

Agenda
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, September 14, 2009
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of May 11, 2009, minutes

III. Consent Agenda

- A. Academic Affairs ([Attachment 1](#))
- B. Confirmation of Senate Committee Members ([Attachment 2](#))

Any member can request that an item on the consent agenda be placed on the regular agenda.

IV. General Announcements

- A. President Chapman
- B. Provost/VPAA Schnell
- C. M. Meister, President of University Senate
 - 1. Confirmation of Parliamentarian
 - 2. Senate Selection of Member to Grade Appeals Board
- D. V. Olson, Staff Senate President
- E. A. Alstadt, Student Senate President
- D. Other

V. Committee Reports

- A. Academic Affairs - A. Brundt
- B. General Education - L. Peterson
- C. Council of College Faculties - V. Heinz
- D. Proposed By-Laws - D. Comez
- E. Policy Coordinating Committee - A. Rupiper Taggart
 - For discussion and vote:
 - 1. Policy 103 – Equal Opportunity/Affirmative Action Policy on the Announcement of Position Openings ([Attachment 3](#))
 - 2. Policy 132 – Developmental Leave ([Attachment 4](#))
 - 3. Policy 139 – Leave With Pay ([Attachment 5](#))
 - 4. Policy 153 – Tobacco Free Campus ([Attachment 6](#))
 - 5. Policy 156 – Equal Opportunity Grievance Procedures ([Attachment 7](#))
 - 6. Policy 212 – Overtime ([Attachment 8](#))
 - 7. Policy 806 – Allowable Cost Policies – Summer Salary for Faculty and Staff ([Attachment 9](#))
- F. Other Committee Reports

VI. Unfinished Business

VII. New Business

- A. Confirmation of Spring 2009 graduates ([Attachment 10](#))
- B. Confirmation of Summer 2009 graduates ([Attachment 11](#))

VIII. Discussion

IX. Adjournment

Academic Affairs Committee Report
University Senate Meeting – September 14, 2009

Curricular Recommendations

Department, Program Title and Prefix Change							
From: Child Development and Family Science (CDFS) To: <i>Human Development and Family Science (HDFS)</i>							
New Courses							
Subject	No.	Title					Crs.
ABEN	456/656	Biobased Energy					3
COMM	446	Television Studio Production					3
ECE/IME	429/629	Introduction to IC Fabrication					3
NURS	452	Professional Practice Synthesis					2
Course Deletions							
Subject	No.	Title					Crs.
AGEC	150	Quantitative Economics					2
AGEC	470/670	Agricultural Trade					2
AGEC	672	Advanced Logistical Analysis					3
AGEC	772	Rural Logistics and Distribution Management					3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Subject	No.	Title	Crs.
ECE	702	Advanced Research Topics	3	ECE	702	Advanced Research Topics	<i>1</i>

University Senate Standing Committees 2009-2010

Attachment 2

Committee	Membership Requirement	Committee Member	Representation Unit	Consecutive Years Eligible	Appointment Begins	No. Years Appointed	Term Expires
Academic Affairs	Ex-officio	Kristi Wold-McCormick	Registrar	Ex-officio	Ex-officio		Ex-officio
Academic Affairs	Assoc. or Full Prof		Ag., Food Systems, & Natural Res.	4	May-06	4	May-10
Academic Affairs	Assoc. or Full Prof	Jeanne Hageman	Arts, Humanities & Social Sciences	4	May-08	4	May-12
Academic Affairs	Assoc. or Full Prof	Rodney Traub	Business	4	May-09	4	May-13
Academic Affairs	Assoc. or Full Prof	Ghodratollah Karami	Engineering & Architecture	4	May-07	4	May-11
Academic Affairs	Assoc. or Full Prof	Charlene Wolf-Hall	Graduate and Interdisciplinary Studies	4	May-09	4	May-13
Academic Affairs	Assoc. or Full Prof	Ardith Brunt, Senate Liaison	Human Development & Education	4	May-08	4	May-12
Academic Affairs	Assoc. or Full Prof	Cynthia Naughton, Chair	Pharmacy, Nursing, & Allied Sciences	4	May-08	4	May-10
Academic Affairs	Ex-officio	R. Craig Schnell	Provost & VPAA	Ex-officio	Ex-officio		Ex-officio
Academic Affairs	Assoc. or Full Prof	Anne Denton	Science & Mathematics	4	May-09	4	May-13
Academic Affairs	Appointed by Student President	Molly Bausman	Student, Graduate	1	May-09	1	May-10
Academic Affairs	Appointed by Student President	Jeremy Nere	Student, Undergraduate	1	May-09	1	May-10
Academic Integrity	Tenured, Full Prof		Ag., Food Systems, & Natural Res.	3	May-09	3	May-12
Academic Integrity	Tenured, Full Prof	Bahman Bahrami	Business	3	May-08	3	May-11
Academic Integrity	Tenured, Full Prof	Roger Green	Engineering & Architecture	3	May-08	3	May-11
Academic Integrity	Tenured, Full Prof	Linda Manikowske	Human Development & Education	3	May-08	3	May-11
Academic Integrity	Tenured, Full Prof	Thomas Ambrosio	Arts, Humanities & Social Sciences	3	May-09	3	May-12
Academic Integrity	Tenured, Full Prof	Neil Gudmestad	Graduate and Interdisciplinary Studies	3	May-08	3	May-11
Academic Integrity	Tenured, Full Prof	Steve O'Rourke	Pharmacy, Nursing, & Allied Sciences	3	May-08	3	May-11
Academic Integrity	Tenured, Full Prof	D. K. Srivastava	Science & Mathematics	3	May-07	3	May-10
Campus Space & Facilities	Designated by college	Ann Burnett	Arts, Humanities & Social Sciences	4	May-07	4	May-11
Campus Space & Facilities	Designated by college	Tom Dowdell	Business	4	May-08	4	May-12
Campus Space & Facilities	Designated by college	Mark Sheridan	Graduate and Interdisciplinary Studies	4	May-08	4	May-12
Campus Space & Facilities	Designated by college	Jim Deal	Human Development & Education	4	May-08	4	May-12
Campus Space & Facilities	Designated by college	Mark McCourt	Science & Mathematics	4	May-08	4	May-12
Campus Space & Facilities	Designated by college	Gregory Cook	Senate Liaison	Ex-officio	Ex-officio		Ex-officio
Campus Space & Facilities	Elected by Staff Senate	Andrea Abrahamson	Staff Senate Representative	1	May-09	4	May-13
Campus Space & Facilities	Designated by college	Luis del Rio Mendoza	Ag., Food Systems, & Natural Res.	4	May-09	4	May-13
Campus Space & Facilities	Designated by college		Assistant Director Ag Expt. Sta.	Ex-officio	Ex-officio		Ex-officio
Campus Space & Facilities	Designated by college	Ganapathy Mahalingham	Chair of Architecture	Ex-officio	Ex-officio		Ex-officio
Campus Space & Facilities	Designated by college	Ray Boyer	Chief of Campus Security	Ex-officio	Ex-officio		Ex-officio
Campus Space & Facilities	Designated by college	Bruce Frantz	Director, Facilities Management	Ex-officio	Ex-officio		Ex-officio
Campus Space & Facilities	Designated by college	Cindy Urness	Engineering & Architecture	4	May-08	4	May-12
Campus Space & Facilities	Designated by college	Dean Gross	Pharmacy, Nursing, & Allied Sciences	4	May-06	4	May-10
Campus Space & Facilities	Designated by college	R. Craig Schnell, Senate Liaison	Provost & VPAA	Ex-officio	Ex-officio		Ex-officio
Campus Space & Facilities	Designated by college	Kristi Wold-McCormick	Registration & Records Office	Ex-officio	Ex-officio		Ex-officio
Campus Space & Facilities	Appointed by Student Senate	Brian Fier	Student Senate Representative	1	May-09	4	May-10
Campus Space & Facilities		Vance Olson	Senate Liaison	1	May-10	1	May-10
Campus Space & Facilities	Designated by college	John Adams, chair	VP Business and Finance	Ex-officio	Ex-officio		Ex-officio
Council of College Faculties	Elected by faculty		Arts, Humanities & Social Sciences	3	May-08	3	May-10
Council of College Faculties Representatives	Elected by faculty	Bahman Bahrami	Business	3	May-09	3	May-12
Council of College Faculties Representatives	Elected by faculty	Verlin Hinsz	Science & Mathematics	3	May-08	3	May-11
Executive	Elected by college	Mohamed Khan	Ag., Food Systems, & Natural Res.	1	May-09	1	May-10
Executive	Elected by college	Paul Nelson	Arts, Humanities & Social Sciences	1	May-09	1	May-10
Executive	Elected by college	William Bowlin	Business	1	May-09	1	May-10
Executive	Appointed by Presiding Officer		Council of College Faculties	Ex-officio	Ex-officio	Ex-officio	Ex-officio
Executive	Elected by college	Jacob Glower	Engineering & Architecture	1	May-09	1	May-10
Executive	Ex-officio	David Wittrock	Graduate and Interdisciplinary Studies	Ex-officio	Ex-officio		Ex-officio
Executive	Elected by college	Robert Nielsen	Human Development and Education	1	May-09	1	May-10
Executive	Elected by Senate	Dogan Comez	Past University Senate President	1	May-09	1	May-10
Executive	Elected by college	Maggie Lee	Pharmacy, Nursing, & Allied Sciences	1	May-09	1	May-10
Executive	Elected by faculty	Mark Meister	President Elect	Ex-officio	Ex-officio		Ex-officio
Executive	Ex-officio	R. Craig Schnell	Provost & VPAA	Ex-officio	Ex-officio		Ex-officio
Executive	Elected by college	Sean Sather-Wagstaff	Science & Mathematics	1	May-09	1	May-10
Executive	Elected by Staff Senate	Vance Olson	Staff Senate President	1	May-09	1	May-10
Executive	Student Body President	Amber Altstadt	Student Body President	1	May-09	1	May-10

*College appointed to lesser term than is eligible by University Senate Bylaws.

9/8/2009

Committee	Membership Requirement	Committee Member	Representation Unit	Consecutive Years Eligible	Appointment Begins	No. Years Appointed	Attachment 2 Expires
Executive	Elected by Senate	Mark Meister, President	University Senate President	1	May-09	1	May-10
Faculty Development	Designated by college	Jill Nelson	Human Development & Education	4	May-08	4	May-12
Faculty Development	Designated by college	Lyle Prunty	Ag., Food Systems, & Natural Res.	4	May-07	4	May-11
Faculty Development	Designated by college	Kent Kapplinger	Arts, Humanities & Social Sciences	4	May-07	4	May-11
Faculty Development	Designated by college	Donna Dietz	Business	4	May-08	4	May-12
Faculty Development	Designated by college	William Burns	Division of Student Affairs	Ex-officio	Ex-officio		Ex-officio
Faculty Development	Designated by college	Charles McIntyre	Engineering & Architecture	4	May-06	4	May-10
Faculty Development	Designated by college	William Martin, Chair	Graduate and Interdisciplinary Studies	4	May-08	4	May-12
Faculty Development	Designated by college	Christian Albano	Pharmacy, Nursing, & Allied Sciences	4	May-08	4	May-12
Faculty Development	Designated by college	R. Craig Schnell	Provost & VPAA	Ex-officio	Ex-officio		Ex-officio
Faculty Development	Designated by college	Marian Bocea	Science & Mathematics	4	May-08	4	May-12
Faculty Development	Designated by college	Robert Nielsen	Senate Liaison	1	May-09	4	May-10
Faculty Personnel	Assoc. or Full Prof	Mariusz Ziejewski	Engineering & Architecture	4	May-07	4	May-11
Faculty Personnel	Assoc. or Full Prof	Maggie Lee	Senate Liaison	1	May-09	3	May-12
Faculty Personnel	Elected by Staff Senate		Staff Senate Liaison	1	May-09	3	May-12
Faculty Personnel	Assoc. or Full Prof	Mark Boetel	Ag., Food Systems, & Natural Res.	4	May-09	4	May-13
Faculty Personnel	Assoc. or Full Prof	Betsy Birmingham	Arts, Humanities & Social Sciences	4	May-07	4	May-11
Faculty Personnel	Assoc. or Full Prof	Karen Froelich	Business	4	May-07	4	May-11
Faculty Personnel	Assoc. or Full Prof	Julie Garden-Robinson	Human Develop & Educ, Senate Liaison	4	May-08	4	May-12
Faculty Personnel	Assoc. or Full Prof	Donald Miller	Pharmacy, Nursing, & Allied Sciences	4	May-08	4	May-12
Faculty Personnel	Assoc. or Full Prof		Science & Mathematics	4	May-09	4	May-13
Faculty Rights, Standing Committee on	Tenured or Assoc. Prof. (Elected by faculty)	JoAnn Miller	Arts, Humanities & Social Sciences	5	May-07	5	May-12
Faculty Rights, Standing Committee on	Tenured or Assoc. Prof. (Elected by faculty)	John Helgeland	Chair	5	May-06	5	May-11
Faculty Rights, Standing Committee on	Tenured or Assoc. Prof. (Elected by faculty)		Engineering & Architecture	5	May-09	5	May-14
Faculty Rights, Standing Committee on	Tenured or Assoc. Prof. (Elected by faculty)	Thomas Barnhart	Human Development & Education	5	May-08	5	May-13
Faculty Rights, Standing Committee on	Tenured or Assoc. Prof. (Elected by faculty)	Mark Sheridan	Science & Mathematics	5	May-05	5	May-10
General Education	Designated by college	Xiwen Cai	Ag., Food Systems, & Natural Res.	4	May-08	4	May-12
General Education	Designated by college	Charles Stevens	Business	4	May-06	4	May-10
General Education	Designated by college	Larry Peterson, Chair and Liaison	Provost & VPAA Rep, Senate Liaison	Ex-officio	Ex-officio		Ex-officio
General Education	Appointed by Student President	Langston Johnson	Student	1	May-09	1	May-10
General Education	Designated by college	Totten, Gary	Arts, Humanities & Social Sciences	4	May-09	4	May-13
General Education	Designated by college	Catherine Haugen	Division of Student Affairs	Ex-officio	Ex-officio		Ex-officio
General Education	Designated by college		Engineering & Architecture	4	May-09	3	May-12
General Education	Designated by college	Tom Barnhart	Human Development & Education	4	May-08	4	May-12
General Education	Designated by college	Charlene Myhre	NDSU Libraries	Ex-officio	Ex-officio		Ex-officio
General Education	Designated by college	Mary Wright	Pharmacy, Nursing, & Allied Sciences	4	May-09	4	May-13
General Education	Designated by college	Virginia Clark Johnson	Provost & VPAA Representative	Ex-officio	Ex-officio		Ex-officio
General Education	Designated by college	Kristi Wold-McCormick	Registrar	Ex-officio	Ex-officio		Ex-officio
General Education	Designated by college	RaNelle Ingalls	Registration & Records Office	Ex-officio	Ex-officio		Ex-officio
General Education	Designated by college	Linda Langley	Science & Mathematics	4	May-09	4	May-13
General Education	Appointed by Student President	Cory Loveless	Student	1	May-09	1	May-10
General Education	Designated by college	Robert Harrold	University Assessment	Ex-officio	Ex-officio		Ex-officio
Grade Appeals Board	Elected by College Faculty	Xiwen Cai	Ag., Food Systems, & Natural Res.	3	May-07	3	May-10
Grade Appeals Board	Elected by College Faculty	Carlos Hawley	Arts, Humanities & Social Sciences	3	May-08	3	May-11
Grade Appeals Board	Elected by College Faculty	Terry Knoepfle	Business	3	May-07	3	May-10
Grade Appeals Board	Elected by Senate		Committee Chair (elected by Senate)	3	May-09	3	May-12
Grade Appeals Board	Elected by College Faculty	G. H. Nazari	Engineering & Architecture	3	May-08	3	May-11
Grade Appeals Board	Elected by College Faculty		Graduate and Interdisciplinary Studies	3	May-07	3	May-10
Grade Appeals Board	Elected by College Faculty	Bryan Christensen	Human Development & Education	3	May-07	3	May-10
Grade Appeals Board	Elected by College Faculty	Shila Thompson	Pharmacy, Nursing, & Allied Sciences	3	May-07	3	May-10
Grade Appeals Board	Elected by College Faculty	Wenfang Sun	Science & Mathematics	3	May-07	3	May-10
Grade Appeals Board	Appointed by Student Senate	Paul Gunderson	Student	1	May-09	1	May-10
Grade Appeals Board	Appointed by Student Senate	Nigel Haarstad	Student	1	May-09	1	May-10

Committee	Membership Requirement	Committee Member	Representation Unit	Consecutive Years Eligible	Appointment Begins	No. Years Appointed	Attachment 2 Expires
Grade Appeals Board	Appointed by Student Senate	Jeb Lockwood	Student	1	May-09	1	May-10
Grade Appeals Board (Alternates)	Elected by College Faculty	Carrie Hammer	Ag., Food Systems, & Natural Res.	3	May-08	3	May-11
Grade Appeals Board (Alternates)	Elected by College Faculty	Virginia Sublett	Arts, Humanities & Social Sciences	3	May-08	3	May-11
Grade Appeals Board (Alternates)	Elected by College Faculty	Tom Dowdell	Business	3	May-07	3	May-10
Grade Appeals Board (Alternates)	Elected by College Faculty		Engineering & Architecture	3	May-07	3	May-10
Grade Appeals Board (Alternates)	Elected by College Faculty		Graduate and Interdisciplinary Studies	3	May-07	3	May-10
Grade Appeals Board (Alternates)	Elected by College Faculty	Gary Ketterling	Human Development & Education	3	May-07	3	May-10
Grade Appeals Board (Alternates)	Elected by College Faculty	Polly Olson	Pharmacy, Nursing, & Allied Sciences	3	May-07	3	May-10
Grade Appeals Board (Alternates)	Elected by College Faculty	Thomas Ihle	Science & Mathematics	3	May-07	3	May-10
Grade Appeals Board (Alternates)	Appointed by Student Senate	Monte Gehrtz	Student	1	May-09	1	May-10
Grade Appeals Board (Alternates)	Appointed by Student Senate		Student	1	May-09	1	May-10
Grade Appeals Board (Alternates)	Appointed by Student Senate	Ripon Roychowdhury	Student	1	May-09	1	May-10
Library	Designated by college	Luis Del Rio Mendoza	Ag., Food Systems, & Natural Res.	4	May-07	4	May-11
Library	Designated by college	Kevin Brooks	Arts, Humanities & Social Sciences	4	May-07	4	May-11
Library	Designated by college	Doug Rymph	Business	4	May-07	4	May-11
Library	Designated by college	Michele Reid	Dean of Libraries	Ex-officio	Ex-officio		Ex-officio
Library	Designated by college		Engineering & Architecture	4	May-09	4	May-10
Library	Designated by college	Kent Rodgers	Graduate and Interdisciplinary Studies	4	May-06	4	May-10
Library	Designated by college	Lynette Winters	Human Development & Education	4	May-06	3	May-10
Library	Designated by college	Marty Hoag	Information Technology Services	4	May-07	4	May-11
Library	Designated by college	Jana Stenson	Pharmacy, Nursing, & Allied Sciences	4	May-07	4	May-11
Library	Designated by college	Thomas Ihle	Science & Mathematics	4	May-09	4	May-13
Library	Designated by college	Mark Meister	Senate Liaison	4	May-07		May-11
Library	Elected by Staff Senate	Sheila Watson	Staff Senate	1	May-09	1	May-10
Library	Appointed by Student President	Rachelle Hadland	Student	1	May-09	1	May-10
Library	Appointed by Student President	Jacob Holm	Student	1	May-09	1	May-10
Program Review	Assoc. or Full Prof	Rajesh Kavasseri	Engineering & Architecture	4	May-08	4	May-12
Program Review	Ex-officio	R. Craig Schnell	Provost & VPAA	Ex-officio	Ex-officio		Ex-officio
Program Review	Appointed by Student President	Carrie Schmidt	Student	1	May-09	1	May-10
Program Review	Assoc. or Full Prof	Jay Goos	Ag., Food Systems, & Natural Res.	4	May-06	4	May-10
Program Review	Assoc. or Full Prof	Thomas Ambrosio	Arts, Humanities & Social Sciences	4	May-07	4	May-11
Program Review	Assoc. or Full Prof	Bonnie Klamm	Business	4	May-09	4	May-13
Program Review	Assoc. or Full Prof	David Wittrock	Dean, Graduate School	Ex-officio	Ex-officio		Ex-officio
Program Review	Assoc. or Full Prof	Cheryl Wachenheim/ Margaret Fitzgerald, Chair	Graduate and Interdisciplinary Studies	4	May-07	4	May-11
Program Review	Assoc. or Full Prof	Donna Terbizan	Human Development & Education	4	May-08	4	May-12
Program Review	Assoc. or Full Prof	Daniel Friesner	Pharmacy, Nursing, & Allied Sciences	4	May-08	4	May-12
Program Review	Assoc. or Full Prof	Mark Meister	President, Senate liaison	1	May-09	1	May-10
Program Review	Assoc. or Full Prof	John Hershberger	Science & Mathematics	4	May-08	4	May-12
Program Review	Appointed by Student President	Ashley Young	Student	1	May-09	1	May-10
Program Review (Alternates)	Designated by college (tenured preferred)	Joel Caton	Ag., Food Systems, & Natural Res.	4	May-08	4	May-12
Program Review (Alternates)	Designated by college (tenured preferred)		Arts, Humanities & Social Sciences	4	May-07	4	May-11
Program Review (Alternates)	Designated by college (tenured preferred)	Herbert Synder	Business	4	May-09	4	May-13
Program Review (Alternates)	Designated by college (tenured preferred)	Ganesh Padmanabhan	Engineering & Architecture	4	May-08	4	May-12
Program Review (Alternates)	Designated by college (tenured preferred)		Graduate and Interdisciplinary Studies	4	May-09	4	May-13
Program Review (Alternates)	Designated by college (tenured preferred)	Ronald Stammen	Human Development & Education	4	May-08	4	May-12
Program Review (Alternates)	Designated by college (tenured preferred)	Loretta Heuer	Pharmacy, Nursing, & Allied Sciences	4	May-09	4	May-13
Program Review (Alternates)	Designated by college (tenured preferred)		Science & Mathematics	4	May-09	4	May-13
Research & Consulting	Appt by VP RCATT	Val Kettner, Chair	Asst. VP for Sponsored Programs Admin	Ex-officio	Ex-officio		Ex-officio
Research & Consulting	Appt by VP RCATT	Joseph Szmerekovsky	Business	3	May-09	3	May-12

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Committee	Membership Requirement	Committee Member	Representation Unit	Consecutive Years Eligible	Appointment Begins	No. Years Appointed	Attachment 2 Expires
Research & Consulting	Appt by VP RCATT	Karen Hendrickson	Director of Restricted Fund Accounting	Ex-officio	Ex-officio		Ex-officio
Research & Consulting	Appt by VP RCATT	Ken Grafton	Director of the Agricultural Expt. Station	Ex-officio	Ex-officio		Ex-officio
Research & Consulting	Appt by VP RCATT		Science & Mathematics	3	May-09	3	May-12
Research & Consulting	Appt by VP RCATT		Senate Liaison	1	May-09	1	May-10
Research & Consulting	Appt by VP RCATT	Kay Sizer	Staff Member from Sponsored Prog. Admin	Ex-officio	Ex-officio		Ex-officio
Research & Consulting	Appt by VP RCATT		Ag., Food Systems, & Natural Res.	3	May-07	3	May-10
Research & Consulting	Appt by VP RCATT	Ineke Justitz	Arts, Humanities & Social Sciences	3	May-08	3	May-11
Research & Consulting	Appt by VP RCATT	Dale Zetocha	Director of Techn. Transfer & Res. Found.	Ex-officio	Ex-officio		Ex-officio
Research & Consulting	Appt by VP RCATT	Amiy Varma	Engineering & Architecture	3	May-08	3	May-11
Research & Consulting	Appt by VP RCATT	Greg Sanders	Human Development & Education	3	May-07	3	May-10
Research & Consulting	Appt by VP RCATT	Steve O'Rourke	Pharmacy, Nursing, & Allied Sciences	3	May-07	3	May-10
Research & Consulting	Appt by VP RCATT	Phil Boudjouk	VP for Res., Creative Act., & Techn. Transf.	Ex-officio	Ex-officio		Ex-officio
Teaching & Professional Service	Assoc. or Full Prof	Asunta (Susie) Thompson	Ag., Food Systems, & Natural Res.	4	May-09	4	May-13
Teaching & Professional Service	Assoc. or Full Prof	Jim Norris	Arts, Humanities & Social Sciences	4	May-07	4	May-11
Teaching & Professional Service	Assoc. or Full Prof	Charles Stevens	Business	4	May-07	4	May-11
Teaching & Professional Service	Assoc. or Full Prof	Reza Maleki	Engineering & Architecture	4	May-08	4	May-12
Teaching & Professional Service	Assoc. or Full Prof	Sean Brotherson	Graduate and Interdisciplinary Studies	4	May-07	4	May-11
Teaching & Professional Service	Assoc. or Full Prof	Robert Nielsen	Human Development & Education	4	May-07	4	May-11
Teaching & Professional Service	Assoc. or Full Prof	Robert Sylvester	Pharmacy, Nursing, & Allied Sciences	4	May-09	4	May-13
Teaching & Professional Service	Assoc. or Full Prof		Science & Mathematics	4	May-09	4	May-13
Teaching & Professional Service	Assoc. or Full Prof		Senate Liaison	1	May-09	1	May-10
University Assessment	Designated by college	Ed Deckard	Ag., Food Systems, & Natural Res.	4	May-08	4	May-12
University Assessment	Designated by college	Robert Littlefield	Arts, Humanities & Social Sciences	4	May-09	4	May-13
University Assessment	Designated by college	John Bitzan	Business	4	May-08	4	May-12
University Assessment	Designated by college	David Wittrock	Distance & Continuing Education	4	May-09	4	May-13
University Assessment	Designated by college	Bakr Aly Ahmed	Engineering & Architecture	4	May-07	4	May-11
University Assessment	Designated by college	Carolyn Grygiel	Graduate and Interdisciplinary Studies	4	May-08		May-12
University Assessment	Designated by college	Debra Pankow	NDSU Extension Service	4	May-08	4	May-12
University Assessment	Designated by college	Robert Harrold, Chair	Office of Accreditation & Assessment	Ex-officio	Ex-officio		Ex-officio
University Assessment	Designated by college	William Slanger	Office of Institutional Research & Analysis	Ex-officio	Ex-officio		Ex-officio
University Assessment	Designated by college	Brian Fier	Student, Graduate	1	May-09	1	May-10
University Assessment	Appointed by Student Senate	Abram Jackson	Student, Undergraduate	1	May-09	1	May-10
University Assessment	Designated by college	Bunnie Johnson-Messelt	Division of Student Affairs	Ex-officio	Ex-officio		Ex-officio
University Assessment	Designated by college	Larry Peterson	General Education Comm. Representative	4	May-06	4	May-10
University Assessment	Designated by college	Myron Eighmy	Human Development & Education	4	May-08	4	May-12
University Assessment	Designated by college	David Scott	Pharmacy, Nursing, & Allied Sciences	4	May-07	4	May-11
University Assessment	Designated by college	William Slanger	Provost & VPAA Representative	Ex-officio	Ex-officio		Ex-officio
University Assessment	Designated by college	Kenneth Magel	Science & Mathematics	4	May-06	4	May-10
University Assessment	Designated by college	Mark Meister	Senate Liaison	1	May-09	1	May-10
University Athletics	Designated by college	Mark Meister	Arts, Humanities & Social Sciences	4	May-07	4	May-11
University Athletics	Designated by college	Gene Taylor	Athletic Director	Ex-officio	Ex-officio		Ex-officio
University Athletics	Designated by college	Doug Rymph	Business	4	May-08	4	May-12
University Athletics	Designated by college		Engineering & Architecture	4	May-09	4	May-10
University Athletics	Designated by college	Tom Barnhart	Human Development & Education	4	May-08	3	May-12
University Athletics	Designated by college	Michael Kelsch	Pharmacy, Nursing, & Allied Sciences, Senate Liaison	4	May-07	4	May-11
University Athletics	Designated by college	Sylvio May	Science & Mathematics	4	May-08	4	May-12
University Athletics	Student Body Vice President	Andy Schlicksup	Student	1	May-09	4	May-10
University Athletics	SAAC President		Student	1	May-09	4	May-10
University Athletics	Designated by college	Lynn Dorn	Women's Athletic Director	Ex-officio	Ex-officio		Ex-officio
University Athletics	Designated by college	Harlene Hatterman-Valenti	Ag., Food Systems, & Natural Res.	4	May-08	4	May-12
University Athletics	Designated by college	Kevin McCaul	NCAA Representative	Ex-officio	Ex-officio		Ex-officio
University Athletics	Elected by Staff Senate	Erika Beseler	Staff Senate	1	May-09	1	May-10

POLICY CHANGE COVER SHEET

Notes from PCC to SENATE EXECUTIVE: This policy was approved some time ago to lengthen the spousal exception period from 1 year to 2 years. A new suggestion was made to change section 5 so that it would just reference Policy 100 as changes to Policy 100 are being made. This change has been made in the attached version.

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section:

103: EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENING

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

Policy Committee:

University Senate:

Staff Senate:

Student Senate/Executive Board:

President's Council:

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

SECTION 103: EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY ON THE ANNOUNCEMENT OF POSITION OPENINGS

SOURCE: NDSU President

The following policy has been developed after consultation with the University General Counsel, the Director of Human Resources/Payroll, the ~~Executive Director, Chief Diversity Officer in Vice President in~~ the Office for Equity, ~~and~~ Diversity, and Global Outreach and the President's Council. These position announcement requirements must be followed in making any appointment to a payroll position for which the individual will receive fringe benefits.

1. If the appointment is to be .50 FTE or more and the expectation is that the appointee will serve for more than four months, the position shall be announced throughout the appropriate recruiting area as defined in Sections 200 and 303 of this Manual. Generally speaking, the recruiting area for faculty and professional administrative positions is considered to be on a national level, and the recruiting area for broadbanded technical, office, craft and trades, and service positions to be the Fargo-Moorhead area and the ten-county region surrounding the institution.

1.1

When a position vacancy occurs and there is a pool of regular employees appropriately qualified for transfer or promotion (including former employees covered by Reduction in Force policy, Section 223), a unit supervisor may choose to advertise a vacant position internally for a minimum of one week prior to initiating an external search. The procedures for these internal searches will be the same as those external searches (see Section 202 or Section 304). The Office for Equity, ~~and~~ Diversity and Global Outreach (for non-banded positions) or the Human Resources/Payroll Office (for broadbanded positions), in consultation with the unit supervisor, will be responsible to determine whether a pool of appropriately qualified employees exists.

2. If the appointment is either less than .50 FTE or clearly stipulated to be for a total duration of less than twenty weeks, then there is no formal position announcement required. Unit supervisors are, however, encouraged to announce the position on an internal or local basis. That means that an announcement might be distributed only within the University or to the eligible faculty or staff of the particular academic or administrative unit involved. However, affirmative action efforts should still be undertaken within this possible limitation to ensure that qualified minority individuals, females and individuals with disabilities are included in the applicant pool. Distributing the position announcement to the other Tri-College University institutions or within the Fargo-Moorhead community is also encouraged.
3. Recruitment for all full-time, regular administrative, academic and professional broadbanded staff positions (all those in the 1000, 2000 or 3000 job categories) shall include the use of a search committee of at least three people to be appointed by the unit administrator at the time the unit requests authorization to fill a position opening. Unit administrators are urged to consider the importance of diversity when making appointments to search committees.

The search committee shall be involved in recruiting, screening and interviewing applicants, with particular responsibility for affirmative action efforts to solicit and include applicants from under represented and protected groups. Selection from the group of finalists of the individual to fill the position is the responsibility of the unit administrator. The ~~Executive Director, Chief Diversity Officer~~ Vice President in the Office for Equity, ~~and~~ Diversity and Global Outreach or the Director of Human Resources/Payroll, depending on the type of position, shall be considered an ex officio member of each search committee and will be available to assist the committee in fulfilling its responsibilities.

4. Although department heads are encouraged to post throughout the University any position that offers an important promotional opportunity to employees in other departments, the formal procedures for filling positions (see Sections 202 for broadbanded positions and 304 for non-banded) shall be optional in the following cases. Whenever an appointment is based on one of the following options, the specific option should be noted in the remarks section of the NDSU Hiring Form (100) or on the NDSU Change Form (101) and relevant documentation attached:

4.1

Timeslip employment which is not identified as a payroll budget appointment.

4.2

The transfer or promotion of an employee within a department or office, provided that the employee is fully qualified for the new position and was originally hired through a competitive search. This exception excludes faculty positions.

4.3

The transfer of a faculty member from special appointment status to a probationary appointment, provided that he or she had secured the special appointment on a nationally competitive basis.

4.4

A reassignment of duties on a part-time basis, including any appropriate change in title, which does not result in more than a 10% salary increase, a change of more than 50% of the original duties, or the creation of a position vacancy.

4.5

The appointment of an employee to fill a vacant administrative position on an acting basis, normally for a period not to exceed one year, while a search is being conducted for a regular appointee.

4.6

When there is concurrence by the hiring department, reassignment due to

- a) an injury resulting in worker's compensation award and subsequent retraining
- b) a reduction-in-force.

4.7

With prior approval, the temporary appointment of a person to a grant-funded position when the individual has been instrumental in the development of the project or is identified by name in the proposal as having unique expertise necessary to the project. This temporary appointment may not be continued beyond the period of the grant project, and the individual may not be transferred to any other University appointment without an appropriate search.

Note: To use this option, proposal writers should indicate their intention on the transmittal form and provide a letter of explanation when the proposal is submitted to the Office of Sponsored Programs Administration. Those submitting proposals for internal funding that are not reviewed in Sponsored Programs Administration should contact the Office for Equity and Diversity prior to submitting the proposal.

4.8

An externally funded appointment as a postdoctoral fellow, research scientist or broadband research professional in a department where the individual has just completed an NDSU graduate degree and the assignment involves continuation of the research used for the individual's thesis/dissertation. This appointment is limited to the period for which funding has been given and normally may not exceed two years.

4.9

At the time a new employee is hired or within the first 2 years of employment, the appointment of the employee's spouse/partner to a position for which the spouse/partner is fully qualified.

If a new employee indicates that s/he has a spouse/partner who is also interested in employment at NDSU, the department/unit administrator is responsible to:

- contact Human Resources/Payroll Office and/or the relevant academic department(s) as soon as possible (depending on the spouse's/partner's education and experience); and
- encourage the spouse/partner to make an appointment with a staff member in Human Resources/Payroll Office and/or with the head/chair of the appropriate unit to review the spouse's/partner's education and experience.

4.10

At the request of the appropriate supervisor, the reinstatement of a former NDSU employee who has left his/her employment within the previous nine (9) months, provided that:

- 1) the employee had a satisfactory performance record; and
- 2) the employee is returning to a position requiring similar qualifications and having similar responsibilities; and
- 3) the position is within the department where he/she worked at the time of resignation.

4.11

The appointment of a post doctoral fellow (postdoc) who comes to NDSU with a newly appointed faculty member on whose research project the postdoc is currently working. The postdoc may not transfer to other NDSU employment without being hired through the usual recruitment/selection process.

5. Regardless of the position announcement procedures that are followed, all employment decisions within the University are subject to equal opportunity laws and regulations, and NDSU's Equal Opportunity and Non-Discrimination Policy 100. ~~equal opportunity laws and regulations that prohibit discrimination on the basis of race, color, religion, national origin, sex, disability, age or Vietnam Era veteran status or sexual orientation.~~ In addition, all appointments to payroll budget positions and equivalent positions supported by non-appropriated funds are subject to the equal opportunity monitoring system defined in Sections 202 and 304 of this manual.
6. Exceptions to this policy may be authorized by the President in unique circumstances.

A request for the Presidential exception is initiated by the hiring department and forwarded through the appropriate supervisory line to the unit's dean or director. If there is support from the dean or director, the request is forwarded to the appropriate vice president. If the request is supported by the vice president *after* consultation with the ~~University's Executive Director, Chief Diversity Officer~~ Vice President in the Office for Equity, ~~and~~ Diversity and Global Outreach and the unit's dean and director, it is forwarded by the vice president to the President for consideration.

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: *NDSU Policy 132: Developmental Leave*

To make policy more clear as it relates to non-academic staff as well.

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

Policy Committee: 05/20/2009

University Senate: 05/28/09

Staff Senate: 05/28/09

Student Senate/Executive Board:

President's Council: 05/28/09

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

Office of General Counsel (4/13/09)

SECTION 132: DEVELOPMENTAL LEAVE**SOURCE: SBHE Policy Manual, Section 701.2**

1. Developmental leave for retraining and/or professional development is permitted for NDSU employees *after a minimum of three years of service at NDSU* providing:

1.1 institutional resources are available.

1.2 workload is absorbed within the existing staff resource allocations.

1.3 a written proposal describing the planned use of the leave and its anticipated benefits to the institution, to the State, and to the employee is presented and approved. The proposal shall also include the detail of the source of funds for the total stipend.

1.4 except as provided in ~~See E, Subsection 1.5~~, the employee presents a signed agreement to return to the system upon completion of the leave for a period of time at least equal to the leave time or refund the institution's stipend payment.

1.5 to assist in retrenchment efforts, developmental leave may be granted without a signed agreement to return. The employee must execute a resignation effective at the termination of the developmental leave.

1.5.1 *NDSU Guidelines: If the employee finds other employment during the developmental leave, then, unless such employment is approved as part of the developmental leave program, the university's obligation under the developmental leave agreement is terminated and the employee's resignation becomes effective immediately upon such employment during the development leave.*

Developmental leave may not exceed 12 months and *the base stipend shall not normally be less than 25% nor more than 75% of the salary scheduled for the leave period.*

2. Developmental leave for the Chancellor or an institution president shall be approved by the Board; developmental leave for system office staff shall be approved by the Chancellor; and developmental leave for institution employees shall be approved by the institution president or designee.

3. *NDSU Guidelines for faculty and other ~~academic staff members~~ employees applying for developmental leaves.*

3.1 *Prepare a proposal (2-5 pages) that includes the following:*

3.1.1 *An overview identifying goals, objectives, and activities planned for the leave including site(s) for the experience, collaborators, and the areas of work or research.*

3.1.2 *Resulting outputs from the leave (e.g. software, book, other publications, exhibitions).*

3.1.3 *Relationship of leave request to current skills and anticipated skill development.*

3.1.4 *Outline of benefits to individual, students, department, college, university and state.*

3.1.5 *Requested period of leave (up to 12 months).*

3.1.6 *Anticipated/requested income during the leave*

--University

--Other

An institutionally funded developmental leave stipend may be supplemented with non-appropriated funds which may bring the total stipend to an amount equal to but normally not to exceed the budgeted salary for the leave period. Funds providing for extensive travel expenses, relocation expenses, and/or educational cost incurred during the leave shall not be considered as part of the base stipend.

No annual or sick leave will accrue during the developmental leave period.

