos, prices, visual images, or verbal phrases that refer to consumption of alcoholic beverages;
- 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;
- Shall not portray drinking as a solution to personal or academic problems or necessary for social, sexual, or academic success;
- 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
- 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.~~

3.10 Smoking

Smoking, including ~~the use of electronic cigarettes/vaping~~, is prohibited on 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 due to the presence of these animals on University properties and at NDSU 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~~.

Commented [EF7]: Expanding to be inclusive of any NDSU entity that may authorize an event with animals (Little International, petting zoos, therapy animals, etc.)

Commented [EF8]: Fish and the specifications of having fish are addressed in RL license agreements contractually.

3.12 Intellectual Property Infringement

Infringement of any intellectual property ~~without authorization~~ is prohibited. When reproducing or distributing information, students 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. ~~Generally, materials owned by others cannot be used without the owner's permission. NDSU assumes no obligation to monitor 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 Trademark

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, ~~is prohibited. 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 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~~ 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:

• ~~Misrepresentation or providing false identification~~

- 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
- Altering, destroying, or falsifying evidence.

Commented [EF9]: Added bullet, as failing to provide appropriate identification during a confrontation is the most common application of 3.17

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: 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 recklessly obstructing or delaying any University proceedings, providing misleading or false information during an investigation, resisting or fleeing a police officer, ~~or failing to comply with assigned University directives or 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.

3.22 Bribery

Offering, giving, receiving, or soliciting anything of value to persuade an individual to act in another's favor ~~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

~~Unlawful or intentional damage or attempt to damage any real or personal property by fire or incendiary device is prohibited. 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.~~

Commented [EF10]: New definition echoes the language of the Annual Security Report (ASR), which also echoes the Clery definition.

3.24 Burglary

~~The u~~Unlawful entry into a building or another structure with the intent to commit a felony or theft is prohibited. ~~This includes unlawful entry with intent to commit a felony or larceny, housebreaking, and safecracking.~~

Commented [EF11]: Same as above-consistency to ASR and Clery definitions.

3.25 Robbery

~~The taking of,~~ Taking or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another ~~one or more individuals~~ by force or threat of force and/ or violence or by putting another in fear of immediate harm is prohibited.

Commented [EF12]: Same as above-consistency to ASR and Clery definitions.

3.26 Motor Vehicle Theft

~~The t~~ Theft or attempted theft of a motor vehicle is prohibited. ~~This includes having unlawful access even though the vehicle is later abandoned, such as joyriding.~~

Commented [EF13]: Same as above-consistency to ASR and Clery definitions.

3.27 Theft of Property

Theft or removal of property belonging to another individual, the University, or any other entity ~~another individual~~ is prohibited. ~~This includes 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 using campus laundry services intended only for campus residents, ~~using parking services not purchased,~~ and the unauthorized use of University parking, dining, and/or printing services.

3.29 Possession of Stolen Property

Possession of goods that one knows or that any reasonable individual would realize were stolen is prohibited. This includes receiving, retaining, concealing, or disposing of property knowing that it was stolen.

3.30 Vandalism

The intentional destruction or defacement of property belonging to another individual, the University, or any other entity ~~another individual~~ is prohibited. This includes writing on or tearing down bulletin boards, spray painting or unauthorized chalking of buildings or sidewalks, and breaking or damaging property.

3.31 Trespassing

~~To e~~Entering and/or remaining in or on property to which a student does not have a legitimate right or purpose to enter or remain is prohibited. Such property may include vehicles, apartments, houses, fenced yards, construction sites, 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. ~~For additional information, s~~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 Regulations

Failure to follow University traffic safety and parking regulations is prohibited. ~~Please s~~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:

- Any University facility or portion thereof that has been reserved, restricted in use, or

placed off limits;

- Any University facility after closing hours;
- ~~Possession or use of another individual's key/access card to any University facility;~~
- 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;
- All building roofs, fire escapes, steam tunnels, elevator shafts, equipment storage, mechanical rooms, and construction sites;
- Duplication, manufacture, possession, 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
- Entering a residential facility without being escorted by a resident or failure to escort non-residents.

Commented [EF14]: The specifics of this bullet are covered in another bullet. Removing redundancy.

3.35 Intimidation

Conduct in any form that involves an expressed or implied threat to an individual's personal safety, safety of property, academic efforts, employment, or participation in University sponsored activities 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 on another is prohibited. 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.

3.38 Instigation/Provocation

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

3.39 ~~Disorderly Conduct and Other Disturbances~~ Noise Disturbances and Other Disorderly Conduct

~~Disorderly e~~Conduct that intentionally or recklessly creates a risk of public inconvenience, annoyance, or alarm without proper authority is prohibited. Examples include participating in or hosting noisy or loud parties/gatherings or other public disturbances on or off campus, making unreasonable noise, fighting, engaging in violent behavior, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

Commented [EF15]: Altered title to place emphasis on noise disturbances, as they are the most common reason for the application of 3.39.

3.40 Discrimination, Harassment, and Retaliation

NDSU is fully committed to providing a safe and non-discriminatory learning, living, and working environment for all members of its university community. For complete information regarding discrimination, harassment, and retaliation please see [NDSU Policy 100, Equal Opportunity and Non-Discrimination](#), [NDSU Policy 162, Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy](#), 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 potential violation of NDSU Policy 100 involving students shall report the complaint or policy violation (see [Complaint Form](#)[Report 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 [and Enrollment Management](#) Office
~~Memorial Union 250 Old Main 100~~
Phone: 701-231-~~65377701~~

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

NDSU strives to create a campus community free from sexual discrimination of any kind. For complete information regarding sexual misconduct and Title IX compliance, please see [NDSU Policy 162, Sexual and Gender-Based Harassment, Sexual Misconduct, and Title IX Policy](#).

Students are encouraged to report incidents or information related to sexual ~~and gender-based harassment, sexual~~ misconduct, ~~and Title IX~~ as soon as possible. ~~University Any NDSU employees who become aware of a potential violation of Policy 162 shall Title IX complaint or violation of this policy have mandatory reporting responsibilities report the information~~ (see [Complaint Form](#)[Report Form](#)). ~~Reports may be made to 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 [and Enrollment Management](#) Office
~~Memorial Union 250 Old Main 100~~
Phone: 701-231-~~65377701~~

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

~~University Police~~

Commented [EF16]: Removed, as University Police is not an official reporting office for all alleged violations of Policy 162. This may result in confusion for students.

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

3.42 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.

3.43 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 individual to feel fear for the safety of self or others or to suffer substantial emotional distress. See [Policy 162](#).

3.44 Lewd or Obscene Conduct

Lewd or obscene behavior that ~~flaunts-infringes upon~~ community standards with respect to sexuality is prohibited. Lewd behavior includes sexual acts in public places and exposing genitalia in nonconsensual circumstances.

3.45 Endangerment of Individuals

Endangerment of individuals is prohibited. Examples include:

- 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
- Creating a risk of bodily harm or creating the impression of risk of bodily harm to others.

3.46 Hazing

Hazing ~~is prohibited~~ regardless of location, intent, or consent of participants ~~is prohibited~~. Hazing is defined as any action or situation that implicitly or explicitly is required for student admission or affiliation with an organization or group. Such activities and situations include 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 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.

3.47 Sporting Activity Restrictions

Use of skateboards, scooters, skates, hover boards, and bicycles ~~is prohibited~~ inside ~~all any~~

University facilities is prohibited. Use of water guns, water balloons, projectile launchers, 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.~~ For guidance, contact the Director of [University Police and Safety Office](#).

Commented [EF17]: Is this correct that students should directly connect with Mike Borr?

Commented [HM18]: Good question – I am not sure. It would seem odd to me, however, if that was the appropriate channel for that. I would suggest asking Mike.

3.48 Firearms/Explosives/Weapons

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

- Firearms include airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, and stun guns or similar devices designed to deliver an electric shock, ~~daggers, knives, sabers, swords, and bows and arrows.~~
- Explosives include bombs, fireworks, and other incendiary devices. Incendiary devices are defined as any flammable substance enclosed in a readily breakable container that can be equipped with an igniter of any type.
- Other weapons include martial arts implements, dangerous fuels and chemicals, and daggers, knives, sabers, swords, and bows and arrows. Any object may be considered a weapon when used to inflict or threaten infliction of bodily injury or property damage.

This policy shall not prohibit 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](#).

Commented [EF19]: Accurate? Same as above regarding Mike Borr.

Commented [HM20]: This one makes sense for MB.

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. 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 an affiliated University group shall be deemed responsible for acts of prohibited conduct committed by individuals when such acts meet one or more of the following criteria:

- Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly;
- Take place in the context of a tradition, custom, or past practice of the group or

organization; or

- 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 affiliated University groups 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 comply with University policies, procedures, and regulations. Prohibited conduct includes 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 noticed with prohibited conduct, the presiding officer or students 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 may also be noticed 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, 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 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 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 essential 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 is limited to current students, faculty, and staff of NDSU.

4.6 Registration Requirements

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

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

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

- 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.
- Must be an enrolled NDSU student, ~~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 recent semester of enrollment for undergraduate students. 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.~~
- Must be in good conduct standing with the Student Affairs and Enrollment Management Office.

Additional information regarding eligibility for participation in co-curricular activities can be found on the Student Affairs and Enrollment Management [website](#).

Field Code Changed

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 ndsusao@ndsus.edu.

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~~students; 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 Activities Office and chapter leadership.

Summer Rules

Fraternity and sorority presidents are to furnish names of the summer house managers to the 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. Student members who are 21 years of age may consume alcohol that is less than 15% ABV in the privacy of their rooms/suites with no more than three others who are also 21 years of age or older. If multiple individuals live in one room/suite, all 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.

5. Procedures

Resolution of Alleged Code Violations

The Code resolution process generally includes the following steps:

- Receipt of an incident report;
- Creation of a conduct file;
- Investigation of incident, if necessary;
- Implementation of interim or remedial measures, if necessary;
- Notice of alleged violations;
- Prehearing conference;

- Administrative hearing;
- Notice of decision;
- Right of appeal; and
- Notice of appeal decision.