3.2 *Route this proposal and a copy of the "Developmental Leave Agreement" to:*

(1) Departmental Chair (for analysis and recommendation) and the Dean (for analysis and recommendation); the request will be forwarded to the Provost/Vice President for Academic Affairs by the Dean; ~~and/or~~ (2) to the appropriate supervisor(s) and Vice President for analysis and recommendation.

Note: ~~Department Chair's and Dean's~~ The analyse~~s~~^{is} should focus on the proposed project as it benefits the individual, department, and college/unit and, if leave is recommended, provide an indication of coverage for the individual's responsibilities when on leave.

3.3 When considering a request for developmental leave, inform the department chair or supervisor at least six months prior to the anticipated leave and submit the request for administrative approval at least three months prior to the leave. The appropriate Vice President can waive the timelines.

Note: Individuals other than academic staff who are interested in developmental leave should consult their vice president.

HISTORY: April 24, 1987; Amended April 1992, March 1993, October 1998, March 2002, October 2007.

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section 139 – Leave with Pay

Changes language in section 4 to be consistent with Board policy. Addresses issues of closures more broadly rather than just during storm situations.

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

Policy Coordination Committee – 5/20/09

University Senate -05/28/09

Staff Senate -05/28/09

President's Council -05/28/09

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

Office of HR/Payroll

SECTION 139: LEAVE WITH PAY**SOURCE: NDUS Human Resource Policy Manual, Section 20****NDSU President**

1. **Funeral Leave** - An approved absence from work, with pay, of up to twenty-four working hours, may be provided to an employee to attend or make arrangements for a funeral, as a result of a death in the employee's family, or in the family of an employee's spouse.

1.1

Family means husband, wife, son, daughter, father, mother, stepparents, brother, sister, grandparents, grandchildren, stepchildren, foster parents, foster children, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.

1.2

Funeral leave for employees working less than 40 hours per week will be prorated.

2. **Jury Duty** - An employee shall be allowed leave with pay for jury or other legal duty when subpoenaed for such service. Any compensation received for such duty may be retained by the employee.

2.1

When an employee is called as a witness on behalf of the state, and the University reimburses the employee for mileage, sustenance and room (which it may do), no witness fee or mileage may be claimed by said employee and no time shall be deducted from the absence of such employee and such employee shall be deemed to be performing duties or services for the State.

2.2

When an employee is called as a witness when the University is not a party to the action and the University does not reimburse such employee for mileage, sustenance and room, the employee may collect witness fees and mileage from the proper party if the employee is on authorized leave.

2.3

An employee who is personally interested in or a party to a criminal or civil action or who voluntarily appears as a witness must charge his/her absence against earned annual leave or request leave without pay.

3. **Conference or Convention Leave** - Two days per year may be allowed for employee organization conference/convention leave. Attendance is limited to three institutional officers, any state officers on campus, one delegate at large, and one delegate for each 50 members. If the conference/convention is held on a working day, the delegates will be paid as usual. If it is not a working day there will be no reimbursement. Leave may be denied if the employee's absence would unduly disrupt the operations or services of the institution.
4. ~~Storm Days~~ **Institutional Closures** - Official closing of the institution during periods of severe weather will be announced over local radio station and when necessary, by department heads. ~~An institution or part of an institution may be closed due to severe weather or other reason justifying closure. The action shall be communicated to employees, students and other interested persons through local media or other reasonable means.~~ Only employees designated by the department head may be required to work during the period when the institution is officially closed. All other regular employees shall be granted leave with pay for hours which they would normally work during ~~a storm period~~ **an institutional closure**. If an employee is not scheduled to work because of a previous arrangement, including annual or sick leave, the employee is not entitled to ~~storm closure~~ pay (*in other words, the employee must use the annual or sick leave*). All **non-exempt** employees properly authorized to work (see Section 164 - Emergency Procedures) shall receive additional pay *at straight time rates* for hours worked during the official closing, **unless employee exceeds 40 hours in the given work week** (*see Section 212-Overtime for explanation of overtime*).

4.1

When the institution remains open during inclement weather, employees unable to report to work shall notify their supervisor and take annual leave or leave without pay.

HISTORY: July 1990; Amended April 1996; August 1997; September 2001; February 2008

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: 153 Tobacco Free Campus

This change will ban the use of tobacco on the campus including the downtown campus except for traditional spiritual or cultural ceremonies. "Tobacco" is to include all forms of tobacco and tobacco products. A special ballot measure was brought to the student body to voice their opinion on whether they would support a ban. Approximately 31% of the student population voted with 62% voting in favor of the ban.

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

Policy Committee: 05/20/2009

University Senate: 05/29/09

Staff Senate: 05/29/09

Student Senate/Executive Board:

President's Council: 05/29/09

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

General Counsel – Rick Johnson/Lois Christianson

SECTION 153: TOBACCO-FREE CAMPUS**SOURCE:**

SBHE Policy Manual, Section 917

North Dakota Century Code 50-11.1-02.2

NDSU President

1. Smoking of tobacco, the use of smokeless tobacco, and sale of tobacco products (hereafter "tobacco use") is prohibited in North Dakota State University buildings, residence halls and enclosed structures.
2. Tobacco use is not permitted in a child care facility or near children enrolled in the facility. (ND Century Code 50-11.1-02.2)
3. Tobacco use is permitted in the N.D. Research and Extension Centers (excluding the Main Experiment Station), but only in those outdoor areas at least 50 feet from buildings.
4. Entities exempted from Policy 153, Section 3 include private companies in the NDSU Research and Technology Park, facilities owned on land leased to and controlled by other governmental or private entities, Northern Crops Institute, and Newman Outdoor Field.
5. Tobacco use is prohibited in state-owned or leased vehicles and motorized equipment.
6. The smoking prohibition does not apply to specific activities used in connection with the practice of traditional spiritual or cultural ceremonies. Ceremonial use exceptions must be approved in advance by the Vice President for Student Affairs.
7. Faculty, staff, students and visitors to NDSU are covered by this policy.

HISTORY: June 21, 1990, April 2006, February 2008

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: *NDSU Policy 156: Equal Opportunity Grievance Procedures*

This policy is being updated to clarify the equal opportunity grievance process and make it more effective and efficient.

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

Policy Committee: 10/15/08; 11/12/08; 12/10/08; 3/11/09; 05/09

University Senate: 05/29/2009

Staff Senate: 05/29/2009

Student Senate/Executive Board:

President's Council: 05/29/2009

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

General Counsel

Equity and Diversity

SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

SOURCE: NDSU President

1. INTRODUCTION

1.1

The purpose of these grievance procedures is to provide a fair and orderly system for review at North Dakota State University of alleged violations of equal opportunity laws, regulations, and policies that prohibit discrimination based on race, color, religion, national origin, sex, disability, age, veteran's status or sexual orientation.

1.2

Any individual or group filing a grievance under this procedure is entitled to protection from harassment, reprisals or retaliation as a result of having filed the grievance. Retaliation may, in itself, constitute grounds for a grievance.

1.3

Parties (the grievant and party whose action is the subject of the grievance) to a grievance filed under this procedure will make every effort to comply with the established timelines for giving notices and completing actions related to the grievance. In extenuating circumstances, these timelines may be

extended by the NDSU Vice President for Equity, Diversity and Global Outreach ("Diversity Officer") in consultation with the parties.

2. ADMINISTRATIVE REVIEW OF GRIEVANCE

2.1

Any student, employee of the University, or any group of such persons who is affected by an apparent violation of equal opportunity laws, regulations, or policies shall be entitled to an administrative review of the grievance.

2.1.1

The review is initiated by completing the NDSU Formal Equal Opportunity Grievance Form (available from the NDSU Office for the Vice President for Equity, Diversity and Global Outreach) and filing it with the Diversity Officer. Unless the Diversity Officer stipulates otherwise, the grievance form must be submitted within six months of the alleged violation.

2.1.2

This review shall include: (1) an administrative inquiry into the facts of the case; (2) a discussion of the case by the Diversity Officer with the grievant and, the party whose action is the subject of grievance; (3) a conclusion by the Diversity Officer regarding whether or not the case involves a violation of equal opportunity rights; (4) an attempt to achieve a mutually acceptable resolution of the grievance; and (5) a written communication of that conclusion to the grievant and the party whose action is the subject of the grievance. Unless there are extenuating circumstances, the administrative review will be completed within 30 calendar days after the date of the filing.

2.1.3

As an alternative to this review, a grievant may pursue any channel of review applicable under another University policy (such as the Grade Appeals Board policy for students [Section 337], the Grievance Procedure for Conditions of Employment or Appeal Procedure for Disciplinary and Reduction In Force Actions [Sections 230 and 231, respectively], or the Board Regulations on Nonrenewal, Termination or Dismissal of Academic Staff, the Board Regulations on Hearings and Appeals, or Grievances - Faculty [Sections 350.3, 350.4 and 353 respectively]).

3. VOLUNTARY MEDIATION 3.1. If the grievant and party whose action is subject of the grievance both agree to mediate, the provisions of Policy 350.5-Mediation shall apply for all employees.

3.2 If voluntary mediation is unsuccessful, the grievant may request a hearing of the grievance pursuant to section 4.1.

4. GRIEVANCE HEARING

4.1

Either party of the grievance will have ten (10) working days to appeal the written conclusion in section 2.1.2 or from the termination of an unsuccessful mediation under section 3. A grievance shall be heard by a five member Equal Opportunity Hearing Committee. The Student Body President, University Senate President and the Staff Senate President shall designate the chair and other members of this committee from among the University Equal Opportunity Hearing Panel, which shall consist of the following 18 members:

- 6 NDSU students appointed by the Student Body President,
- 6 NDSU tenured faculty members appointed by the President of University Senate, and
- 6 NDSU broadbanded employees appointed by the Staff Senate President.

4.1.1

For each group of panel appointees, those responsible for designating the panel shall strive to include members of both sexes and ethnic/racial diversity. Part-time students and regular employees are eligible for appointment.

4.1.2

Committee members shall disclose any conflict of interest they may have to the committee. The parties can also challenge a committee member for a conflict of interest. The Student Body President, President of University Senate, and the Staff Senate President shall decide, by majority vote, whether the challenges have merit. Replacements shall be appointed in the same manner as original appointments.

4.2

An Equal Opportunity hearing committee shall conduct its hearing in accordance with the following requirements: The committee may appoint a hearing officer with authority to conduct pre-hearing meetings, supervise discovery, advise the committee or preside over the hearing. The responsibilities for conducting the hearing are then assumed by the hearing officer, subject to decisions by the committee.

4.2.1

Any grievant requesting a hearing must file a written statement with the hearing committee indicating the grounds upon which a violation of equal opportunity is alleged to exist. Upon receipt of this statement, the committee chairperson shall schedule a date for an initial hearing.

4.2.2

The committee shall attempt to schedule hearing sessions only when all of its members are able to be present. If the committee decides, however, that the parties interests are best served by scheduling a session even when one or more of the committee members are not able to be present, then the absent members shall be responsible for reviewing the tape recordings of that session to familiarize themselves with the evidence presented at that time.

4.2.3

Attendance at any hearing shall be limited to the committee members, the parties, and their attorneys or other representatives unless both the parties shall agree to offer an express invitation for a particular hearing or session to the public or representatives of the press.

4.2.4

The committee chairperson shall preside at all sessions. Any party or representative wishing to present evidence, examine witnesses, summarize evidence, or present arguments shall do so only with the consent of the chairperson. The committee shall tape-record sessions (and/or hire a court reporter) at which testimony is heard and shall allow controlled access to the tape for review or transcription by any party as defined in subsection 1.3 directly involved in the proceedings. The committee shall also keep summary minutes of its proceedings.

4.2.5

At the beginning of a hearing, the committee shall provide an opportunity for opening statements to be made, first by the grievant, then by the party whose action is subject of the grievance. The committee shall then rely upon the opposing parties to call the necessary witnesses and present relevant evidence. The committee shall reserve the right, however, to call its own witnesses and to act in an investigative capacity itself, should the need arise.

4.2.6

The committee shall consider both oral testimony and written evidence. Upon receipt of any written statement or evidence provided by any party to the committee, the committee shall promptly provide the other party with a copy of such material. The committee can set its own rules for notice deadlines for disclosure of exhibits and witnesses. Any person offering testimony before the committee shall be subject to questioning by the committee members or either party with specific consent of the committee chairperson. The committee shall reserve the right to exclude redundant evidence as determined by a majority committee vote. The committee has authority to secure the testimony of essential witnesses or other relevant evidence. At the conclusion of a hearing, the committee shall provide an opportunity for either party to submit a written summary of its position.

4.2.7

The committee shall vote by secret ballot, and the committee chairperson shall vote on all questions. In order for the committee to find a violation of equal opportunity, the grievant must show by the greater weight of the evidence that such a violation did, in fact, occur. If an alleged harasser in a sexual harassment case claims consent as a defense and the person was in a position of power or control over the grievant, the burden of proof on the issue of consent is on the alleged harasser. The vote required for committee action will be a simple majority of total number of votes eligible to be cast. All voting results and any recommendations of the committee shall be promptly made available in writing to all of the parties involved in the case and the University President. The President shall be responsible for determining an appropriate administrative response to the findings, conclusions and recommendations. The decision of the President is final.

HISTORY: December 20, 1977; Amended September 1993; Amended January 1996; June 2000, October 2007.

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section 212: Overtime

Changes language in section 1.1 from storm pay to institutional closures, making it consistent with Board policy. Also helps address questions such as those that arose after the 2009 flood when the institution was closed by the President.

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

Policy Coordination Committee – 5/20/09

University Senate – 05/29/09

Staff Senate -05/29/09

President ' s Council -05/29/09

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

Office of Human Resources/Payroll

SECTION 212: OVERTIME

SOURCE:

NDSU President

NDUS Human Resource Policy Manual, Section 12

1. Overtime compensation at a time and one half rate shall be provided to all non-exempt employees when hours worked exceed forty hours in a work week. Compensatory time off at a time and one half rate may be provided in lieu of cash overtime payments upon prior agreement.
 - 1.1 In establishing a 40 hour work week, annual leave, sick leave, ~~storm pay~~ **institutional closures** and holidays shall be counted as hours worked.
 - 1.2 *The Office of Human Resources/Payroll* is responsible for periodic review of positions to insure proper identification as exempt or non-exempt pursuant to definitions provided within the Fair Labor Standards Act.
2. Overtime provisions are not applicable to exempt employees as identified by federal wage and hour criteria. The department head, however, may arrange time off in recognition of required, continuous or excessive overtime for employees exempt from overtime. In order to be considered "exempt" from the overtime provisions of the Fair Labor Standards Act, an employee must be in a position that can be substantiated to be of an executive, administrative, or professional nature. Whether an employee is exempt depends on duties, responsibilities and salary. Contact the Office of Human Resources/Payroll for assistance in determining exempt status.

3. Overtime hours may be approved on the basis of emergency circumstances or when it is impractical to maintain an additional temporary work force adequate to handle peak loads during hours. Overtime hours must be authorized by the employee's department head. Overtime work shall be assigned on an equitable basis.
4. A non-exempt employee called back for emergency service after completing his/her regular day's work shall receive compensation at the rate of time-and-one-half. Guaranteed minimum pay for call-back to a work site when required will be two hours at time-and-one-half and guaranteed minimum pay for call-back when return to the work site is not required, for example, when services are provided from home by telephone, is fifteen minutes at time-and-one-half. Temporary employees shall be paid time-and-one-half for hours worked in excess of forty hours per week.
5. Work which is not requested by a supervisor but is permitted must be counted as hours worked.
6. When an employee is given a work assignment in a secondary location requiring travel time, such travel time is counted as time worked.
7. Calculation of Overtime Compensation - Hourly rate must be computed according to the format as shown in Section 121. For those employees who work more than one position with more than one rate of pay NDSU uses a weighted average method to compute the hourly rate for overtime purposes. Contact the Office of Human Resources/Payroll for more information.
 - 7.1 Hours worked include all hours worked plus any leave with pay hours.
 - 7.2 $\text{Overtime pay} = (\text{hours worked} - 40) \times \text{hourly rate} \times 1.5$
8. Overtime pay should be requested by use of a timeslip.
9. In lieu of overtime cash payment, non-exempt employee may be given equivalent time off (comp time) from the job. Time off (comp time) must be given at one-and-one half times the overtime hours worked. The time off must be taken within six months of the overtime hours worked.

HISTORY: July 1990; Amended December 1996; June 1997, March 2003, March 2004, October 2005

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section 806: ALLOWABLE COST POLICIES - SUMMER SALARY FOR FACULTY AND STAFF

Changes to reflect the new process for summer salary.

6/18/09: Per feedback from President's Council, removed the word "salary" in section #1 to moves us away from thinking that this is just summer salary. It was also recommended that we add "Provost" to the title of Provost and Vice President for Academic Affairs in section 3.

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

Policy Committee: 1/18/08; 2/19/08; 3/18/08; 4/16/08; 5/21/08; 10/15/08; 11/12/08; 12/10/08; 05/20/09; 6/18/09

University Senate: 05/29/09

Staff Senate: 05/29/09

President's Council: 05/29/09

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

HR/Payroll (1/15/08)

SECTION 806:

ALLOWABLE COST POLICIES - SUMMER SALARY FOR FACULTY AND STAFF

SOURCE: NDSU President

1. Faculty or staff members on ~~nine less than twelve~~ month appointments working on sponsored agreements during the ~~summer break in their contract dates~~ are entitled to collect ~~summer~~ salary for the percentage of time worked. Individuals employed ~~for twelve weeks of during the summer months break in contract dates~~ may, to the extent allowed by the funding agency, receive compensation up to ~~3/9 of their base salary for the current contract period the equivalent of their current base salary per pay period. The contract period for nine month appointments coincides with the fiscal year.~~ Less than full-time ~~summer~~ employment during the break in contract dates will be compensated accordingly.
2. If a faculty member is working on a sponsored agreement for more than one month, the salary earned for the summer must be collected in installments equal to the percentage of time worked each month.
3. All salary earned during the summer will be paid by use of a ~~timeslip~~Change Form 101. Timeslips-Change Forms must be signed by the Department Head, Dean, ~~and~~ the Provost and Vice President for Academic Affairs Office, and the Equity, Diversity and Global Outreach Office.
4. Timeslips-Change Forms for the ~~summer months break in contract dates~~ may be processed the same month services are performed are processed in the same manner as all other payroll forms. The HR/Payroll Office must receive them by the 5th working day of the month in which they are submitted and there must be a statement on the timeslip that says SUMMER SALARY. Payment will occur at the end of the month.

Forms for the 1st-15th of the month are due the 15th and will be paid on the last working day of the month. Forms for the 16th-last working day are due the last working day and will be paid on the 15th of the following month.

~~All timeslips that do not have the summer salary statement on them will be processed as usual.~~

HISTORY: July 1990; Amended April 1992, August 2007

NORTH DAKOTA STATE UNIVERSITY
Spring 2009 Graduates
Degree Conferral Date: May 15, 2009

Attachment 10

***College of Agriculture, Food Systems and
Natural Resources***

Bachelor of Science

Teanna M. Aduddell
Daniel T. Aichele
Jonathan Neil Anderson
Marytza Beaubrun
Sarah Isabell Berce
Matthew Lee Borud
Paige Frances Brummund
Jared Kirk Bueling
Kevin Jay Buxa
Craig Oscar Carlson
David James Carruth
Brandon Kyle Caulkins
Ciara Jo Clark
Daniel Neil Coffman
Alex Barry Coleman
Katie Conklin
Jordan J. Connor
Christine Drake
Kalene Nicole Duppong
Sally Rae Ehli
Darren A. Ekren
Kyle Erick Faught
Paul Feldmann
Abby Marie Fettig
Owen McCormick Fiedler
Kirk Daniel Foster
Andrew Ron Fraase
Alexis Lane Freier
Andrew John Friskop
Bradley Allen Fritel
Jordan Thomas Geffre
Eric Lee Giesler
Aaron James Granley
Brock A. Gussiaas
Katie Marie Gussiaas
Leah Beth Gustafson
Eric Joseph Gwost
Jeremiah Henry Halley
Jeffrey Michael Hashbarger
Kayla Dawn Haugen
Kristina M. Helgeson
Keaton Francis Heller
Corey Lee Hoglund
Kassie Marie Hohenstein
Kacey Holm

Robbie William Holmes
Mitchel Ibach
Brittany C. Jelsing
Michael James Jepperson
Tia Marie Johnson
Jordan Leslie Kimball
Lesley A. Kirschten
Jonathon Warren Knacke
Amanda Christine Kobberdahl
Shawn Koltes
Matthew Lynn Kratcha
Nathan E. Kroh
Zachary Scott Kubesh
Pratik Lalit
Anine Ault Lambert
Eric Larson
Darin David Lee
Alan Robert Lepp
Robert D. Lindberg
Tyler Jasper Livingston
Krista Lee Lundgren
Franklin P. Michael
Adam Andrew Miller
Micah Dwight Mork
Matthew David Muehler
Amanda Joan Nelson
Loren D. Nelson
Celia Vi Norgaard
Dustin Charles Perry
Katherine L. Peterson
Frances Ann Podrebarac
Matthew Calvin Poole
Kristopher Stephen Poulson
Matthew James Powell
Joshua Lee Rotenberger
Jessica Eliina Ryant
Jonathan Eric Sandvik
Kacey Wynn Schafer
Jenna L. Schmidt
Eric Ryan Schmiess
Michael L. Schwalbe
Sarah Seefeld
Kalie Rose Seltvedt
Carla Dawn Sharp
Mark Randall Simon
Tellan Francis Steffan
Ronald Arlan Storhaug
Molly Taffe
Ashley Erin Tedrow

Sara Marie Thomas
Shane Robert Tuhy
Jonathan Roger Tupa
Patrick Christopher Ullery
Thomas Kent Vesterso
Thomas L. Vetter
Cameron John Wahlstrom
Jena Beth Weller
Destinee Rio Zamzow

Master of Science

Ian M. Flagg
Ablesh Gautam
Mathew R. O'Neil
Michael Hal Ostlie
Juan Jose Rodriguez La Torre
Scott James Weinlaeder

Doctor of Philosophy

Anitha Chirumamilla
Saddha Mangala Ganehiarachchi
David John Newman
Issa Qandah
Kiran Seth

***College of Arts, Humanities
and Social Sciences***

Bachelor of Arts

Marytza Beaubrun
Carly Kay Boettcher
Ryan Marie Borgen
Angela C. Brant
Nichole Elizabeth DeSautel
Peter Garang Diing
Rebekah Sue Drahosh
Brittany Lynn Dressler
Christopher Wayne Ellefson
Ann Elizabeth Erling
Joseph Anthony Evinger
Colin D. Froeber
Adam Ryan Hanson
Kelly Alan Heilman
Robert Joseph Edward Keller
Laton Allen Lohmann
Trevor Matthew Magel
Justin Paul Messner
Sean Patrick Mulligan
Corey Michael Nelson
Caitlin Oestreich
Brittany Ann Posey

Ashleigh Nicole Pust
Seth James Quintus
Holly Ann Rust
Danielle Leath Simpson
Peter Stanley Stevenson
Hannah Marie Strong
Lana Waters

Bachelor of Fine Arts

Zak David Helenske
Evan Jonathan Kimball
Stefan Michael Robinson
Christopher Peter Schauer

Bachelor of Science

Amber M. Aaberg
Amanda Airheart
Alyssa Joy Albus
Benjamin R. Anderson
Sallie Jean Armstrong
Heather L. Athey
Paul Christopher Backowski
Kelsey L. Baker
Nataleeya Barua
Alisia Jane Becker
Janessa Lynne Berndt
John Channer Best
Asa K. Burck
Sarah Kay Christianson
Christopher Adam Cicha
Linzey Fanucci Crockett, III.
Caitlin Rose Dancer
Todd R. Deutsch
Meagan Lee Dougherty
Leah B. Eggers
Traci Sue Evans
Tyrell John Fauske
Amelia Kaye Felz
Glenn W. Ford
Trevor Lee Fortin
Jonathan Magnus Foss
Leslie Jo Fougner
Chad Allan Fretheim
Romney K. Gardiner
Garrett George
Brent Alan Gostanzik
Lauren Marie Halgerson
Gregory Ray Heller
Brandon Scott Henderson
Rachel Marie Henderson
Eric R. Hoffman
Emily Jean Holt
Jennifer A. Huseth
Brenna Erin Jackson
Lindsey Johannes
Alicia Elizabeth Johns
Chantel Christine Therese Joyce
Daniel S. Kalis

Renetta Ann Kalis
Leah Ruth Kent
Andrew Knox, III.
Samantha Jean Konrardy
Breanna Colette Koval
Larissa Mae Kunde
Casinda Lynn Langseth
Fred Garman Stanley Sean
Justin Kyle Lindstrom
Sara J. Litton
Jaclyn Mary Lommel
Dyan Emilee Lovett
Garrett Anthony Lutovsky
Alexander T. Mastellar
Amy Rose Matejcek
Meghan McCloud
Thomas Clark McCurdy
BreAnne Meier
Joshua Lee Meyer
Tanner Jeffrey Moe
Jason Paul Morris
Lynsey Ann Myhre
Frances Nelson
Kyle R. Nelson
Angie Lynnae Niemann
Jasmin Nurkic
Rebecca Addie Hee Owen
Magen E. Pavlicek
Theodore John Perry, Jr.
Rachel Perschbacher
Casey Jayne Peterson
Cassie Annamarie Peterson
Kiley E. Petty
Amanda Leigh Pittman
Nicholas Jay Pluim
Erin Michelle Redlin
Steven Thomas Retka
Dora Jean Roll
Carmen Jane Schatz
Sarah Schmidt
Trista Dee Schon
Anna Krystine Schultz
Pinaz Sharma
Travis O'Brien Siebert
Patrick Harold Simmons
Danielle Leath Simpson
Aaron Alan Skjerseth
David W. Stein
Zachary A. Stock
Rory Suby
Alexandra Thoreson
Matthew William Thyne
Melainy Torkildson
Hattie J. Tysver
Amy J. Van Schepen
Andrea Jane Weber

Steve R. Weber
Katie Marie White
Paul J. Williams
Lindi Jean Wiser
Brian Matthew Wittkop
Joshua John Wolfe
Leigh Ann Yurczyk
Jared A. Zeiszler

Master of Arts

Bayan Ali Al-Ammouri
Kristina Elaine Caton
Kirsten Rae Ellingson
Jennie Beth Enger
Carly Nicole Hearn
Brian James Hough
Pamela Anne Leino-Mills
Ronda Portmann

Master of Music

Sarah Kaye Mueller

Master of Science

Krista Jo Attewell
Jeanine Neipert
Jane Marie Vangsness

College of Business

Bachelor of Accountancy

Jessica Ann Bartus
Natalie Cross
Tara Jo Dieken
David Warren Gerhart
Matthew Ernest Gordon-Jackson
Joshua Luke Lien
KD Lindquist
Andrea Jean Marihart
Christina Jo Pastorek
Sarah Joy Reed
Kelly Ann Silbernagel
Joshua Dean Stenvold
Merissa Ann Ulmer
Amanda Jo Werre
Angela Lynn Willms
Thomas D. Wipf

Bachelor of Science

Nathaniel D. Abbott
Ashley Lyn Anderson
Patrick Harold Backowski
Casey J. Baker
Shonna Marie Banke
Thomas Michael Bateman
Jacqueline Janet Beneda
Ann R. Bergstedt
Ntivu Chiza Eric Bisimwa
Brian Robert Blair
Eric Christopher Blum
Chad Thomas Bresnahan
Melissa Joanna Carlson

Kaela Renee Christenson
Michael Dale Christopherson
Tyler Brady Clark
Nicholas Edward Compton
Kelly Correll
Colin Crawford
Alyssa Lynn DeHaan
Bethany Marie DeSautel
Derik J. Dietterle
Matthew T. Ditter
Samantha Laura Dufault
Lacey Marie Dyrdaahl
Zachary F. Eberhard
Matt Ecklund
Kyle David Esala
Rebecca Ferrie
Daniel Thomas Flannery
Seth David Foley
Michael Forbord
Kyle M. Gagner
Kodee Darcel Gartner
Jason A. Gingerich
John Michael Gostanzik
Ruby Goyal
Kenneth Jay Gratz
Andrew H. Hagen
Blake J. Harris
Sara Nicole Hastings
Matthew Douglas Haugen
Daniel Duane Hazer
Anne-Marie Kathryn Heen
Joseph Allan Heilman
Laura Lee Hermanson
Brett Jarvis Hieb
Tory J. Hill
James R. Holtz
Kelsey J. Houser
Amber Janke
Arpit Jindal
Jonathan Johanson
Tarun Karnany
Jake T. Kemmer
Amy Elizabeth Kempenich
Jacob P. Klobuchar
Rebecca Ann Koloski
Kayla Diane Koropatnicki
Anthony Ace Kotula
Aimee Dawn Kroshus
Erica Rae LaDue
Stephan Thor Larsen
Craig Douglas Mahan
Cody William Malloy
Steven Lee Manthei
Carolene Louise Martin
Mollie Marie McDougall
Ryan W. Meyer

Trista J. Mickelson
John Bernard Mills, Jr.
Debjaya Misra
Ryan Michael Muehler
Case Muscatell
Brandon Muscha
Nathan John Nerenz
Christian Audrey Nielsen
Daniel L. Nill
Abby Jean Nokleberg
Armin Padalo
Sarah Rose Pauling
Zachary Perry
Christopher Lee Peterson
Zach S. Pflugrath
Sara J. Pic
Stacy Ann Plante
Ryan Posch
Laura Marie Price
Erick G. Quintanilla
Ryan Jaeger Reagan
Sarah Joy Reed
Reza Rehman
Thomas L. Reinhardt
Karma L. Richtsmeier
Thomas Colby Rolfstad
Stephanie Dawn Schneider
Nicholas James Schommer
Cory James Schwantes
Andrew Raymond Seaver
Nicholas Collin Seaver
Jenae L. Seykora
Christopher E. Shepard
Patrick A. Sherer
Dustin Lyle Skaare
Jared Smith
Alissa McKay Sorum
Kari Marie Steier
Drew Marshall Stevenson
Jeffrey M. Thune
Leslie Ann Toppen
Anne Marie Tosel
Kale Raymond Van Bruggen
Nicholas David Wollan
Benjamin M. Woodside
Sean C. Woxland
Andrew Yaggie
Mason T. Young
Drew A. Zimmerman
Master of Business Administration
Marsha Allahar
Christopher James Barta
Everette Lyle Boehm
Matthew Colin Chaussee
Cole O. Davidson
Christopher Bryce DeHaan

Sarah Dixon
Xiaojie Duan
Cherie Ann Fischer
Landon James Fries
Scott Michael Geiger
Craig Charles Kritsky
Rebecca Joelle Louisiana
Jeremy Lee McLaughlin
James Gerald Misialek
Mitchell Henning Olson
Pushpakantha Rajapakse
Brandon Pious Roehrich
Shaminda Asela Samaraweera
Ryan Wayne Schumacher
Beth Ann Simek
Keembiyage Theekshana

College of Engineering and Architecture

Bachelor of Landscape Architecture

Austin Lee Becker
Kyle T. Finneman
Matthew John Kaczmarek
Brennan Earl Laudal
Charisse Ann Narragon
Derek James Seifert
Emily Louise Wangstad

Bachelor of Science

Christopher Joseph Anderson
Matthew Brian Arndt
Austin Lee Becker
Matthew Alan Bergstrom
Kara Braaten
Amy Lynn Chmielewski
Shawn Michael Crowley
Justin Darel Douvier
Mitchell A. Dressel
Hannah Lynn Eslinger
Kyle T. Finneman
Mathias Fitzer
Marcie Ann Franklund
Nathaniel Keegan Manuel Gough
Kolby Michael Harpstead
Christopher Heidrich
Matthew John Kaczmarek
Branden John Kalstad
Amanda Rose Kohn
Kathryn R. Kuisle
Brennan Earl Laudal
Christopher John R Legatt
Stephanie Dawn Louis
Amanda Makis
Mandel K. Mertz
Carrie Marie Meyer
Charisse Ann Narragon
Megan Kay Rausch
Jesse M. Riley

David Daniel Rock
Benjamin C. Schwarz
Derek James Seifert
Brian M. Sommerfeld
Timothy Michael Stone
Michael David Stueven
Jonathan Joseph Thomas
Melissa Trueblood
Petar Milkov Valkov
Michael Cole Vetter
Jamie Katherine Walter
Emily Louise Wangstad
Nicholas S. Weber
Chris Robert Wetch
Jessica Ann Winter
Kevin Francis Zachman

Bachelor of Science in Agricultural and Biosystems

Mark L. Dose
Andrew Jan Haataja
Joshua Peter Heimbuch
Ryan P. Nagel
Ross Alan Petersen
Paul Stellpflug
Cory Steven Tammen

Bachelor of Science in Civil Engineering

Luke Beckermann
Korey Paul Boe
Christopher L. Capecchi
Vu Hoang Dang
Daniel Thomas Dardis
Patrick J. Dunlap
Andrew Ward Erickson
Russell Steven Fellbaum
Kyle Alexander Fitterer
Laura Mae Gamber
Michael George Grundman
Eric Jon Gunderson
Jarrett James Hillius
Joshua A. Holmes
Lee Roy Holtman
Olaf Paul Jacobson
Phillip M. Jacobson
Scott Allen Kolbinger
Andrew Harrison Krog
Joshua Shane Kueber
Gordon K. Laxdal
Thomas J. Murphy
Daniel L. Portlock
Leif Andrew Sande
Justin W. Schaub
Darwin Allen Schneider
Justin Ronald Schoenberg
Jesse James Sedler
Amanda Jo Smith
Meghan Stotts
Kirby Evan Templin

Andrew James Thill
Craig Timothy Tschida
Eli J. Ulmer
Michael David Vipond
Aaron S. Vollmer
Anthony Joseph Waldenmaier
Derek Roger Wang

Bachelor of Science in Computer Engineering

Gabriel B. Brucker
Joel W. Gifford
Philip J. Niemann
Luke Ryan Schafer

Bachelor of Science in Construction Engineering

Evan Lowell Fahrman
David Stephen Goulet
Lucas Lynn Lortie
Adam Nash Sedgeman
Clarence L. Zimmer

Bachelor of Science in Construction Management

Colin James Anderson
Jacob Lee Anderson
Jessica M. Anderson
Jessica L. Both
Garrett K. Bunkowske
Brandon Bruce Cattanach
Oliver J. Finneman
Jordan C. Frank
Elias Robert Fylling
Thaddeus Roy Hopkins
Chad Thomas Houston
Nathan Bradly Jaeger
Matthew Dennis Johnk
Nicholas J. McGahey
Jacob Alan Neumann
John K. Peterson
David Benjamin Reid
Robbyn Jon Rich
Matthew Dwain Schauer
Matthew Hadler Schwab
Elliot R. Steinbrink
Luke Adam Stenoien
Joseph Paul Striegel
Savanah Nichole Wilson

Bachelor of Science in Electrical Engineering

George Casey Auen
Anthony Michael Bachmeier
Yang Bai
Jordan Bakke
Erin Dawn Beard
Dustin John Brecht
Travis Gergory Brost
Paul Andrew Brzezinski
Shannon C. Earley
Andrew J. Ellenson
Darin Lee Evans
Thomas Michael Fandrich

Micah L. Goldade
Kane Joseph Iverson
Kianoosh Karami
Ajat Kataria
Kostyantyn Volodymyrovych Koziy
Kimberly R. Lammers
David G. Larson
Nicholas Allen Moszer
Daniel Alex Nygard
Andrew Stephen Olson
Anuj Kumar Pandey
Abhaya Nath Poudyal
Cody Satterlee
Dustin Matthew Schmidt
Zachary P. Schneider
Brady Lucas Schultz
Kurtis Semanko
Thomas James Severance
Raymond D. Sukalski
Birendra Thapa
Randy Eugene Wimer

Bachelor of Science in Industrial Engineering and Management

Raymond George Berry
Nathan Thomas Bruns
Jacob Adam Chan
Thomas A. Cinnamon
James A. Dravitz
Kelsey A. Foldesi
Nathan Bruce Granquist
Jenna Shantelle Ludwig
Scott McCamy
Anthony W. Ross
Jennifer A. Soybara
Thomas Edward Steckler
Neil Joseph Viola
Brett Larry Winkelman

Bachelor of Science in Manufacturing Engineering

Matthew Ryan Bishoff
Kinsey Lee Wallgren

Bachelor of Science in Mechanical Engineering

Jacob Eden Baer
Nathan David Benson
Scott James Berndt
Ricky Lee Binstock
Kirk Jonathan Bottelberghe
Craig Andrew Dahl
Jonathan Peter Fettig
Seth Matthew Froyum
Michael Craig Heitkamp
Shawn Lyle Jelinek
Jordan Lee Johnson
Kyle William Johnson
Michael William Klimmek
Wade David Larson
Jason Lunski

Joshua J. Morman
Jared Brent Peterson
Natasha Marie Plemel
Jeffrey K. Schield
Yuichiro Shimohara
Craig Joseph Stamschror
Zachary A. Stock
Drew Thompson
Leo Thomas Wehseler
Shane Thomas Weigel
Taylor Ted Zimmerman

Master of Architecture

Justin M. Agnew
Lindsay Marie Beukhof
Timothy W. Bungert
Scott A. Campbell
Mary E. Cook
Gregory Willis Elsner
John Anthony Fahnhorst
Brittany Jean Fawcett
Casey J. Feltz
Brian Andrew Glueckert
Sara Genevieve Graf
Meghan D. Gruber
John B. Hagemeyer
Thomas P. Haugrud, Jr.
Nathaniel J. Hitt
Mark Joseph Honzay
Andrea C. Johnson
Jeremiah J. Johnson
Tyler Lee Johnson
Jason Merle Kann
John Paul Kiger
Cody A. Klimek
David A. Kohlmeyer
Shane Robert Kosloske
Christopher John Kroeger
Kathryn R. Kuisle
Brian William Lapham
Jenna Lea Larson
Joseph M. Lorsung
Matthew Bradley Lunde
Ian McAteer
Cory Michael Miskowiec
Ryan Michael Murphy
Dorisa Ashley Nelson
Justin Lee Nelson
Julianne L. Nilsen
Jonathan Daniel Ogaard
Teri Christine Peterson
Dana Marie Petricka
Peter Rademacher
Nathan David Rooney
Adam David Ruhland
Kevin G. Ruhland
Matthew A. Saatkamp

Masashi Saito
Daniel M. Salyards
Dustin A. Schulze
Jordan L. Skelcher
Robert James Smith
Josh Timothy Stanz
Christina Lynn Tapper
Margaret Jane Tarr
Matthew Donovan Turner
Jenessa Ann Van Deen
Alec Charles Walz
Charles Andrew Warga
Alyssa M. Weber
Nakina Larie Wegman
Timothy Jon Zelazny

Master of Science

Sourin Bhattacharya
Kendall David Dennis
Jon Frikken
Troy Bertram Hall
Mariam Hoseini
Madhur Kadam
Dheeraja C. Kaja
Jason William Kopacz
Devendar Mandala
Gregory James Owen