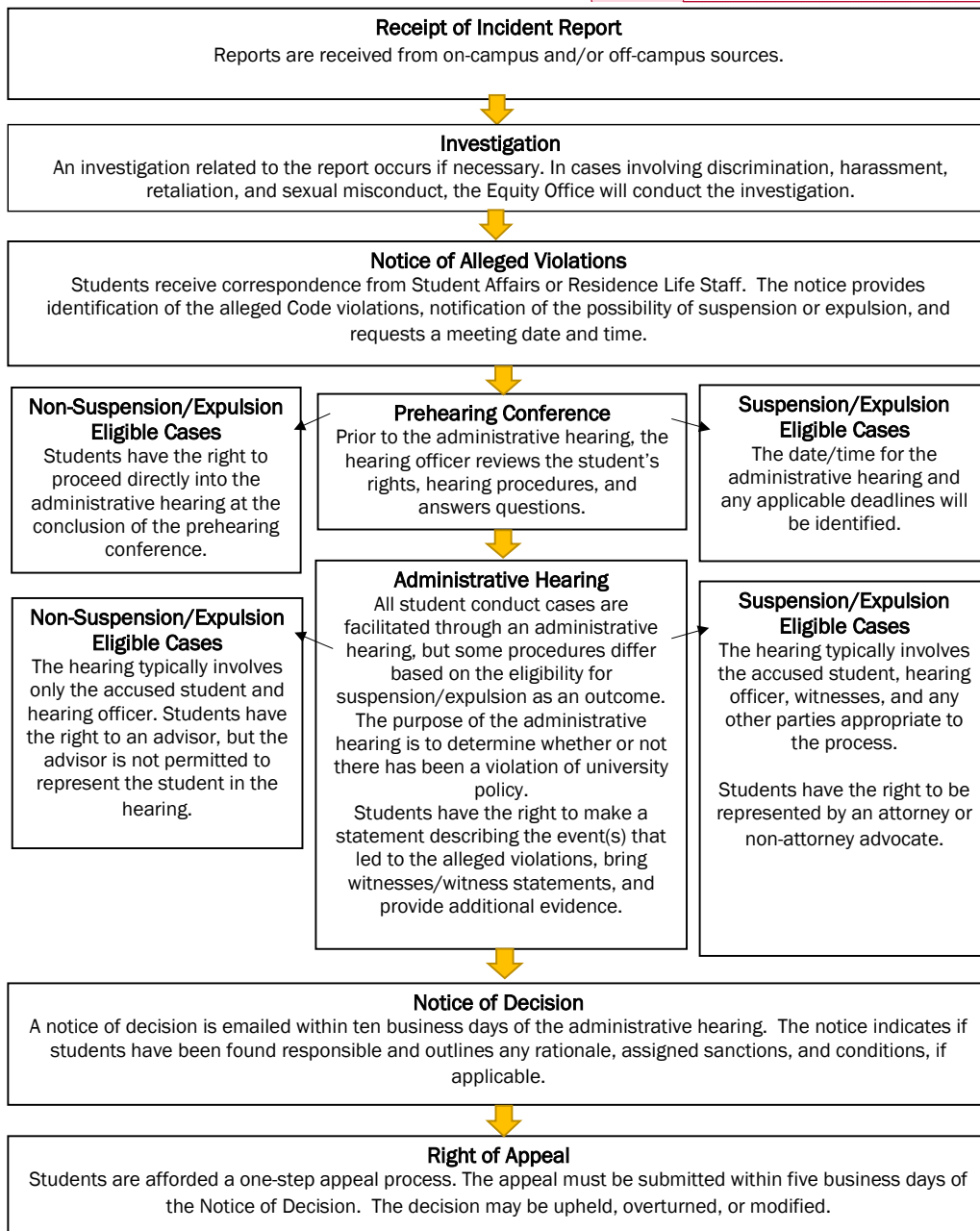
This process is designed to:

- Provide for the education of students;
- Promote the health, safety, and well-being of University community members;
- Provide for fair inquiries concerning alleged violations of University policies;
- Determine whether or not any individual student has violated a University policy;
- Allow for consideration of extenuating or mitigating factors when a violation has been found to exist;
- Determine a resolution; and
- Assist the student in reflecting upon and growing from their personal experiences.

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 Code of Student Conduct Violations Flowchart

Commented [EF21]: I cannot make the changes in this document, so the adjusted flowchart is in a separate document that will be inserted here once approved.



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:~~

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

Commented [EF22]: Moved to beginning of section, as it is descriptive of the process, more so than the reporting/investigating portion of the procedures.

5.2 Reporting Alleged Code Violations

Alleged Code violations should be reported as soon as possible following the discovery of alleged prohibited conduct. 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:

Student Affairs ~~and Enrollment~~ Office
~~250 Memorial Union Old Main 100~~
701-231-~~6537~~7701
nds.srr@nds.edu

Department of Residence Life
West Bison Court
701-231-7557
nds.residence.life@nds.edu

Equity Office
~~201~~ Old Main ~~201~~
701-231-7708
nds.eoaa@nds.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 and Enrollment Management 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.

5.4 Investigation

If an investigation is to take place, the student(s) will receive notice from the office conducting the investigation. The purpose of the investigation is 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 or designee to determine whether action under the Code is warranted. Written findings of the investigation along with a recommendation for dismissal of the complaint or a recommendation of pursuing action under the Code will be produced by the investigator(s) and provided to the Student Affairs and Enrollment Management Office. If the report indicates reasonable cause to believe that a violation occurred, then the Vice Provost's designee may proceed with a Notice of Alleged Violations.

Upon receipt of notice, the University may investigate an allegation of 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.

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 5.7 below.

Commented [EF23]: Continue to monitor changes needed to this based on pending regulations. The proposed regs would require significant changes to advising.

Any 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.~~

Commented [EF24]: We suggest removing as it creates difference between reporting and responding parties and the ability to add a hold is already reflected in 9.1

5.5 Interim or Remedial Measures

In the interest of safety and security, upon receipt of notice, interim or remedial measures may be implemented prior to a completed investigation or conduct hearing. Specific actions will be based on the circumstances of the allegations and may include no contact orders, housing/workplace changes, loss of privileges, and/or restricted access to campus, ~~or temporary emergency suspension.~~

Commented [EF25]: Removed as this is a special circumstance outlined in 9.4

5.6 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:

- The student consents to the search;
- University officials responsible fear an imminent danger to health, safety, life, or property;
- The Vice Provost or designee provides a written administrative authorization specifying reasons for the search, objects of information sought, and area to be searched; or
- 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 searches by law enforcement.

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 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.

5.7 Notice of Alleged Violations

A written notice will be sent via authorized University email, to the responding student to arrange a prehearing conference.

The notice will include:

- Nature of the alleged violation;
- Date, time, and place of the alleged 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 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 written notification of the hearing at least three business days prior to the hearing date. Students may consent to a shorter notice period, if they so choose.

5.8 Prehearing Conference

During the prehearing conference, the hearing officer will discuss the:

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

The student may request to proceed with an immediate hearing, except in cases that may result in suspension or expulsion.

5.9 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

Commented [EF26]: We may need to add language regarding a presumption of innocence based on the pending regulations. Keep an eye for needed change here.

all cases are heard administratively, some procedures differ between cases that are or 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 alleged violations, bring witnesses or witness statements, and present 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 will process conduct cases related to fraternities, sororities, and student organizations. Individual organizational boards will only address ~~only~~ violations of ~~these~~ 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, at its discretion, retain a non-employee to serve as a hearing officer at the University's expense. Following the hearing, ~~the reporting and responding all applicable~~ parties will receive a written notice of decision 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, 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 hearing will be recorded and retained as part of the student's conduct file. The reporting ~~(if applicable)~~ and responding parties may access the recording, including for the preparation of an appeal. Requests for access should be directed to the Student Affairs and Enrollment Management Office. Following the hearing, ~~the reporting and responsible responding all applicable~~ parties will receive a written notice of decision within 10 business days.

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

Commented [EF27]: May this be removed? Would we ever outsource a non-suspension/expulsion case?

Commented [HM28]: I doubt any such hearing would ever be outsourced. Leaving it in gives you the option in case you ever would need it, but I am not opposed to simply removing this.

Commented [EF29]: Removed reporting and responding, as this is only appropriate in TIX cases. Current language may be interpreted as any reporting party.

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.

In certain cases, 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~~reactivation 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 may also be noticed with one or more of the original alleged violations of the Code arising from the alleged misconduct by the organization.

If the organization requests 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 alleged violations, determine or recommend the appropriate sanction, and if that sanction is less than suspension or expulsion, will assess the need for any remedial measures.

5.12 Conflicts of Interest

Any hearing officer who has a conflicting interest in the particular case may not participate. ~~Each~~Any 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 three business days prior to the hearing. If a party fails to raise an actual or reasonably perceived conflict by objecting three business days in advance, any objection is deemed to be waived. A hearing officer may not be disqualified solely based on his or her position in the University community.

5.13 ~~Burden of Proof~~

~~The burden of proof will rest upon the University.~~

Commented [EF30]: 6/6/2019-Matt Hammer suggested striking entirely, as the standard of proof is sufficient.

5.14 ~~Standard of Proof~~

The standard of proof ~~will be~~is a "preponderance of the evidence." Which means the greater weight of the evidence indicates that a violation did or did not occur. A student is found to have violated this Code when:

Commented [HM31]: With more and more attorneys being involved in these proceedings, I think this is a good idea to remove as "burden of proof" has a specific legal meaning that does not necessarily reflect the way we have treated this issue.

Commented [EF32]: Additional recommendations from Matt Hammer.

Commented [HM33]: I would suggest removing "or did not" as the standard is only concerned with finding violations.

- The student admits to the violation, or
- Preponderance of the evidence indicates the student is 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 [and Enrollment Management](#) 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.

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.

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, documentation, or other evidence that is relevant in determining responsibility.

Due to the hearing 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 is left to 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.

Commented [EF34]: When Daniel Swinton was here, he asked why we even include this. Should we?

Commented [EF35R34]: Spoke with Matt Hammer on 6/6/2019-recommends leaving it in place as a protective measure.

Commented [HM36]: Still would lean toward keeping this, but I don't think it is a huge deal either way.

5.18 Closed Hearings

All hearings are generally closed except to those 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 [\(if applicable\)](#) 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 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 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~~the representative has the ability to fully participate in the hearing as indicated in section 5.3 Student Advisor Options. Hearing advisors, attorneys, and/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.

6.2 Complaint Case Presentation and Response

The hearing officer or ~~investigator designed~~ will outline the process for presentation of the case. The responding and/or reporting parties will be permitted to respond to the 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.

Commented [EF37]: Changed to broaden scope regarding who may present based on appropriateness for the given case. Most often this will be the hearing officer.

6.3 Presentation Questioning of Witnesses and Parties

All parties will be allowed to present witnesses who may be asked questions by any of the other parties. All questions will be directed to the hearing officer who will determine reasonableness and relevancy to the hearing. The hearing officer will seek clarification if necessary and request a response. As appropriate, the hearing officer may allow direct questioning of witnesses and between parties, with the right to rescind the permission at any time.

6.4 Questioning of Parties

~~All parties will be permitted to ask questions of each other. All questions will be directed to the hearing officer who will determine reasonableness and relevancy to the hearing. The hearing officer will seek clarification if necessary and request a response. As appropriate, the hearing officer may allow direct questioning between parties, with the right to rescind the permission at any time.~~

Commented [HM38]: I think you could merge these two sections.

6.45 Closing Statements

The reporting and/or responding parties (and investigator if applicable) will have an

opportunity ~~for to make~~ a closing statement.

Commented [HM39]: Are we ok with removing the closing statement for cases presented by investigators?

6.56 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, 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. If a student is found responsible for one or more 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.

Commented [EF40]: Once we accept track changes for numbers to bullets, the placement will return to left justified.

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, conditions may be assigned. In addition, notification may be given to other University officials as necessary. Conditions include:

- Alcohol or other drug programming, evaluation, and/or testing;
- Written assignments;
- Participation in a specific activity or project;

- Restricted access;
- Loss of privileges;
- No contact orders; and/or
- Restitution.