Doctor of Philosophy

Nabiollah Abolfathi
Benjamin Davis Braaten
Michael Todd Reich
Mahdi Sotudeh Chafi

Graduate and Interdisciplinary Studies

Master of Science

Alex Wheeler Buell
K V Nirodha Sudershini Buddhika
Laurel Lynne Moulton
Michelle Lauren Petersen
Courtney Elizabeth Taylor

Doctor of Philosophy

Chris Enyinda
Christina L. Hargiss

College of Human Development and Education

Bachelor of Arts

Rhonda J. Nilles

Bachelor of Science

Megan L. Albers
Jane Nicole Aljets
Scott T. Allen
Lindsey Nicole Anderson
Tyler J. Appel
Lacy Jo Beebout
Marissa M. Benthin

Rachel Marie Beumer
Breanna Marie Bjerke
Abby D. Bjornstad
Brandon Keith Bondley
Lindsay Ross Boyd
Nicole Marie Brandvik
Erin Renee Bruce
Rebecca K. Buresh
Ansley Kristine Cameron
Emily Christine Cheney
Jeremy B. Cochran
Shaina Coey
Sara Daede
Elise Daggett
Morgan Ann Daus
Megan Elizabeth Decock
Jennie Anita Dekrey
Karla Dawn Deplazes
Christine Anne Dimmer
Ryan Matthew Dodd
Leslie Anne Doran-Nelson
Christine Beth Dotzenrod
Nicole Ann Duncomb
Kristin Elizabeth Eitrem
Shelby Dawn Evenstad
Holly Ann Farwell
Amanda Lee Fechtner
Rachelle Joy Fetsch
Kayla Marie Fitzpatrick
Kelly Ann Fogarty
Mark A. Foss
Shawn M. Francis
Andrea Rose Freitag
Lindsey Beth Gedrose
Brittney Marie German
Mallory K. Glasow
Ali M. Gludt
Courtney Katherine Gould
Kayla Jo Griffith
Kate Rene Haas
Tracy Lynn Hallquist
Nicole Ann Hamer
Naomi Lea Harr
Kole Joseph Heckendorf
Chelsey Sue Heitkamp
Meagan Brandi Hernandez
Megan Marie Hetrick
Amanda Gloria Hill
Kristen L. Hille
Ashley Brianne Hoffman
Analee Eleanor Hokkala
Joanie Mary Holdvogt
Brittany Hollibaugh
Tasha Marae Horsley-Gruchalla
Vanessa Anne Imdieke
Christopher Daniel Isaak

Natalie A. Jackson
Amanda Rose Johnson
Emily Mae Johnson
Neeru Jyoti
RaeAnn Elizabeth Kaczmariski
Nicholas Paul Kindelspire
Alicia Evelyn Klimpel
Jessy Gaylon Klimpel
Stacey Marie Klinkhammer
Lindsay Rae Knott
Skye Rebecca Koepplin
Nathaniel Ray Kolle
Jennifer Marie Kopischke
Kristina Elizabeth Kraemer
Danielle Krause
Adam Troy Krueger
Kristen Amy Kuehl
Joseph G. Lardinois
Stephanie Lyn Lassle
Jenna Lavon Lemnus
Timothy J. Lies
Laura Luick
Emily Caroline Mack
Mindy Mackey
Tara Katherine Manikowske
Kelsey Elizabeth Margerum
Megan Marie Mathiason
Stacey Marie Mauch
Amy Lynn Medler
Robert D. Meland
Miriam Joy Miller
Rachel Jean Mjolsness
Gabriel D. Mooney
Lucas G. Moormann
Katie L. Morrill
Kalynn N. Nelson
Michael A. Nelson
Amber Rae Nevland
Kayla Nichole Nordick
April Shaire Oestreich
Ai Okamoto
Chantalle Akinyi Okondo
Cody Jene Olson
Paul Jeffrey Olson
Lindsey Oswald
Erin M. Ottinger
Bruce Ryan Pehl
Karena Beth Pesta
Elisha Marie Peterson
Cari Jo Peyerl
Kyle Rene Pointer
Laura Jennie Powers
Alexis Helen Quammen
Stephanie Rae Raasch
Erin Rochelle Rice
Krista Dawn Rice

Kayla Nicole Richter
Ashley Nicole Riopel
Nicole Lea Roberts
Tyler A. Roehl
Rachel R. Rummel
Desirae Briann Runk
Kaylee J. Rundquist
Marisol E. Santoyo
Justin Bryant Sauer
Katie Leigh Schatzke
Christopher John Schmaltz
Kamaya Peri Schnabel
Wendy Joy Schoon
Andrew J. Simek
Bethany Slice
Matthew Keith Spielman
Kristen Kimberly Spitzer
Emily Marie Steckler
Kathryn Mary Stovern
Christy K. Stuewe
Amanda Yvonnnette Thielen
Katie L. Thingelstad
Cassie Marie Thompson
Joshua Lynn Vennes
Nicholas M. Wagner
Hope Madonna Wald
Janel Beth Wald
Annika Heglund Walseth
Shamen Romone Washington
Adrienne R. Weigel
Nicole Lyn White
Megan Kathryn Willard
David Lee Williams
Rachel A. Wilson
Natalie Ann Wolff
Vanessa Francine Zins

Master of Education

Jean Kay LaBine Baird
Carrie Jo Benke
Jacky Joy Boyeff
Taryn Marie Brenna
Jessica Ann Brown
Rosalinda A. Connelley
Jean Marie Corbett
Rachel Dwyer
Danielle Rose Ficek
Misty Rose Francis
Jackie Lee Geiger
Sandra Raena Marie Gilbertson
Erin Rachel Hagen
David P. Himmelspace
Jeffrey Michael Jenkins
Natalie Marie Leer
Jill Colleen Nesheim
Mary C. Olson
Rachel Ann Olson

Kaarin J. Remmich
Dale Roed
Mark A. Starkweather
Stacy Lynn Warzecha
Russell Patrick Ziegler

Master of Science

Joshua Emanuel Aman
Amy Marie Anderson
Jeff Alan Barlow
Rachel Rose Reis Daigle
Heather Marie Giannonatti
Jonathan Kauffman
Cassandra Faye Lanning
Paul J. Lean
Heidi Rene McMillan
Trevor Allen Mullanix
William J. Nelson
Hidafusa Okamatsu
Casey C. Olney
Tyrus Shimon-Hakeem Powe
John Michael Schuna, Jr.
Alyssa Larene Sorensen
Erin J. Troup
Tanya Jo Underdahl
JoVal Jean Wettlaufer
Cherise Michelle Wry
Kimberly Megan Yager

Doctor of Philosophy

Cindy Lou Zahn

***College of Pharmacy, Nursing,
and Allied Sciences***

Bachelor of Science

Megan Lindsey Adelman
Carisa Marie Allen
Gregory B. Amundson
Jill Marie Anstadt
Cassandra Dee Astvatsaturova
Nicole Rae Barnett
Erin D. Berg
Andrea Michelle Bestul
Heather L. Blumhagen
Brendan McKay Boe
Katherine Beth Bokinskie
Marissa Branstner
James Patrick Breen
Alexis Dawn Broderick
Samantha Whitney Buck
Alyssa Marie Buschette
Marissa R. Clarin
Valerie Anne Corcoran
Brian Raymond Cornelius
Ashley L. Cox
Amy Rebecca Crawford
Rachel Marie Dahl
Brian Dirks

Daniel James Duletski
Paige Jacqueline Evenson
Lonnie Ray Gabrielson
Emily V. Gawne
Emily Carol Gunnerson
Sarah Elizabeth Heitkamp
Nicholas John Helbling
Joshua Jorgen Helmer
Channing Ladawn Hendrickson
Karan Elizabeth Herman
Carly Danielle Hultgren
Allison Hursman
Tamera Mae Johnson
Katherine Anne Jones
Stacey Ann Kemmis
Jerilyn Ann Klein
Jason Michael Klesk
Matthew T. Kollitz
Monica Lynn Kowalke
Stacie A. Kramer
Nicole Ellen Krieg
Tracy Allen Krueger
Jennifer Kuschel
Beth Lako
Michelle Rae Larsen
Alyson Rose Larson
David Leedahl
Nathan Duane Leedahl
Taviah Therese Lothspeich
Megan J. Lutman
Yalda Mahinfalah
Brian P. Malecek
Nicole Christine Marihart
Kevin Francis Martian
Alissa Kaye Martig
Brooke Ashley Melicher
Heather M. Munch
Lisa Marie Mutzenberger
Danielle Nichole Nelson
Heather Ann Nelson
Brian Nguyen
Kinsey Kae Oakland
Darrick Daniel O'Brien
Amber Lynne Olek
Emily J. Olson
Laura Ann Olson
Edris M. Otazu
Luke Joseph Peltier
Dana J. Penkivech
Berry James Poitra
Rebecca Lynn Rasmussen
Mary Anne Raven
Suzette Rose Reisenauer
Justin Jackson Rosenau
Paul Charles Rummel
Faidat Sanusi

Angela Irene Scharnowske
Tallie Marie Schneider
Maviann Schuler
Jeremiah D. Sellheim
Alexander J. Shepard
Chad Alan Siverson
Tabitha Elizabeth Slind
Casey William Stittsworth
Jennifer Kay Stubson
Tina M. Thompson
Dusten Unruh
Anne Elizabeth Williams
Ying Zhang
Sarah Jean Zimmermann
Phillip Jeffrey Zink

Bachelor of Science in Nursing

Ebony Sue Anderson
Melanie Elise Anderson
Amber Michelle Bauman
Rachel Marie Beumer
Dawn Marie Bjorgan
Tracey Sue Bonitatibus
Teddi L. Dowling
Rena Catherine Duppong
Molly C. Eichman
Kiley Johannah English
Laura Jean Fiegen
Katelyn A. Gookins
Andrew Carl Gwost
Cameo Leann Harper
Brittany Jill Haugen
Heather Anne Heinsen
Kari L. Hektner
Patricia Dee Henderson
Patricia Kay Hofstad
Mallory Ann Huether
Ashley Grace Huot
Benjamin J. Imdieke
Madina Aluat Joseph
Dayna Marlene Kalkbrenner
Carrie Lynne Kincade
Ericka D. Knoll
Michael Ryan Komanetz
Leah Rose Kostreba
Jaimie Marie Laib
Rayna Mirrin Langseth
Britta Beth Lee
Sarah Louise Manick
Crystal Marie Moore
Alicia Ann Moss
Mekayla Nguyen
Michael D. Nolan
Stephanie Jean Nolz
Yasin Noor Osman
Julie Ann Peterson
Lindsey Marion Prodoehl

Kristine Marie Roelike
Nichole B. Roller
Molly Christine Sax
Stacie Ann Scholz
Hannah Rose Schuler
Laura Renee Seaver
Kumrija Aianna Son
Whitney Kaylene Stola
Leann Katherine Streifel
Megan Ann Swenson
Jessica Maureen Swiers
Corey Maureen Thorstad
Kayla Marie Vick
Brandi Ann Wald
Shawn Lavonne Wing Schmidt

Doctor of Nursing Practice

Mary Jo McCracken

Doctor of Pharmacy

Isaac Aasen
Jenna Lynn Anderson
Trent Gregory Anderson
Kara Margaret Axvig
Alexis Lynn Barr
Carl Jon Barron
Malory Brooke Bjella
Steven Lloyd Bladow
Alanna Tracy Bowman
Shelby Jane Carlson
Kayla Michelle Clauson
Philip M. Dilse
Brian Kevin Engelman
Heather Faye Entzel
Sara J. Erickson
Nicole Marie Fries
Lucas Bradley Glarum
Michael Gary Glessing
Anne Carol Gorder
Chelsea L. Greutman
Kristin Lee Gussiaas
Brandon J. Haas
Brendan Leigh Hacker
Ashley Marie Haefner
Lee Hans Hanson
Sara Kay Hermans
Marcia Ann Jacobson
Amy N. Johnson
Nicolas David Kadrmas
Erica Lea Kallenbach
Matthew Lee Kapsner
Jonathan Alan Keel
Matt K. Kelly
Jill Ashley Kertz
Lola Margaret Kettler
Kylan S. Kirkham
Kimberly Sue Knain
Rebecca Ann Knorr

McCall Kari Kovar
Chelsea Rose Lawler
Kristen Lee LeClair
Lance Donald LeClair
Emily Jean Lentz
Carmen A. Loff
Jeffrey W. Ma
Ardalan Mahinfalah
Tonya Marie Mayfield
Jennifer Ann Metz
Aaron Michael Miller
Kirby Allan Mohl
Lynde Jo Monson
Charles Kenneth Moore
Ashley Rae Muscha
John Russell Naegeli
Patrick Netland
Stephanie C. Noeske
Michael Anthony Nowak
Kevin F. Olander
Dana Matthew Opsahl
Ami Bharat Patel
Ryan Joseph Petrich
Ben J. Phipps
Emily Claire Phipps
Sarah Ruth Reinhart
Nicholas D. Rogers
Andrew Lee Ross
Michelle Ann Ross
Jesse D. Rue
Brandon Paul Sis
Dena Kay Smith
David J. Sperl
Erin Marie Stern
Hannah Joy Surma
Stephen James Syverson
Jillian Lorine Wax
Andrew Patrick Weir
Ashlee Marie Zimbelman

Margaret Baune
Kyle Andrew Belmont
Amanda M. Benz
Jordan P. Boe
Jonathan R. Boese
Claire Marie Bollinger
Konrad Bresin
Shawna Rae Cale
Joel Matthew Carr
Kathy Chung
Eryn Nichole DeBuhr
Juan F. Del Rio Navarro
Malarie Deslauriers
Jenna Dobervich
Erin Elizabeth Doerner
Matthew Patrick Doucette
Mary Eisenbeisz
Curtis Engelhart
Lana Christine Erickson
Heidi Jo Agnes Fandrich
David J. Faught
Eliud Feliciano
James B. Finch
Nicholas Jeffrey Galt
Michelle Gastecki
Munmun Gupta
Andrea Hanson
Christopher Alan Hanson
Steven S. Hanson
Lindsay Marie Harris
James Ronald Hegvik
Gina M. Hendrickson
Ryne Clark Hendrickson
Rebecca Dawn Heyd
Travis Lee Hoaglund
Alecia Nicole Hommedahl
Hunter Hubrig
Rebecca Iwanicki
Mark Stuart Jackson
Jaime Lea Jensen
Alaina Mae Johnson
Megan Marie Johnson
Casey Donald Jones
Miho Kaneko
Kyle T. Kassman
Arti Katiyar
Kristen F. Keller
Dustin Kerber
Mamie Rose Knutson
Demi Marie Kolke
Kassandra Lee Kostecki
Christopher James Kramer
Daniel Joseph Kranda
Tyler Joseph Kurtz
Bradley Stephen Kvamme
Kristi Anne Langerud

Derick Todd Lanners
Garrick Leith
Matthew Jacob Lennington
Morgan Michelle Lien
Ashley Rae Lindman
Jennifer L. Locke
Anthony Wayne Lynch
Christopher Jay Mahrer
Jennifer N. McDonald
Lindsey Meas
Anand Mehrotra
Brian M. Mercier
Brady Miller
Jay D. Miller
Susan Kay Mueller
Mandy Kay Mullenberg
Anthony James Nelson
Arun NLN
Vibhu Passi
Benjamin Jay Paulus
Terry Lee Payer
Monica L. Petersen
Danielle Marie Pinnick
Matthew Ryan Pluim
Nicole Golob Rand
Shohreh Raoof
Luke Jordan Richard
Andrew Lewis Rodenburg
Chelsie Jo Rust
Matthew J. Samuelson
Jerry Desmond Sauter
Amy Lynn Schaefer
Mallary Kay Schaefer
Daniel J. Schelkoph
Candice Marie Schlafmann
John Michael Schmalenberg
Katrina Rose Schmidt
Eric David Seamands
Cailyn Michal Settelmeyer
Arun Sheoran
Nicholas Steven Shores
Matthew Smith
Matthew David Stark
Scott J. Stockdill
Zachary T. Sundheim
Mason Richard Swanson
Kelli Jo Syltie
Matthew Carl Thompson
Kelsey Colleen Thorson
David Dwight Torgerson
Jeffrey Vernon Triplett
Ryan Randel Unruh
Kristin Elizabeth Uttenhove
Elizabeth Clarissa Ward
Emily Renee Wegner
Shawn Edward Weissenfluh

College of Science and Mathematics

Bachelor of Arts

Elizabeth Barbara Braschayko
Amanda Rose Freitag
Bethany Kurth
David Oesterreich
Angelina Pylka
Alex George Samanta
Tierney Dorene Schipper
Gabrielle Schreier
Jana Zawadzki Perez

Bachelor of Science

Melanie Elise Anderson
Jason E. Axtman
Paul R. Barnhart
Timothy P. Barsness

Erich Wilkerson
Kellen Elaine Wiseman
Chelsey Wongjirad
Jennifer F. Wu
Yi Zhang
Lacey Nicole Zimmerman

Master of Science

Daniel Aceituna
Hamed Ahmadi
Xianzhe Chen
Geoffrey Aaron Childress
Marissa Detschel
Harsh Jain
Jerilyn Dawn Kazeck
Lexi Rae Kvasnicka
Ryun W. Schlecht
Ganesh Kumar Vellaswamy

Doctor of Philosophy

Sameer Abufardeh
Lawrence Igl
Joshua K. Lambert

College of University Studies

Bachelor of University Studies

Sean M. Ahlers
Kyra Jackson Baethke
Brianna Marielle Bohmbach
Michael J. Brower
David John Chrzanowski
Katelin Marie Dailey
Sean-Paul Russell Danahy
Joshua F. Deitz
Michael J. Fitzgerald
Kayla M. Gonser
Tyler Lane Jangula
Carl Wayne Kaeding
Ryan Robert Klinger
Heidi Jane Lohse
Katie Jean Maley
Kenneth Paul Meyer
Alicia A. Mills
Nicholas Ryan Sauvageau
Holly J. Scallon
Kathryn Anna Myung Stenerson
Elliot Franklin Thompson
Lindsey L. Wasland

NORTH DAKOTA STATE UNIVERSITY
Summer 2009 Graduates
Degree Conferral Date: August 7, 2009

Attachment 11

***College of Agriculture, Food Systems and
Natural Resources***

Bachelor of Science

Avery Craig Aamoth
Joseph B. Anderson
Matthew Craig Berghuis
Dena Renee Bloms
Benjamin Alan Brutlag
Raina Donelle Fritz
Emily Alexandra Grafton
Megan Marie Keller
Tyler John Klain
Mary Jo Lorine
Sheena Q. Mattson
Samantha M. Mortenson
Allison Renee Ness
Lindsey Kay Ness
Priyankar Samanta
Stephanie Anne Staiert
Rachel Ann Vollmer
Kaori Yoshinaga

Master of Science

Wesam Abuhammad
Paul Bolin
Jason Edward Fewell
Noah Lester Hall
Lindsey Kay Hanson
James David Magolski
Achala Nepal
Aneesa Noormohamed
Christopher Charles Pennil
Daniel Aaron Sawatzky
Erin Jill Windorski

***College of Arts, Humanities
and Social Sciences***

Bachelor of Arts

Kevin Daniel Johnson
Tyler John Klain
Tomoko Koda
Erin K. Pearson

Bachelor of Fine Arts

Andrew Ray Arend

Bachelor of Science

Kimberly L. Balega
Whitney Rey Buchholz
Sarah Joyce Caron
Bridget Clawson
Rossalyn Courtney Corwin
Jared Nathan Fougner
Ryan Paul French
Brent Wesley Harris
Matthew James Honeyman
Travis J. Hoovestol
Lauren Justak
Chelsey R. Klinger
Robert Kevin Kurtz
Jareth R. Martinez
Derrick James Mindt
Megan Rose Moyer
Thomas Dale Mulholland
Lisa Ann Page
Amy Pedersen
Jerri Kathryn Penley
RaeAnn Amanda Redepenning
Nathan L. Stangeland
Benjamin R. Tester

Master of Arts

Laura Beauchamp
Kathryn Louise Dunlap
Amorette Nicole Hinderaker
Nana Sajaia
Cody Benard Stanley
Vanessa Waserman

Master of Science

Lindsey Rae Bratvold Narloch
Marlene Fischer
Deborah Jean Maertens
Erika Lynn Schuler

Doctor of Musical Arts

Leesa Michelle Levy

Doctor of Philosophy

Julie Semlak

College of Business

Bachelor of Accountancy

Tanya Marie Mertes

Bachelor of Science

Kelly L. Chambers
James Dennis Foertsch
Matthew A. Gilbertson
Jordan Ashley Herman
Katrina Marie Hixson
Jeremiah L. Johnson
Adam Michael Kolle
Ryan Michael Langlais
Michael Allen Lindbo
Stephanie Anne Mackenthun
Brandon Mayer
Judi Lynn Novotny
Aimee Marie Olmscheid
Temi Tope Omotoyinbo
Christopher Lee Perkins
Jacquelyn Stromme
Gabriel Starr Wegleitner

Master of Business Administration

Kyle David Leftwich
Gregory Adam Wilson

College of Engineering and Architecture

Bachelor of Science

Marita D. Abe
Thomas A. Adamietz
Micah Deitz
Alexander John Engle
John Goodwin Holten
Dane Kinney
Justin Edward Mann
James Michael Thell

Bachelor of Science in Agricultural and Biosystems

Drew Thomas Thurlow

Bachelor of Science in Civil Engineering

Andrew J. Lang
Jared Michael Risan

Bachelor of Science in Computer Engineering

Suman Anjna

Bachelor of Science in Construction Engineering

Stephanie Jean Roos

Bachelor of Science in Construction Management

Carl Gustav Anderson
Allison Rose Nicholson

Bachelor of Science in Electrical Engineering

Christopher Benjamin Wallin

Bachelor of Science in Industrial Engineering and Management

Matthew J. Antony
Paul Jonathan Gieseke
Joseph Steven Marcella
Michael Keith Sayler

Bachelor of Science in Mechanical Engineering

Adam Christopher Graf
Jayden Joseph Kovarik

Master of Architecture

Jackson Lloyd Strom

Master of Science

Corey Linden Bjornberg
Matthew John Kasper
Artur Lutfurakhmanov
Rajesh Nagarajan
Abhay Ajit Naik
Casey Carl Roshau
Jayant Singh
Amol Bahadur Thapa

Doctor of Philosophy

Priyanthi Mangali Amarasinghe
Lav Ramchandra Khot
Mohammad Naser
Sindhuja Sankaran

Graduate and Interdisciplinary Studies

Master of Managerial Logistics

Robert Alonzo Arrington
Jon Charles Gatewood
Hugo Ernesto Gonzales
John Stephen Thyng

College of Human Development and Education

Bachelor of Science

Tori Aamot
Richard James Bowman, II.
Erin Laurel Brass
Bethany Anne Carter
Melissa Anne Dau
Noelle Marie DeKrey

Ashley Kay Duden
Clifford Bradley Edberg
Kallie Gerwien
Thomas John Greelis
Angela Rose Halbe
Natalie Marie Hansen
Ashley Nicole Hill
Jenna Horst
Nathan Robert Hunt
Kelsey Joy Johnston
Wanda Marie Kappenman
Derek Michael Krause
Katherine A. Kunz
Shannon L. Lonski
Michael Adam Maresh
Krista Rae Nelson
Chelsey Elizabeth Nokleberg
Halley Ruthann Odegaard
Bethany Anne Petry
Sarah Elizabeth Ries
Mychael R. Ruud
Amanda Sue Sadowsky
Danielle L. Sandahl
Ross Michael Schilling
Leah Christine Schraad
Derek Thomas Spitzer
John Thomas Tacheny
Laura Megan Walker
Ellen Jean Washatka

Master of Education

Jennifer Ann Arlien

Master of Science

Katie Jo Berhow
Brandon Thomas Bjugstad
Ashley R. Brixius
Lindsey Kae Chin
Michael Craig Kjellerson
Kathleen Anne Koval
Susan Rae Leitner
Amy Marie Miller
Chasity Lynn Odden Heide
Kayla M. Olsen
Nicole Marie Vos
Ashley Wilde

Doctor of Philosophy

Jay M. Albrecht
Debra Jane Byram

Mary Donohue-Stetz
Charles Pollitt Drake
William Robert Frazier
Carmelita Lamb
Ngemunang Agnes Ngale Lyonga

College of Pharmacy, Nursing, and Allied Sciences

Bachelor of Science

Tornubari Deebom Beage
Jocelyn Krista Bonk
Reid Thomas Conlon
Krista Kaye Duncan
Brenton Michael Green
Rebecca Dawn Hermanson
Yasin M. Jama
Mary L. Janke
Kandace Rose Jaunich
Jodi L. Johnson
Amber Mist Laverdure
Stephanie A. Lewis
Erin Lichter
Kristen Joy Sook Mestery
Patricia Lin Meyer
Keith John O'Leary
Jessica R. Radermacher
Timothy P. Reich
Joshua Andrew Schiefert
Britt Kristen Selander
Courtney Ann Sessa
Randi L. Vennes
Luljeta Vllahiu
Andrea Elizabeth Wald
Wade Lee Wallner
Caitlyn Rose Weisert

Doctor of Nursing Practice

Benjamin Ranstrom

College of Science and Mathematics

Bachelor of Science

Kelly Cantrell
Ramneet Chhina
Jacquelyn Renee Currie
Scott M. Ennis
Jacob M. Froehlich
Geri Gean Glinsek

Eunhye Han
Dane M. Heid
Brady Lee Helmer
Trevor Ray Johnson
Milind Khandal
Tim D. Kronebusch
Ajay Kumar
Narayana Mazumder
Mahalakshmi Razdan
Nakul Sehgal
Susbi Sharma
Lucas John Andrew Swanholm
Ashish Teotia
Christopher Benjamin Wallin

Master of Science

Farhod Abdullayev
Kevin Robert Betts
Satheesh Chakravarthi
Praveen Kumar Emmadi
Annaji Sharma Ganti
Rajani Garimedi
Ramakrishnareddy Gooduru
Vasumathi Guduru
Alison Lynn Hagemeister
Shamima Huq
Cheng Jiang
Ramchandra Balkrishna Kadam
Faraz Ahmed Katib
Venkata Kurapati
Joseph Manoharan Moses
Durga Ramamurthy
Yamaya Sosa Machado
Aziz Djazilovich Takhirov
Ambika Sashidhar Tirupathi
Kari Jeanne Visconti
Hui Zhao

Doctor of Philosophy

Landon Lowell Bladow

Darci Renae Block
Koji Fujiwara
Jia Guo
Lynnette Marie Leone
Iswarya Mathew
Dana Marie Wallace

College of University Studies

Bachelor of University Studies

Shagun Arora
Carolyn Marie Bell
Janalee Brandt
Severyn Gernell Claymore
Nicholas James Gariano
Emily Hannah Hinderscheit
Tomisin Opeyemi Olayiwola
Luke Brady Swenson

Agenda
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, October 12, 2009
Memorial Union, Arikara Room*

I. Substitutions - K. Wold-McCormick

II. Approval of September 14, 2009, Minutes

III. Consent Agenda

A. Academic Affairs ([Attachment 1](#))

B. Policy Coordinating Committee

For Information only:

1. [Policy 202 - Procedure for Filling Broadbanded Positions](#)
2. [Policy 212 - Overtime](#)
3. [Policy 515 - Travel – Employees](#)
4. [Policy 800 - Authorized Representatives](#)
5. [Policy 801 - Grant and Contract Accounting-General Provisions](#)
6. [Policy 802 - State Supported Agreements](#)
7. [Policy 803 - Gifts vs Grant Policy](#)

Any member can request that an item on the consent agenda be placed on the regular agenda.

IV. General Announcements

A. President Chapman

B. Provost/VPAA Schnell

C. M. Meister, President of University Senate

D. A. Rupiper Taggart, President Elect of University Senate

E. V. Olson, Staff Senate President

F. A. Altstadt, Student Senate President

G. Other

V. Committee Reports

A. Academic Affairs - A. Brundt

B. General Education - L. Peterson, Ad Hoc Undergraduate Curriculum Review Committee
([Attachment 2](#))

C. Council of College Faculties - V. Hinsz

D. Policy Coordinating Committee - A. Rupiper Taggart

For discussion only:

1. Policy 155 - Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees ([Attachment 3](#))
2. Policy 156 - Equal Opportunity Grievance Procedures ([Attachment 4](#))

For discussion and vote:

1. Policy 162 - Sexual Harassment Policy ([Attachment 5](#))
2. Policy 700 - Services and Facilities Usage ([Attachment 6](#))

E. Other Committee Reports

VI. Unfinished Business

VII. New Business

VIII. Discussion

IX. Adjournment

Academic Affairs Committee Report For University Senate – October 12, 2009

Curricular Recommendations

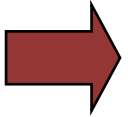
New Prefix							
STEM (STEM Education)							
New Courses							
Subject	No.	Title					Crs.
ENGL	455/655	International Technical Writing					3
ENGL	751	Multi-Disciplinary Academic Writing					3
ME	733	Polymer Nanocomposites					3
MUSC	714	Advanced Elementary Music Methods					3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Subject	No.	Title	Crs.
ME	473/ 673	Polymer Engineering	3	ME	473/ 673	Engineering with Polymeric Material	3
For Information Only: Change in Prerequisite							
Dept.	No.	Title	Change in Prerequisite				
BUSN	730	Legal Aspects of Business	Remove prerequisite: BUSN 430/630				

Ad Hoc Undergraduate Curriculum Review Committee

1. Membership shall consist of one faculty member (preferably tenured) from each college (including University Studies), two students, one representative each from the University Assessment Committee, the Division of Student Affairs, and the NDSU Libraries. The Provost's office will solicit nominations from the campus and members will be selected by the Provost in consultation with the team NDSU sent to the 2009 AACU General Education Institute.
2. The committee will have two faculty co-chairs.
3. The committee's responsibilities will be to:
 - a. Design and implement a process to promote campus-wide discussion and examination of the knowledge and skills our graduates should have when they complete their baccalaureate degrees.
 - b. Engage in a comprehensive review of the learning outcomes of undergraduate curriculum to identify the knowledge, skills, and abilities that graduates of NDSU should have.
 - c. Examine whether the learning outcomes of the existing curriculum (including both general education and the major) ensure the desired outcomes.
 - d. Examine current best practices nationally, relevant evidence about the performance of recent graduates, and models of recent curriculum revisions at peer institutions.
 - e. Seek input and feedback from faculty, staff, students, employers, and alumni.
 - f. Consult regularly with other appropriate University Senate Committees-- Academic Affairs, Program Review, Assessment, and General Education.
 - g. Based on the previous steps, propose appropriate revisions to the undergraduate curriculum (both face-to-face and distance education) to the campus and the University Senate.
4. The committee will provide regular updates to meetings of the University Senate and will provide a yearly summary of its activities to the Senate.

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *NDSU Policy 155: Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees*

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

Added to paragraph 3 the dangers of drug and/or alcohol use in the workplace to be in compliance with 2 CFR § 182.215. Updated department name changes and locations. Updated student sanction information.

2. This policy was originated by (individual, office or committee/organization):
General Counsel 07/08/09

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 08/19/09 presented;

University

Senate: 09/04/09 Input;

Staff Senate:

09/04/09 Input;

President's

Council: 09/04/09 Input;

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 155: ALCOHOL AND OTHER DRUGS: UNLAWFUL AND UNAUTHORIZED USE BY STUDENTS AND EMPLOYEES

SOURCE:

NDSU President

SBHE Policy Manual, Section 918

1. NDSU complies with and supports the North Dakota State Board of Higher Education policy governing alcohol use on campus, the [Drug Free Workplace Act of 1988](#), Public law 100-690, ~~and the Drug-Free Schools and Communities Act Amendments of 1989~~, Public Law 101-226-, ~~and 2 CFR § 182.215~~.
2. The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the Board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President's residence, and other special exceptions as granted by the President or the President's designee. For the complete ~~State Board of Higher Education~~ policy see www.ndus.nodak.edu/policies-procedures/policy-number-918-Alcoholic-Beverages. ~~SBHE Policy 918: Alcoholic Beverages~~. [this has link to URL, but it does not show in review format]

The University prohibits the *unlawful or unauthorized* use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities). For NDSU employees, compliance with this policy is a term and condition of employment. For NDSU students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational registration.

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and that there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students and employees to [the NDSU Counseling Center and Disability Services](#)^[L1], [Center Ceres 212](#), or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the Employee Assistance Program provided by the Village (1-800-627-8220) or in the Fargo area (701) [235-6433451-4900](#). Employees may refer students in need of services to Counseling [Center and Disability Services-Center](#) at (701) 231-7671. [While evaluation for alcohol, drug abuse and/or addiction is not available on campus](#)^[L3], Counseling [Center and Disability Services-Center](#) staff will work with the students to find appropriate community services. Referral information from [Counseling and Disability Services-Center](#) is also available to those wishing to refer individuals to [off campus agencies](#). [Faculty, staff and students can access information on available drug and alcohol](#)

prevention programs the university offers by going to the Alcohol and Other Drug Prevention Programs website. -[this has link to URL, but it does not show in review format]

3.1 University employees and students should be aware of the dangers of drug and/or alcohol use in the workplace. These dangers can include:

- a. Death and injury due to accidents, dereliction of duty, poor judgment, overdose, and carelessness. [L6]
- b. Lost productivity.
- c. Reduced efficiency.
- d. Increased absenteeism.
- e. Interference with other employee job performance or student education of those who do not use drugs and/or alcohol.
- f. Employment sanctions, including termination.

3.2 Specific health risks of alcohol and drug abuse include:

a. Alcohol:

- i. Impaired judgment and coordination, increasing the risk of accidents.
- ii. Impaired ability to learn and remember information.
- iii. Respiratory depression.
- iv. In severe cases – death.

b. Drugs:

- i. Irregular or rapid heartbeat.
- ii. Tremors.
- iii. Loss of coordination and control.
- iv. Collapse.
- v. Reduced short-term memory and comprehension.
- vi. Altered sense of time.
- vii. Reduced coordination and energy level.
- viii. Lowered immune system.
- ix. Increased risk of lung cancer.
- x. Elevated blood pressure, heart rate, respiratory rate, and body temperature.
- xi. Depression.
- xii. Delerium, hallucinations, and blurred vision.
- xiii. Severe chest pains and muscle spasms.
- xiv. Panic, confusion, suspicion, and anxiety.
- xv. Coma or death due to respiratory failure or cardiovascular collapse.

- 4. These guidelines apply to students, employees, as well as campus organizations, which include, but are not limited to registered student organizations under the Commission of Student Organizations. For information concerning applications of this policy, please consult the Dean of Student Life (for students), or the University Human Resources/Payroll Director (for employees).

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

- 4.2 Sale of alcoholic beverages by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sale such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.
- 4.3 Off-campus activity conducted by students, and employees and their respective campus organizations shall not encourage excessive and/or rapid consumption of alcoholic beverages. The use of alcohol at any such events is expected to be lawful and low risk. Registered student organizations planning off campus events at which alcohol may be available must complete and file with the Student Activities Office, Memorial Union ~~360~~120, on the NDSU Event Risk Management Planning Notification Form. When planning an off-campus work related event where alcohol will be present, employees with questions about low-risk guidelines should contact the Director of Human Resources/Payroll, ~~Old Main~~ 205SGC Building (StopNGo Center).
- 4.4 Alcoholic beverages shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off-campus.
- 4.5 The public display of advertising or promotion of the use of alcoholic beverages in University buildings or any other public campus area including all University owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, and large inflatable advertising, etc. (Entities that lease commercial or research property from the university may be excluded. However, the University may, in these leases, include provisions that will assist in its effort to promote legal and safe use of alcohol and to change the culture that perpetuates alcohol and other drug misuse and abuse.)
- 4.6 Alcohol promotional activities including advertising shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off-campus. This includes, but is not limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising.
- 4.7 Advertising of alcoholic beverages shall not appear in University controlled or affiliated publications (including University affiliated web sites). Advertising of establishments that sell alcohol may appear and must adhere to the following guidelines.*

* Student Newspaper (The Spectrum)

The Spectrum is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and State Board of Higher Education Policy 507. It is accountable to the Board of Student Publications for its standards of conduct. Because of the belief that advertising perpetuates the culture of high-risk and underage drinking, the Board of Student Publications may, if it chooses to accept advertising for alcoholic beverages, decide to adopt guidelines compatible with this policy.

- a. Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for ones, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.
- b. Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.
- c. Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.

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

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

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

5.1 Sanctions-Students & Student Organizations: Individual students and student organizations (including fraternities, sororities, residence hall associations and registered student organizations) who are found in violation of the University policy on alcohol and other drugs are subject to one or more of the following sanctions, dependent upon the severity of the violation and the existence or absence of prior alcohol or other drug violations: (For a more complete description of these sanctions see the [Code of Student Behavior](http://studentlife.ndsu.nodak.edu/index.php?action=page_manager_view_single&page_id=45).) [this has link to URL, but it does not show in review format]at http://studentlife.ndsu.nodak.edu/index.php?action=page_manager_view_single&page_id=45)

5.1.1 No action (if alleged conflicts prove to be unfounded).

~~5.1.2—Restitution.~~

~~5.1.3—Confiscation.~~

~~5.1.4—Restricted access to University facilities/removal from Residence Halls.~~

~~5.1.5—Loss of privileges (including status as a registered student organization).~~

~~5.1.6—Required participation in a specific program.~~

~~5.1.7—Educational sanction/project.~~

~~5.1.8—Warning (written or oral).~~

~~5.1.9—Probation.~~

~~5.1.10—Suspension.~~

~~5.1.11—Emergency suspension.~~

~~5.1.12—Expulsion.~~

~~5.1.13—Voluntary withdrawal.~~

~~5.1.14—Registration/graduation hold.~~

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

- a. Warning (oral or written).
- b. Behavioral probation (with or without supervision).
- c. Suspension.
- d. Voluntary withdrawal.
- e. Expulsion.
- ~~Recommendation to the Provost to rescind degree~~ [rdj10].

5.1.3 In addition to the above mentioned sanctions, other restorative or educational actions may also be imposed:

- a. Restitution.
- b. Confiscation.
- c. Restricted access to University facilities and grounds.
- d. Loss of privileges.
- e. Participation in a specific program (i.e., counseling, drug and/or alcohol education).
- f. Educational projects (i.e., reflection paper or research).
- g. Alcohol or other drug testing and/or evaluation.

NOTE: These sanctions and/or conditions need not necessarily be applied in numerical sequence. Any sanction may be chosen from this list for any violation, dependent upon its severity.

Individual student behavioral actions will be adjudicated through the Department of Residence Life or the Dean of Student Life's Office depending on the student's place of residence. Student organization behavioral actions will be adjudicated through the Memorial Union.

Parental Notification: Parents or guardians of students under 21 may be contacted without student consent by an NDSU student affairs administrator following alcohol and/or drug related incidents depending on the severity of the offense, number of offenses, threat to others or the community or life concerns of the student involved. See <http://studentlife.ndsu.nodak.edu> for the full policy and rationale.