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

- Facts of the case as presented from all relevant sources, including the parties;
- Existence of any physical evidence or written or oral information provided by the parties;
- Type and severity of the offense;
- Impact on the reporting party (if applicable), the educational community, and its members;
- Previous incidents of prohibited conduct committed by the responding student; and
- The ability and/or willingness of the responding student to accept responsibility.

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

Commented [EF41]: This content was moved from Section 2 to Section 7, as it provides additional information about sanctioning.

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).

Commented [EF42]: See comment above-same for this content.

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 written notification that subsequent Code violations will typically result in more severe sanctions.

Conduct Probation

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; local, state, and federal laws; and any other conditions that have been assigned ~~imposed~~ in writing. The specific terms of the probation will be determined on a case-by-case basis. Further ~~prohibited conduct~~ Code violations may result in additional sanctions ~~to be assigned~~, including 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. Supervised conduct probation ~~generally~~ requires meetings with a ~~member of Student Affairs or Residence Life~~ designated NDSU employee at regularly established intervals to monitor progress in behavioral, academic, social, vocational, and other areas of the student's life. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth. Further ~~prohibited conduct~~ Code violations may result in additional sanctions ~~to be assigned~~, including suspension or expulsion.

Conduct Suspension

Conduct suspension is written notification ~~that of the termination of~~ status as an enrolled student or registered student organization has been terminated. This termination is 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 student may not re-enroll at NDSU during the period of conduct suspension.
- The student's eligibility for any refund of tuition/fees will be subject to the University's normal withdrawal policy.
- 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 or online through [One Stop](#). A meeting with a member of the Student Affairs and Enrollment Management staff may 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.
- A student who has been suspended is restricted from the NDSU campus during the specified period of suspension. There may be other restrictions placed on the suspended student including restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student ~~may~~ will also be required to obtain prior written permission from ~~a member of the Student Affairs staff~~ the Vice Provost or designee, 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, which means it 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 conditions.

Conduct Expulsion

Expulsion is 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, which means it will 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.~~

~~A student who has been expelled is restricted from the NDSU campus indefinitely.~~

Written requests for exceptions to this 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

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, meeting with a designated University official, and/or other assignment.~~

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 student's conduct endangers or may endanger the safety of themselves, others, or property, and/or~~

~~A pattern of misconduct has been demonstrated by a student.~~

Commented [EF43]: Moved to end of list, as evaluation/testing is infrequently assigned. Removed programming from title, as Participation in a Specific Activity/Project already includes alcohol/drug programming option.

Written Assignments

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

Commented [EF44]: Content remains same, but has been reordered due to prominence of use.

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, meeting with a designated University official, and/or other assignment.

Commented [EF45]: Content remains same, but has been reordered due to prominence of use.

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.

Commented [EF46]: Removing as a specific condition, as it is an example of Loss of Privileges

Loss of Privileges

A student may be denied various privileges associated with being a student at NDSU. Such privileges may include ~~one or more of the following: residing in, visiting, or accessing University property and facilities and participating in University events and/or student organizations.~~

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

Commented [EF47]: Removing the bulleted list, as several are not actually functions of the conduct process though they may be consequences enforced by other areas (loss of financial aid, losing ITS services, losing status or officer positions with CSO etc.)

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 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).

Alcohol / Drug Evaluation and/or Testing

The University reserves the right to require alcohol/drug evaluation and/or testing as a condition of enrollment or continued enrollment when:

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

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, 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 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:

- The severity of the sanction was not consistent with the severity of the offense,
- The finding of the Code having been violated or not was not substantiated by the evidence, and/or
- 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.

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 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 maintained throughout the appeal to protect 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 Review

The appeal officer 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.

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

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.

9. Special Circumstances and Conditions

9.1 Registration/Graduation Hold

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 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.

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 educational 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, 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 the hold 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 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.

9.4 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 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.

9.5 Administrative Withdrawal

A student may be subject to administrative withdrawal if it is determined by 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.

Students wishing to return to the University may obtain information regarding reactivation from Registration and Records or online through [One Stop](#). A meeting with a member of the Student Affairs 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.

9.7 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 an individual or property of another; or
- Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against an individual or property of another may be used in the course of committing the offense.

Examples include 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.

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 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 and Enrollment Management 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 Enrollment Management 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 ~~s~~Suspension or ~~e~~Expulsion, with or without additional 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, conduct records may be retained 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 referred to in this document. The Vice Provost may make housekeeping changes to this document as long as the substance of the document is not affected.~~

Commented [EF48]: This is unnecessary to include in 601, as the SCC policy manual process allows for housekeeping changes in all University policies.

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

Commented [EF49]: Left all, but reordered to be alphabetical and numerical

[Bank and Investment Accounts for Student Organization Bank Accounts](#)

[Federally Mandated Sexual Assault Prevention Training](#)

[License Agreement for Residence Halls](#)

[License Agreement for University Apartments](#)

[NDSU Policy 154.1, Sale or Distribution of Racially and Sexually Offensive Material](#)

[NDSU Policy 155 Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and](#)

[Employees](#)

[NDSU Policy 162.1, Consensual Relationships](#)

[NDSU Policy 703, NDSU Card Terms and Conditions](#)

~~[NDSU Policy 162.1, Consensual Relationships](#)~~

~~[License Agreement for Residence Halls](#)~~

~~[License Agreement for University Apartments](#)~~

~~[SBHE Policy 506.1 Immunization](#)~~

~~[Federally Mandated Sexual Assault Prevention Training](#)~~

~~[SBHE Policy 401.2, Political Activities](#)~~

~~[NDSU Policy 154.1, Sale or Distribution of Racially and Sexually Offensive Material](#)~~

~~[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](#)~~

[SBHE Policy 401.2, Political Activities](#)

[SBHE Policy 506.1 Immunization](#)

[Student Organization Guidelines and Procedures](#)

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 nds.scc@nds.edu first so that a clean policy can be presented to the committees.

SECTION:

713.1 Litigation Hold

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 in Records Management oversight created necessary revision of policy.
2. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted, NDSU Records Management/Division of IT/Wendy McCrory
 - Email address of the person who should be contacted with revisions: wendy.mccrory@nds.edu

This portion will be completed by Heather Higgins-Dochtermann.

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

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

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

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

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SECTION 713.1 LITIGATION HOLD

SOURCE: NDSU President
ND Office of Risk Management

Documents and information related to pending or reasonably foreseeable litigation may not be deleted or destroyed. Once a litigation hold is in place, the documents and information must be kept until the litigation hold has been removed; upon removal, the retention and destruction of documents and information will be in compliance with NDSU Policy 713, Records Management.

I. Definitions

Litigation Hold	A written directive to preserve documents and information for pending or reasonably foreseeable litigation. Litigation is reasonably foreseeable upon receipt of a summons or complaint, the filing of an Equal Employment Opportunity Commission (EEOC) charge, the filing of a complaint with the North Dakota Department of Labor, formal notice of investigation, receipt of a subpoena, receipt of a Notice of Claim filed with the North Dakota Office of Management and Budget, verbal communication of the intent to sue, or any other communication which would lead a reasonable person to believe that litigation was a credible probability.
Public Employee N.D.C.C. 44-04-17.1	Includes any individual who has applied for employment, is employed, or has been employed by a public entity.
Employee N.D.C.C. 54-06-01	Includes all persons whose office or employment is held by virtue of any appointment or employment however made, other than an election by the voters of the state, whether or not such office or employment is created by an act of the legislative assembly.

II. Imposition of Sanctions

Failure to follow and comply with this policy is subject to sanctions that can include, but is not limited to, a formal notice placed in the employee's personnel file up to termination of employment.

III. Section 713.1 LITIGATION HOLD PROCEDURE

- A. When an employee is made aware of a threat of litigation or when an employee believes that litigation is reasonably foreseeable, the employee will immediately inform ~~his/her~~ the supervisor. ~~The supervisor will contact who will contact the director of records management. The Director of Records Management will contact the attorney assigned to NDSU. The~~ the attorney assigned to NDSU, who will determine if the situation warrants a Litigation Hold.

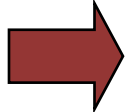
- B. If litigation has ~~been~~ commenced, the attorney assigned to NDSU will issue a Litigation Hold. Once a Litigation Hold has been issued, documents and information pertaining to the litigation or potential litigation shall not be deleted or destroyed.
- C. A Litigation Hold will:
1. Identify the employees who are likely to have documents and information relevant to the litigation or potential litigation;
 2. Be communicated in writing to the identified employees in a comprehensible and timely manner;
 3. Clearly define what information is to be preserved and how the preservation will be undertaken; and
 4. Be reviewed periodically and, if necessary, be reissued or amended.
- D. Employees who receive a Litigation Hold will:
1. Immediately suspend the deletion or destruction of documents and information relevant to the litigation, including any automated processes that may affect the deletion or destruction of documents and information;_
 2. Preserve existing records relevant to the litigation or potential litigation;
 3. Preserve new records that pertain to the litigation or potential litigation; and
 4. Provide any additional assistance that may be required to preserve the relevant documents and information.
- E. ~~If an employee subject to a Litigation Hold~~If an employee responsible for records, documents and/or information separates employment from NDSU, the employee's supervisor will take possession of and retain the documents and information subject to the Litigation Hold, or notify the attorney assigned to NDSU ~~and notify the Director of Records Management~~ of the change in custody of the documents and information.
- F. When the litigation has ended or is no longer foreseeable, the attorney assigned to NDSU will remove the Litigation Hold. Upon removal of the Litigation Hold, the retention and destruction of documents and information will be in compliance with NDSU Policy 713: Records Management.
- G. Records subject to a Litigation Hold include, but are not limited to:
- Paper originals, drafts and copies
 - Electronic records
 - Email and email attachments
 - Calendars and planners
 - Instant messages
 - Network, computer and application logs
 - Slide presentations
 - Manuals, publications, bulletins and pamphlets
 - Graphic files and electronic images
 - Voicemail
 - Website information, pages, etc.
 - Text messages
 - Video files
 - Audio files

HISTORY:

New	January 27, 2011
Housekeeping	August 31, 2015
Amended	April 28, 2016

Policy Change Cover Sheet

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

SECTION: **154: Freedom of Speech, Expression, and Assembly**

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?** **X Yes** **No**
 - **Describe change:** This is a complete rewrite of policy to comply with new state legislation and NDUS policy.
2. This policy change was originated by (individual, office or committee/organization):
 - **Student Affairs and Enrollment Management, August 20, 2019**
 - Casey.Peterson@nds.edu or Emily.Frazier@nds.edu

This portion will be completed by Heather Higgins-Dochtermann.

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 154

FREEDOM OF SPEECH, EXPRESSION, AND ASSEMBLY

SOURCE: President's Office

1. Introduction

1.1. North Dakota State University recognizes and supports the fundamental right of its students and others to free speech and expression under the First Amendment to the United States Constitution and the North Dakota Constitution. NDSU values and encourages the free exchange of ideas while maintaining the safety of the campus community and the orderly operations of the institution. To that end, NDSU is committed to ensuring the freedom to speak, write, listen, challenge, learn, and discuss any issue, subject to reasonable and constitutionally-recognized limitations. As part of this commitment, NDSU is dedicated to promoting free speech and expression while providing a safe and non-discriminatory campus climate that supports diversity of thought and people.