Financial Aid Eligibility: A student who has been convicted of any offense under Federal or State law involving the possession or sale of a controlled substance will not be eligible to receive certain grant, loans or work assistance from the time of conviction through a period of ineligibility. Eligibility may resume prior to the end of the ineligibility period if rehabilitation requirements are completed as outlined in the ~~Higher Education Amendments of 1998~~ Higher Education Opportunity Act of 2008, § 485(a)(7)(C) and (a)(9). [this has link to URL, but it does not show in review format]

5.2 Notice and Sanctions - Employees

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

Any employee arrested under circumstances involving an alleged violation of a criminal drug or alcohol beverage related statute while in his or her workplace, whether on or off campus; in a University vehicle; or as part of any activity the University initiates or takes part in must notify his or her immediate supervisor within five days of the arrest. An arrest, depending on the circumstances may be grounds for actions or sanctions. The status of the criminal proceeding is a factor the supervisor will take into consideration. It is important that the supervisor seek advice from the Human Resources/Payroll Director or the NDSU General Counsel before taking action in arrest situations.

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

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

- 5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;
- 5.2.2 Disciplinary action for a violation of university alcohol or drug policy up to and including termination of employment. Disciplinary action may include one or more of the following:

- a. ~~(1)~~ Warning, reprimand, or probationary status;
- b. ~~(2)~~ Ineligibility to receive the next available annual salary increase;
- c. ~~(3)~~ Suspension without pay for up to 5 days;
- d. ~~(4)~~ Termination of employment; or
- e. ~~(5)~~ Any combination of the above sanctions.

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

For more information on the health and legal risks of alcohol and drug abuse, refer to the University's brochure "Alcohol and Other Drugs: risks, policies and the law for students and employees" available from the Human Resources/Payroll Office, ~~Old Main 205~~ SGC Building.

HISTORY: March 18, 1989, Amended December 1992; October 1999, April 2003, October 2003, January 2004 (renumbered)

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: *NDSU Policy 156: Equal Opportunity Grievance Procedures*

This policy is being updated to clarify the equal opportunity grievance process and make it more effective and efficient.

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

Policy Committee: 10/15/08; 11/12/08; 12/10/08; ~~3/11/09~~; 05/09

University Senate: 05/29/2009

Staff Senate: 05/29/2009

Student Senate/Executive Board:

President's Council: 05/29/2009

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

General Counsel
Equity and Diversity

SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

SOURCE: NDSU President

1. INTRODUCTION

1.1

The purpose of these grievance procedures is to provide a fair and orderly system for review at North Dakota State University of alleged violations, of equal opportunity laws, regulations, and policies that prohibit discrimination based on race, color, religion, national origin, sex, disability, age, veteran's status or sexual orientation any federal, state or local protected class ^[rdj3]. ~~These procedures have been approved by the University President, following review by the Presiding Officer of the University Senate, the President of the Staff Senate, the Student Body President, and the President's Council.~~

1.2

Any individual or group filing a grievance under this procedure is entitled to protection from harassment, reprisals or retaliation as a result of having filed the grievance. ~~Any violation of the protection~~ Retaliation may, in itself, constitute grounds for a grievance.

1.3

Parties ~~(the grievant and party whose action is the subject of the grievance)~~ to a grievance filed under this procedure will make every effort to comply with the established timelines for giving notices and completing actions related to the grievance. In extenuating circumstances, these timelines may be extended by the NDSU ~~Director~~ Vice President of ~~for Equity, and Diversity~~ and Global Outreach (“Diversity Officer”) in consultation with the parties.

2. ~~Step 1--~~ADMINISTRATIVE REVIEW OF GRIEVANCE

2.1

Any student, employee of the University, or any group of such persons who feels is ~~substantively~~ affected by an apparent violation of equal opportunity laws, regulations, or policies shall be ~~initially~~ entitled to an administrative review of the grievance.

2.1.1

The review is initiated by completing the NDSU Formal Equal Opportunity Grievance Form (available from the NDSU ~~Office of~~ for the Vice President of ~~Equity, and Diversity~~ and Global Outreach ~~Office~~) and filing it with the Diversity Officer, ~~in the Office of the Vice President for Equity, and Diversity and Global Outreach.~~ Unless the ~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~ stipulates otherwise, the grievance form must be submitted within six months of the alleged violation.

2.1.2

This review shall include: (1) an administrative inquiry into the facts of the case; (2) a discussion of the case by the ~~administrator~~ Diversity Officer with the grievant and, the party whose action is the subject of grievance, ~~and the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~; (3) a conclusion by the ~~administrator~~ Diversity Officer regarding whether or not the case involves a violation of equal opportunity rights; (4) an attempt to achieve a mutually acceptable resolution of the grievance; and (5) a written communication of that conclusion to the grievant and the party whose action is the subject of the grievance. Unless there are extenuating circumstances, the administrative review will be completed within 30 working calendar days after the date of the filing.

2.1.3

As an alternative to this review, a grievant ~~may, of course, pursue~~ any channel of review applicable under another University policy (such as the Grade Appeals Board policy for students [Section 337], the Grievance Procedure for Conditions of Employment or Appeal Procedure for Disciplinary and Reduction In Force Actions [Sections 230 and 231, respectively], or the Board Regulations on Nonrenewal, Termination or Dismissal of Academic Staff, the Board Regulations on Hearings and Appeals, or Grievances - Faculty [Sections 350.3, 350.4 and 353 respectively]).

~~3. Step 2--NEGOTIATION~~ 3. VOLUNTARY MEDIATION

4. 3.1. If the grievant and party whose action is subject to of the grievance both agree to mediate, the provisions of Policy 350.5-Mediation shall apply ~~RDJ8~~ for all employees.

3.2 If voluntary mediation is unsuccessful, the grievant may request a hearing of the grievance pursuant to section 4.1.

~~3.1~~

~~If a grievance is unresolved after Step 1, either the grievant or the party whose action is the subject of the grievance may, within 10 working days of the issuance of the administrative determination, make a written appeal to the University's Executive Director, Chief Diversity Officer in the Office of Equity and Diversity for negotiation of the case by a representative of the grievant, a representative of the party whose action is the subject of grievance, and the Director of Equity and Diversity. Within 5 working days of the appeal for negotiation, the two parties should provide the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity with the name of the person who will serve as their representative for this process.~~

~~3.1.1~~

~~The negotiators' responsibilities shall be to (1) determine the facts relevant to the grievance, (2) discuss the application of equal opportunity laws, regulations and policies, (3) attempt to resolve the grievance through further discussion and negotiation and, if that is unsuccessful, (4) refer the case to the hearing committee below or to another duly constituted University hearing committee such as the Grade Appeals Board or a Faculty~~

~~Special Review Committee. Unless there are extenuating circumstances, the negotiators will complete their work within 30 working days.~~

5. ~~4. Step 3--~~ GRIEVANCE HEARING COMMITTEE ~~GRIEVANCE~~

4.1

~~Upon referral from the negotiators, A grievant~~ Either party of the grievance will have ten (10) ~~calendar~~ working days to appeal the written conclusion in section 2.1.2 or from the termination of an unsuccessful mediation under section 3. ~~A~~ A grievance shall be heard by a five member ~~e~~Equal ~~e~~Opportunity ~~h~~Hearing ~~e~~Committee. The ~~negotiators~~ Student Body President, ~~Presiding Officer~~ President University Senate President and the Staff Senate President shall designate the chair and other members of this committee from among the University Equal Opportunity Hearing Panel, which shall consist of the following 18 members:

- o 6 NDSU students appointed by the Student Body President,
- o 6 NDSU tenured faculty members appointed by the ~~Presiding Officer~~ of the University Senate, and
- o 6 NDSU broadbanded employees appointed by the Staff Senate President.

4.1.1

~~For Each~~ group of panel appointees, those responsible for designating the panel shall strive to include members of both sexes and ethnic/racial diversity. Part-time students and regular employees are eligible for appointment.

4.1.2

Committee members shall disclose any conflict of interest they may have to the committee~~committee's regarding committee member status.~~ The parties can also challenge a committee member for a conflict of interest~~address as a conflict of interest disclosure made by a committee member.~~ If multiple challenges deplete the committee to two or less fewer members, The Student Body President, President of University Senate, and the Staff Senate President shall assist in deciding~~deciding~~decide, by majority vote, whether the challenges have merit. Members disclosing a conflict or being challenged for a conflict may vote on the motion. Replacements shall be appointed in the same manner as original appointments~~rdj12].~~

4.2

An Equal Opportunity hearing committee shall conduct its hearing in accordance with the following requirements: The committee can may appoint a hearing officer with authority to conduct the pre-hearing meetings, supervise discovery, advise the committee or preside over the hearing. for the chair. ~~The responsibilities for conducting the hearing are then assumed by the hearing officer, subject to decisions by the committee.~~

4.2.1

Any grievant requesting a hearing must file a written statement with the hearing committee indicating the grounds upon which a violation of equal opportunity is alleged

to exist. Upon receipt of this statement, the committee chairperson shall schedule a date for an initial hearing.

4.2.2

The committee shall attempt to schedule hearing sessions only when all of its members are able to be present. If the committee decides, however, that the parties interests are best served by scheduling a session even when one or more of the committee members are not able to be present, then the absent members shall be responsible for reviewing the tape recordings of that session to familiarize themselves with the evidence presented at that time.

4.2.3

Attendance at any hearing shall be limited to the committee members, the parties, and their attorneys or other representatives unless both the parties shall agree to offer an express invitation for a particular hearing or session to the public or representatives of the press.

4.2.4

The committee chairperson shall preside at all sessions ~~_, and a~~ Any party or representative wishing to present evidence, examine witnesses, summarize evidence, or present arguments shall do so only with the consent of the chairperson. The committee shall tape-record sessions (and/or hire a court reporter) at which testimony is heard and shall allow controlled access to the tape for review or transcription by any party as defined in subsection 1.3 directly involved in the proceedings. The committee shall also keep summary minutes of its proceedings.

4.2.5

At the beginning of a hearing, the committee shall provide an opportunity for opening statements to be made, first by the grievant, then by the party whose action is subject of the grievance. defending the action in question. The committee shall then rely upon the opposing parties to call the necessary witnesses and present relevant evidence. The committee shall reserve the right, however, to call its own witnesses and to act in an investigative capacity itself, should the need arise.

4.2.6

The committee shall consider both oral testimony and written evidence. Upon receipt of any written statement or evidence provided by any party to the committee, the committee shall promptly provide the other party with a copy of such material. The committee can set its own rules for notice deadlines for disclosure of exhibits and witnesses. Any person offering testimony before the committee shall be subject to questioning by the committee members or either party with specific consent of the committee chairperson. The committee shall reserve the right to exclude redundant evidence as determined by a majority committee vote. The committee ~~has shall exercise the limit of its~~ authority to secure the testimony of essential witnesses or other relevant evidence. At the conclusion of a hearing, the committee shall provide an opportunity for either party to submit a written summary of its position.

4.2.7

The committee shall vote by secret ballot, and the committee chairperson shall vote on all questions. In order for the committee to find a violation of equal opportunity, the grievant must show by the greater weight of the evidence that such a violation did, in fact, occur.

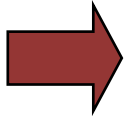
Draft #~~72-34567-12/210/081/23/093/5/09_3/11/09_4/30/09-05/20/2009~~

If an alleged harasser in a sexual harassment case claims consent as a defense and the person was in a position of power or control over the grievant, the burden of proof on the issue of consent is on the alleged harasser. The vote required for committee action will be a simple majority of total number of votes eligible to be cast. ~~Without disclosing actual tallies, a~~ All voting results and any recommendations of the committee shall be promptly made available in writing to all of the parties involved in the case and the University President. ~~If the committee has found an equal opportunity violation, t~~ The President shall be responsible for determining an appropriate administrative response ~~to the findings, conclusions and recommendations.~~ The decision of the President is final.

HISTORY: December 20, 1977; Amended September 1993; Amended January 1996; June 2000, October 2007.

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: 162: Sexual Harassment 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).

Added that under the definition of sexual harassment, conduct must be "severe or pervasive."

2. This policy was originated by (individual, office or committee/organization):
Office of the General Counsel

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 09/17/09 Presented to PCC

University

Senate:

Staff Senate:

President's

Council:

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

SECTION 162: SEXUAL HARASSMENT POLICY

SOURCE: NDSU President

As part of its commitment to equal opportunity, North Dakota State University prohibits sexual harassment of its employees and students, including student-to-student and other peer sexual harassment.

This policy is in compliance with federal regulations implementing Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Sexual harassment is defined as:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or
- (3) such conduct is severe or pervasive and has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment."

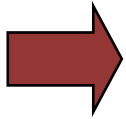
Please note that sexual harassment in electronic forms is also prohibited under NDSU Policy 710 – Computer Facilities.

Individuals concerned about violations of this policy should request assistance from the University's Vice President for Equity, Diversity and Global Outreach, the University's General Counsel, the Counseling Center Office, the Associate Director for Student Rights and Responsibilities, or an appropriate administrator. When administrators or supervisors become aware of occurrences of sexual harassment in their areas, they are responsible for stopping the behavior or reporting it to the Vice President for Equity, Diversity and Global Outreach. In addition, the University's equal opportunity grievance procedure shall be available for any person who wishes to file a complaint alleging a violation of this policy.

HISTORY: September 29, 1980; Amended October 7, 1987; June 28, 1991; April 1992; October 1997; August 1999; September 2000, September 2007, January 2008, February 2009.

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *Policy 700 Services and Facilities Usage*

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).

Language is being added to prohibit pets (with few exceptions such as service animals) and bike in buildings. Language prohibiting students from bringing pets and bikes in buildings already exist in NDSU Policy 601, the Code of Student Behavior.

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

VPFA

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

This portion will be complete by Kim Matzke-Ternes

Policy Brought to PCC 06/18/09;
Committee:

University Sent for Input 06/25/09;
Senate:

Staff Senate: Sent for Input 06/25/09;

President's Sent for Input 06/25/09;
Council:

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

SECTION 700: SERVICES AND FACILITIES USAGE

SOURCE:

NDSU President

1. As a general rule, campus services may be used only by: 1) University employees for purposes related to their official responsibilities, or 2) off-campus organizations for non-profit, nonpolitical purposes, provided that the specific use of a campus service is sponsored by a University department or University-related organization as a part of its official function.

~~1.1~~

1.1 The administrator directly in charge of any such service shall have the authority to allow an exception to this general rule in any case involving unusual circumstances and appropriate justification.

~~1.2~~

1.2 This policy is specifically applicable to the University Copy Centers, the campus mail system, and mailing labels, or employee lists maintained by any other University office.

2. Computer generated name and address lists or labels of higher education employees may only be prepared for individuals and organizations directly affiliated with the University to assist in performing a bonafide University activity. Such individuals and organizations must request lists or labels from the Office of Human Resources/Payroll.

~~2.1~~

2.1 Other individuals and commercial or non-profit organizations may obtain employee names, addresses, and telephone numbers from the University directory, available for purchase at the NDSU Bookstore.

3. Unauthorized sales or solicitations are not allowed on campus. Unauthorized sales or solicitations at any time in the residence halls, University apartments, or in any other campus buildings, including academic and administrative buildings, are prohibited. For questions regarding sales in the Memorial Union, see the Memorial Union Director. For questions regarding sales in Residence Life facilities, see the Associate Director of Residence Life. For questions concerning sales in any other areas, contact the Dean of Student Life Office, Memorial Union.

See also NDSU Policy 601, subsection 4.19 and section 8, and Policy 150.

4. Animals are prohibited in campus buildings. Outdoors, animals must be on a leash or must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible to clean up after their animal(s) and for any health or safety issues that

may arise concerning the presence of these animals on University properties and at NDSU sponsored or supervised events.

4.1 “Animals” are defined under this policy as any vertebrate or invertebrate animal, including, but not limited to, any cat, dog, horse, bird, rabbit, rat, or other rodent, snake or other reptile, frog, or other amphibian, fish, and any scorpion, spider, or other stinging or biting insect.

4.2 Exceptions:

4.2.1 Service animals as defined in Policy 100.2 (link).

4.2.2 Animals used in University laboratories for official research, classroom, or observation purposes as allowed by Policy 346 (link).

4.2.3 Animals used in equine instruction at the Equine Science Center.

4.2.4 Fish in residence halls as defined in the NDSU Code of Student ConductBehavior. (link)

4.2.5 Animals approved in advance by the Vice President for Finance and Administration or designee for special events (e.g.: animal shows, pet wash).

4.2.6 Animals approved in advance by the Vice President for Agriculture and University Extension or designee at extension centers and farms.

4.2.7 Animals used in law enforcement.

4.3 Animals in the confined spaces of the interior of a building pose concerns for some individuals and groups.

4.3.1 Animals can pose a health threat for individuals that have sensitivities to being in animals’ proximity.

4.3.2 Animals have the potential to carry parasites which could be detrimental to health.

4.3.3 Some animals are considered offensive to some cultures and religions, and adherents are not allowed to have contact with such animals.

4.4 The owner of an animal that creates damage to University and other property is subject to making restitution to correct the damage.

5. Bicycles are not allowed inside campus buildings at any time. All bikes must be secured to the bike racks outside only, not to any railings or to anything inside campus buildings other appurtenances. Students may store rollerblades, skateboards, etc, in their rooms but they may not use them inside any campus buildings.

5.1 Bicycles, along with other human-powered modes of transportation, create a potential impediment to egress during an emergency and other times, as well as can create damage to and soiling of buildings.

5.1.1 The owner of a bicycle, or other human-powered mode of transportation, that creates damage to University and other property is subject to making restitution to correct the damage.

5.2 Bicycles not secured in accordance with this policy and/or that appear abandoned are subject to being tagged, removed and impounded.

5.2.1 The owner of an impounded bicycle shall be subject to paying a fee associated with reclaiming a their bicycle from impoundment.

5.2.2 Impounded bicycles, which are not claimed within thirty (30) days of impoundment, are subject to disposal.

See also NDSU Code of Student ~~Conduct~~Behavior and NDSU Parking Regulations.

4-6. Candidates for political or public office who wish to use campus facilities must comply with University rules and regulations. NDSU has adopted specific campaign procedures for local, state, and national elections. Copies of the policies can be obtained from the Office of the Vice President for Student Affairs. These policies govern canvassing, placement of brochures and materials, and use of the Student Union and University housing. Door to door campaigning or canvassing is not permitted in academic buildings. These buildings are restricted to educational purposes. For use of facilities by University employees, see Policy 160, number 13.

5-7. All filming, videotaping, and still photography on University property or at University sponsored events for commercial purposes (including political advertising) must be approved and coordinated by the Director of University News, Old Main 204. "Commercial purpose" does not include news media reporting or outside use of University property for personal use (like wedding pictures).

The request must be in writing and include: name of organization, contact person, location, requested dates and detailed description of project. A contract must be signed prior to any activity beginning on University property or at a University sponsored event. The project can't disrupt normal operations of the University. For restrictions on the use of state property for political activities see also, NDSU Policy 160.

HISTORY: April 15, 1976, March 14, 1986; Amended March 1993; November 1995; March 2005; March 2006, October 2007

Agenda
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, November 9, 2009
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of October 12, 2009, Minutes

III. Consent Agenda

- Academic Affairs ([Attachment 1](#))

Any member can request that an item on the consent agenda be placed on the regular agenda.

IV. General Announcements

- A. President Chapman
- B. Provost/VPAA Schnell
- C. M. Meister, President of University Senate
- D. A. Rupiper Taggart, President Elect of University Senate
- E. V. Olson, Staff Senate President
- F. A. Altstadt, Student Body President

V. Committee Reports

- A. Academic Affairs - A. Brunt
- B. General Education - L. Peterson
- C. Council of College Faculties - V. Heinz/J. Glower
- D. Policy Coordinating Committee - A. Rupiper Taggart
 - For discussion:
 - 1. Policy 335 – Code of Academic Responsibility and Conduct ([Attachment 2](#))
 - 2. Policy 350.3 – Board Regulations on Nonrenewal; Termination or Dismissal of Faculty ([Attachment 3](#))
- E. Other Committee Reports

VI. Unfinished Business

VII. New Business

For Discussion and Vote

- University Senate Resolution Supporting the Construction of a New Library ([Attachment 4](#))

VIII. Discussion

IX. Adjournment

Academic Affairs Committee Report November 2009

Curricular Recommendations

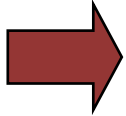
New Degree			
Master of Public Health (M.P.H.)			
New Programs			
Public Health (masters level) – <i>College of Pharmacy, Nursing and Allied Sciences</i>			
Public Health (graduate certificate level)			
New Prefixes			
FIN (Finance)			
MGMT (Management)			
MRKT (Marketing)			
INTL (International Studies)			
New Courses			
Subject	No.	Title	Crs.
EMGT	715	Emergency Management for Public Health Professionals	3
HIST	281	History of East Asia from 1600	3
HON	340	Colloquium in the Humanities	3
HON	341	Colloquium in the Social Sciences	3
HON	342	Colloquium in the Sciences	3
ME	736	Advanced Surface Analysis	3
MGMT	301	Survey of Management for Non-Business Majors	3
MRKT	301	Survey of Marketing for Non-Business Majors	3
PHRM	700	Chronic Illness	3
PHRM	705	Public Health as a Team Endeavor	1
New Special Topics – for information only			
Subject	No.	Title	Crs.
HIST	499	War and Memory: 20 th Century Asian Conflicts	3
LANG	199	Dakota Language II	3
Course Deletions			
Subject	No.	Title	Crs.
HIST	257	The Cold War	3
HIST	260	Women in America	3
HIST	265	Families in America	3
HIST	268	Rural America	3
HIST	404/604	Historical Editing	3
HIST	410/610	U.S. Intellectual History I	3
HIST	411/611	U.S. Intellectual History II	3
HIST	439/639	History of American Agriculture	3
HIST	440/640	European Intellectual History I	3
HIST	460/660	History of England I	3
HIST	461/661	History of England II	3
HIST	466/666	History of Russia I	3
HIST	480/680	Recent East Asia I	3
HIST	481/681	Recent East Asia II	3
PHIL	481/681	Philosophy of Science	3

Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
BUSN	310	International Business	3	BUSN	340	International Business	3
BUSN	435/ 635	International Business Law	3	BUSN	440/ 640	International Business Law	3
BUSN	436/ 636	Law of Electronic Commerce	3	BUSN	433/ 633	Law of Electronic Commerce	3
BUSN	451	Managerial Economics	4	BUSN	487	Managerial Economics	4
BUSN	340	Principles of Finance	3	FIN	320	Principles of Finance	3
BUSN	441/ 641	Investment Analysis and Management	3	FIN	410/ 610	Investment Analysis and Management	3
BUSN	443/ 643	Management of Financial Institutions	3	FIN	430/ 630	Management of Financial Institutions	3
BUSN	444/ 644	Money and Capital Markets	3	FIN	450/ 650	Money and Capital Markets	3
BUSN	445/ 645	International Finance	3	FIN	440/ 640	International Finance	3
BUSN	446	Corporate Finance	3	FIN	460	Corporate Finance	3
BUSN	740	Advanced Financial Management	3	FIN	740	Advanced Financial Management	3
BUSN	350	Foundations of Management	3	MGMT	320	Foundations of Management	3
BUSN	351	Foundations of Organizational Behavior	3	MGMT	330	Foundations of Organizational Behavior	3
BUSN	352	Operations Management	3	MGMT	360	Operations Management	3
BUSN	450/ 650	Human Resource Management	3	MGMT	450/ 650	Human Resource Management	3
BUSN	452/ 652	Compensation Management	3	MGMT	452/ 652	Compensation Management	3
BUSN	453	Understanding and Managing Diversity in Organizations	3	MGMT	453	Understanding and Managing Diversity in Organizations	3
BUSN	454/ 654	International Management	3	MGMT	440/ 640	International Management	3
BUSN	455/ 655	Negotiation and Alternative Dispute Resolution	3	MGMT	451/ 651	Negotiation and Alternative Dispute Resolution	3
BUSN	456	Entrepreneurship/Small Business Management	3	MGMT	470	Entrepreneurship/Small Business Management	3
BUSN	457/ 657	Leadership in Organizations	3	MGMT	430/ 630	Leadership in Organizations	3
BUSN	458/ 658	Labor-Management Relations	3	MGMT	454/ 654	Labor-Management Relations	3

From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
BUSN	481/ 681	Supply Chain Management	3	MGMT	461/ 661	Supply Chain Management	3
BUSN	750	Advanced Organizational Behavior	3	MGMT	750	Advanced Organizational Management	3
BUSN	360	Foundations of Marketing	3	MRKT	320	Foundations of Marketing	3
BUSN	362	Foundations of Retailing	3	MRKT	362	Foundations of Retailing	3
BUSN	372	Global Retailing	3	MRKT	372	Global Retailing	3
BUSN	460/ 660	Consumer Behavior	3	MRKT	410/ 610	Consumer Behavior	3
BUSN	461/ 661	Advertising and Integrated Marketing Communication	3	MRKT	420/ 620	Advertising and Integrated Marketing Communication	3
BUSN	462/ 662	Sales and Sales Force Management	3	MRKT	430/ 630	Sales and Sales Force Management	3
BUSN	463/ 663	Marketing Research	3	MRKT	450/ 650	Marketing Research	3
BUSN	464/ 664	International Marketing	3	MRKT	440/ 640	International Marketing	3
BUSN	465	Marketing Strategy	3	MRKT	460	Marketing Strategy	3
BUSN	466/ 666	Services Marketing	3	MRKT	470/ 670	Services Marketing	3
BUSN	467/ 667	Sports Marketing	3	MRKT	480/ 680	Sports Marketing	3
BUSN	760	Strategic Marketing Management	3	MRKT	760	Strategic Marketing Management	3
MICR	363	Clinical Parasitology	2	MICR	463/ 663	Clinical Parasitology	2
PHRM	465	Cultural Competence in Pharmacy	3	PHRM	465/ 665	Cultural Competence in Health Care	3

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *335: Code of Academic Responsibility and 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).

Adds paragraph 5 regarding responsibilities and actions on rescinding a degree.

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

General Counsel

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

This portion will be complete by Kim Matzke-Ternes

Policy Committee: 10/14/09 presented to the PCC

University Senate:

11/21/09 routed to US Exec for Input:

Staff Senate:

President's
Council:

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 335: CODE OF ACADEMIC RESPONSIBILITY AND CONDUCT

SOURCE: NDSU University Senate Policy

The academic community is operated on the basis of honesty, integrity, and fair play. Occasionally, this trust is violated when cheating occurs, either inadvertently or deliberately. This Code will serve as the guideline for cases where cheating, plagiarism, or other academic improprieties have occurred and an established procedure has not been approved by the faculty of a college such as the Honor System of the College of Agriculture.

1. The primary responsibility of the students, faculty, and administration is to create an atmosphere where the honesty of individuals will not be questioned.
 - a. Faculty members are responsible for providing guidelines concerning cheating and plagiarism at the beginning of each course, and should use precautionary measures and security in cases where cheating is likely to occur.
 - b. Students are responsible for submitting their own work. Students who cooperate on oral or written examinations or work without authorization share the responsibility for violation of academic principles and the students are subject to disciplinary action even when one of the students is not enrolled in the course where the violation occurred.
2. The faculty member and the administration are responsible for procedural fairness to the accused student or students in accordance with the following procedure:
 - a. Faculty members who suspect that prohibited academic conduct has occurred in their class have an initial responsibility to: 1) inform the student or students involved of their suspicion and the grounds; 2) allow a fair opportunity to respond; and 3) make a fair and reasonable judgment as to whether or not any prohibited academic conduct occurred.
 - b. Faculty members have the prerogative of determining the penalty for prohibited academic conduct in their classes. Faculty members may, among other sanctions, fail

the student for the particular assignment, test, or course involved. Penalties may be varied with the gravity of the offense and the circumstances of the particular case. In this situation, the student may not drop the course in question without the permission of the instructor. Faculty members will provide a written statement of the action to the department chair, dean, and Provost and Vice President for Academic Affairs. In the case of the graduate students, the graduate dean will also be notified.

- c. In addition to the prerogative above, or if the student is not enrolled in his or her course, the faculty member may recommend a disciplinary sanction to the dean of the college in which the infraction occurred. If the student is not enrolled in this college, the dean will forward the charge to the dean of the student's home college. That dean may impose academic warning or probation in the college, or the dean may recommend suspension or expulsion to the Academic Standards Committee as outlined in Section 4 [of this policy]. If the student is not enrolled in the college where the infraction occurred, the dean of the college for the student must be informed before the disciplinary sanction is imposed and may impose a disciplinary sanction for that college, also.

Accusations involving academic misconduct of graduate students will follow the procedure described with the following exception. The dean of the home academic college will recommend a sanction (including academic warning, academic probation, suspension, or expulsion) to the graduate dean, not the Academic Standards Committee. The graduate dean will provide the student with written notice of the action, describe the graduate student appeal process, and indicate to the student the date by which an appeal must be filed. Failure to file an appeal will result in implementation of the specified action. If an appeal is filed, the graduate dean will notify the student of the result following the completion of the appeal process.

- d. If a person not currently enrolled at NDSU is involved in prohibited academic conduct, the Provost and Vice President for Academic Affairs, Vice President for Student Affairs, and the Director of Admission shall be informed of the violation.
3. A student who has received a penalty or a disciplinary sanction for prohibited academic conduct may appeal the decision.
 - a. The student must consult with the instructor, the department chair, and the Dean, in sequence, to resolve the conflict.
 - b. Then, the student may request a hearing by the Student Progress Committee in the college where the violation occurred. In addition, the student may request that two students be appointed to the Student Progress Committee for the hearing; one student shall be a member of the Student Court appointed by the Chief Justice of the Student Court, and the other student shall be a student senator for that college appointed by the student body president.
 4. A student may be suspended or expelled for prohibited academic conduct by the Academic Standards Committee in accordance with the following procedure:

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- a. The dean must notify the student that they will recommend suspension or expulsion to the Academic Standards Committee, but the student must be given two school days to file a written notice of appeal with the Student Progress Committee before the recommendation is presented to the Academic Standards Committee.
- b. The student may appeal the recommendation of suspension or expulsion to the Student Progress Committee as outlined in section 3.b. above.
- c. The Academic Standards Committee may impose suspension or expulsion, if an appeal with the Student Progress Committee is not in progress.

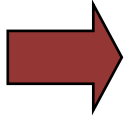
5. A degree previously awarded may be rescinded if it is determined that the ~~graduate's~~ ~~recipient's~~ actions taken to obtain the degree involved fraud, deceit, error, or misconduct. The degree conferring college reserves the right to recommend to the Provost, with notice to the Vice President for Student Affairs, the rescission of any wrongfully obtained degree(s). The Dean of Student Life may also recommend to the Provost, with notice to the Vice President for Student Affairs, the recommendation to rescind a degree based on actions (directly related to obtaining a degree) in violation of the Code of Student Behavior.

- a. Written notice of the concerns and recommendation to rescind the ~~graduate's~~ ~~recipient's~~ degree(s) shall be sent via certified mail with return receipt to the ~~graduate~~ ~~recipient~~, with a hold placed on the student's record, if applicable. The graduate will have 30 days after the notice was received to respond in writing or request a hearing with the conferring college's Academic Standards Committee for undergraduate degree holder, or the Graduate Council for graduate level degree holders. A recommendation by the Committee or Council to the Provost whether to rescind the degree(s) shall be made within 30 days after a response is received or hearing is completed.
- b. A decision by the Provost shall be made within 30 days after receiving the recommendation. The ~~graduate~~ ~~recipient~~ has 10 days after receiving the Committee or Council recommendation to respond, in writing, to the Provost. Notice of the decision whether to rescind the degree(s) shall be sent to the respondent via certified mail with return receipt.
- c. The respondent may file an appeal of this decision with the President of the University within 30 days of receiving the notice of the decision. The President's decision will normally be made within 30 days after receiving the appeal.
- d. The Office of Registration and Records will be notified of the results of the ~~Committee's or Council's~~ final decision on rescinding the degree(s).

HISTORY: December 10, 1973; Amended May 12, 1975; April 1992; December 2006; March 2007

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SECTION: *350.3 Board Regulations on Nonrenewal; Termination or Dismissal of Faculty*

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).

Paragraph 7.ac.(1): To ~~streamline~~ clarify the process, deleted requirements for consultation with the Senate Executive Committee and Academic Affairs Committees concerning the RIF of tenured faculty.

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

Provost
General Counsel

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

This portion will be complete by Kim Matzke-Ternes

Policy Committee: 10/14/2009 Presented to PCC ;

University Senate: 11/21/09 routed to US Exec for Input;

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NORTH DAKOTA STATE UNIVERSITY
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POLICY MANUAL

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SECTION 350.3 BOARD REGULATIONS ON NONRENEWAL; TERMINATION OR DISMISSAL OF FACULTY

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

1. A probationary appointment may be terminated, without cause, with notice to the faculty member that the appointment will not be renewed.
 - a. Notice shall be given:
 - (1) At least 90 days prior to termination during the first year of probationary employment at the institution.
 - (2) At least 180 days prior to termination during the second year of probationary employment at the institution.
 - (3) At least one year prior to termination after two or more years of probationary employment at the institution.

If a faculty member is appointed during the academic year, then the initial contract shall indicate when the first academic year of service at the institution begins. For the purpose of this section, "academic year of service" means on a probationary appointment. The twelve months notice may be given at any point during the calendar year and the appointment terminates twelve months thereafter. (This NDSU language clarifies the interpretation that has been applied to this NDUS language throughout the University System.)
 - b. A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the policy section pursuant to which the action is taken. The faculty member may within ten calendar days after receipt of the notice request a reconsideration by the deciding body or individual. The faculty member may incorporate a request for mediation in the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

Nonrenewal decisions shall be made in every instance by the University President. Recommendations for nonrenewal shall be initiated within the academic unit in accordance with Policy 352. Colleges shall have specific procedures for nonrenewal recommendations prior to the sixth year in accordance with Policy 352 and 350.3.2 (See below.). A department chair may initiate a review for nonrenewal at any time.

2. An institution may terminate a probationary appointment, effective at the end of any contract term, with no less than 90 days notice of nonrenewal, based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.
4. A faculty member on probationary or special appointment may, within twenty calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and hearing by Standing Committee on Faculty Rights by filing written notice with the deciding body or individual and the chair or senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.
5. A faculty member may terminate an appointment effective at the end of the term of the appointment by giving notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty governance structure at an institution may recommend procedures permitting a faculty member to request a waiver of this deadline in case of hardship or for other good cause defined by those procedures. An institution may provide that failure without reasonable cause by a faculty member to return a contract by the time set forth in the contract shall constitute a resignation. Any return time so established by the contract shall be reasonable.

Resignation or Retirement

Generally accepted standards of professional ethics (see AAUP Statement on Recruitment and Resignation of Faculty Members) require faculty members who plan to resign or retire to give prompt notice in writing to their chair or supervisor. This includes prompt notice when employment is accepted elsewhere. Only in personal emergencies or for other compelling reasons, should faculty members leave during the academic year, except when this coincides with the expiration of their contractual obligations.

6. An institution may terminate an appointment of a tenured faculty member following a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses. In such cases, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area, curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity. A tenured faculty member terminated pursuant to this subsection shall be given written notice of termination, including the reason(s) for the action, at least twelve months prior to the date of termination. Each institution shall establish procedures for implementing this policy.
 - a. A tenured faculty member given notice of termination under this section may request that the institution circulate his or her vita to other academic units or program areas within the institution. In addition, the institution shall ensure that fair consideration is given to the faculty member, during the period of the terminal appointment, for vacant academic positions in the employing institution for which the faculty member is qualified. The faculty within any academic unit or program area shall have the major responsibility in determining qualifications for appointment therein. If a tenured faculty member accepts an appointment in a different academic unit or program area, the faculty member shall retain his or her tenure status, subject to approval of the Board.
 - b. A position terminated under this section shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within which to accept or decline it.
 - c. The provisions of section 605.4 (*NDSU 350.4*) do not apply when a tenured faculty member is terminated under this subsection. The faculty member may, however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.
7. In accordance with section 305.1 of these policies, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of termination is given any tenured faculty member pursuant to subsection 6. Faculty participation shall be solicited concerning:
 - a. The extent to which there are grounds for termination of tenured appointments;

- b. Judgments determining where within the overall academic program termination of appointments may occur; and
 - c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.
- (1) *An administrative decision to terminate a tenured faculty member within the university shall be preceded by the following steps:*
- ~~a) Consultation with the Executive Committee of the University Senate regarding the extent to which there are grounds for termination of tenured appointments.~~
 - ~~b) Consultation with the Academic Affairs committee of the University Senate regarding the justification for terminating tenured appointments, if that is a consequence of the decisions; and~~
 - e)a) _____ Consultation with the dean of Academic Affairs committee, or the equivalent, of the the college or equivalent unit involved regarding the justification for terminating tenured appointments.
 - d)b) _____ Consultation with the faculty in an academic unit or program regarding the consequences of the decision-termination of tenured appointments.
- (2) *Once the administration decision is finalized following these consultations, the identification of faculty members for termination shall be made by the University president following recommendations by the dean.*
8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f) significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide specifically for dismissal as a sanction.
- a. An authorized institution officer shall give written notice of intent to dismiss and specify the reasons for the action. The officer may, in the officer's discretion, also schedule a meeting with the faculty member to discuss the action. The notice shall

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state that the officer will forward to the institution president a recommendation to dismiss unless the faculty member, within twenty calendar days of receipt of the notice, requests a hearing before the Standing Committee on Faculty Rights. If the faculty member does not make a timely request for a hearing, the president, upon receipt of a recommendation to dismiss, shall make a decision and provide written notice and reasons for the action to the faculty member within ten business days of receipt of the recommendation.

(1) *Written notice of the intent to terminate or dismiss shall be given to the faculty member.*

(2) *Appropriate administrative officers include the academic unit or program chair and the dean of the college or equivalent unit.*

The written notice of termination or dismissal from the President must in any event be given within 60 days of the initial written notice of intent to terminate or dismiss.

- b. A faculty member may, within twenty calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request for a formal hearing before the Standing Committee on Faculty Rights, pursuant to section 605.4. (NDSU 350.4)
 - c. Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the institution's president, or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the institution to do so. The faculty member's salary and fringe benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the ~~the~~ institution president to dismiss the faculty member following conclusion of proceedings at the institution.
9. If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means demotion, suspension (but not including suspension pending a dismissal or termination decision), salary reduction or loss of salary, or restriction or loss of privileges imposed as a formal disciplinary measure. A sanction does not include implementation of an improvement plan or performance action plan or negative comments in a performance review, letter of reprimand or other document placed in a personnel file; rights to respond to a performance review or a letter of reprimand or other document placed in a personnel file are set forth in N.D.C.C. § 54-06-21 and institution grievance procedures adopted under SBHE Policy 612. If the sanction is imposed following a hearing by the Standing Committee on Faculty Rights and based on the hearing record, there is no further review. If the sanction is imposed without a hearing, the faculty member may request review upon filing with the institution's president and chair or senior member of the Standing Committee on Faculty Rights a request for review and specifications of reasons within twenty calendar days of

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receipt of notice of imposition of a sanction. The institution shall have twenty calendar days following receipt of the request for review to file a response. The Standing Committee on Faculty Rights shall review the matter according to procedures established at the institution for that purpose and issue a written report within twenty calendar days of receipt of the institution's response and may make a recommendation to resolve the dispute, stating its reasons. The institution shall make its final decision upon reconsideration and provide written notice of that decision to the faculty member within ten days of receipt of the report and recommendation of the Standing Committee on Faculty Rights. Upon filing of a request for review pursuant to this subsection, imposition of the sanction shall be suspended pending a final decision of the institution's president following conclusion of those proceedings.

HISTORY: Replaces portions of Policy 605, SBHE Minutes April 25, 1995, pg 6554. Amended April 25, 1995; July 1, 1996; January 1997; October 1998; February 2001, June 2003, August 2003, March 2004; February 2005; November 2005.

A University Senate Resolution Supporting the Construction of a New Main Library on the Campus of North Dakota State University

WHEREAS, the current NDSU Main Library facility is not able to provide adequate individual and group study spaces, and

WHEREAS, the current NDSU Main Library facility is not able to provide adequate space for collections, and

WHEREAS, the current collections and resources do not meet the academic needs of the NDSU community, and

WHEREAS, other committees are being tasked with the goal of developing plans for a new library, and

WHEREAS, the Provost and Vice President for Academic Affairs and the Dean of the Libraries at NDSU support the development of a new main library at NDSU and this resolution, and

WHEREAS, the current NDSU Main Library facility is significantly below the standard set by our peer institutions in regard to collections, study space, resources, hours of operation, staff, and aesthetics, and

WHEREAS, the NDSU Student Senate has passed a Resolution in support of a new main library, and

WHEREAS, a university library is central to the pursuit of academic excellence at institutions of higher education; therefore, let it be

RESOLVED, NDSU University Senate supports that immediate action take place to develop plans for the construction of a new main library on the campus of North Dakota State University which exceeds those of our peer institutions in all aspects and meets the projected growth of our university, and let it further be

RESOLVED, NDSU University Senate implores university officials to recognize, consider, and act upon the academic needs of the NDSU community through the construction of a new main library consistent with the aforementioned clause.

Agenda
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, December 14, 2009
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of November 9, 2009, Minutes

III. Consent Agenda

- Academic Affairs ([Attachment 1](#))
- General Education ([Attachment 2](#))

Any member can request that an item on the consent agenda be placed on the regular agenda.

IV. General Announcements

- A. Interim President Hanson
- B. Provost/VPAA Schnell
- C. M. Meister, President of University Senate
- D. A. Rupiper Taggart, President Elect of University Senate
- E. V. Olson, Staff Senate President
- F. A. Altstadt, Student Body President

V. Committee Reports

- A. Academic Affairs - A. Brunt
- B. General Education - L. Peterson, Ad Hoc Undergraduate Curriculum Review Committee ([Attachment 3](#))
- C. Council of College Faculties - J. Glower
- D. Policy Coordinating Committee - A. Rupiper Taggart
 - For discussion and vote:
 - 1. Policy 153: Smoke Free Campus ([Attachment 4](#))
- E. For Discussion: Senate Ad-hoc Sustainability Task Force, A. Altstadt
- F. Other Committee Reports

VI. Unfinished Business

VII. New Business

VIII. Discussion

IX. Adjournment

Academic Affairs Committee Report December 14, 2009

Curricular Recommendations

New Programs							
Developmental Science, Ph.D., (College of Human Development and Education)							
Therapeutic Horsemanship, Minor and Undergraduate Certificate in Therapeutic Riding							
Termination of Program							
Interior Design minor							
New Courses							
Subject	No.	Title					Crs.
ANSC	350	Graduate Experience Program					1
ANSC	791	Genetic Improvement of Livestock					3
HDFS	702	Teaching Developmental Science					3
HDFS	758	Longitudinal Research Methods and Analysis					3
INTL	110	Introduction to International Studies					3
INTL	488	Integrative Senior Project Proposal Course					1
INTL	489	Integrative Senior Project					2
MICR	450/650	Infectious Disease Pathogenesis					3
MICR	756	Zoonoses and Rural Public Health					3
NRM	401/601	Urban-Ecosystem Management					3
NRM	402/602	River and Stream Resource Management					3
NRM	421/621	Environmental Outreach Methods					3
PHRM	710	Health Care Systems					3
PHRM	715	Quantitative Methods for Pharmaceutical Social & Administrative Science Research					3
PLSC	444	Applied Plant Breeding and Research Methods					3
PSYC	758	Diversity in Clinical Psychology					3
New Special Topics – for information only							
Subject	No.	Title					Crs.
ACCT	796	International Financial Reporting Standards					3
AGEC	499/696	Export Management					2
BUSN	499/696	Introduction to Risk Management & Insurance					3
CJ	399	Media, Crime and Justice in America					2
EDUC	796	Issues, History, and Rationale of Science Education					3
ENT	299	How to do Science: A Complete Research Experience from Proposal to Poster					2
POLS	499	Issues in Public Policy					3
Course Deletions							
Subject	No.	Title					Crs.
CHEM	486/686	Corrosion and Its Control by Coatings					2
CDFS	488/688	Exceptional Child and Family					3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
ASM	454/654	Principles of Site Specific Agriculture	3	ASM	454/654	<i>Principles and Application of Precision Agriculture</i>	3
HDFS (CDFS)	784	Advanced Human Development: Adolescence through Adulthood	3	HDFS (CDFS)	784	<i>Advanced Human Development: Adolescence through Early Adulthood</i>	3
PLSC	219	Introduction to Prairie and Community Forestry	2	<i>NRM</i>	219	Introduction to Prairie and Community Forestry	2

For University Senate: General Education Recommendations

For University Senate Meeting on December 14, 2009

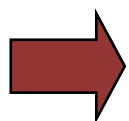
Outcomes Key:				
1. Communicate effectively in a variety of contexts and formats.				
2. Locate and use information for making appropriate personal and professional decisions.				
3. Comprehend the concepts and perspectives needed to function in national and international societies.				
4. Comprehend intrapersonal and interpersonal dynamics.				
5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.				
6. Integrate knowledge and ideas in a coherent and meaningful manner.				
7. Comprehend the need for lifelong learning.				
Courses Approved for General Education (New)				
Course No.	Course Title	Recommended Categories	Recommended Outcomes	
HON 340	Colloquium in the Humanities	A	1, 6	
HON 341	Colloquium in the Social Sciences	B	1, 6	
HON 342	Colloquium in the Sciences	S	1, 6	
Courses Withdrawn from General Education List of Approved Courses				
Course No.	Course Title	Categories	Dept or GE Request	
BIOL 151	General Biology II	S(n)	Department	
BIOL 151L	General Biology II Laboratory	S(n)	Department	
MUSC 201	World Music	A, D	Department	
Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes				
Course No.	Course Title	Categories	Outcomes	
BIOL 126/ ZOO 126	Human Biology	S(n)	2, 5	
CDFS 242	Couples, Marriages, and Families	W	4, 6	
PLSC 210	Horticultural Sciences	S(n)	5, 6	
Continued Approval (5-Year Renewal) for General Education with Changes in Outcomes				
Course No.	Course Title	Categories	Previous Outcomes	Recommended Outcomes
ADFM 411	Food and World Cultures	A, D	1, 3, 6	3, 6

Ad Hoc Undergraduate Curriculum Review Committee

1. Membership shall consist of one faculty member (preferably tenured) from each college (including University Studies), two students, one representative each from the University Assessment Committee, the Division of Student Affairs, and the NDSU Libraries. The Provost's office will solicit nominations from the campus and members will be selected by the Provost in consultation with the team NDSU sent to the 2009 AACU General Education Institute.
2. The committee will have two faculty co-chairs.
3. The committee's responsibilities will be to:
 - a. Design and implement a process to promote campus-wide discussion and examination of the knowledge and skills our graduates should have when they complete their baccalaureate degrees.
 - b. Engage in a comprehensive review of the learning outcomes of undergraduate curriculum to identify the knowledge, skills, and abilities that graduates of NDSU should have.
 - c. Examine whether the learning outcomes of the existing curriculum (including both general education and the major) ensure the desired outcomes.
 - d. Examine current best practices nationally, relevant evidence about the performance of recent graduates, and models of recent curriculum revisions at peer institutions.
 - e. Seek input and feedback from faculty, staff, students, employers, and alumni.
 - f. Consult regularly with other appropriate University Senate Committees-- Academic Affairs, Program Review, Assessment, and General Education.
 - g. Based on the previous steps, propose appropriate revisions to the undergraduate curriculum (both face-to-face and distance education) to the campus and the University Senate.
4. The committee will provide regular updates to meetings of the University Senate and will provide a yearly summary of its activities to the Senate.

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: 153 – Smoke Free Campus

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).

This change will prohibit all smoking on University grounds, as well as in buildings.

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

Office of the General Counsel, 9/09/09

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

This portion will be complete by Kim Matzke-Ternes

Policy Committee: 05/20/09 presented to PCC; 06/18/09 brought back to PCC; 08/19/09 PCC discuss; 09-09-09 "Tobacco Use" changed back to "Smoking" and will be brought back to PCC 09/17/09; 09/17/09 discussion at PCC that version of policy to be reviewed was unclear. Will resend correct version to all members 09/18/09. 12/03/09 GC added link to version 7, version will be named "V7 [120309]" and routed to everyone again.

University Senate: 05/29/09 routed for input; 09/04/09 routed for Input; 09/18/09 corrected version distributed – 12/03/09 routed "V7 [120309]"

Staff Senate: 05/29/09 routed for input; 09/04/09 routed for Input; 09/18/09 corrected version distributed- 12/03/09 routed "V7 [120309]"

President's Council: 05/29/09 routed for input; 09/04/09 routed for Input; 09/18/09 corrected version distributed 12/03/09 routed "V7 [120309]"

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 153: SMOKE-FREE ~~FACILITIES~~CAMPUS

SOURCE:

SBHE Policy Manual, Section 917
North Dakota Century Code 50-11.1-02.2
NDSU President

Definitions:

For the purpose of this policy, "smoking" is defined as having in one's possession a lighted tobacco product.

Policy:

1. Smoking is prohibited ~~in-on the~~ North Dakota State University ~~grounds Main Campus and Downtown Campus (including Renaissance Hall) and in University~~ buildings, residence halls, apartments and enclosed structures.
2. Smoking is not permitted in a child care facility or near children enrolled in the facility. (ND Century Code 50-11.1-02.2)
3. Outdoor smoking is permitted in the N.D. Research and Extension Centers (excluding the Main Experiment Station), but only in those outdoor areas at least 50 feet from buildings.
- 3-4. Entities exempted from Policy 153, Section 31 include private companies in the NDSU Research and Technology Park, leased properties facilities owned on land leased to and controlled by other governmental or private entities, Northern Crops Institute, and Newman Outdoor Field.
 1. ~~Entities exempted from Policy 153, Section 3 include private companies in the NDSU Research and Technology Park, leased properties, Northern Crops Institute, and Newman Outdoor Field.~~

~~4.5.~~ Smoking is prohibited in state-owned or leased vehicles and motorized equipment.

~~5.6.~~ The smoking prohibition does not apply to specific activities used in connection with the practice of traditional spiritual or cultural ceremonies. Ceremonial use exceptions must be approved in advance by the Vice President for Student Affairs.

~~6.7.~~ Faculty, staff, students and visitors to NDSU are covered by this policy.

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

7._____

HISTORY: June 21, 1990, April 2006, February 2008

• POLICY MANUAL HOME PAGE :

• SEARCH POLICY :

• NDSU HOME PAGE

[NDSU PolicyManual](#)

Last Updated: Tuesday, July 1, 2008

Published by North Dakota State University

Agenda
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, January 25, 2010
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of December 14, 2009, Minutes

III. Consent Agenda

- A. Academic Affairs ([Attachment 1](#))
- B. General Education ([Attachment 2](#))

Any member can request that an item on the consent agenda be placed on the regular agenda.

IV. General Announcements

- A. Interim President Hanson
- B. Provost/VPAA Schnell
- C. M. Meister, President of University Senate
- D. A. Rupiper Taggart, President Elect of University Senate
- E. V. Olson, Staff Senate President
- F. A. Altstadt, Student Body President

V. Committee Reports

- A. Academic Affairs - A. Brunt
- B. General Education - L. Peterson, Essential Learning Outcomes ([Attachment 3](#))
- C. Council of College Faculties - J. Glower
- D. Senate Special Committee on Bylaws – D. Comez ([Attachment 4](#))
- E. Policy Coordinating Committee - M. Meister/A. Rupiper Taggart
 - For discussion and vote:
 - 1. Policy 132 – Developmental Leave ([Attachment 5](#))
 - 2. Policy 139 – Leave with Pay ([Attachment 6](#))
 - 3. Policy 156 – Equal Opportunity Grievance Procedures ([Attachment 7](#))
 - 4. Policy 350.3 – Board Regulations on Nonrenewal; Termination or Dismissal of Faculty ([Attachment 8](#))
- F. Other Committee Reports

VI. Unfinished Business

VII. New Business

For Discussion & Vote:

- A. Senate Special Committee on Policy Coordination – M. Meister ([Attachment 9](#))
- B. Senate Special Committee on Faculty Senate – M. Meister ([Attachment 10](#))
- C. Senate Special Committee on Academic Dishonesty – M. Meister/J. Council ([Attachment 11](#))

VIII. Discussion

IX. Adjournment

Academic Affairs Committee Report January 25, 2010

Curricular Recommendations

Curricular Recommendations							
New Programs							
Master of Natural Resources Management (MNRM)							
New Courses							
Subject	No.	Title					Crs.
ABEN	450/650	Bioprocess Engineering					3
BUSN	341	Business Environment of the European Union					3
ENGL	301	Peer Tutoring and Writing in the Disciplines					3
HIST	280	History of East Asia to 1600					3
HIST	480	History of Modern China from 1600					3
HIST	481	History of Japan					3
HIST	482	Vietnam: 125 Years of Conflict					3
HIST	485	Cultural Exchange and the Making of the Modern World					3
HDFS	705	Quantitative Methods in Developmental Science					3
HDFS	750	Culture and Aging: Global and Multicultural Perspectives					3
MUSC	713	Advanced Choral Music Methods					3
New Special Topics – for information only							
Subject	No.	Title					Crs.
BUSN	299	Ethics in Business					3
ECE	796	Mobile Radio Networks					3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
ADHM	362	Codes for Interiors	2	ADHM	362	Codes for Interiors	3
MUSC	702	Graduate Theory Survey	2	MUSC	702	Graduate Theory Survey	3
PHRM	520	PTDI: Pediatrics and Gerontology	2	PHRM	520/ 620	PTDI: Pediatrics and Gerontology	2
PHRM	532	PTDI: Infectious Diseases	3	PHRM	532/ 632	Pharmacotherapy of Infectious Disease	3
PHRM	536	PTDI: Neurology and Psychiatry	3	PHRM	536/ 636	PTDI: Neurology and Psychiatry	3
PHRM	538	PTDI: Cardiovascular and Pulmonary	3	PHRM	538/ 638	PTDI: Cardiovascular and Pulmonary	3
PHRM	575	Pharmacy Management	3	PHRM	575/ 675	Advanced Pharmacy Management	3

For University Senate: Approved General Education Recommendations

For University Senate Meeting on January 25, 2010

Outcomes Key:				
1. Communicate effectively in a variety of contexts and formats.				
2. Locate and use information for making appropriate personal and professional decisions.				
3. Comprehend the concepts and perspectives needed to function in national and international societies.				
4. Comprehend intrapersonal and interpersonal dynamics.				
5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.				
6. Integrate knowledge and ideas in a coherent and meaningful manner.				
7. Comprehend the need for lifelong learning.				
Courses Approved for General Education (New)				
Course No.	Course Title	Recommended Categories		Recommended Outcomes
BIOL 126L/ ZOO 126L	Human Biology Lab	S(n)		2, 5
Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes				
Course No.	Course Title	Categories	Outcomes	
PSYC 270	Abnormal Psychology	B	4, 5	
Continued Approval (5-Year Renewal) for General Education with Changes in Outcomes				
Course No.	Course Title	Categories	Previous Outcomes	Recommended Outcomes
THEA 115	World Film	A, D	3, 4, 6	3, 4

Attachment Three is a list of the Essential Learning Outcomes from the Association of American Colleges and Universities, the largest national organization focusing on General (or Liberal) Education.

The NDUS GE group that is looking at revising the statewide GE requirements is using these Essential Learning Outcomes as a place to start our statewide conversation. We'd like to get responses from stakeholder groups on each campus to each of these outcomes. Ideally, we want you to divide these outcomes into three groups: 1) ones you think NDSU would easily accept; 2) ones you think NDSU might accept, but need more discussion; 3) ones that you see as a problem in some way, so that you think NDSU would be reluctant to require them for all our students.



Executive Summary
*with Employers' Views on Learning Outcomes
and Assessment Approaches*
(2008 Edition)

College Learning *for the* *New Global Century*

FROM THE NATIONAL LEADERSHIP COUNCIL FOR
Liberal Education & America's Promise



Association
of American
Colleges and
Universities

The Essential Learning Outcomes



Beginning in school, and continuing at successively higher levels across their college studies, students should prepare for twenty-first-century challenges by gaining:

★ Knowledge of Human Cultures and the Physical and Natural World

- Through study in the sciences and mathematics, social sciences, humanities, histories, languages, and the arts

***Focused** by engagement with big questions, both contemporary and enduring*

★ Intellectual and Practical Skills, including

- Inquiry and analysis
- Critical and creative thinking
- Written and oral communication
- Quantitative literacy
- Information literacy
- Teamwork and problem solving

***Practiced extensively**, across the curriculum, in the context of progressively more challenging problems, projects, and standards for performance*

★ Personal and Social Responsibility, including

- Civic knowledge and engagement—local and global
- Intercultural knowledge and competence
- Ethical reasoning and action
- Foundations and skills for lifelong learning

***Anchored** through active involvement with diverse communities and real-world challenges*

★ Integrative Learning, including

- Synthesis and advanced accomplishment across general and specialized studies

***Demonstrated** through the application of knowledge, skills, and responsibilities to new settings and complex problems*

Note: This listing was developed through a multiyear dialogue with hundreds of colleges and universities about needed goals for student learning; analysis of a long series of recommendations and reports from the business community; and analysis of the accreditation requirements for engineering, business, nursing, and teacher education. The findings are documented in previous publications of the Association of American Colleges and Universities: *Greater Expectations: A New Vision for Learning as a Nation Goes to College* (2002), *Taking Responsibility for the Quality of the Baccalaureate Degree* (2004), and *Liberal Education Outcomes: A Preliminary Report on Achievement in College* (2005). *Liberal Education Outcomes* is available online at www.aacu.org/leap.

PROPOSAL of CHANGES and LANGUAGE in the BYLAWS

(changes are in italics)

1. Change to administrator members.

Part IV

Section 1.

By virtue of their offices, certain university administrators are ex-officio members of the Senate. They are:

1. President of the University
2. Provost/Vice-President for Academic Affairs
3. Dean of each College
4. Dean of Libraries
5. Director of the NDSU Extension Service

Section 2:

Each ex-officio administrator member of the Senate have the same privileges as any other member of the Senate with the exception of being able to serve as chairs of Senate standing committees, unless otherwise provided for in the Senate bylaws.

2. Create a mechanism for replacing a President.

Part VII.1.3

- i. In the event that the President resigns or is removed from office, the President-elect shall become the President and serve both the former President's remaining term and the one additional year for which the President-elect was elected.*

Part VII.1.4

- ii. Given the gravity of such an action, removal of the President should only be undertaken on the grounds of malfeasance or inability to fulfil the duties of the Presidency.*
 - 1. Procedure for removal.*
 - a. A motion to remove the President must be made and seconded at a Senate meeting at which a quorum is in attendance. The motion then shall be deferred until the next Senate meeting in which a quorum is in attendance.*
 - b. In the next Senate meeting in which a quorum is in attendance, the motion shall be brought back to the floor as unfinished business for recorded vote after discussion.*
 - c. The President may be removed from office only by a two-thirds majority vote of the entire senate's membership in favour of removal.*

3. Specify the duties of senators:

Part VII.1

- i. Because they are Senate representatives of their division or other recognized group, senators have an obligation to represent their constituents using due diligence.*

ii. *All senators are expected to:*

1. *Attend all Senate meetings. If unable to attend due to a more pressing concern, then the senator must find a competent substitute to act as his or her proxy at the meeting.*
2. *Prepare himself or herself for each Senate meeting. This duty includes familiarizing himself or herself with all relevant information for the meeting prior to the meeting. If there are informational components that are not understood, then the senator should make appropriate inquiries to obtain more information. These inquiries may be done at Senate meetings or through more informal channels.*
3. *Participate in meetings as long as doing so advances the business of the Senate.*
4. *Disseminate Senate information to their constituents.*
5. *Discuss Senate activity that will have an impact on their constituents, such as proposed policy.*
6. *Gather opinions and other information from their constituents about Senate activity, such as proposed policy.*
7. *Show proper decorum during a meeting including but not limited to respecting all other members of the Senate and any guests in attendance.*

4. Election of the standing committee chairpersons:

Part VIII. 9

Unless otherwise provided for in the individual standing committee's Senate bylaws, each committee chair shall be elected by a simple majority of the committee's members at a regularly scheduled committee meeting at which a quorum of members are in attendance.

5. Arrange a mechanism that would allow appointments to positions vacated through unforeseen circumstances.

Part IX.3.4.d

- i. *Provided that there are no other procedures in place to fill empty offices or positions that fall under the Senate's prerogative, the Executive Committee shall appoint the first runner-up from the immediately preceding election for the vacated position. The appointed individual will serve the remainder of the original term.*
- ii. *If such election results do not exist or the first runner-up is unable or unwilling to fulfill the terms of the office or position, then the Executive Committee shall recruit a replacement who will act as an interim office or position holder.*
- iii. *On confirmation by a simple majority vote at a regularly convened meeting of the full Senate, the new office or position holder will serve the remainder of the term for the office or position for which he or she has been confirmed.*

6. Changes to how members are appointed to RCC

a. *Part IX.7.1*

Section 7. Research and Consulting Committee

1. Membership shall consist of appointed and permanent members.
 - a. *Each dean, except those of the Colleges of University Studies and Graduate and Interdisciplinary Studies, shall nominate between one and three research active faculty members from his or her unit to be candidates for RCC. The Vice President for Research, Creative Activities, and Technology Transfer shall make one appointment from each of the lists for a three-year term.*

[Original version: The Vice President for Research, Creative Activities, & Technology Transfer will make one appointment for a three-year term from each of the representation units except the College of University Studies.]

b. Approximately one third of appointed membership will rotate each year, beginning September 1. Permanent members include several voting and several ex-officio (non-voting) representatives. Permanent voting members shall include the Assistant/Associate Vice President for Sponsored Programs Administration, who will act as Chair, the Director of the Agricultural Experiment Station, and the Director of Technology Transfer and Research Foundation. Ex-officio (non-voting) members include the Vice President for Research, Creative Activities, and Technology Transfer; the Director of Restricted Fund Accounting; a staff member from Sponsored Programs Administration (who acts as program coordinator); the Dean of Graduate and Interdisciplinary Studies; and the Senate liaison. This committee's membership totals 10 voting members and 5 ex-officio (non-voting) members.

2. Committee responsibilities are the following:

- a. Review policies related to University research and consulting issues and make recommendations for consideration by the University Senate.
- b. Review periodically and recommend revision of the research and consulting sections of the Faculty Handbook containing all current directives of the University and all directives of the North Dakota State Board of Higher Education.

3. The Committee shall provide a yearly summary of its activities to the Senate.

7. Change to Faculty Caucus.

a. (Part XIII.3)

- i. At least once per regular semester, a faculty caucus shall be held to discuss issues concerning the faculty.*
- i. Additional meetings may be called as needed.*

b. The President-elect will give notice to the faculty of the time and place of the meeting and preside over the Faculty Caucus.

c. All members of the Faculty Caucus shall be entitled to vote on matters before the caucus. Any resolution or motion passed by the Faculty Caucus shall be presented by the President-elect to the Senate Executive Committee.

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: *NDSU Policy 132: Developmental Leave*

To make policy more clear as it relates to non-academic staff as well.
12/18/09 – placed in italics NDSU language in section 1.3, and 3. LC

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

Policy Committee: 05/20/2009; 10/14/09 Carryover to November; 12/28/09 updated version with italics routed to PCC

University Senate: 05/28/09; 11/27/09 routed new version

Staff Senate: 05/28/09; approved 06/2009

President's Council: 05/28/09

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

Office of General Counsel (4/13/09)



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 132: DEVELOPMENTAL LEAVE

SOURCE: SBHE Policy Manual, Section 701.2

1. Developmental leave for retraining and/or professional development is permitted for NDSU employees *after a minimum of three years of service at NDSU* providing:
 - 1.1 institutional resources are available.
 - 1.2 workload is absorbed within the existing staff resource allocations.
 - 1.3 a written proposal describing the planned use of the leave and its anticipated benefits to the institution, to the State, and to the employee is presented and approved. The proposal shall also include the detail of the source of funds for the total stipend, which would be negotiated with the appropriate supervisor.
 - 1.4 except as provided in ~~See E, Subsection 1.5,~~ the employee presents a signed agreement to return to the system upon completion of the leave for a period of time at least equal to the leave time or refund the institution's stipend payment.
 - 1.5 to assist in retrenchment efforts, developmental leave may be granted without a signed agreement to return. The employee must execute a resignation effective at the termination of the developmental leave.
 - 1.5.1 *NDSU Guidelines: If the employee finds other employment during the developmental leave, then, unless such employment is approved as part of the developmental leave program, the university's obligation under the developmental leave agreement is terminated and the employee's resignation becomes effective immediately upon such employment during the development leave.*

Developmental leave may not exceed 12 months and *the base stipend shall not normally be less than 25% nor more than 75% of the salary scheduled for the leave period.*

2. Developmental leave for the Chancellor or an institution president shall be approved by the Board; developmental leave for system office staff shall be approved by the Chancellor; and developmental leave for institution employees shall be approved by the institution president or designee.
3. *NDSU Guidelines for faculty and other ~~academic staff members~~ employees applying for developmental leaves.*

3.1 *Prepare a proposal (2-5 pages) that includes the following:*

3.1.1 *An overview identifying goals, objectives, and activities planned for the leave including site(s) for the experience, collaborators, and the areas of work or research.*

3.1.2 *Resulting outputs from the leave (e.g. software, book, other publications, exhibitions).*

3.1.3 *Relationship of leave request to current skills and anticipated skill development.*

3.1.4 *Outline of benefits to individual, students, department, college, university and state.*

3.1.5 *Requested period of leave (up to 12 months).*

3.1.6 *Anticipated/requested income during the leave*
--University
--Other

An institutionally funded developmental leave stipend may be supplemented with non-appropriated funds which may bring the total stipend to an amount equal to but normally not to exceed the budgeted salary for the leave period. Funds providing for extensive travel expenses, relocation expenses, and/or educational cost incurred during the leave shall not be considered as part of the base stipend.

No annual or sick leave will accrue during the developmental leave period.

3.2 *Route this proposal and a copy of the "Developmental Leave Agreement" to: (1) Departmental Chair (for analysis and recommendation) and the Dean (for analysis and recommendation); the request will be forwarded to the Provost/Vice President for Academic Affairs by the Dean; and/or (2) to the appropriate supervisor(s) and Vice President for analysis and recommendation.*

Note: ~~Department Chair's and Dean's~~ The analyse~~s~~^es should focus on the proposed project as it benefits the individual, department, and college/unit and, if leave is recommended, provide an indication of coverage for the individual's responsibilities when on leave.

3.3 When considering a request for developmental leave, inform the department chair or supervisor at least six months prior to the anticipated leave and submit the request for administrative approval at least three months prior to the leave. The appropriate Vice President can waive the timelines.

Note: Individuals other than academic staff who are interested in developmental leave should consult their vice president.

HISTORY: April 24, 1987; Amended April 1992, March 1993, October 1998, March 2002, October 2007.

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section 139 – Leave with Pay

Changes language in section 4 to be consistent with Board policy. Addresses issues of closures more broadly rather than just during storm situations.

12/17/09: In order to offer some broadness, the committee suggested adding language to the title in section 2 to state: Jury or Other Legal Duty.

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

Policy Coordination Committee – 5/20/09; 10/14/09 Carryover to November; 12/17/09;

University Senate -05/28/09; 12/28/09 routed to US

Staff Senate -05/28/09; Approved 09/2009

President's Council -05/28/09

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

Office of HR/Payroll



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 139: LEAVE WITH PAY

SOURCE: NDUS Human Resource Policy Manual, Section 20
NDSU President

1. **Funeral Leave** - An approved absence from work, with pay, of up to twenty-four working hours, may be provided to an employee to attend or make arrangements for a funeral, as a result of a death in the employee's family, or in the family of an employee's spouse.

- 1.1

Family means husband, wife, son, daughter, father, mother, stepparents, brother, sister, grandparents, grandchildren, stepchildren, foster parents, foster children, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.

- 1.2

Funeral leave for employees working less than 40 hours per week will be prorated.

2. **Jury or Other Legal Duty** - An employee shall be allowed leave with pay for jury or other legal duty when subpoenaed for such service. Any compensation received for such duty may be retained by the employee.

- 2.1

When an employee is called as a witness on behalf of the state, and the University reimburses the employee for mileage, sustenance and room (which it may do), no witness fee or mileage may be claimed by said employee and no time shall be deducted from the absence of such employee and such employee shall be deemed to be performing duties or services for the State.

- 2.2

When an employee is called as a witness when the University is not a party to the action and the University does not reimburse such employee for mileage, sustenance and room, the employee may collect witness fees and mileage from the proper party if the employee is on authorized leave.

- 2.3

An employee who is personally interested in or a party to a criminal or civil action or who voluntarily appears as a witness must charge his/her absence against earned annual leave or request leave without pay.

3. **Conference or Convention Leave** - Two days per year may be allowed for employee organization conference/convention leave. Attendance is limited to three institutional officers, any state officers on campus, one delegate at large, and one delegate for each 50 members. If the conference/convention is held on a working day, the delegates will be paid as usual. If it is not a working day there will be no reimbursement. Leave may be denied if the employee's absence would unduly disrupt the operations or services of the institution.
4. **Storm Days Institutional Closures** - ~~Official closing of the institution during periods of severe weather will be announced over local radio station and when necessary, by department heads.~~ **An institution or part of an institution may be closed due to severe weather or other reason justifying closure. The action shall be communicated to employees, students and other interested persons through local media or other reasonable means.** Only employees designated by the department head may be required to work during the period when the institution is officially closed. All other regular employees shall be granted leave with pay for hours which they would normally work during a ~~storm period~~ **an institutional closure**. If an employee is not scheduled to work because of a previous arrangement, including annual or sick leave, the employee is not entitled to ~~storm closure~~ **pay (in other words, the employee must use the annual or sick leave)**. All **non-exempt** employees properly authorized to work (see Section 164 - Emergency Procedures) shall receive additional pay *at straight time rates* for hours worked during the official closing, **unless employee exceeds 40 hours in the given work week (see Section 212-Overtime for explanation of overtime)**.

4.1

When the institution remains open during inclement weather, employees unable to report to work shall notify their supervisor and take annual leave or leave without pay.

HISTORY: July 1990; Amended April 1996; August 1997; September 2001; February 2008

- POLICY MANUAL HOME PAGE :
 - SEARCH POLICY :
 - NDSU HOME PAGE

[NDSU PolicyManual](#)

Last Updated: Tuesday, May 06, 2008

Published by North Dakota State University

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: *NDSU Policy 156: Equal Opportunity Grievance Procedures*

This policy is being updated to clarify the equal opportunity grievance process and make it more effective and efficient.

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

Policy Committee: 10/15/08; 11/12/08; 12/10/08; 3/11/09; 05/09; 10/14/09 Carryover
to November meeting

University Senate: 05/29/2009

Staff Senate: 05/29/2009

Student Senate/Executive Board:

President's Council: 05/29/2009

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

General Counsel
Equity and Diversity

SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

SOURCE: NDSU President

1. INTRODUCTION

1.1

The purpose of these grievance procedures is to provide a fair and orderly system for review at North Dakota State University of alleged violations, of equal opportunity laws, regulations, and policies that prohibit discrimination based on race, color, religion, national origin, sex, disability, age, veteran's status or sexual orientation (see Policy 100). ~~any federal, state or local protected class~~^[rdj1]. ~~These procedures have been approved by the University President, following review by the Presiding Officer of the University Senate, the President of the Staff Senate, the Student Body President, and the President's Council.~~

1.2

Any individual or group filing a grievance under this procedure is entitled to protection from harassment, reprisals or retaliation as a result of having filed the grievance. ~~Any violation of the protection~~ Retaliation may, in itself, constitute grounds for a grievance.

1.3

Parties ~~(the grievant and party whose action is the subject of the grievance)~~ to a grievance filed under this procedure will make every effort to comply with the established timelines for giving notices and completing actions related to the grievance. In extenuating circumstances, these timelines may be extended by the NDSU ~~Director~~ Vice President of for Equity, and Diversity and Global Outreach (“Diversity Officer”) in consultation with the parties.

2. ~~Step 1~~—ADMINISTRATIVE REVIEW OF GRIEVANCE

2.1

Any student, employee of the University, or any group of such persons who ~~feels is substantively~~ affected by an apparent violation of equal opportunity laws, regulations, or policies shall be ~~initially~~ entitled to an administrative review of the grievance.

2.1.1

The review is initiated by completing the NDSU Formal Equal Opportunity Grievance Form (available from the NDSU ~~Office of for the Vice President for Equity, and Diversity and Global Outreach~~ Office) and filing it with the Diversity Officer, ~~in the Office of the Vice President for Equity, and Diversity and Global Outreach~~. Unless the ~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~ stipulates otherwise, the grievance form must be submitted within six months of the alleged violation.

2.1.2

This review shall include: (1) an administrative inquiry into the facts of the case; (2) a discussion of the case by the ~~administrator~~ Diversity Officer with the grievant and, the party whose action is the subject of grievance, ~~and the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity;~~ (3) a conclusion by the ~~administrator~~ Diversity Officer regarding whether or not the case involves a violation of equal opportunity rights; (4) an attempt to achieve a mutually acceptable resolution of the grievance; and (5) a written communication of that conclusion to the grievant and the party whose action is the subject of the grievance. Unless there are extenuating circumstances, the administrative review will be completed within 30 working calendar days after the date of the filing.

2.1.3

As an alternative to this review, a grievant may, ~~of course,~~ pursue any channel of review applicable under another University policy (such as the Grade Appeals Board policy for students [Section 337], the Grievance Procedure for Conditions of Employment or Appeal Procedure for Disciplinary and Reduction In Force Actions [Sections 230 and 231, respectively], or the Board Regulations on Nonrenewal, Termination or Dismissal of Academic Staff, the Board Regulations on Hearings and Appeals, or Grievances - Faculty [Sections 350.3, 350.4 and 353 respectively]).

~~3. Step 2--NEGOTIATION~~ 3. VOLUNTARY MEDIATION

4. 3.1. If the grievant and party whose action is subject to of the grievance both agree to mediate, the provisions of Policy 350.5-Mediation shall apply ~~RDJ2~~ for all employees.

3.2 If voluntary mediation is unsuccessful, the grievant may request a hearing of the grievance pursuant to section 4.1.

~~3.1~~

~~If a grievance is unresolved after Step 1, either the grievant or the party whose action is the subject of the grievance may, within 10 working days of the issuance of the administrative determination, make a written appeal to the University's Executive Director, Chief Diversity Officer in the Office of Equity and Diversity for negotiation of the case by a representative of the grievant, a representative of the party whose action is the subject of grievance, and the Director of Equity and Diversity. Within 5 working days of the appeal for negotiation, the two parties should provide the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity with the name of the person who will serve as their representative for this process.~~

~~3.1.1~~

~~The negotiators' responsibilities shall be to (1) determine the facts relevant to the grievance, (2) discuss the application of equal opportunity laws, regulations and policies, (3) attempt to resolve the grievance through further discussion and negotiation and, if that is unsuccessful, (4) refer the case to the hearing committee below or to another duly constituted University hearing committee such as the Grade Appeals Board or a Faculty~~

~~Special Review Committee. Unless there are extenuating circumstances, the negotiators will complete their work within 30 working days.~~

~~5.~~ 4. Step 3-- **GRIEVANCE HEARING COMMITTEE** ~~GRIEVANCE~~

4.1

~~Upon referral from the negotiators, A grievant~~ Either party of the grievance will have ten (10) calendar working days to appeal the written conclusion in section 2.1.2 or from the termination of an unsuccessful mediation under section 3. ~~Aa~~ A grievance shall be heard by a five member ~~eEqual eOpportunity hHearing eCommittee~~. The ~~negotiators~~ Student Body President, Presiding Officer- President University Senate President and the Staff Senate President shall designate the chair and other members of this committee from among the University Equal Opportunity Hearing Panel, which shall consist of the following 18 members:

- o 6 NDSU students appointed by the Student Body President,
- o 6 NDSU tenured faculty members appointed by the ~~Presiding Officer~~ President of the University Senate, and
- o 6 NDSU broadbanded employees appointed by the Staff Senate President.

4.1.1

~~For Each~~ For group of panel appointees, those responsible for designating the panel shall strive to include members of both sexes and ethnic/racial diversity ~~have a diverse panel~~. Part-time students and regular employees are eligible for appointment.

4.1.2

Committee members shall disclose any conflict of interest they may have to the committee ~~committee's regarding committee member status~~. The parties can also challenge a committee member for a conflict of interest ~~address as a conflict of interest disclosure made by a committee member~~. ~~If multiple challenges deplete the committee to two or less fewer members,~~ The Student Body President, President of University Senate, and the Staff Senate President shall assist in deciding ~~deciding~~ decide, by majority vote, whether the challenges have merit. Members disclosing a conflict or being challenged for a conflict may vote on the motion. Replacements shall be appointed in the same manner as original appointments ~~rdj3~~.

4.2

An Equal Opportunity hearing committee shall conduct its hearing in accordance with the following requirements: The committee can may appoint a hearing officer with authority to conduct the pre-hearing meetings, supervise discovery, advise the committee or preside over the hearing. for the chair. The responsibilities for conducting the hearing are then assumed by the hearing officer, subject to decisions by the committee.

4.2.1

Any grievant requesting a hearing must file a written statement with the hearing committee indicating the grounds upon which a violation of equal opportunity is alleged

to exist. Upon receipt of this statement, the committee chairperson shall schedule a date for an initial hearing.

4.2.2

The committee shall attempt to schedule hearing sessions only when all of its members are able to be present. If the committee decides, however, that the parties interests are best served by scheduling a session even when one or more of the committee members are not able to be present, then the absent members shall be responsible for reviewing the tape recordings of that session to familiarize themselves with the evidence presented at that time.

4.2.3

Attendance at any hearing shall be limited to the committee members, the parties, and their attorneys or other representatives and witnesses, unless both the parties shall agree to offer an express invitation for a particular hearing or session to the public or representatives of the press. Witness may be sequestered whether the hearing is open or closed.