This policy defines the spaces available for exercising the rights of free speech and expression and communicates the parameters of any such expressive activity, to protect the safety of campus, and to minimize disruption to NDSU's educational mission. This policy establishes certain standards of conduct that must be observed by demonstrators and groups and applies to all individuals while using University property for exercising the rights of free speech and assembly.

2. Definitions

- 2.1. Amplified sound – means sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound, but are subject to general rules on disruption.
- 2.2. Commercial Speech – The promotion, sale, or distribution of a product or service. For the purposes of this section, commercial speech does not include the incidental promotion, sale, or distribution of a product as part of the exercise of non-commercial speech.
- 2.3. Constitutional Time, Place, and Manner Restrictions – Restrictions on free speech which are content-neutral, narrowly tailored to serve a significant interest, and leave open alternative methods of communicating the message in question.

- 2.4. Disruptive Conduct – Any act that: unreasonably interferes with the rights of others to peaceably assemble or to exercise the right of free speech or expression; impedes the flow of pedestrian and/or vehicular traffic; disrupts the normal functioning of the University; damages property; or endangers health or safety.
- 2.5. Employee - means any person acting on behalf of NDSU in an official capacity, temporarily or permanently, with or without compensation. The term does not include an independent contractor.
- 2.6. Free Speech or Free Expression – The rights to speech, expression, and assembly protected by the First Amendment to the United States Constitution or the Constitution of North Dakota. Such rights include, but are not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, the display of signs or banners, or the circulation of petitions. For the purposes of this policy, “free speech” or “free expression” is not intended to include Commercial Speech.
- 2.7. Protected Conduct – Free Speech or Free Expression protected by the First Amendment to the United States Constitution or the Constitution of North Dakota, subject to reasonable Time, Place, and Manner restrictions; reservation requirements under institutional policies or procedures; and the reasonable safety and security needs of NDSU.
- 2.8. Student – an individual enrolled in one or more courses at NDSU.
- 2.9. Student Organization – An organization recognized or seeking recognition by NDSU’s Congress of Student Organizations, whether or not that organization seeks or receives institutional funds.

3. General Provisions

- 3.1. NDSU will not engage in viewpoint or content-based discrimination or suppression of speech, and will, to the greatest extent possible, permit and facilitate the open discussion and debate of ideas and issues, regardless of the content of those issues.
- 3.2. NDSU will not use the concept of civility or mutual respect as a basis to suppress or limit the discussion of ideas, regardless of content, except as reasonably necessary to an educational activity. NDSU does, however, encourage that all such discussions take place in an atmosphere of mutual respect, free from racism, sexism, and other forms of bias.
- 3.3. NDSU and its employees shall generally not seek to shield individuals from the Free Speech or Free Expression of others. However, it shall not be considered shielding when employees provide information about upcoming events to the campus community.
- 3.4. No speech, expression, or assembly may be conducted in a way that disrupts or interferes with any teaching, research, administration, or other authorized activities on the campus. Nor may such speech, expression, or assembly be conducted in a way that interferes with the rights of others to Free Speech and Free Expression. Due

to the contextual nature of Disruptive Conduct, NDSU is reliant on the judgment and fairness of University employees and authorities in determining what constitutes Disruptive Conduct. Such judgment must be content neutral and focused on the disruptive nature of the conduct and not the message of the disruption. Disruptive Conduct is prohibited.

4. Free Speech Areas

4.1. Open Public Forums - The generally accessible, open, outdoor areas of NDSU's campus are considered open forums for free speech, subject to reasonable and constitutional time, place, and manner restrictions. If a group desires to utilize amplified sound or have exclusive use of an Open Public Forum, NDSU requires the group to obtain a reservation (See Section 6).

4.2. Designated Public Forums – NDSU has identified the following areas as restricted or designated forums. Utilization of these areas for free speech or expressive activity requires a reservation (See Section 6):

4.2.1. Areas inside buildings which have been identified as areas which may be rented or reserved.

4.2.2. Areas surrounding residential buildings are restricted from 10 am-10 pm and closed from 10 pm-10 am. Any sound production must not constitute Disruptive Conduct;

4.2.3. Areas surrounding academic buildings are closed during times when classes are held in that building and restricted when not in session. Any sound production must not constitute Disruptive Conduct;

4.2.4. Areas which must be restricted due to reasonable safety and security concerns, as designated by appropriate campus official(s);

4.2.5. Areas which must be restricted to enable the flow of pedestrian or vehicle traffic, as determined by appropriate campus official(s).

4.3. Closed Forums – Unless otherwise identified in this Policy, all other areas of campus are considered Closed Forums. Closed Forums are those areas which are not designed for the exercise of free speech or expression or which have traditionally not been open to the exercise of free speech or expressive activity.

5. Public Assemblies and Guest Speakers

5.1. Any public assembly or guest speaker taking place in an Open Public Forum with an expected attendance of more than 25 participants, including counter-demonstrators, requires a reservation (See Section 6).

5.2. Any public assembly or guest speaker taking place in an Open Public Forum utilizing Amplified Sound requires a reservation (See Section 6).

5.3. When organizing a public assembly taking place in an Open Public Forum with an expected attendance less than 25 participants, including counter-demonstrators, or without the use of Amplified Sound, organizers are encouraged to consult the Dean of

Students Office. The Dean of Students Office will assist in the event taking place in an effective and safe manner that does not disrupt the normal functioning of the University.