4.2.4

The committee chairperson shall preside at all sessions. ~~_, and a~~Any party or representative wishing to present evidence, examine witnesses, summarize evidence, or present arguments shall do so only with the consent of the chairperson. The committee shall tape-record sessions (and/or hire a court reporter) at which testimony is heard and shall allow controlled access to the tape for review or transcription by any party as defined in subsection 1.3 directly involved in the proceedings. The committee shall also keep summary minutes of its proceedings.

4.2.5

At the beginning of a hearing, the committee shall provide an opportunity for opening statements to be made, first by the grievant, then by the party whose action is subject of the grievance. defending the action in question. The committee shall then rely upon the opposing parties to call the necessary witnesses and present relevant evidence. The committee shall reserve the right, however, to call its own witnesses and to act in an investigative capacity itself, should the need arise.

4.2.6

The committee shall consider both oral testimony and written evidence. Upon receipt of any written statement or evidence provided by any party to the committee, the committee shall promptly provide the other party with a copy of such material. The committee can set its own rules for notice deadlines for disclosure of exhibits and witnesses. Any person offering testimony before the committee shall be subject to questioning by the committee members or either party with specific consent of the committee chairperson. The committee shall reserve the right to exclude redundant evidence as determined by a majority committee vote. The committee ~~has shall exercise the limit of its~~ authority to secure the testimony of essential witnesses or other relevant evidence. At the conclusion of a hearing, the committee shall provide an opportunity for either party to submit a written summary of its position.

4.2.7

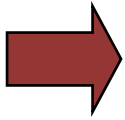
The committee shall vote by secret ballot, and the committee chairperson shall vote on all questions. In order for the committee to find a violation of equal opportunity, the grievant

must show by the greater weight of the evidence that such a violation did, in fact, occur. If an alleged harasser in a sexual harassment case claims consent as a defense and the person was in a position of power or control over the grievant, the burden of proof on the issue of consent is on the alleged harasser. The vote required for committee action will be a simple majority of total number of votes eligible to be cast. ~~Without disclosing actual tallies, a~~ All voting results and any recommendations of the committee shall be promptly made available in writing to all of the parties involved in the case and the University President. ~~If the committee has found an equal opportunity violation, t~~ The President shall be responsible for determining an appropriate administrative response to the findings, conclusions and recommendations. The decision of the President is final.

HISTORY: December 20, 1977; Amended September 1993; Amended January 1996; June 2000, October 2007.

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *350.3 Board Regulations on Nonrenewal; Termination or Dismissal of Faculty*

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).

Paragraph 7.ac.(1): To streamline-clarify the process, deleted requirements for consultation with the Senate Executive Committee and Academic Affairs Committees concerning the RIF of tenured faculty.

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

*Provost
General Counsel*

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

This portion will be complete by Kim Matzke-Ternes

Policy Committee: 10/14/2009 Presented to PCC ; 11/12/09 discussed at meeting, carryover to December meeting, updates will be made and a new version presented to PCC in December. 11/27/09 updated version emailed to PCC

University Senate: 10/21/09 routed to US Exec for Input; 12/28/09 routed for input

Staff Senate: 10/27/09 routed for Input; 12/28/09 routed for input

President's
Council: 10/27/09 routed for Input; 12/28/09 routed for input

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@nds.edu



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 350.3 BOARD REGULATIONS ON NONRENEWAL; TERMINATION OR DISMISSAL OF FACULTY

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

1. A probationary appointment may be terminated, without cause, with notice to the faculty member that the appointment will not be renewed.
 - a. Notice shall be given:
 - (1) At least 90 days prior to termination during the first year of probationary employment at the institution.
 - (2) At least 180 days prior to termination during the second year of probationary employment at the institution.
 - (3) At least one year prior to termination after two or more years of probationary employment at the institution.

If a faculty member is appointed during the academic year, then the initial contract shall indicate when the first academic year of service at the institution begins. For the purpose of this section, "academic year of service" means on a probationary appointment. The twelve months notice may be given at any point during the calendar year and the appointment terminates twelve months thereafter. (This NDSU language clarifies the interpretation that has been applied to this NDUS language throughout the University System.)
 - b. A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the policy section pursuant to which the action is taken. The faculty member may within ten calendar days after receipt of the notice request a reconsideration by the deciding body or individual. The faculty member may incorporate a request for mediation in

the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

Nonrenewal decisions shall be made in every instance by the University President. Recommendations for nonrenewal shall be initiated within the academic unit in accordance with Policy 352. Colleges shall have specific procedures for nonrenewal recommendations prior to the sixth year in accordance with Policy 352 and 350.3.2 (See below.). A department chair may initiate a review for nonrenewal at any time.

2. An institution may terminate a probationary appointment, effective at the end of any contract term, with no less than 90 days notice of nonrenewal, based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.
4. A faculty member on probationary or special appointment may, within twenty calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and hearing by Standing Committee on Faculty Rights by filing written notice with the deciding body or individual and the chair or senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.
5. A faculty member may terminate an appointment effective at the end of the term of the appointment by giving notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty governance structure at an institution may recommend procedures permitting a faculty member to request a waiver of this deadline in case of hardship or for other good cause defined by those procedures. An institution may provide that failure without reasonable

cause by a faculty member to return a contract by the time set forth in the contract shall constitute a resignation. Any return time so established by the contract shall be reasonable.

Resignation or Retirement

Generally accepted standards of professional ethics (see AAUP Statement on Recruitment and Resignation of Faculty Members) require faculty members who plan to resign or retire to give prompt notice in writing to their chair or supervisor. This includes prompt notice when employment is accepted elsewhere. Only in personal emergencies or for other compelling reasons, should faculty members leave during the academic year, except when this coincides with the expiration of their contractual obligations.

6. An institution may terminate an appointment of a tenured faculty member following a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses. In such cases, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area, curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity. A tenured faculty member terminated pursuant to this subsection shall be given written notice of termination, including the reason(s) for the action, at least twelve months prior to the date of termination. Each institution shall establish procedures for implementing this policy.
 - a. A tenured faculty member given notice of termination under this section may request that the institution circulate his or her vita to other academic units or program areas within the institution. In addition, the institution shall ensure that fair consideration is given to the faculty member, during the period of the terminal appointment, for vacant academic positions in the employing institution for which the faculty member is qualified. The faculty within any academic unit or program area shall have the major responsibility in determining qualifications for appointment therein. If a tenured faculty member accepts an appointment in a different academic unit or program area, the faculty member shall retain his or her tenure status, subject to approval of the Board.
 - b. A position terminated under this section shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within which to accept or decline it.
 - c. The provisions of section 605.4 (*NDSU 350.4*) do not apply when a tenured faculty member is terminated under this subsection. The faculty member may, however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.

7. In accordance with section 305.1 of these policies, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of termination is given any tenured faculty member pursuant to subsection 6. Faculty participation shall be solicited concerning:
 - a. The extent to which there are grounds for termination of tenured appointments;
 - b. Judgments determining where within the overall academic program termination of appointments may occur; and
 - c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.
 - (1) *An administrative decision to terminate a tenured faculty member within the university shall be preceded by the following steps:*
 - ~~a) Consultation with the Executive Committee of the University Senate regarding the extent to which there are grounds for termination of tenured appointments.~~
 - ~~b) Consultation with the Academic Affairs committee of the University Senate regarding the justification for terminating tenured appointments, if that is a consequence of the decisions; and~~
 - ~~e)a) Consultation with the dean of Academic Affairs committee, or the equivalent, of the college or equivalent unit involved regarding the justification for terminating tenured appointments.~~
 - ~~d)b) Consultation with the faculty and the relevant PTE committee in an academic unit or program regarding the consequences of the decision.termination of tenured appointments.~~
 - (2) *Once the administration decision is finalized following these consultations, the identification of faculty members for termination shall be made by the University president following recommendations by the dean.*
8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f)

significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide specifically for dismissal as a sanction.

- a. An authorized institution officer shall give written notice of intent to dismiss and specify the reasons for the action. The officer may, in the officer's discretion, also schedule a meeting with the faculty member to discuss the action. The notice shall state that the officer will forward to the institution president a recommendation to dismiss unless the faculty member, within twenty calendar days of receipt of the notice, requests a hearing before the Standing Committee on Faculty Rights. If the faculty member does not make a timely request for a hearing, the president, upon receipt of a recommendation to dismiss, shall make a decision and provide written notice and reasons for the action to the faculty member within ten business days of receipt of the recommendation.

(1) *Written notice of the intent to terminate or dismiss shall be given to the faculty member.*

(2) *Appropriate administrative officers include the academic unit or program chair and the dean of the college or equivalent unit.*

The written notice of termination or dismissal from the President must in any event be given within 60 days of the initial written notice of intent to terminate or dismiss.

- b. A faculty member may, within twenty calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request for a formal hearing before the Standing Committee on Faculty Rights, pursuant to section 605.4. (NDSU 350.4)
- c. Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the institution's president, or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the institution to do so. The faculty member's salary and fringe benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the ~~the~~ institution president to dismiss the faculty member following conclusion of proceedings at the institution.

9. If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means demotion, suspension (but not including suspension pending a dismissal or termination decision), salary reduction or loss of salary, or restriction or loss of privileges imposed as a formal disciplinary measure. A sanction does not include

implementation of an improvement plan or performance action plan or negative comments in a performance review, letter of reprimand or other document placed in a personnel file; rights to respond to a performance review or a letter of reprimand or other document placed in a personnel file are set forth in N.D.C.C. § 54-06-21 and institution grievance procedures adopted under SBHE Policy 612. If the sanction is imposed following a hearing by the Standing Committee on Faculty Rights and based on the hearing record, there is no further review. If the sanction is imposed without a hearing, the faculty member may request review upon filing with the institution's president and chair or senior member of the Standing Committee on Faculty Rights a request for review and specifications of reasons within twenty calendar days of receipt of notice of imposition of a sanction. The institution shall have twenty calendar days following receipt of the request for review to file a response. The Standing Committee on Faculty Rights shall review the matter according to procedures established at the institution for that purpose and issue a written report within twenty calendar days of receipt of the institution's response and may make a recommendation to resolve the dispute, stating its reasons. The institution shall make its final decision upon reconsideration and provide written notice of that decision to the faculty member within ten days of receipt of the report and recommendation of the Standing Committee on Faculty Rights. Upon filing of a request for review pursuant to this subsection, imposition of the sanction shall be suspended pending a final decision of the institution's president following conclusion of those proceedings.

HISTORY: Replaces portions of Policy 605, SBHE Minutes April 25, 1995, pg 6554. Amended April 25, 1995; July 1, 1996; January 1997; October 1998; February 2001, June 2003, August 2003, March 2004; February 2005; November 2005.

FOR UNIVERSITY SENATE DISCUSSION AND VOTE:

University Senate Special Committee on Policy Coordination

Purpose:

To investigate, evaluate, review, and assess how policies are coordinated for University Senate consideration/approval and to make recommendations for streamlining the legislative process of policy review/approval of policies.

Rationale:

- Present Policy Coordination Committee process is not a formal University Senate Standing Committee
- Present Policy Coordination Committee process dictates the agenda of University Senate meetings, without formal status/legitimacy as a formal Senate Standing Committee

Recommendation:

The NDSU University Senate shall form a Special Committee on Policy Coordination to draft recommendations to improve the policy review process.

Members of the Special Committee on Policy Coordination will be the four immediate past President's of the University Senate (Dogan Comez, Donna Terbizan, Eugene Berry, and Jim Council) and the present President of the University Senate (Mark Meister) and present President-Elect of the University Senate (Amy Rupiper-Taggart).

The charge of the committee shall be to:

1. Review the present process by which policies are coordinated and transmitted for review and approval by the University Senate,
2. Make recommendations that clarify the legislative mandate of the University Senate in policy review and approval,
3. Make recommendations for improving the coordination of policies for University Senate review and approval, and
4. Make any other policy recommendations they feel will be effective in improving the policy coordination process on behalf of the University Senate.

FOR UNIVERSITY SENATE DISCUSSION AND VOTE:

University Senate Special Committee on the Formation of a Faculty Senate

Purpose:

To provide a rationale and model/framework that facilitates the creation of an NDSU Faculty Senate.

Rationale:

- Peer institutions of NDSU all have formal Faculty Senates.
- A recent straw-poll of faculty revealed a strong mandate for the creation of a Faculty Senate.
- Presently, NDSU Staff and Student Senates exist, but there is no Faculty Senate.

Recommendation:

The NDSU University Senate shall form a Special Committee on the Formation of a Faculty Senate to initiate the creation and formalization of an NDSU Faculty Senate.

Membership on the Special Committee on the Formation of a Faculty Senate is open to any faculty member; including those holding tenure, those who are tenure eligible, professors of practice, senior lecturers, lecturers, and instructors) and any member of the Faculty Caucus. The President of the University Senate will actively solicit nominations and volunteers from the university faculty for membership on the committee and the President-Elect of the University Senate shall engage the Faculty Caucus to update the university faculty on the implementation of a Faculty Senate.

The charge of the committee shall be to:

1. Provide a rationale for the creation of a Faculty Senate for University Senate consideration, and
2. Provide a model/framework for the implementation of a Faculty Senate for University Senate consideration.

For University Senate Consideration

Motion to be put forward to University Senate, January 2010

The NDSU University Senate shall form an ad hoc committee to draft policies designed to curtail academic dishonesty among undergraduate and graduate students at NDSU. The charge of the committee shall be to:

1. Draft policy for consideration by University Senate regarding the establishment of a central registry for the purpose of tracking students who have been penalized for academic dishonesty.
2. Make recommendations to University Senate regarding the adoption of a University-wide honor code system.
3. Draft guidelines for the use of faculty dealing with cases of academic dishonesty, including recommended procedures and sanctions, in order to provide greater structure than is available in current policy.
4. Make any other policy recommendations they feel will be effective in curtailing academic dishonesty and inculcating a culture of honor among NDSU students.

Agenda
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, February 8, 2010
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of December 14, 2009, Minutes

III. Consent Agenda

- A. Academic Affairs ([Attachment 1](#))
- B. General Education ([Attachment 2](#))

Any member can request that an item on the consent agenda be placed on the regular agenda.

IV. General Announcements

- A. Interim President Hanson
- B. Provost/VPAA Schnell
- C. M. Meister, President of University Senate
- D. A. Rupiper Taggart, President Elect of University Senate
- E. V. Olson, Staff Senate President
- F. A. Altstadt, Student Body President

V. Committee Reports

- A. Academic Affairs - A. Brunt, Update to Credits Required for Undergraduate Major ([Attachment 3](#))
- B. General Education - L. Peterson, Essential Learning Outcomes ([Attachment 4](#))
- C. Council of College Faculties - J. Glower
- D. Senate Special Committee on Bylaws – D. Comez ([Attachment 5](#))
- E. Policy Coordinating Committee - M. Meister/A. Rupiper Taggart
 - For discussion and vote:
 - 1. Policy 132 – Developmental Leave ([Attachment 6](#))
 - 2. Policy 139 – Leave with Pay ([Attachment 7](#))
 - 3. Policy 156 – Equal Opportunity Grievance Procedures ([Attachment 8](#))
 - 4. Policy 350.3 – Board Regulations on Nonrenewal; Termination or Dismissal of Faculty ([Attachment 9](#))
- F. Other Committee Reports

VI. Unfinished Business

VII. New Business

For Discussion & Vote:

- A. Senate Special Committee on Policy Coordination – M. Meister ([Attachment 10](#))
- B. Senate Special Committee on Faculty Senate – M. Meister ([Attachment 11](#))
- C. Senate Special Committee on Academic Dishonesty – M. Meister/J. Council ([Attachment 12](#))
- D. Confirmation of Fall 2009 Graduates ([Attachment 13](#))

VIII. Discussion

IX. Adjournment

Academic Affairs Committee Report February 8, 2010

Curricular Recommendations

New Program/Degree							
Master of Natural Resources Management (MNRM)							
Department Name Change							
From: Department of Chemistry and Molecular Biology To: Department of Chemistry and Biochemistry							
New Courses							
Subject	No.	Title	Crs.				
ABEN	450/650	Bioprocess Engineering	3				
ABEN	484/684	Drainage and Wetland Engineering	3				
BIOC	460L	Foundations of Biochemistry I Lab	1				
BUSN	341	Business Environment of the European Union	3				
CE	425/625	Bridge Evaluation and Rehabilitation	3				
CHEM	720	Introduction to Chemical Research	2				
ENGL	301	Peer Tutoring and Writing in the Disciplines	3				
HIST	280	History of East Asia to 1600	3				
HIST	480	History of Modern China from 1600	3				
HIST	481	History of Japan	3				
HIST	482	Vietnam: 125 Years of Conflict	3				
HIST	485	Cultural Exchange and the Making of the Modern World	3				
HDFS	705	Quantitative Methods in Developmental Science	3				
HDFS	750	Culture and Aging: Global and Multicultural Perspectives	3				
ME	468/668	Introduction to Biomechanics	3				
MUSC	713	Advanced Choral Music Methods	3				
NRM	420/620	Scenarios in Natural Resources Management	2				
PHRM	716	Pharmaceutical Social & Administrative Sciences Research	3				
STEM	704	STEM Curriculum and Instruction	3				
New Special Topics – for information only							
BUSN	299	Ethics in Business	3				
ECE	796	Mobile Radio Networks	3				
Course Deletion							
PLSC	446	Genetics and Plant Improvement	3				
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
ADHM	362	Codes for Interiors	2	ADHM	362	Codes for Interiors	3
BIOC	460/ 660	Foundations of Biochemistry and Molecular Biology I	4	BIOC	460/ 660	Foundations of Biochemistry and Molecular Biology I	3
GEOL	304	Eastern North Dakota Field Geology	1	GEOL	107L	Eastern North Dakota Field Geology	1
HNES	429	Sport & Recreation Internship	12	HNES	429	Sport & Recreation Internship	1-12
MUSC	702	Graduate Theory Survey	2	MUSC	702	Graduate Theory Survey	3
PHRM	520	PTDI: Pediatrics and Gerontology	2	PHRM	520/ 620	PTDI: Pediatrics and Gerontology	2
PHRM	532	PTDI: Infectious Diseases	3	PHRM	532/ 632	Pharmacotherapy of Infectious Disease	3

PHRM	536	PTDI: Neurology and Psychiatry	3	PHRM	536/ 636	PTDI: Neurology and Psychiatry	3
PHRM	538	PTDI: Cardiovascular and Pulmonary	3	PHRM	538/ 638	PTDI: Cardiovascular and Pulmonary	3
PHRM	575	Pharmacy Management	3	PHRM	575/ 675	<i>Advanced Pharmacy Management</i>	3
PLSC	646	Genetics and Plant Improvement	3	PLSC	718	Genetics and Plant Improvement	3

For University Senate: Approved General Education Recommendations

For University Senate Meeting on January 25, 2010

Outcomes Key:				
1. Communicate effectively in a variety of contexts and formats.				
2. Locate and use information for making appropriate personal and professional decisions.				
3. Comprehend the concepts and perspectives needed to function in national and international societies.				
4. Comprehend intrapersonal and interpersonal dynamics.				
5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.				
6. Integrate knowledge and ideas in a coherent and meaningful manner.				
7. Comprehend the need for lifelong learning.				
Courses Approved for General Education (New)				
Course No.	Course Title	Recommended Categories		Recommended Outcomes
BIOL 126L/ ZOO 126L	Human Biology Lab	S(n)		2, 5
Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes				
Course No.	Course Title	Categories	Outcomes	
PSYC 270	Abnormal Psychology	B	4, 5	
Continued Approval (5-Year Renewal) for General Education with Changes in Outcomes				
Course No.	Course Title	Categories	Previous Outcomes	Recommended Outcomes
THEA 115	World Film	A, D	3, 4, 6	3, 4

Academic Affairs Report - February 2010

The NDSU definition for a major is being updated as a result of new language in NDUS Procedure 409: Diplomas and Certificates

<http://www.ndus.nodak.edu/policies/ndus-policies/subpolicy.asp?ref=2511>

NDSU Academic Policies: Undergraduate Bulletin 2008-2010

Majors and Minors

Majors and minors are integral parts of baccalaureate degree curricula, particularly of those curricula that are largely elective.

Major: A major is a planned grouping of related courses that totals a minimum of **24 32 credits**. Specific curriculum requirements for majors may be acquired from the appropriate departmental office or from Registration and Records.

Minor: A minor is a similar grouping of courses that totals a minimum of 16 credits. A minimum of eight credits must be earned in residence at NDSU. Students are responsible for following the requirements in place at the time a minor is officially declared with the university.

Second or Multiple Majors: A second (or multiple) major may be earned by completing the requirements of both (or all) majors offered under the same baccalaureate degree. At least 15 unique credits must exist between the majors. When requirements for multiple majors are met concurrently, all majors are displayed on the diploma.

Multiple majors or minors may be completed and recorded on the student's academic record after the degree for the first major has been awarded. When majors under different degrees are involved, the requirements for a second degree apply (See Second Degree).

Certificates

A certificate program is a specialized course of study requiring at least 16 credit hours at the undergraduate level or eight credit hours at the graduate level. Certificates may be earned while in pursuit of a degree or as stand-alone programs of study. Prospective students interested in certificate programs, but not seeking a degree, must be accepted to the university. Contact the Office of Admission or the Graduate School for further information. Curricular requirements and verification forms are available in academic departments offering certificates. Completed forms must be signed by the appropriate department chair (and Graduate School, if applicable) and submitted to Registration and Records in order for the certificate to be posted to a student's academic record and official documentation issued.

Attachment Three is a list of the Essential Learning Outcomes from the Association of American Colleges and Universities, the largest national organization focusing on General (or Liberal) Education.

The NDUS GE group that is looking at revising the statewide GE requirements is using these Essential Learning Outcomes as a place to start our statewide conversation. We'd like to get responses from stakeholder groups on each campus to each of these outcomes. Ideally, we want you to divide these outcomes into three groups: 1) ones you think NDSU would easily accept; 2) ones you think NDSU might accept, but need more discussion; 3) ones that you see as a problem in some way, so that you think NDSU would be reluctant to require them for all our students.



Executive Summary
*with Employers' Views on Learning Outcomes
and Assessment Approaches*
(2008 Edition)

College Learning *for the* *New Global Century*

FROM THE NATIONAL LEADERSHIP COUNCIL FOR
Liberal Education & America's Promise



Association
of American
Colleges and
Universities

The Essential Learning Outcomes



Beginning in school, and continuing at successively higher levels across their college studies, students should prepare for twenty-first-century challenges by gaining:

★ Knowledge of Human Cultures and the Physical and Natural World

- Through study in the sciences and mathematics, social sciences, humanities, histories, languages, and the arts

***Focused** by engagement with big questions, both contemporary and enduring*

★ Intellectual and Practical Skills, including

- Inquiry and analysis
- Critical and creative thinking
- Written and oral communication
- Quantitative literacy
- Information literacy
- Teamwork and problem solving

***Practiced extensively**, across the curriculum, in the context of progressively more challenging problems, projects, and standards for performance*

★ Personal and Social Responsibility, including

- Civic knowledge and engagement—local and global
- Intercultural knowledge and competence
- Ethical reasoning and action
- Foundations and skills for lifelong learning

***Anchored** through active involvement with diverse communities and real-world challenges*

★ Integrative Learning, including

- Synthesis and advanced accomplishment across general and specialized studies

***Demonstrated** through the application of knowledge, skills, and responsibilities to new settings and complex problems*

Note: This listing was developed through a multiyear dialogue with hundreds of colleges and universities about needed goals for student learning; analysis of a long series of recommendations and reports from the business community; and analysis of the accreditation requirements for engineering, business, nursing, and teacher education. The findings are documented in previous publications of the Association of American Colleges and Universities: *Greater Expectations: A New Vision for Learning as a Nation Goes to College* (2002), *Taking Responsibility for the Quality of the Baccalaureate Degree* (2004), and *Liberal Education Outcomes: A Preliminary Report on Achievement in College* (2005). *Liberal Education Outcomes* is available online at www.aacu.org/leap.

PROPOSAL of CHANGES and LANGUAGE in the BYLAWS

(changes are in italics)

1. Change to administrator members.

Part IV

Section 1.

By virtue of their offices, certain university administrators are ex-officio members of the Senate. They are:

1. President of the University
2. Provost/Vice-President for Academic Affairs
3. Dean of each College
4. Dean of Libraries
5. Director of the NDSU Extension Service

Section 2:

Each ex-officio administrator member of the Senate have the same privileges as any other member of the Senate with the exception of being able to serve as chairs of Senate standing committees, unless otherwise provided for in the Senate bylaws.

2. Create a mechanism for replacing a President.

Part VII.1.3

- i. In the event that the President resigns or is removed from office, the President-elect shall become the President and serve both the former President's remaining term and the one additional year for which the President-elect was elected.*

Part VII.1.4

- ii. Given the gravity of such an action, removal of the President should only be undertaken on the grounds of malfeasance or inability to fulfil the duties of the Presidency.*
 - 1. Procedure for removal.*
 - a. A motion to remove the President must be made and seconded at a Senate meeting at which a quorum is in attendance. The motion then shall be deferred until the next Senate meeting in which a quorum is in attendance.*
 - b. In the next Senate meeting in which a quorum is in attendance, the motion shall be brought back to the floor as unfinished business for recorded vote after discussion.*
 - c. The President may be removed from office only by a two-thirds majority vote of the entire senate's membership in favour of removal.*

3. Specify the duties of senators:

Part VII.1

- i. Because they are Senate representatives of their division or other recognized group, senators have an obligation to represent their constituents using due diligence.*

ii. *All senators are expected to:*

1. *Attend all Senate meetings. If unable to attend due to a more pressing concern, then the senator must find a competent substitute to act as his or her proxy at the meeting.*
2. *Prepare himself or herself for each Senate meeting. This duty includes familiarizing himself or herself with all relevant information for the meeting prior to the meeting. If there are informational components that are not understood, then the senator should make appropriate inquiries to obtain more information. These inquiries may be done at Senate meetings or through more informal channels.*
3. *Participate in meetings as long as doing so advances the business of the Senate.*
4. *Disseminate Senate information to their constituents.*
5. *Discuss Senate activity that will have an impact on their constituents, such as proposed policy.*
6. *Gather opinions and other information from their constituents about Senate activity, such as proposed policy.*
7. *Show proper decorum during a meeting including but not limited to respecting all other members of the Senate and any guests in attendance.*

4. Election of the standing committee chairpersons:

Part VIII. 9

Unless otherwise provided for in the individual standing committee's Senate bylaws, each committee chair shall be elected by a simple majority of the committee's members at a regularly scheduled committee meeting at which a quorum of members are in attendance.

5. Arrange a mechanism that would allow appointments to positions vacated through unforeseen circumstances.

Part IX.3.4.d

- i. *Provided that there are no other procedures in place to fill empty offices or positions that fall under the Senate's prerogative, the Executive Committee shall appoint the first runner-up from the immediately preceding election for the vacated position. The appointed individual will serve the remainder of the original term.*
- ii. *If such election results do not exist or the first runner-up is unable or unwilling to fulfil the terms of the office or position, then the Executive Committee shall recruit a replacement who will act as an interim office or position holder.*
- iii. *On confirmation by a simple majority vote at a regularly convened meeting of the full Senate, the new office or position holder will serve the remainder of the term for the office or position for which he or she has been confirmed.*

6. Changes to how members are appointed to RCC

a. *Part IX.7.1*

Section 7. Research and Consulting Committee

1. Membership shall consist of appointed and permanent members.
 - a. *Each dean, except those of the Colleges of University Studies and Graduate and Interdisciplinary Studies, shall nominate between one and three research active faculty members from his or her unit to be candidates for RCC. The Vice President for Research, Creative Activities, and Technology Transfer shall make one appointment from each of the lists for a three-year term.*

[Original version: The Vice President for Research, Creative Activities, & Technology Transfer will make one appointment for a three-year term from each of the representation units except the College of University Studies.]

b. Approximately one third of appointed membership will rotate each year, beginning September 1. Permanent members include several voting and several ex-officio (non-voting) representatives. Permanent voting members shall include the Assistant/Associate Vice President for Sponsored Programs Administration, who will act as Chair, the Director of the Agricultural Experiment Station, and the Director of Technology Transfer and Research Foundation. Ex-officio (non-voting) members include the Vice President for Research, Creative Activities, and Technology Transfer; the Director of Restricted Fund Accounting; a staff member from Sponsored Programs Administration (who acts as program coordinator); the Dean of Graduate and Interdisciplinary Studies; and the Senate liaison. This committee's membership totals 10 voting members and 5 ex-officio (non-voting) members.

2. Committee responsibilities are the following:

- a. Review policies related to University research and consulting issues and make recommendations for consideration by the University Senate.
- b. Review periodically and recommend revision of the research and consulting sections of the Faculty Handbook containing all current directives of the University and all directives of the North Dakota State Board of Higher Education.

3. The Committee shall provide a yearly summary of its activities to the Senate.

7. Change to Faculty Caucus.

a. *(Part XIII.3)*

- i. *At least once per regular semester, a faculty caucus shall be held to discuss issues concerning the faculty.*
- i. *Additional meetings may be called as needed.*

b. The President-elect will give notice to the faculty of the time and place of the meeting and preside over the Faculty Caucus.

c. All members of the Faculty Caucus shall be entitled to vote on matters before the caucus. Any resolution or motion passed by the Faculty Caucus shall be presented by the President-elect to the Senate Executive Committee.

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: *NDSU Policy 132: Developmental Leave*

To make policy more clear as it relates to non-academic staff as well.
12/18/09 – placed in italics NDSU language in section 1.3, and 3. LC

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

Policy Committee: 05/20/2009; 10/14/09 Carryover to November; 12/28/09 updated version with italics routed to PCC

University Senate: 05/28/09; 11/27/09 routed new version

Staff Senate: 05/28/09; approved 06/2009

President's Council: 05/28/09

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

Office of General Counsel (4/13/09)



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 132: DEVELOPMENTAL LEAVE

SOURCE: SBHE Policy Manual, Section 701.2

1. Developmental leave for retraining and/or professional development is permitted for NDSU employees *after a minimum of three years of service at NDSU* providing:
 - 1.1 institutional resources are available.
 - 1.2 workload is absorbed within the existing staff resource allocations.
 - 1.3 a written proposal describing the planned use of the leave and its anticipated benefits to the institution, to the State, and to the employee is presented and approved. The proposal shall also include the detail of the source of funds for the total stipend, *which would be negotiated with the appropriate supervisor.*
 - 1.4 except as provided in ~~See E, Subsection 1.5,~~ the employee presents a signed agreement to return to the system upon completion of the leave for a period of time at least equal to the leave time or refund the institution's stipend payment.
 - 1.5 to assist in retrenchment efforts, developmental leave may be granted without a signed agreement to return. The employee must execute a resignation effective at the termination of the developmental leave.
 - 1.5.1 *NDSU Guidelines: If the employee finds other employment during the developmental leave, then, unless such employment is approved as part of the developmental leave program, the university's obligation under the developmental leave agreement is terminated and the employee's resignation becomes effective immediately upon such employment during the development leave.*

Developmental leave may not exceed 12 months and *the base stipend shall not normally be less than 25% nor more than 75% of the salary scheduled for the leave period.*

2. Developmental leave for the Chancellor or an institution president shall be approved by the Board; developmental leave for system office staff shall be approved by the Chancellor; and developmental leave for institution employees shall be approved by the institution president or designee.
3. *NDSU Guidelines for faculty and other ~~academic staff members~~ employees applying for developmental leaves.*

3.1 *Prepare a proposal (2-5 pages) that includes the following:*

3.1.1 *An overview identifying goals, objectives, and activities planned for the leave including site(s) for the experience, collaborators, and the areas of work or research.*

3.1.2 *Resulting outputs from the leave (e.g. software, book, other publications, exhibitions).*

3.1.3 *Relationship of leave request to current skills and anticipated skill development.*

3.1.4 *Outline of benefits to individual, students, department, college, university and state.*

3.1.5 *Requested period of leave (up to 12 months).*

3.1.6 *Anticipated/requested income during the leave*
--University
--Other

An institutionally funded developmental leave stipend may be supplemented with non-appropriated funds which may bring the total stipend to an amount equal to but normally not to exceed the budgeted salary for the leave period. Funds providing for extensive travel expenses, relocation expenses, and/or educational cost incurred during the leave shall not be considered as part of the base stipend.

No annual or sick leave will accrue during the developmental leave period.

3.2 *Route this proposal and a copy of the "Developmental Leave Agreement" to: (1) Departmental Chair (for analysis and recommendation) and the Dean (for analysis and recommendation); the request will be forwarded to the Provost/Vice President for Academic Affairs by the Dean; and/or (2) to the appropriate supervisor(s) and Vice President for analysis and recommendation.*

Note: ~~Department Chair's and Dean's~~ The analyses should focus on the proposed project as it benefits the individual, department, and college/unit and, if leave is recommended, provide an indication of coverage for the individual's responsibilities when on leave.

3.3 When considering a request for developmental leave, inform the department chair or supervisor at least six months prior to the anticipated leave and submit the request for administrative approval at least three months prior to the leave. The appropriate Vice President can waive the timelines.

Note: Individuals other than academic staff who are interested in developmental leave should consult their vice president.

HISTORY: April 24, 1987; Amended April 1992, March 1993, October 1998, March 2002, October 2007.

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section 139 – Leave with Pay

Changes language in section 4 to be consistent with Board policy. Addresses issues of closures more broadly rather than just during storm situations.

12/17/09: In order to offer some broadness, the committee suggested adding language to the title in section 2 to state: Jury or Other Legal Duty.

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

Policy Coordination Committee – 5/20/09; 10/14/09 Carryover to November; 12/17/09;

University Senate -05/28/09; 12/28/09 routed to US

Staff Senate -05/28/09; Approved 09/2009

President's Council -05/28/09

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

Office of HR/Payroll



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 139: LEAVE WITH PAY

SOURCE: NDUS Human Resource Policy Manual, Section 20
NDSU President

1. **Funeral Leave** - An approved absence from work, with pay, of up to twenty-four working hours, may be provided to an employee to attend or make arrangements for a funeral, as a result of a death in the employee's family, or in the family of an employee's spouse.

- 1.1

Family means husband, wife, son, daughter, father, mother, stepparents, brother, sister, grandparents, grandchildren, stepchildren, foster parents, foster children, brother-in-law, sister-in-law, daughter-in-law, and son-in-law.

- 1.2

Funeral leave for employees working less than 40 hours per week will be prorated.

2. **Jury or Other Legal Duty** - An employee shall be allowed leave with pay for jury or other legal duty when subpoenaed for such service. Any compensation received for such duty may be retained by the employee.

- 2.1

When an employee is called as a witness on behalf of the state, and the University reimburses the employee for mileage, sustenance and room (which it may do), no witness fee or mileage may be claimed by said employee and no time shall be deducted from the absence of such employee and such employee shall be deemed to be performing duties or services for the State.

- 2.2

When an employee is called as a witness when the University is not a party to the action and the University does not reimburse such employee for mileage, sustenance and room, the employee may collect witness fees and mileage from the proper party if the employee is on authorized leave.

- 2.3

An employee who is personally interested in or a party to a criminal or civil action or who voluntarily appears as a witness must charge his/her absence against earned annual leave or request leave without pay.

3. **Conference or Convention Leave** - Two days per year may be allowed for employee organization conference/convention leave. Attendance is limited to three institutional officers, any state officers on campus, one delegate at large, and one delegate for each 50 members. If the conference/convention is held on a working day, the delegates will be paid as usual. If it is not a working day there will be no reimbursement. Leave may be denied if the employee's absence would unduly disrupt the operations or services of the institution.
4. **Storm Days Institutional Closures** - ~~Official closing of the institution during periods of severe weather will be announced over local radio station and when necessary, by department heads.~~ **An institution or part of an institution may be closed due to severe weather or other reason justifying closure. The action shall be communicated to employees, students and other interested persons through local media or other reasonable means.** Only employees designated by the department head may be required to work during the period when the institution is officially closed. All other regular employees shall be granted leave with pay for hours which they would normally work during a ~~storm period~~ **an institutional closure**. If an employee is not scheduled to work because of a previous arrangement, including annual or sick leave, the employee is not entitled to ~~storm closure~~ **pay (in other words, the employee must use the annual or sick leave)**. All **non-exempt** employees properly authorized to work (see Section 164 - Emergency Procedures) shall receive additional pay *at straight time rates* for hours worked during the official closing, **unless employee exceeds 40 hours in the given work week (see Section 212-Overtime for explanation of overtime)**.

4.1

When the institution remains open during inclement weather, employees unable to report to work shall notify their supervisor and take annual leave or leave without pay.

HISTORY: July 1990; Amended April 1996; August 1997; September 2001; February 2008

- POLICY MANUAL HOME PAGE :
 - SEARCH POLICY :
 - NDSU HOME PAGE

[NDSU PolicyManual](#)

Last Updated: Tuesday, May 06, 2008

Published by North Dakota State University

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: *NDSU Policy 156: Equal Opportunity Grievance Procedures*

This policy is being updated to clarify the equal opportunity grievance process and make it more effective and efficient.

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

Policy Committee: 10/15/08; 11/12/08; 12/10/08; 3/11/09; 05/09; 10/14/09 Carryover
to November meeting

University Senate: 05/29/2009

Staff Senate: 05/29/2009

Student Senate/Executive Board:

President's Council: 05/29/2009

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

General Counsel
Equity and Diversity

SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

SOURCE: NDSU President

1. INTRODUCTION

1.1

The purpose of these grievance procedures is to provide a fair and orderly system for review at North Dakota State University of alleged violations, of equal opportunity laws, regulations, and policies that prohibit discrimination based on race, color, religion, national origin, sex, disability, age, veteran's status or sexual orientation (see Policy 100). ~~any federal, state or local protected class~~^[rdj1]. ~~These procedures have been approved by the University President, following review by the Presiding Officer of the University Senate, the President of the Staff Senate, the Student Body President, and the President's Council.~~

1.2

Any individual or group filing a grievance under this procedure is entitled to protection from harassment, reprisals or retaliation as a result of having filed the grievance. ~~Any violation of the protection~~ Retaliation may, in itself, constitute grounds for a grievance.

1.3

Parties ~~(the grievant and party whose action is the subject of the grievance)~~ to a grievance filed under this procedure will make every effort to comply with the established timelines for giving notices and completing actions related to the grievance. In extenuating circumstances, these timelines may be extended by the NDSU ~~Director~~ Vice President of for Equity, and Diversity and Global Outreach ("Diversity Officer") in consultation with the parties.

2. ~~Step 1~~ ADMINISTRATIVE REVIEW OF GRIEVANCE

2.1

Any student, employee of the University, or any group of such persons who ~~feels is substantively~~ affected by an apparent violation of equal opportunity laws, regulations, or policies shall be ~~initially~~ entitled to an administrative review of the grievance.

2.1.1

The review is initiated by completing the NDSU Formal Equal Opportunity Grievance Form (available from the NDSU ~~Office of for the Vice President for Equity, and Diversity and Global Outreach Office~~) and filing it with the Diversity Officer, ~~in the Office of the Vice President for Equity, and Diversity and Global Outreach~~. Unless the ~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~ stipulates otherwise, the grievance form must be submitted within six months of the alleged violation.

2.1.2

This review shall include: (1) an administrative inquiry into the facts of the case; (2) a discussion of the case by the ~~administrator~~ Diversity Officer with the grievant ~~and~~, the party whose action is the subject of grievance, ~~and the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity;~~ (3) a conclusion by the ~~administrator~~ Diversity Officer regarding whether or not the case involves a violation of equal opportunity rights; (4) an attempt to achieve a mutually acceptable resolution of the grievance; and (5) a written communication of that conclusion to the grievant and the party whose action is the subject of the grievance. Unless there are extenuating circumstances, the administrative review will be completed within 30 working calendar days after the date of the filing.

2.1.3

As an alternative to this review, a grievant may, ~~of course~~, pursue any channel of review applicable under another University policy (such as the Grade Appeals Board policy for students [Section 337], the Grievance Procedure for Conditions of Employment or Appeal Procedure for Disciplinary and Reduction In Force Actions [Sections 230 and 231, respectively], or the Board Regulations on Nonrenewal, Termination or Dismissal of Academic Staff, the Board Regulations on Hearings and Appeals, or Grievances - Faculty [Sections 350.3, 350.4 and 353 respectively]).

~~3. Step 2--NEGOTIATION~~ 3. VOLUNTARY MEDIATION

4. 3.1. If the grievant and party whose action is subject to of the grievance both agree to mediate, the provisions of Policy 350.5-Mediation shall apply ~~RDJ2~~ for all employees.

3.2 If voluntary mediation is unsuccessful, the grievant may request a hearing of the grievance pursuant to section 4.1.

~~3.1~~

~~If a grievance is unresolved after Step 1, either the grievant or the party whose action is the subject of the grievance may, within 10 working days of the issuance of the administrative determination, make a written appeal to the University's Executive Director, Chief Diversity Officer in the Office of Equity and Diversity for negotiation of the case by a representative of the grievant, a representative of the party whose action is the subject of grievance, and the Director of Equity and Diversity. Within 5 working days of the appeal for negotiation, the two parties should provide the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity with the name of the person who will serve as their representative for this process.~~

~~3.1.1~~

~~The negotiators' responsibilities shall be to (1) determine the facts relevant to the grievance, (2) discuss the application of equal opportunity laws, regulations and policies, (3) attempt to resolve the grievance through further discussion and negotiation and, if that is unsuccessful, (4) refer the case to the hearing committee below or to another duly constituted University hearing committee such as the Grade Appeals Board or a Faculty~~

~~Special Review Committee. Unless there are extenuating circumstances, the negotiators will complete their work within 30 working days.~~

~~5.~~ 4. Step 3-- **GRIEVANCE HEARING COMMITTEE** ~~GRIEVANCE~~

4.1

~~Upon referral from the negotiators, A grievant~~ Either party of the grievance will have ten (10) calendar working days to appeal the written conclusion in section 2.1.2 or from the termination of an unsuccessful mediation under section 3. ~~Aa~~ A grievance shall be heard by a five member ~~eEqual eOpportunity hHearing eCommittee~~. The ~~negotiators~~ Student Body President, Presiding Officer- President University Senate President and the Staff Senate President shall designate the chair and other members of this committee from among the University Equal Opportunity Hearing Panel, which shall consist of the following 18 members:

- o 6 NDSU students appointed by the Student Body President,
- o 6 NDSU tenured faculty members appointed by the ~~Presiding Officer~~ President of the University Senate, and
- o 6 NDSU broadbanded employees appointed by the Staff Senate President.

4.1.1

~~For Each~~ For group of panel appointees, those responsible for designating the panel shall strive to include members of both sexes and ethnic/racial diversity have a diverse panel. Part-time students and regular employees are eligible for appointment.

4.1.2

Committee members shall disclose any conflict of interest they may have to the committee ~~committee's regarding committee member status~~. The parties can also challenge a committee member for a conflict of interest ~~address as a conflict of interest disclosure made by a committee member~~. ~~If multiple challenges deplete the committee to two or less fewer members,~~ The Student Body President, President of University Senate, and the Staff Senate President shall assist in deciding ~~deciding~~ decide, by majority vote, whether the challenges have merit. Members disclosing a conflict or being challenged for a conflict may vote on the motion. Replacements shall be appointed in the same manner as original appointments ~~rdj3~~.

4.2

An Equal Opportunity hearing committee shall conduct its hearing in accordance with the following requirements: The committee can may appoint a hearing officer with authority to conduct the pre-hearing meetings, supervise discovery, advise the committee or preside over the hearing. for the chair. The responsibilities for conducting the hearing are then assumed by the hearing officer, subject to decisions by the committee.

4.2.1

Any grievant requesting a hearing must file a written statement with the hearing committee indicating the grounds upon which a violation of equal opportunity is alleged

to exist. Upon receipt of this statement, the committee chairperson shall schedule a date for an initial hearing.

4.2.2

The committee shall attempt to schedule hearing sessions only when all of its members are able to be present. If the committee decides, however, that the parties interests are best served by scheduling a session even when one or more of the committee members are not able to be present, then the absent members shall be responsible for reviewing the tape recordings of that session to familiarize themselves with the evidence presented at that time.

4.2.3

Attendance at any hearing shall be limited to the committee members, the parties, and their attorneys or other representatives and witnesses, unless both the parties shall agree to offer an express invitation for a particular hearing or session to the public or representatives of the press. Witness may be sequestered whether the hearing is open or closed.

4.2.4

The committee chairperson shall preside at all sessions. ~~_, and a~~ Any party or representative wishing to present evidence, examine witnesses, summarize evidence, or present arguments shall do so only with the consent of the chairperson. The committee shall tape-record sessions (and/or hire a court reporter) at which testimony is heard and shall allow controlled access to the tape for review or transcription by any party as defined in subsection 1.3 directly involved in the proceedings. The committee shall also keep summary minutes of its proceedings.

4.2.5

At the beginning of a hearing, the committee shall provide an opportunity for opening statements to be made, first by the grievant, then by the party whose action is subject of the grievance. defending the action in question. The committee shall then rely upon the opposing parties to call the necessary witnesses and present relevant evidence. The committee shall reserve the right, however, to call its own witnesses and to act in an investigative capacity itself, should the need arise.

4.2.6

The committee shall consider both oral testimony and written evidence. Upon receipt of any written statement or evidence provided by any party to the committee, the committee shall promptly provide the other party with a copy of such material. The committee can set its own rules for notice deadlines for disclosure of exhibits and witnesses. Any person offering testimony before the committee shall be subject to questioning by the committee members or either party with specific consent of the committee chairperson. The committee shall reserve the right to exclude redundant evidence as determined by a majority committee vote. The committee ~~has shall exercise the limit of its~~ authority to secure the testimony of essential witnesses or other relevant evidence. At the conclusion of a hearing, the committee shall provide an opportunity for either party to submit a written summary of its position.

4.2.7

The committee shall vote by secret ballot, and the committee chairperson shall vote on all questions. In order for the committee to find a violation of equal opportunity, the grievant

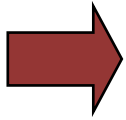
Draft #~~872~~ ~~34567~~ ~~12/210/08~~ ~~1/23/09~~ ~~3/5/09~~ ~~3/11/09~~
~~4/30/09~~ ~~05/20/2009~~ ~~11/24/09~~

must show by the greater weight of the evidence that such a violation did, in fact, occur. If an alleged harasser in a sexual harassment case claims consent as a defense and the person was in a position of power or control over the grievant, the burden of proof on the issue of consent is on the alleged harasser. The vote required for committee action will be a simple majority of total number of votes eligible to be cast. ~~Without disclosing actual tallies, a~~ All voting results and any recommendations of the committee shall be promptly made available in writing to all of the parties involved in the case and the University President. ~~If the committee has found an equal opportunity violation, t~~ The President shall be responsible for determining an appropriate administrative response to the findings, conclusions and recommendations. The decision of the President is final.

HISTORY: December 20, 1977; Amended September 1993; Amended January 1996; June 2000, October 2007.

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: **350.3 Board Regulations on Nonrenewal; Termination or Dismissal of Faculty**

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).

Paragraph 7.ac.(1): To streamline-clarify the process, deleted requirements for consultation with the Senate Executive Committee and Academic Affairs Committees concerning the RIF of tenured faculty.

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

Provost
General Counsel

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

This portion will be complete by Kim Matzke-Ternes

Policy Committee: 10/14/2009 Presented to PCC ; 11/12/09 discussed at meeting, carryover to December meeting, updates will be made and a new version presented to PCC in December. 11/27/09 updated version emailed to PCC

University Senate: 10/21/09 routed to US Exec for Input; 12/28/09 routed for input

Staff Senate: 10/27/09 routed for Input; 12/28/09 routed for input

President's
Council: 10/27/09 routed for Input; 12/28/09 routed for input

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 350.3 BOARD REGULATIONS ON NONRENEWAL; TERMINATION OR DISMISSAL OF FACULTY

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

1. A probationary appointment may be terminated, without cause, with notice to the faculty member that the appointment will not be renewed.
 - a. Notice shall be given:
 - (1) At least 90 days prior to termination during the first year of probationary employment at the institution.
 - (2) At least 180 days prior to termination during the second year of probationary employment at the institution.
 - (3) At least one year prior to termination after two or more years of probationary employment at the institution.

If a faculty member is appointed during the academic year, then the initial contract shall indicate when the first academic year of service at the institution begins. For the purpose of this section, "academic year of service" means on a probationary appointment. The twelve months notice may be given at any point during the calendar year and the appointment terminates twelve months thereafter. (This NDSU language clarifies the interpretation that has been applied to this NDUS language throughout the University System.)
 - b. A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the policy section pursuant to which the action is taken. The faculty member may within ten calendar days after receipt of the notice request a reconsideration by the deciding body or individual. The faculty member may incorporate a request for mediation in

the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

Nonrenewal decisions shall be made in every instance by the University President. Recommendations for nonrenewal shall be initiated within the academic unit in accordance with Policy 352. Colleges shall have specific procedures for nonrenewal recommendations prior to the sixth year in accordance with Policy 352 and 350.3.2 (See below.). A department chair may initiate a review for nonrenewal at any time.

2. An institution may terminate a probationary appointment, effective at the end of any contract term, with no less than 90 days notice of nonrenewal, based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.
4. A faculty member on probationary or special appointment may, within twenty calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and hearing by Standing Committee on Faculty Rights by filing written notice with the deciding body or individual and the chair or senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.
5. A faculty member may terminate an appointment effective at the end of the term of the appointment by giving notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty governance structure at an institution may recommend procedures permitting a faculty member to request a waiver of this deadline in case of hardship or for other good cause defined by those procedures. An institution may provide that failure without reasonable

cause by a faculty member to return a contract by the time set forth in the contract shall constitute a resignation. Any return time so established by the contract shall be reasonable.

Resignation or Retirement

Generally accepted standards of professional ethics (see AAUP Statement on Recruitment and Resignation of Faculty Members) require faculty members who plan to resign or retire to give prompt notice in writing to their chair or supervisor. This includes prompt notice when employment is accepted elsewhere. Only in personal emergencies or for other compelling reasons, should faculty members leave during the academic year, except when this coincides with the expiration of their contractual obligations.

6. An institution may terminate an appointment of a tenured faculty member following a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses. In such cases, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area, curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity. A tenured faculty member terminated pursuant to this subsection shall be given written notice of termination, including the reason(s) for the action, at least twelve months prior to the date of termination. Each institution shall establish procedures for implementing this policy.
 - a. A tenured faculty member given notice of termination under this section may request that the institution circulate his or her vita to other academic units or program areas within the institution. In addition, the institution shall ensure that fair consideration is given to the faculty member, during the period of the terminal appointment, for vacant academic positions in the employing institution for which the faculty member is qualified. The faculty within any academic unit or program area shall have the major responsibility in determining qualifications for appointment therein. If a tenured faculty member accepts an appointment in a different academic unit or program area, the faculty member shall retain his or her tenure status, subject to approval of the Board.
 - b. A position terminated under this section shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within which to accept or decline it.
 - c. The provisions of section 605.4 (*NDSU 350.4*) do not apply when a tenured faculty member is terminated under this subsection. The faculty member may, however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.

7. In accordance with section 305.1 of these policies, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of termination is given any tenured faculty member pursuant to subsection 6. Faculty participation shall be solicited concerning:
 - a. The extent to which there are grounds for termination of tenured appointments;
 - b. Judgments determining where within the overall academic program termination of appointments may occur; and
 - c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.
 - (1) *An administrative decision to terminate a tenured faculty member within the university shall be preceded by the following steps:*
 - ~~a) Consultation with the Executive Committee of the University Senate regarding the extent to which there are grounds for termination of tenured appointments.~~
 - ~~b) Consultation with the Academic Affairs committee of the University Senate regarding the justification for terminating tenured appointments, if that is a consequence of the decisions; and~~
 - e)a) Consultation with the dean of Academic Affairs committee, or the equivalent, of the the college or equivalent unit involved regarding the justification for terminating tenured appointments.
 - d)b) Consultation with the faculty and the relevant PTE committee in an academic unit or program regarding the consequences of the decision.~~termination of tenured appointments.~~
 - (2) *Once the administration decision is finalized following these consultations, the identification of faculty members for termination shall be made by the University president following recommendations by the dean.*
8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f)

significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide specifically for dismissal as a sanction.

- a. An authorized institution officer shall give written notice of intent to dismiss and specify the reasons for the action. The officer may, in the officer's discretion, also schedule a meeting with the faculty member to discuss the action. The notice shall state that the officer will forward to the institution president a recommendation to dismiss unless the faculty member, within twenty calendar days of receipt of the notice, requests a hearing before the Standing Committee on Faculty Rights. If the faculty member does not make a timely request for a hearing, the president, upon receipt of a recommendation to dismiss, shall make a decision and provide written notice and reasons for the action to the faculty member within ten business days of receipt of the recommendation.

(1) *Written notice of the intent to terminate or dismiss shall be given to the faculty member.*

(2) *Appropriate administrative officers include the academic unit or program chair and the dean of the college or equivalent unit.*

The written notice of termination or dismissal from the President must in any event be given within 60 days of the initial written notice of intent to terminate or dismiss.

- b. A faculty member may, within twenty calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request for a formal hearing before the Standing Committee on Faculty Rights, pursuant to section 605.4. (NDSU 350.4)
- c. Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the institution's president, or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the institution to do so. The faculty member's salary and fringe benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the ~~the~~ institution president to dismiss the faculty member following conclusion of proceedings at the institution.

9. If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means demotion, suspension (but not including suspension pending a dismissal or termination decision), salary reduction or loss of salary, or restriction or loss of privileges imposed as a formal disciplinary measure. A sanction does not include

implementation of an improvement plan or performance action plan or negative comments in a performance review, letter of reprimand or other document placed in a personnel file; rights to respond to a performance review or a letter of reprimand or other document placed in a personnel file are set forth in N.D.C.C. § 54-06-21 and institution grievance procedures adopted under SBHE Policy 612. If the sanction is imposed following a hearing by the Standing Committee on Faculty Rights and based on the hearing record, there is no further review. If the sanction is imposed without a hearing, the faculty member may request review upon filing with the institution's president and chair or senior member of the Standing Committee on Faculty Rights a request for review and specifications of reasons within twenty calendar days of receipt of notice of imposition of a sanction. The institution shall have twenty calendar days following receipt of the request for review to file a response. The Standing Committee on Faculty Rights shall review the matter according to procedures established at the institution for that purpose and issue a written report within twenty calendar days of receipt of the institution's response and may make a recommendation to resolve the dispute, stating its reasons. The institution shall make its final decision upon reconsideration and provide written notice of that decision to the faculty member within ten days of receipt of the report and recommendation of the Standing Committee on Faculty Rights. Upon filing of a request for review pursuant to this subsection, imposition of the sanction shall be suspended pending a final decision of the institution's president following conclusion of those proceedings.

HISTORY: Replaces portions of Policy 605, SBHE Minutes April 25, 1995, pg 6554. Amended April 25, 1995; July 1, 1996; January 1997; October 1998; February 2001, June 2003, August 2003, March 2004; February 2005; November 2005.

FOR UNIVERSITY SENATE DISCUSSION AND VOTE:

University Senate Special Committee on Policy Coordination

Purpose:

To investigate, evaluate, review, and assess how policies are coordinated for University Senate consideration/approval and to make recommendations for streamlining the legislative process of policy review/approval of policies.

Rationale:

- Present Policy Coordination Committee process is not a formal University Senate Standing Committee
- Present Policy Coordination Committee process dictates the agenda of University Senate meetings, without formal status/legitimacy as a formal Senate Standing Committee

Recommendation:

The NDSU University Senate shall form a Special Committee on Policy Coordination to draft recommendations to improve the policy review process.

Members of the Special Committee on Policy Coordination will be the four immediate past President's of the University Senate (Dogan Comez, Donna Terbizan, Eugene Berry, and Jim Council) and the present President of the University Senate (Mark Meister) and present President-Elect of the University Senate (Amy Rupiper-Taggart).

The charge of the committee shall be to:

1. Review the present process by which policies are coordinated and transmitted for review and approval by the University Senate,
2. Make recommendations that clarify the legislative mandate of the University Senate in policy review and approval,
3. Make recommendations for improving the coordination of policies for University Senate review and approval, and
4. Make any other policy recommendations they feel will be effective in improving the policy coordination process on behalf of the University Senate.

FOR UNIVERSITY SENATE DISCUSSION AND VOTE:

University Senate Special Committee on the Formation of a Faculty Senate

Purpose:

To provide a rationale and model/framework that facilitates the creation of an NDSU Faculty Senate.

Rationale:

- Peer institutions of NDSU all have formal Faculty Senates.
- A recent straw-poll of faculty revealed a strong mandate for the creation of a Faculty Senate.
- Presently, NDSU Staff and Student Senates exist, but there is no Faculty Senate.

Recommendation:

The NDSU University Senate shall form a Special Committee on the Formation of a Faculty Senate to initiate the creation and formalization of an NDSU Faculty Senate.

Membership on the Special Committee on the Formation of a Faculty Senate is open to any faculty member; including those holding tenure, those who are tenure eligible, professors of practice, senior lecturers, lecturers, and instructors) and any member of the Faculty Caucus. The President of the University Senate will actively solicit nominations and volunteers from the university faculty for membership on the committee and the President-Elect of the University Senate shall engage the Faculty Caucus to update the university faculty on the implementation of a Faculty Senate.

The charge of the committee shall be to:

1. Provide a rationale for the creation of a Faculty Senate for University Senate consideration, and
2. Provide a model/framework for the implementation of a Faculty Senate for University Senate consideration.

For University Senate Consideration

Motion to be put forward to University Senate, January 2010

The NDSU University Senate shall form an ad hoc committee to draft policies designed to curtail academic dishonesty among undergraduate and graduate students at NDSU. The charge of the committee shall be to:

1. Draft policy for consideration by University Senate regarding the establishment of a central registry for the purpose of tracking students who have been penalized for academic dishonesty.
2. Make recommendations to University Senate regarding the adoption of a University-wide honor code system.
3. Draft guidelines for the use of faculty dealing with cases of academic dishonesty, including recommended procedures and sanctions, in order to provide greater structure than is available in current policy.
4. Make any other policy recommendations they feel will be effective in curtailing academic dishonesty and inculcating a culture of honor among NDSU students.

NORTH DAKOTA STATE UNIVERSITY

Fall 2009 Graduates

Degree Conferral Date: December 18, 2009

Attachment 13

College of Agriculture, Food Systems and Natural Resources

Bachelor of Science

Caitlyn Ruth Aho
Carl A. Anfinson
Joseph Charles Anundson
Sumit Arora
Chantal Kayla Barbot
Barton Jay Bartling
Bradly Raymond Berthold
Upasana Bhattacharjee
Jerome A. Billups
Kueh Fei Bong
Lynn Marie Brockway
Mike P. Burchill
Melissa Ann Carlson
Shu Xin Chong
Adam Christopher Chyle
David Henry Decock
Kyle Matthew Delahoyde
Jordan S. Dvorak
Jacob Matthew Ell
Dustin Paul Erickson
Katie Lea Fearing
Daniel James Flynn
Aaron M. Frenette
Kari Leanne Furness
Levi Joseph Garbel
Lisa Ann Grindberg
Ruth Marie Gruber
Jon Kurt Gussiaas
Stephanie Joye Hall
Courtney Ann Hawbaker
Craig Dean Hawes
Craig A. Holden
Brandon R. Jackson
Joshua John Jangula
Chris Kappes
Travis John Kirkeide
Kasondra L. Klein
Ryan Jay Koslofsky
Karin Esther Kram
Sunil Kumar
Justin L. Kuster
Preston M. Leier
Joshua Ryne Levee
Christa Maasjo
Kish Mackin Hilmert
Miranda Kay Mauch
Matthew Michael McRell
Sonali Mehta
Jacob D. Miller
Dustin Lee Moore
Brandon William Murch
Nicholas C. Noah
Christopher John Olson
Christian P. Owen
Jared Mayer Peterson
Ross Curtis Peterson
Shalindra Suresh Rathnasinghe
Sara Ashton Reiswig
Rani Laurel Reznor
Jessica M. Rice
Kent Bruce Rivard
Christopher J. Rockeman
Chad Francis Rubbelke
Kurt D. Rudolph
Kuhu Sahu
Evan Reed Schoenfish
Chase Elliott Schutt
Ransom R. Schutt
Michael J. Gilbert Schwarz
Jaidev Sehrawat
Brandon Cole Setterholm
Courtney Wayne Simons
Kimberly J. Stassen
Zachary Svir
Matthew Todd Ulmer
Kimberly Sue Wirth

Robert Wohlhuter
Brian Robert Ziegler
Master of Science
Fernando Roberto Eckert
Sarah Lynn Gegner
Peter Karl Gilbertson
Ananda Gurung
Ya Liu
Heather Lynn Matthees
Surya Laxmi Shrestha
Yuanjie Su
Naveen Vadukapuram
Yu Zhang
Doctor of Philosophy
Adisu Teshome Negeri

College of Arts, Humanities and Social Sciences

Bachelor of Arts

Brandon R. Aune
Kelsey Beth Dodd
Caitlin C. Fox
Manfred Lee Knapp
Amoussa Koriko
Kelsie Alice Moch
Meghanne Rose Naylor
Tanner Wade O'Clair
Katie Marie Olson
Timothy Magnus Olson
Amber Marie Trauman
Krista Marie Zierden

Bachelor of Fine Arts

Alison Celley
Bradley Paul Delzer
Christopher PirkI

Bachelor of Music

Amanda Lyn Bopp
Andee Mae Mattson
Jeffrey Steven Van Oort

Bachelor of Science

Nezir K. Ahmed
Martha L. Bartels
Amy Rose Bellefeuille
Holly Jean Bodensteiner
Christopher Robin Bohn
Steven Scott Branby
Jon Curtis Danuser
William Davis
Anthony Yom Demarais
Thomas James Dunkley
Lance D. Edwards
Bryan Elstad
Kelley Marie Eukel
Jessica Rose Fitzsimmons
Scott T. Forester
Sarah Rebecca Gawne
Michael Joseph Germain
Laura Ann Gibbon
Christopher Brock Graves
James Peter-Loren Gray
Jesse Howard Gregory
Brittany B. Groshong
Daniel Q. Gustafson
Zachary Robert Harrington
Sarah M. Hart
Frank A. Heley
Jamie Nicholas Hiltner
Alexander Horab
Justin A. Huber
Amy Lynn Jacobson Reisenauer
Brandon Martin Krueger
Leslie Elizabeth LaFleur
Denise Ann Lewis
Alexa Ann Lundquist
Jessica Frances Mammenga
Kelli A. McCourt
Adam Joseph McGuire
Anita Maria Miles
Jason David Moszer

Philip Dale Mutchler
Joshua M. Nelson
Janna Leigh Ness
Andria Jean Padilla
Amanda Lynn Peterson
Daniel Prashek
Jessica Marie Preston
Jennifer Raveling
Elizabeth Jean Reger
Shanell Rae Ruter
Ryan Eric Sandven
Alissa Rose Schell
Jacob Leo Schoenberg
Samantha Suzanne Schultz
Stephanie Ann Shea
Zach C. Smith
Joe Richard Stadler
Melissa A. Steidl
Patrick Gerald Strand
Tanner Royal Sundet
Candace Telehey
Matthew Douglas Thompson
Chelsey Nicole Torgerson
Todd R. Volk
Jessica Marie Wachter
Lynn Francis Wanner
Maurice James Weber
Deven B. Wegener
Sara F. Wenko
Derrick Dakota Yates
Daniel Dale Zakopyko

Master of Arts

David Chaganava
Paula J. Comeau
Muhammad Makhbudovna

Master of Music

Eric Michael Saari

Master of Science

Heather Dianne Achtenberg-Heck
Melissa Evensen
Emily Mae Hagemeister

Doctor of Musical Arts

Darci Ann Bultema
Stephen Sturk

Doctor of Philosophy

Carol Cwiak
David Wolter Mills
Jennifer Reiersen

College of Business

Bachelor of Accountancy

Amanda Jayne Baldwin
Skye Marie Dahl
Elliot Alexander Hitt
Jordan Patrick Kelly
Jenna M. Kouba
Ryan Paul McAllen
Chelsey Nichole Swanson

Bachelor of Science

Andy Bakker
Kelsey R. Bakko
Chelsea Dawn Barnette
Andy Joseph Bernard
Brenna Louise Bertsch
Stephanie L. Boll
Jennifer Lynn Borowicz
Robert Bruce Brand
Christian James Bye
Lindsay Danae Carey
Kurt Carlstrom
Grant Christian
Sara Jane Degner
David Craig DeJong
Brent Dellapaolera
Ryan Douglas Doerr
Adam John Duhoux
Abdelhadi Elhassani
Casandra Lyn Ellingson
Ryan Epema

NORTH DAKOTA STATE UNIVERSITY

Fall 2009 Graduates

Degree Conferral Date: December 18, 2009

Attachment 13

Gregory Andrew Feltman
Drew Michael Flaagan
Hannah M. Flagstad
Kevin Fries
Jon Phillip Garberg
Tana Marie Geffre
Peter Anthony Gregory
Aaron Jacob Grimm
Joshua Mark Hagen
Kayla Jade Hajicek
Greg William Hebert
Darin Kyle Heltemes
Heidi Hendricks
Blake Henke
Dirk Lee Henry
Michael George Herman
Mathew Hermanson
Sarah Hoffman
Darren Lee Hollands
Derrick Scott Hollingsworth
Justin J. Holten
Justin Aaron Jawish
Dustin James Jensen
Lise Jensen
Mathew Alan Joachim
Joshua Kaiser
Amie Lynn Karjala
Drew L. Kasson
Rima M. Khaireddein
Danielle Paige Knoll
Jennifer A. Kraemer
Shawn Thomas Krebsbach
Jacob Ryan Krieg
David R. Kuhry
Jeffrey Alan Kylo
Chad Michael Larson
Patrick B. Larson
Landon R. Leischner
Tyson S. Lund
Kindra Kay Mahler
Dylan Bewar Maii
Brett A. Makedonski
Katie Lynn McFarland
Brandon James Messer
Samantha Jayne Milbeck
Dirk Monson
Joshua Alan Morehouse
John R. Neeb
Nathaniel Lee Nelson
Mitchell Nielsen
Dayton Enok Stewart Norheim
Seana Christine O'Brien
Michael L. Olson
Nathan John Olson
Danika Rae Owen
Travis J. Pettit
Dilnoza Qorchiyeve
Chelsey R. Rau
Nicole Joy Reinke
Benjamin Richard Roehl
Alisha Jean Sagert
Garrett M. Schank
Joseph Jonathan Schornack
Corey M. Schuh
Brock Jay Seibel
Pramita Sen
James Matthew Septak
Michael J. Severson, Jr.
Taylor Skoog
Hannah Susanne Sorensen
Ryan Joseph Stadther
Kristina Marcellyn Staloch
Tyler John Stiefel
Derek Stuhlmiller
Jena Lynn Suchor
Justin Thomas
Kevin Duane Wangen
Whitney Lynn Wedum
Kayla Ann Wertman

Amanda M. Westphal
Cory Wheeler
Ryan James Wheeler
Ryan M. Woodfall
Jenna Marie Woodstrom
Joshua James Zikmund
Calais Janene Zimney
Master of Business Administration
Justin Jacob Andrist
Arundhati Ghosh
Kay Hogetvedt
Jill Ann Keller
Derek Charles Miller
Kathryn Ann Summerfield
Wei Tang
Ying Wang

College of Engineering and Architecture

Bachelor of Science

Fernando Pavel Bales
Adam David Barnett

Bachelor of Science in Agricultural and Biosystems Engineering

Joseph Daryl Sheldon
Ruchi Shukla
Vishal Verma
Matthew Thomas Wold
Derrick Adam Wolter

Bachelor of Science in Civil Engineering

Austin Mathew Clarys
Michael Robert DeAustin
Peter R. DeMuth
Dustin Joseph Forester
Benjamin Peter Fredrickson
Matthew R. Greenslit
Micah Barrett Hilde
Megan Lynne Holm
Stephen Loguya Lisok
Steven Harold-David Wahler
David J. Weum

Bachelor of Science in Computer Engineering

Ankush Agarwal
Anirudh Reddy Agasti
Aaron Axvig
Zachary Doll
Sahil Juneja
Raghav Kapoor
Jon William Kuehnemund
Peder Lindberg
David Daniel Mayer
Derek Olgeirson
Andrew John Ouradnik
Michael Christopher Sorenson
David Erik Vedvick

Bachelor of Science in Construction Engineering

Ryan Michael Claeys
Scott A. Hummel
Charles Edward Kaiser
Jesse Edward Lesmeister
Kody Michael Scharosch

Bachelor of Science in Construction Management

Benjamin Charles Beyer
Kyle Steven Bruns
Jonathan William Decker
Kyle Dobias
Tyler Erickson
Jason David Folger
David J. Gibbons
Trevor Herman Hansen
Nathan A. Host
David Johnson
Christopher W. Kentzelman
Tanner John Motzko
Andrew Jason Nefstead
John Ross Olson
Jarrett Clarence Robertsdahl
Christopher Frank Ryan
Darren Todd Scott
Nathan Zachary Stone

David Anthony Swafford
Brett Kristan Swymeler
Emily C. Thompson
Alexander David Turner
Daniel Frederick Wittnebel

Bachelor of Science in Electrical Engineering

Joshua Adamek
Jack Vincent Anderson
Brady Alan Brodsho
Andrew Bruce Brown
Kevin Raymond Bruns
Nicholas Michael Bullinger
Kristofer Carlson Conklin
Jessica Drutowski
Sheyann Nicole Dunn
Joshua Michael Friesz
Karishma Goswami
Jason Michael Hayen
Jamie L. Hegland
Salil Saurav Jha
Kai Justus Johnson
Korey Kautzman
Garrett Kropp
James Jean Leingang
Jared Clifford Lervik
Benjamin Paul Lofgren
Michael Paul Lovering
Aaron Daniel Ludwig
Daniel Lysaker
James Patrick Maddock
Aakash Malik
Dustin Donald Mueller
Christopher J. Pierson
John Rowe
Jay Michael Schulte
Brian William Schwandt
Anil Tomar
Ann Marie Vallie
Jared Archie Wagner
Brian Edward Wentland
Christopher R. Yost

Bachelor of Science in Industrial Engineering and Management

Robert Berg
Erika Leigh Hedger
Adam John Hilzendager
Peter Lloyd Nelson
Christopher Andrew Opland
Brandon Lee Scherber

Bachelor of Science in Manufacturing Engineering

Christopher John Bingea
Dayne Bradley Efta
Anthony Daniel Noga

Bachelor of Science in Mechanical Engineering

Brandon R. Aune
Kyle Bangerter
Jeremy Douglas
Mark W. Emery
Jared Ben Feist
David Michael Forster
Craig Griffiths
Craig Dean Hawes
Tyler Ryan Hein
Micah Bruce Johnson
Michael Galen Johnson
Levi Bradley Kingery
Andrew James McKenzie
Nathan Wayne Miller
Adaeze O. Okoye
Matthew Lee Olson
Nathan Sele
Loren W. Soma
Kevin Michael Stutzman
Zane Russel Ward
Jenna Marie Wurzer

Doctor of Philosophy

Thunyalux Ratpukdi

NORTH DAKOTA STATE UNIVERSITY
Fall 2009 Graduates

Degree Conferral Date: December 18, 2009

Attachment 13

Master of Architecture

Brett T. Barry
Benjamin Lee Bernier
Carrie Marie Downing
Trisha A. Grant

Master of Science

Svyatoslav Chugunov
Michael Anthony Fuqua
Martin James Hanson
Amy J. Hardy
Yaping Huang
Jay Anthony Mosbrucker
Vijay Muralidaran
Matthew B. Robinson
Zhou Zhao

Graduate and Interdisciplinary Studies

Doctor of Philosophy

Monika Michalak
Diamo Motuba

Master of Science

Christopher Lee Augustin
Anna Ivashchenko
Adam M. Miller
Akiko Nakamura
Kraig Jeffery Nelson
Kate Ann Overmoe
Jason A. Riopel
Jessie L. Rock

College of Human Development and Education

Certificate

Kathy Leigh Edwards
Jeremiah Thomas Moen

Bachelor of Arts

Tracey Jacqueline Dullinger
Laura Marie Odland
Charlene Ann Sabin

Bachelor of Science

Selam Kamel Ahmed
Adam J. Aho
Aris Anderson
Katie J. Anderson
Brenda Kay Arbach
Vanessa J. Baumler
Stephanie Bear
Danielle Lyann Beck
Erin Beck
Amber Marie Bernhardt
Amanda Bissonnette
Brianna Joy Borchert
Kathryn M. Borkowski
Alison Marjorie Borowicz
Ashley Bradow
Christina Brandt
Kathleen C. Brennan
Camie Carie Jo Burgad
Brock A. Carlson
John Carlson
Emily Marie Caruso
Joseph Robert Champa
Adam D. Christiansen
Melissa Marie Delisle
Riley Dolezal
Nicole Ann Domine
Emily Fritzell Enderson
Rebecca Marie Fletcher
Lacie Lauraine Fogelson
Alison Nicole Ganyo
Alyssa Renee Granley
Kelley Nell Grogan
Jessica Lynn Grove
Ashley M. Heffley
Gavin Labren Hofer
Sara Ann Holty
Darrin Hook
Steven Michael Hurst
Angela Ann Jasken
Chasity Lynn Johnson

Jennifer Elizabeth Johnson
Jennifer L. Johnson
Kristin Johnson
Michael John Kaiser
Jessica Lynn Klein
Elisabeth Stina Knapp
Jacob Clifford Knodel
Sierra Lien
Sarah Jo Liudahl
Kyle Adam Millar
Jenna Amy Mjolsness
Shawn Patrick Muehler
Kristin Marie Mund
Nora Narloch
Lindsey Marie Nelson
Anna L. Nystrom
Mallari Kay Page
Erin Maureen Phelps
Carrie Reindel
Patricia Marie Romaine
Henry Russell Ruud
Kimberly Joy Sandhurst
Celestine Bridget Sautner
Danielle J. Schoeler
Jenna Scott
Jamie Sheeran
Breanna June Siegler
Isaac Thomas Snell
Katie Stromstad
Kayme Joy Teal
Christopher James Teeman
Tana Marie Vandegrift
Natalie Lynn Vetter
Erica Ann Waller
Craig Allen Walter
Kelsey Ann Watson
Stefanie Ann Welle
Katie Sue Welter
Kimberly Westendorf
Brittany Lynn Winklepleck
Molly Ann Wobbema
Tara Kathleen Woodbury
Derek John Young
Heidi Karyn Zoller

Master of Education

Sana D. Alsughayyer
Cindy Mae Brown
Greta Dahlen Evenson
Holly Jean Fiechtner
Grant Michael Gigstad
Travis D. Jordan
Cody Allen Kittelson
Louise Marie Lorge
Bradley John Miller
Janice Doody Oss
Jerad M. Voglewede

Master of Science

Erika Lynne Beseler Thompson
Lori Ann Campbell
Emily Rose Coler Hanson
Daniel James Driessen
Carlie Layne Froemke
Matthew Howe
Andrea Marie Lang
Joseph Daniel Lind
Lisa Pribula
Frieda Jeanne Pulkowski
Trina D. Spaeth
Lisa Erin Spors
Cheryl Marie Troxel
Julie Irene Zaruba

Doctor of Philosophy

Michelle G. Beach
Barbara Chromy
Kristen Marie Hetland
Andrea E. Laverdure
Jeremiah Thomas Moen
Michael A. Siggerud

***College of Pharmacy, Nursing,
and Allied Sciences***

Bachelor of Science

Kyla Genereux

Bachelor of Science in Nursing

Christine Lyn Biwer
Karen M. Blake
Jessica Beth Byker
Norma J. Dockter
Kate Alexandra Gaponenko
Heather Joy McIntyre
Sarah Kathryn Settel
Heather Janelle Zerr

Doctor of Nursing Practice

Terry L. Evers
Leslie Ann Koltes
Tina Marie Lundeen
Bonnie Lynn McGuire
Jessica G. Olson

Doctor of Pharmacy

Delveen H. Amedi
Radhika Bhupeshkumar Patani
Blessy Philip
Courtney J. Smith

College of Science and Mathematics

Certificate

Krishna Chaithanya Chinthakayala

Bachelor of Arts

Charles S. Johanneck

Bachelor of Science

Cristina Anne Aarestad
Abhishek Agarwal
Brandon Paul Anderson
Elysia Marie Bates
Lacey S. Benson
Anirudh Bhargava
Shane Dennis Braegelman
Lindsey R. Brandenburg
Wyatt Glen Brossart
Sharon J. Brozo
William Riley Casper
Richa Chaturvedi
Ishani De
Vanessa Ann Eckhoff
Laura Ann Egeberg
Shane Ewert
Ted Feit
Elizabeth P. Gilbertson
Sara Louise Grosser
Anshul Gupta
Rebekah Ann Hovland
Sarah Elizabeth Iverson
Paul J. Karels
Ridhima Katyal
Isaac Shatto Kelsey
Jacob Krebsbach
Krithick Sarveswaran Krishnagiri
Maria Beatrice Krogen
Kelsey J. Leingang
Todd Alan Lemke
Edeleen Lunjew
Timothy R. Maas
Kaylee Ann Miller
Naman Mittal
Joshua David Nelson
Stanislas Ogokeh
Christopher Samuel Olson
Christine Ann Ouellette
Mark Roebke
Breanne Marie Royer
Anuradha Sakhuja
Joseph David Sander
Apryl Dale Schroeder
Christina A. Schwartz
Akanksha Sharma
Aman Sharma
Eric Paul Sinner
Dheeraj Soni

NORTH DAKOTA STATE UNIVERSITY
Fall 2009 Graduates
Degree Conferral Date: December 18, 2009

Attachment 13

Joseph Henry Stegmiller
Nicholas Carl Stocker
Eric Jay Stroh
Lucas Garth Teske
Avijeet Tomer
Darcy Jean Uselman
Brian W. Wieber
Patricia L. Winters
Adam R. Wolfe
Sara Virginia Wyman
Anshul Yadav

Master of Science

Barjesh Arora
Senad Cimic
Pranav Dass
Don Pandukabaya Nagahawatte
Vasanth Narayanan
Jon Patrick Nietfeld
Thilak Kumar Rajaraman
R.K. Sisika Priyani Nelum
Huma Rizvi
Heather Kay Wadeson
Szymon Woznica
Sri Harsha Yamparala

Doctor of Philosophy

Samali Datta
Zhiqiang Ji
Alexander John Kugel
Oksana Myronovych
Xiaoning Qi
Shakila Tobwala

College of University Studies

Bachelor of University Studies

Benjamin J. Ahneman
Russell Blake Anderson
Jace Daniel Carter
Warren T. Eagan
Bradley A. Halverson
Dustin D. Huber
Elizabeth Marie Mathews
Timothy Lee Metz
Kandra Beth Murray
Jiyeon Park
Kyle Dennis Rausch
Miranda Amber Sorlie
Jill M. Spacek
John Ryan Thorson

Agenda
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, March 8, 2010
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of February 8, 2010, Minutes

III. Consent Agenda

- Academic Affairs ([Attachment 1](#))

Any member can request that an item on the consent agenda be placed on the regular agenda.