5.4. Reservations for public assemblies and Guest Speakers are not required for academic or administrative units.

6. Reservation of Space and Fees

To further the effectiveness of an event, protest, assembly, or demonstration, organizers are encouraged to make advance arrangements with the Dean of Students Office. Advance notification enables the University to assist in the event taking place in a constructive and peaceful manner. Additionally, with appropriate advance notice, the appropriate administration representative (e.g., student group advisor, University Police, etc.) will engage with participants during the event to help ensure that the event is effective and safe, and to assist organizers in seeing that the event does not disrupt the normal functioning of the University.

6.1. Most routine events can be approved within 48 hours, however, the scope of an event may impact how long it takes to process a request. The Dean of Students Office will determine whether an event can be executed as requested and in accordance with this policy. To request a reservation of space, NDSU requires organizers to submit a Free Speech Event Registration form to the Dean of Students Office. Some events may also require the submission of a Facility Use Agreement and/or coordination with specific buildings, offices, or departments. Reservations must be made following the process in place for each particular space.

6.2. If multiple requests are made for the same space during the same time, reservation requests will be processed in the order in which they were received.

6.3. A space reservation affords the group the right to the reserved space for the time covered by the reservation. Any person or organization using or occupying the reserved space without a reservation must yield control of the reserved space in time to allow for the reservation and any time that may be needed to setup the space for the reservation.

6.4. Fees - The University may prescribe a fee schedule for reserving specified campus spaces. The schedule shall be made available on request, by the area responsible for a particular space or venue, and shall be based on the actual expenses incurred by the campus in making the space available. The schedule must not be wholly or partially based on viewpoint- or content-based criteria, but may include security and logistic fees based on the venue, the anticipated attendance, historical protest activity at events of similar attendance, and other content-neutral factors. The cost of security will be set by the University Police and Safety Office. The criteria used to establish the fee schedule shall be made publicly available.

6.5. The University may waive any applicable fee for an assembly contributing to the educational mission of the institution or engaging in charitable work.

6.6. Academic and administrative units are not subject to the fee schedule.

7. Prohibited Items at Events Covered by this Policy

7.1. Dangerous weapons, as defined by N.D.C.C. § 62.1-01-01(1).

7.2. Firearms, except as permitted by law. See N.D.C.C. § 62.1-02-05.

7.3. Body-armor or makeshift body-armor, helmets and other garments, such as sporting protective gear, that alone or in combination could be reasonably construed as weapons or body-armor, without written permission from appropriate campus official(s).

7.4. Open flame, unless approved in advance by appropriate campus official(s).

8. Distribution of Literature and Chalking

8.1. Commercial Literature may be distributed in designated public forums only:

8.1.1. At University events where the commercial activity has been pre-approved;

8.1.2. On University-approved bulletin boards per building's policy/guidance for use of bulletin boards. All other commercial solicitations are prohibited, unless authorized under and pursuant to NDSU Policy 150 and 700;

8.1.3. Through publications such as The Spectrum student newspaper, whose distribution on campus is pre-approved; and

8.1.4. In the Free Speech Literature rack and contact tables in the main level of Memorial Union (contact tables are available through reservation in the Memorial Union and a fee is charged to off-campus entities).

8.2. Chalking is only allowed for Residence Hall Move-in and NDSU Homecoming with permission from Facilities Management.

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
Amended	October 29, 2018
Amended	August 21, 2019

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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 700 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. For questions regarding literature distribution within the Residence Halls, 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
Amended	October 29, 2018

Proposed Faculty Senate Resolution on Native Faculty and Increasing Enrollment

Whereas NDSU has recently lost the following Native American Faculty:

Dr. Michael Yellow Bird (left in 2019 for U of Manitoba)
Dr. Robert Brueggeman (left in summer 2019 for Washington State University)
Dr. Siobhan Wescott (left in 2019 for UND)
Dr. Donald Warne (left in 2018 for UND)
Dr. Denise Lajimodiere (retired in 2018)
Dr. Larry Patnaude (2017)
Dr. Linda Frizell (left in 2015 for U of Minnesota);

Whereas, NDSU has gained one new Native American Faculty member:
Dr. Hollie Mackey (hired in August 2019)

Whereas, NDSU has only one other Native American Faculty member:
Dr. Donna Grandbois (hired in 2008)

Whereas, **this represents a net loss of 78% of Native American faculty;**

Whereas, the largest minority group in North Dakota is comprised of a variety of Native American peoples and NDSU is uniquely positioned to recruit Native students¹;

Whereas with fewer Native professors on campus, we lose the knowledge and expertise to fully enact our **land grant mission** at NDSU;

Whereas lack of Native faculty inhibits our capability to increase enrollment of Native students²; **and increase overall enrollment at NDSU.** Now, therefore, be it

Resolved, that the NDSU Faculty Senate

1. urges hiring replacements for departing Native faculty, with priority given to a new head of the Tribal and Indigenous Peoples Studies program;
2. recommends establishment of a Native American faculty/staff council to focus on helping recruit and retain staff and faculty, supported by the Provost's Office, with regular meetings to create greater support and collaborations between faculty/staff;
3. suggests creating a Native American welcoming space where Native American students and faculty can gather;
4. supports implementation of Native American cultural programming across campus; and
5. advocates Anti-racist/Diversity training that focuses specifically on Native American history, culture, and values, with an emphasis on listening strategies.

¹ <http://aihec.org/who-we-serve/TCUmap.cfm>

²

https://www.academia.edu/40048360/Creating_Visibility_and_Healthy_Learning_Environments_for_Native_Americans_in_Higher_Education_Declaration_of_Native_Purpose_in_Higher_Education_An_Indigenous_Higher_Education_Equity_Initiative