IV. General Announcements

- A. Interim President Hanson
- B. Provost/VPAA Schnell
- C. M. Meister, President of University Senate
- D. V. Olson, Staff Senate President
- E. A. Altstadt, Student Body President

V. Committee Reports

- A. Academic Affairs - A. Brunt
- B. General Education - L. Peterson ([Attachment 2](#))
- C. Council of College Faculties - J. Glower
- D. University Senate Library Committee – M. Reid
- E. University Senate Research and Consulting Committee – V. Kettner, Chairperson
- F. Policy Coordinating Committee - M. Meister/A. Rupiper Taggart
 - Carry-over policies from February University Senate Meeting
 - 1. Policy 156 – Equal Opportunity Grievance Procedures ([Attachment 3](#))
 - 2. Policy 350.3 – Board Regulations on Non-renewal: Termination or Dismissal of Faculty ([Attachment 4](#))
 - For discussion:
 - 1. New Policy: Behavior Intervention Team ([Attachment 5](#))
 - 2. New Policy: Missing Student Notification ([Attachment 6](#))
- G. Other Committee Reports

VI. Unfinished Business

VII. New Business

- A. Committee membership on Senate Special Committees on Policy Coordination, Formation of Faculty Senate, and Academic Dishonesty - Meister
- B. Update on Library Resolution – Altstadt, Meister, Reid

VIII. Discussion

IX. Adjournment

Academic Affairs Committee Report March 8, 2010

Curricular Recommendations

New Program							
Psychological Clinical Science, Ph.D.							
New Option							
Adult Development and Aging, B.S./B.A. (Human Development and Family Science)							
New Course							
Subject	No.	Title				Crs.	
CNED	729	Professional K-12 School Counseling				3	
Course Deletions							
CNED	725	Elementary School Counseling				2	
CNED	726	Middle School Counseling				2	
CNED	727	Secondary School Counseling				2	
NURS	612P	Practicum I: Advanced Health Assessment				3	
NURS	620P	Practicum IV: FNP Role Integration				4	
NURS	633P	Practicum II: Family Primary Care I				4	
NURS	634P	Practicum III: Family Primary Care II				4	
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
CNED	728	Guidance Administration and Consulting	2	CNED	728	Guidance Administration and Consulting	3
EDUC	702	Statistics in Educational Research	2	EDUC	702	Statistics in Educational Research	3
EDUC	724	Advanced Educational Psychology	2	EDUC	724	Advanced Educational Psychology	3
ENT	732	Plant Resistance to Insects	2	ENT	446/646	Plant Resistance to Insects	3
MUSC	640	History of Choral Literature	3	MUSC	715	History of Choral Literature	3
For Information Only: Change in Prerequisite/Corequisite							
Dept.	No.	Title		Change in Prerequisite/Corequisite			
MICR	471/671	Immunology and Serology Laboratory		Add prerequisite/corequisite: MICR 350L			

General Education Student Petition Deadline Policy
March 8, 2010

As of July 1, 2011, the General Education Committee will no longer consider student petitions during the semester of a student's graduation except in documented cases of extreme emergency. (Approved by the General education Committee, February 12, 2010.)

Draft #~~872~~ ~~34567~~ ~~12/210/08~~ ~~1/23/09~~ ~~3/5/09~~ ~~3/11/09~~
~~4/30/09~~ ~~05/20/2009~~ ~~11/24/09~~

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: *NDSU Policy 156: Equal Opportunity Grievance Procedures*

This policy is being updated to clarify the equal opportunity grievance process and make it more effective and efficient.

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

Policy Committee: 10/15/08; 11/12/08; 12/10/08; 3/11/09; 05/09; 10/14/09 Carryover to November meeting

University Senate: 05/29/2009

Staff Senate: 05/29/2009

Student Senate/Executive Board:

President's Council: 05/29/2009

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

General Counsel
Equity and Diversity

Draft #~~872~~ ~~34567~~ ~~12/210/081/23/093/5/09~~ ~~3/11/09~~
~~4/30/09~~ ~~05/20/2009~~ ~~11/24/09~~

SECTION 156: EQUAL OPPORTUNITY GRIEVANCE PROCEDURES

SOURCE: NDSU President

1. INTRODUCTION

1.1

The purpose of these grievance procedures is to provide a fair and orderly system for review at North Dakota State University of alleged violations, of equal opportunity laws, regulations, and policies that prohibit discrimination based on race, color, religion, national origin, sex, disability, age, veteran's status or sexual orientation (see Policy 100).any federal, state or local protected class^[rdj1]. ~~These procedures have been approved by the University President, following review by the Presiding Officer of the University Senate, the President of the Staff Senate, the Student Body President, and the President's Council.~~

1.2

Any individual or group filing a grievance under this procedure is entitled to protection from harassment, reprisals or retaliation as a result of having filed the grievance. ~~Any violation of the protection~~ Retaliation may, in itself, constitute grounds for a grievance.

1.3

Parties (the grievant and party whose action is the subject of the grievance) to a grievance filed under this procedure will make every effort to comply with the established timelines for giving notices and completing actions related to the grievance. In extenuating circumstances, these timelines may be extended by the NDSU ~~Director~~ Vice President of for Equity, and Diversity and Global Outreach ("Diversity Officer") in consultation with the parties.

2. ~~Step 1~~—ADMINISTRATIVE REVIEW OF GRIEVANCE

2.1

Any student, employee of the University, or any group of such persons who ~~feels is~~ substantively affected by an apparent violation of equal opportunity laws, regulations, or policies shall be ~~initially~~ entitled to an administrative review of the grievance.

2.1.1

The review is initiated by completing the NDSU Formal Equal Opportunity Grievance Form (available from the NDSU Office of for the Vice President for Equity, and Diversity and Global Outreach-Office) and filing it with the Diversity Officer, in the Office of the Vice President for Equity, and Diversity and Global Outreach. Unless the ~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~

Draft #~~872~~ ~~34567~~ ~~12/210/081/23/093/5/09_3/11/09~~
~~4/30/09-05/20/2009~~11/24/09

stipulates otherwise, the grievance form must be submitted within six months of the alleged violation.

2.1.2

This review shall include: (1) an administrative inquiry into the facts of the case; (2) a discussion of the case by the ~~administrator~~ Diversity Officer with the grievant and, the party whose action is the subject of grievance, ~~and the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity;~~ (3) a conclusion by the ~~administrator~~ Diversity Officer regarding whether or not the case involves a violation of equal opportunity rights; (4) an attempt to achieve a mutually acceptable resolution of the grievance; and (5) a written communication of that conclusion to the grievant and the party whose action is the subject of the grievance. Unless there are extenuating circumstances, the administrative review will be completed within 30 working calendar days after the date of the filing.

2.1.3

As an alternative to this review, a grievant may, ~~of course,~~ pursue any channel of review applicable under another University policy (such as the Grade Appeals Board policy for students [Section 337], the Grievance Procedure for Conditions of Employment or Appeal Procedure for Disciplinary and Reduction In Force Actions [Sections 230 and 231, respectively], or the Board Regulations on Nonrenewal, Termination or Dismissal of Academic Staff, the Board Regulations on Hearings and Appeals, or Grievances - Faculty [Sections 350.3, 350.4 and 353 respectively]).

~~3. Step 2-NEGOTIATION~~ 3. VOLUNTARY MEDIATION

4. 3.1. If the grievant and party whose action is subject to of the grievance both agree to mediate, the provisions of Policy 350.5-Mediation shall apply ~~RDJ2~~ for all employees.

3.2 If voluntary mediation is unsuccessful, the grievant may request a hearing of the grievance pursuant to section 4.1.

~~3.1~~

~~If a grievance is unresolved after Step 1, either the grievant or the party whose action is the subject of the grievance may, within 10 working days of the issuance of the administrative determination, make a written appeal to the University's Executive Director, Chief Diversity Officer in the Office of Equity and Diversity for negotiation of the case by a representative of the grievant, a representative of the party whose action is the subject of grievance, and the Director of Equity and Diversity. Within 5 working days of the appeal for negotiation, the two parties should provide the Executive Director, Chief Diversity Officer in the Office of Equity and Diversity with the name of the person who will serve as their representative for this process.~~

~~3.1.1~~

~~The negotiators' responsibilities shall be to (1) determine the facts relevant to the grievance, (2) discuss the application of equal opportunity laws, regulations and policies, (3) attempt to resolve the grievance through further discussion and negotiation and, if that~~

Draft #~~872~~ ~~34567~~ ~~12/210/081/23/093/5/09~~ ~~3/11/09~~
~~4/30/09~~ ~~05/20/2009~~ ~~11/24/09~~

~~is unsuccessful, (4) refer the case to the hearing committee below or to another duly constituted University hearing committee such as the Grade Appeals Board or a Faculty Special Review Committee. Unless there are extenuating circumstances, the negotiators will complete their work within 30 working days.~~

~~5.~~ 4. Step 3— GRIEVANCE HEARING COMMITTEE GRIEVANCE

4.1

~~Upon referral from the negotiators, A grievant~~ Either party of the grievance will have ten (10) calendar working days to appeal the written conclusion in section 2.1.2 or from the termination of an unsuccessful mediation under section 3. ~~Aa~~ A grievance shall be heard by a five member ~~eEqual~~ Equal ~~eOpportunity~~ Opportunity ~~hHearing~~ Hearing ~~eCommittee~~ Committee. The ~~negotiators~~ Student Body President, Presiding Officer, President University Senate President and the Staff Senate President shall designate the chair and other members of this committee from among the University Equal Opportunity Hearing Panel, which shall consist of the following 18 members:

- o 6 NDSU students appointed by the Student Body President,
- o 6 NDSU tenured faculty members appointed by the ~~Presiding Officer~~ President of the University Senate, and
- o 6 NDSU broadbanded employees appointed by the Staff Senate President.

4.1.1

~~For Each~~ For each group of panel appointees, those responsible for designating the panel shall strive to include members of both sexes and ethnic/racial diversity ~~have a diverse panel~~. Part-time students and regular employees are eligible for appointment.

4.1.2

Committee members shall disclose any conflict of interest they may have to the committee ~~committee's regarding committee member status~~. The parties can also challenge a committee member for a conflict of interest ~~address as a conflict of interest disclosure made by a committee member~~. ~~If multiple challenges deplete the committee to two or less fewer members,~~ The Student Body President, President of University Senate, and the Staff Senate President shall assist in deciding ~~deciding~~ decide, by majority vote, whether the challenges have merit. Members disclosing a conflict or being challenged for a conflict may vote on the motion. Replacements shall be appointed in the same manner as original appointments ~~rdj31~~.

4.2

An Equal Opportunity hearing committee shall conduct its hearing in accordance with the following requirements: The committee can may appoint a hearing officer with authority to conduct the pre-hearing meetings, supervise discovery, advise the committee or preside over the hearing. for the chair. The responsibilities for conducting the hearing are then assumed by the hearing officer, subject to decisions by the committee.

4.2.1

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~~4/30/09~~ ~~05/20/2009~~ ~~11/24/09~~

Any grievant requesting a hearing must file a written statement with the hearing committee indicating the grounds upon which a violation of equal opportunity is alleged to exist. Upon receipt of this statement, the committee chairperson shall schedule a date for an initial hearing.

4.2.2

The committee shall attempt to schedule hearing sessions only when all of its members are able to be present. If the committee decides, however, that the parties interests are best served by scheduling a session even when one or more of the committee members are not able to be present, then the absent members shall be responsible for reviewing the tape recordings of that session to familiarize themselves with the evidence presented at that time.

4.2.3

Attendance at any hearing shall be limited to the committee members, the parties, and their attorneys or other representatives and witnesses, unless both the parties shall agree to offer an express invitation for a particular hearing or session to the public or representatives of the press. Witness may be sequestered whether the hearing is open or closed.

4.2.4

The committee chairperson shall preside at all sessions. ~~., and a~~Any party or representative wishing to present evidence, examine witnesses, summarize evidence, or present arguments shall do so only with the consent of the chairperson. The committee shall tape-record sessions (and/or hire a court reporter) at which testimony is heard and shall allow controlled access to the tape for review or transcription by any party as defined in subsection 1.3 directly involved in the proceedings. The committee shall also keep summary minutes of its proceedings.

4.2.5

At the beginning of a hearing, the committee shall provide an opportunity for opening statements to be made, first by the grievant, then by the party whose action is subject of the grievance. defending the action in question. The committee shall then rely upon the opposing parties to call the necessary witnesses and present relevant evidence. The committee shall reserve the right, however, to call its own witnesses and to act in an investigative capacity itself, should the need arise.

4.2.6

The committee shall consider both oral testimony and written evidence. Upon receipt of any written statement or evidence provided by any party to the committee, the committee shall promptly provide the other party with a copy of such material. The committee can set its own rules for notice deadlines for disclosure of exhibits and witnesses. Any person offering testimony before the committee shall be subject to questioning by the committee members or either party with specific consent of the committee chairperson. The committee shall reserve the right to exclude redundant evidence as determined by a majority committee vote. The committee ~~has shall exercise the limit of its~~ authority to secure the testimony of essential witnesses or other relevant evidence. At the conclusion of a hearing, the committee shall provide an opportunity for either party to submit a written summary of its position.

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~~4/30/09~~ ~~05/20/2009~~ ~~11/24/09~~

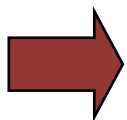
4.2.7

The committee shall vote by secret ballot, and the committee chairperson shall vote on all questions. In order for the committee to find a violation of equal opportunity, the grievant must show by the greater weight of the evidence that such a violation did, in fact, occur. If an alleged harasser in a sexual harassment case claims consent as a defense and the person was in a position of power or control over the grievant, the burden of proof on the issue of consent is on the alleged harasser. The vote required for committee action will be a simple majority of total number of votes eligible to be cast. ~~Without disclosing actual tallies, a~~ All voting results and any recommendations of the committee shall be promptly made available in writing to all of the parties involved in the case and the University President. ~~If the committee has found an equal opportunity violation, t~~ The President shall be responsible for determining an appropriate administrative response to the findings, conclusions and recommendations. The decision of the President is final.

HISTORY: December 20, 1977; Amended September 1993; Amended January 1996; June 2000, October 2007.

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *350.3 Board Regulations on Nonrenewal; Termination or Dismissal of Faculty*

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).

Paragraph 7.ac.(1): To streamline-clarify the process, deleted requirements for consultation with the Senate Executive Committee and Academic Affairs Committees concerning the RIF of tenured faculty.

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

Provost
General Counsel

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

This portion will be complete by Kim Matzke-Ternes

Policy Committee: 10/14/2009 Presented to PCC ; 11/12/09 discussed at meeting, carryover to December meeting, updates will be made and a new version presented to PCC in December. 11/27/09 updated version emailed to PCC

University Senate: 10/21/09 routed to US Exec for Input; 12/28/09 routed for input

Staff Senate: 10/27/09 routed for Input; 12/28/09 routed for input

President's
Council: 10/27/09 routed for Input; 12/28/09 routed for input

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 350.3 BOARD REGULATIONS ON NONRENEWAL; TERMINATION OR DISMISSAL OF FACULTY

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

1. A probationary appointment may be terminated, without cause, with notice to the faculty member that the appointment will not be renewed.
 - a. Notice shall be given:
 - (1) At least 90 days prior to termination during the first year of probationary employment at the institution.
 - (2) At least 180 days prior to termination during the second year of probationary employment at the institution.
 - (3) At least one year prior to termination after two or more years of probationary employment at the institution.

If a faculty member is appointed during the academic year, then the initial contract shall indicate when the first academic year of service at the institution begins. For the purpose of this section, "academic year of service" means on a probationary appointment. The twelve months notice may be given at any point during the calendar year and the appointment terminates twelve months thereafter. (This NDSU language clarifies the interpretation that has been applied to this NDUS language throughout the University System.)

- b. A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the policy section pursuant to which the action is taken. The faculty member may within ten calendar days after receipt of the notice request a reconsideration by the deciding

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body or individual. The faculty member may incorporate a request for mediation in the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.

Nonrenewal decisions shall be made in every instance by the University President. Recommendations for nonrenewal shall be initiated within the academic unit in accordance with Policy 352. Colleges shall have specific procedures for nonrenewal recommendations prior to the sixth year in accordance with Policy 352 and 350.3.2 (See below.). A department chair may initiate a review for nonrenewal at any time.

2. An institution may terminate a probationary appointment, effective at the end of any contract term, with no less than 90 days notice of nonrenewal, based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.
4. A faculty member on probationary or special appointment may, within twenty calendar days after receipt of notice of nonrenewal of a probationary appointment or termination of a special appointment or, if the faculty member requests reconsideration or the parties agree to mediation under paragraph b of subsection 1, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation, request review of the decision and hearing by Standing Committee on Faculty Rights by filing written notice with the deciding body or individual and the chair or senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.
5. A faculty member may terminate an appointment effective at the end of the term of the appointment by giving notice in writing at the earliest possible opportunity, but not later than May 15, or one month after receiving notification by the institution of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty governance structure at an institution may recommend procedures permitting a faculty

member to request a waiver of this deadline in case of hardship or for other good cause defined by those procedures. An institution may provide that failure without reasonable cause by a faculty member to return a contract by the time set forth in the contract shall constitute a resignation. Any return time so established by the contract shall be reasonable.

Resignation or Retirement

Generally accepted standards of professional ethics (see AAUP Statement on Recruitment and Resignation of Faculty Members) require faculty members who plan to resign or retire to give prompt notice in writing to their chair or supervisor. This includes prompt notice when employment is accepted elsewhere. Only in personal emergencies or for other compelling reasons, should faculty members leave during the academic year, except when this coincides with the expiration of their contractual obligations.

6. An institution may terminate an appointment of a tenured faculty member following a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses. In such cases, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area, curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity. A tenured faculty member terminated pursuant to this subsection shall be given written notice of termination, including the reason(s) for the action, at least twelve months prior to the date of termination. Each institution shall establish procedures for implementing this policy.
 - a. A tenured faculty member given notice of termination under this section may request that the institution circulate his or her vita to other academic units or program areas within the institution. In addition, the institution shall ensure that fair consideration is given to the faculty member, during the period of the terminal appointment, for vacant academic positions in the employing institution for which the faculty member is qualified. The faculty within any academic unit or program area shall have the major responsibility in determining qualifications for appointment therein. If a tenured faculty member accepts an appointment in a different academic unit or program area, the faculty member shall retain his or her tenure status, subject to approval of the Board.
 - b. A position terminated under this section shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within which to accept or decline it.
 - c. The provisions of section 605.4 (*NDSU 350.4*) do not apply when a tenured faculty member is terminated under this subsection. The faculty member may,

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however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.

7. In accordance with section 305.1 of these policies, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of termination is given any tenured faculty member pursuant to subsection 6. Faculty participation shall be solicited concerning:
 - a. The extent to which there are grounds for termination of tenured appointments;
 - b. Judgments determining where within the overall academic program termination of appointments may occur; and
 - c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.

(1) *An administrative decision to terminate a tenured faculty member within the university shall be preceded by the following steps:*

~~a) Consultation with the Executive Committee of the University Senate regarding the extent to which there are grounds for termination of tenured appointments.~~

~~b) Consultation with the Academic Affairs committee of the University Senate regarding the justification for terminating tenured appointments, if that is a consequence of the decisions; and~~

~~e)a) _____ Consultation with the dean of Academic Affairs committee, or the equivalent, of the the college or equivalent unit involved regarding the justification for terminating tenured appointments.~~

~~d)b) _____ Consultation with the faculty and the relevant PTE committee in an academic unit or program regarding the consequences of the decision. termination of tenured appointments.~~

(2) *Once the administration decision is finalized following these consultations, the identification of faculty members for termination shall be made by the University president following recommendations by the dean.*

8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect

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of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f) significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide specifically for dismissal as a sanction.

- a. An authorized institution officer shall give written notice of intent to dismiss and specify the reasons for the action. The officer may, in the officer's discretion, also schedule a meeting with the faculty member to discuss the action. The notice shall state that the officer will forward to the institution president a recommendation to dismiss unless the faculty member, within twenty calendar days of receipt of the notice, requests a hearing before the Standing Committee on Faculty Rights. If the faculty member does not make a timely request for a hearing, the president, upon receipt of a recommendation to dismiss, shall make a decision and provide written notice and reasons for the action to the faculty member within ten business days of receipt of the recommendation.

(1) *Written notice of the intent to terminate or dismiss shall be given to the faculty member.*

(2) *Appropriate administrative officers include the academic unit or program chair and the dean of the college or equivalent unit.*

The written notice of termination or dismissal from the President must in any event be given within 60 days of the initial written notice of intent to terminate or dismiss.

- b. A faculty member may, within twenty calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request for a formal hearing before the Standing Committee on Faculty Rights, pursuant to section 605.4. (NDSU 350.4)
- c. Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the institution's president, or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the institution to do so. The faculty member's salary and fringe benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the ~~the~~ institution president to dismiss the faculty member following conclusion of proceedings at the institution.

9. If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for

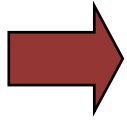
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imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means demotion, suspension (but not including suspension pending a dismissal or termination decision), salary reduction or loss of salary, or restriction or loss of privileges imposed as a formal disciplinary measure. A sanction does not include implementation of an improvement plan or performance action plan or negative comments in a performance review, letter of reprimand or other document placed in a personnel file; rights to respond to a performance review or a letter of reprimand or other document placed in a personnel file are set forth in N.D.C.C. § 54-06-21 and institution grievance procedures adopted under SBHE Policy 612. If the sanction is imposed following a hearing by the Standing Committee on Faculty Rights and based on the hearing record, there is no further review. If the sanction is imposed without a hearing, the faculty member may request review upon filing with the institution's president and chair or senior member of the Standing Committee on Faculty Rights a request for review and specifications of reasons within twenty calendar days of receipt of notice of imposition of a sanction. The institution shall have twenty calendar days following receipt of the request for review to file a response. The Standing Committee on Faculty Rights shall review the matter according to procedures established at the institution for that purpose and issue a written report within twenty calendar days of receipt of the institution's response and may make a recommendation to resolve the dispute, stating its reasons. The institution shall make its final decision upon reconsideration and provide written notice of that decision to the faculty member within ten days of receipt of the report and recommendation of the Standing Committee on Faculty Rights. Upon filing of a request for review pursuant to this subsection, imposition of the sanction shall be suspended pending a final decision of the institution's president following conclusion of those proceedings.

HISTORY: Replaces portions of Policy 605, SBHE Minutes April 25, 1995, pg 6554. Amended April 25, 1995; July 1, 1996; January 1997; October 1998; February 2001, June 2003, August 2003, March 2004; February 2005; November 2005.

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *XXX: Behavior Intervention Team*

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).

This is a NEW policy describing the Behavior Intervention Team and encouraging faculty and staff to report incidents of student behavior that are of concern, particularly those that may pose a threat to the safety of the student or the campus community.

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

Behavior Intervention Team which includes representation from the Dean of Student Life Office, Counseling Center, Academic Affairs, University Police and Safety, Student Rights and Responsibilities, and Residence Life.

Primary contact: Janna Stoskopf, dean of student life (janna.stoskopf@ndsu.edu)

Submitted January 7, 2010

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 2/11/10 presented;

University

Senate:

Staff Senate:

President's

Council:

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

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 kim.matzke-ternes@ndsu.edu.

All suggestions will be considered, however due to policy format guidelines, they may not be possible.

Thank you for your understanding!

NDSU Policy Manual

SECTION XXX: BEHAVIOR INTERVENTION TEAM

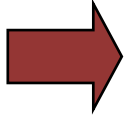
SOURCE: NDSU Dean of Student Life Office

1. The Behavior Intervention Team (BIT) is available to support faculty and staff who observe student behaviors that cause concern and exceed the boundaries of typical classroom management. Examples may be behaviors that disrupt classrooms, work functions, or living learning environments; lack of civility within the classroom or other campus environments; actions or communications that seem out of character; class assignments that contain threats of harm to self or others; etc. Typically, it would include behaviors that may not constitute a violation of the student code of behavior, but indicate the student needs additional help, connection with campus resources, or informal resolution of an issue.
2. The BIT consists of representation from the Dean of Student Life Office, the Counseling Center, Academic Affairs, Residence Life, Student Rights and Responsibilities, and the University Police and Safety Office. When a referral is made, the team will attempt to determine what is happening with the student, and what type of assistance the student may need in hopes of resolving the behavioral issue and continuing academic progress in a successful manner.
3. If faculty or staff encounter a student with whom there is concern, the BIT may be contacted through Dean of Student Life office via email at NDSU-BIT@ndsu.edu, or by calling the Dean of Student Life Office.
4. Individuals reporting concerns should include any information that may be helpful to the team in evaluating the situation (ie. duration, frequency, severity and/or progression of the behavior; any mitigating circumstances; or actions previously employed by you or others to assist the student or change the behavior.)
5. Situations occurring outside of daily business hours, and needing immediate consideration, should be referred to the University Police. Team members or an officer, whichever may be appropriate, will be dispatched to address the situation.
6. This team is intended to support and assist faculty and staff in dealing with the problematic behavior, allowing them to retain the focus on teaching, research, or other university roles.

HISTORY:

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *XXX Missing Student Notification*

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).

This is a NEW policy, required by federal law through the recent re-authorization of the Higher Education Opportunity Act. The policy makes it possible for students to identify a person to be contacted in the event the student is determined by law enforcement to be missing. The policy also states the means by which students may record this information, and the time frame required for the University to make contact if necessary.

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

The Dean of Student Life, in consultation with the Director of Residence Life and the Director of University Police and Safety Office

Primary contact: Janna Stoskopf, dean of student life (janna.stoskopf@ndsu.edu)

Submitted: January 7, 2010

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

This portion will be complete by Kim Matzke-Ternes

Policy
Committee: 2/11/10 presented

University
Senate:

Staff Senate:

President's
Council:

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

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All suggestions will be considered, however due to policy format guidelines, they may not be possible.

Thank you for your understanding!

Section XXX: Missing Student Notification Policy

Source: Higher Education Act – Re-authorization, 2008

1. **INTRODUCTION:** Pursuant to the 2008 reauthorization of the Higher Education Act, students residing in NDSU owned and operated facilities have the opportunity to designate an individual to be contacted in the event the student is determined to be missing. The purpose of this policy is to clarify the option available for such designation, and the institution's responsibility for notification in the case of a missing student.
2. **DEFINITION:** A missing student is defined as a person currently enrolled at North Dakota State University, whose whereabouts have been unaccounted for by law enforcement for more than 24 hours.
3. **CONTACT INFORMATION:** Students residing in NDSU owned and operated facilities have the option to designate an individual to be contacted in the event the student is determined by NDSU Police or appropriate law enforcement agency to be missing. This contact may be the same or different than the emergency contact information provided in the student's campus connection account.
 - 3.1. Students may register confidential contact information with the Department of Residence Life via myhousing.com. This information will be utilized only by campus officials and law enforcement when the student is determined by police to be missing. This information will not be disclosed for other purposes.
4. **REPORTING:** A report should be filed with the NDSU police at the time a student is presumed to be missing. A report may be filed by an NDSU employee, friend, roommate, or family member. An investigation will be conducted in attempt to determine the whereabouts and well-being of the student.
5. **INITIATE PROCEDURES:** When NDSU Police have been notified and the student becomes the subject of a missing persons report, NDSU will initiate the Missing Persons Procedures and Notification in accordance with the student's designation.
6. **NOTIFICATION:** The student's designated contact person will be notified no more than 24 hours after the time the student residing in NDSU owned and operated facilities is determined by NDSU police or other law enforcement agency to be missing, in accordance with notification procedures established by the university.
7. **MINORS:** If the student is under the age of 18, and is not an emancipated adult, NDSU is required to notify a custodial parent or guardian, in addition to any contact person specifically designated by the student. Contact will be made no more than 24 hours after the student is determined by NDSU Police or other appropriate law enforcement agency to be missing.
8. **FAILURE TO DESIGNATE CONTACT:** In the event a student residing in a university owned and operated facility, is determined by NDSU Police or other law enforcement to be missing, and has not previously identified a missing persons contact, NDSU will notify the individual identified in the student's Campus Connection account as the emergency contact.

Agenda
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, April 12, 2010
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of March 8, 2010, Minutes

III. Consent Agenda

- A. Academic Affairs ([Attachment 1](#))
- B. General Education ([Attachment 2](#))
- C. Policy 155 - Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees ([Attachment 3](#))
- D. Policy 313 - Annual Leave and Sick Leave ([Attachment 4](#))

Any member can request that an item on the consent agenda be placed on the regular agenda.

IV. General Announcements

- A. Interim President Hanson
- B. Provost/VPAA Schnell
- C. M. Meister, President of University Senate
- D. A. Rupiper Taggart, President Elect of University Senate
- D. V. Olson, Staff Senate President
- E. A. Altstadt, Student Body President

V. Committee Reports

- A. Academic Affairs - A. Brunt
 - B. General Education - L. Peterson
 - C. Council of College Faculties Update and Elections- J. Glower
 - D. Policy Coordinating Committee - M. Meister/A. Rupiper Taggart
- For Discussion and Vote:
- 1. Policy 603 – Sexual Assault Student Policy ([Attachment 5](#))
- For Discussion:
- 1. Policy 190 - Employee Responsibility and Activities: Intellectual Property ([Attachment 6](#))
 - 2. Policy 304 - Academic Staff and Executive/Administrative Positions – Procedures for Filling ([Attachment 7](#))
 - 3. Policy 712.1 – Legal Representation ([Attachment 8](#))

VI. Unfinished Business

- Reports from Special Senate Committees
 - 1. Policy Coordination - Meister
 - 2. Faculty Senate - Rupiper Taggart ([Attachment 9](#))
 - 3. Academic Dishonesty - Council

VII. New Business

VIII. Discussion

IX. Adjournment

Academic Affairs Committee Report April 12, 2010

Curricular Recommendations

Program Title and Prefix Change							
From: Women's Studies (WS)				To: Women and Gender Studies (WGS)			
Program Title Change							
From: English: Practical Writing				To: Rhetoric, Writing and Culture (Ph.D.)			
Department Realignment							
From: Department of Sociology, Anthropology and Emergency Management				To: Department of Sociology and Anthropology Department of Emergency Management			
New Courses							
Subject	No.	Title					Crs.
ABEN	747	Numerical Modeling of Environmental and Biological Systems					3
MGMT	471/671	Leading the Nonprofit Organization					3
MGMT	752	Organizational Restructuring					3
MICR	724	Applied Epidemiology and Biostatistics					3
PHRM	555	Introductory Pharmacy Practice Experience III					1
PHRM	556	Introductory Pharmacy Practice Experience IV					1
SOC	116	Global Social Problems					3
WS (WGS)	112	Introduction to Masculinities					3
Course Deletion							
CLS	300	Phlebotomy and Specimen Collection					2
EMGT	615	Rural Society and Emergency Management					3
EMGT	651	Floods, Blizzards, and Tornadoes					3
EMGT	653	Emergency Management Law and Regulation					3
SOC	420	Sociology of Disaster					3
UNIV	402	Power of Narrative					3
UNIV	403	Weighing the Evidence					3
UNIV	404	Spatial Conflicts in Global Society					3
UNIV	405	Problems of World Hunger: An Integrated Approach					3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
EMGT	712	Hazards Risk Assessment Theory and Practice	3	EMGT	761	Preparedness Theory and Practice	3
Change in Catalogue/Course Description – for information only							
PLSC	710	Professional Development I					1
PLSC	711	Professional Development II					1
UNIV	189	Skills for Academic Success					1
Change in Prerequisites/Corequisites – for information only							
Dept.	No.	Title	Change in Prerequisite/Corequisite				
ECE	331	Energy Conversion	Remove prerequisite ECE 311 and add corequisite ECE 311				
EE	206	Circuit Analysis I (CCN)	Remove prerequisite MATH 129 and add corequisite MATH 129				
ME	442	Machine Design I	Remove prerequisite ME 423 (keep prerequisite ME 331); restrict to students in professional program of Mechanical Engineering				
ME	461	Design Project I	Add prerequisite ME 361; add corequisite ME 443 and remove corequisite ME 442 but keep corequisite ME 454				
New Special Topics – for information only							
ECE	796	Biomedical Photonics					3
PHRM	399	Contemporary Pharmacy Practice I					1
PHRM	499	Contemporary Pharmacy Practice II					1
PHRM	596	Contemporary Pharmacy Practice III					1
PHRM	596	Contemporary Pharmacy Practice IV					1

For University Senate: Approved General Education Recommendations

For University Senate Meeting on: April 12, 2010

Outcomes Key:				
1. Communicate effectively in a variety of contexts and formats.				
2. Locate and use information for making appropriate personal and professional decisions.				
3. Comprehend the concepts and perspectives needed to function in national and international societies.				
4. Comprehend intrapersonal and interpersonal dynamics.				
5. Comprehend concepts and methods of inquiry in science and technology, and their applications for society.				
6. Integrate knowledge and ideas in a coherent and meaningful manner.				
7. Comprehend the need for lifelong learning.				
Courses Withdrawn from General Education List of Approved Courses				
Course No.	Course Title	Categories	Dept or GE Request	
BIOL 150	General Biology I	S(n)	Department	
BIOL 150L	General Biology I Laboratory	S(n)	Department	
Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes				
Course No.	Course Title	Categories	Outcomes	
HIST 431*	The North American Plains	A, D	3, 6	
Continued Approval (5-Year Renewal) for General Education with Changes in Outcomes				
Course No.	Course Title	Categories	Previous Outcomes	Recommended Outcomes
WS (WGS) 110	Introduction to Women's Studies	A, D	1, 6	3, 6

*Pending receipt of a revised syllabus.

SECTION: *NDSU Policy 155: Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees*

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).
Added to paragraph 3 the dangers of drug and/or alcohol use in the workplace to be in compliance with 2 CFR § 182.215. Updated department name changes and locations. Updated student sanction information.
2. This policy was originated by (individual, office or committee/organization):
General Counsel 07/08/09
3. This policy has been reviewed/passed by the following (include dates of official action):
This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 08/19/09 presented;

University

Senate: 09/04/09 Input; 10/30/09 routed for input

Staff Senate:

09/04/09 Input; 10/30/09 routed for input

President's

Council: 09/04/09 Input; 10/30/09 routed for input

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 155: ALCOHOL AND OTHER DRUGS: UNLAWFUL AND UNAUTHORIZED USE BY STUDENTS AND EMPLOYEES

SOURCE:

NDSU President

SBHE Policy Manual, Section 918

1. NDSU complies with and supports the North Dakota State Board of Higher Education policy governing alcohol use on campus, the [Drug Free Workplace Act of 1988](#), Public law 100-690, [Drug-Free Schools and Communities Act Amendments of 1989](#), Public Law 101-226, and 2 CFR § 182.215.
2. The State Board of Higher Education prohibits the possession, sale, dispensation, use or consumption of alcoholic beverages upon land or in buildings owned by the Board or its institutions. Exceptions may include the lawful possession of alcohol in family student residences, on-campus professional staff residences, fraternities and sororities (in certain circumstances), the President's residence, and other special exceptions as granted by the President or the President's designee. For the complete policy see [SBHE Policy 918: Alcoholic Beverages](#). [this has link to URL, but it does not show in review format]

The University prohibits the *unlawful or unauthorized* use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on

or off-campus, which are sponsored by students, employees and their respective campus organizations (including all fraternities and sororities). For NDSU employees, compliance with this policy is a term and condition of employment. For NDSU students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational registration.

3. The University recognizes that chemical dependency and chemical abuse are concerns that can impact both academic success and work performance and that there are assistance programs available to help individuals experiencing problems. When appropriate, NDSU personnel may refer students and employees to the NDSU Counseling Center Ceres 212, or to agencies outside of NDSU for evaluation and/or treatment for alcohol or other drug related problems. As part of their benefit package, employees may access services through the Employee Assistance Program provided by the Village (1-800-627-8220) or in the Fargo area (701) 451-4900. Employees may refer students in need of services to Counseling Center at (701) 231-7671. While evaluation for alcohol, drug abuse and/or addiction is not available on campus[L1], Counseling Center staff will work with the students to find appropriate community services. Referral information from Counseling Center is also available to those wishing to refer individuals to off campus agencies. Faculty, staff and students can access information on available drug and alcohol prevention programs the university offers by going to the [Alcohol and Other Drug Prevention Programs](#) website.

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

4. These guidelines apply to students, employees, as well as campus organizations, which include, but are not limited to registered student organizations under the Commission of Student Organizations. For information concerning applications of this policy, please consult the Dean of Student Life (for students), or the University Human Resources/Payroll Director (for employees).

- 4.1 Students and employees and their respective campus organizations may not use organizational or public funds (including general and special funds) for the purchase of alcoholic beverages.
- 4.2 Sale of alcoholic beverages by students, employees and their respective campus organizations is strictly forbidden. This is to include any action that can be remotely construed as alcohol sale such as charging admission to parties, passing the hat, selling empty cups, selling drink tickets, etc.
- 4.3 Off-campus activity conducted by students, and employees and their respective campus organizations shall not encourage excessive and/or rapid consumption of alcoholic beverages. The use of alcohol at any such events is expected to be lawful and low risk. Registered student organizations planning off campus events at which alcohol may be available must complete and file with the Student Activities Office, Memorial Union 120, on the NDSU Event Risk Management Planning Notification Form. When planning an off-campus work related event where alcohol will be present, employees with questions about low-risk guidelines should contact the Director of Human Resources/Payroll, SGC Building (StopNGo Center).
- 4.4 Alcoholic beverages shall not be used as awards or prizes in connection with events or activities sponsored by students, employees and their respective campus organizations, on or off-campus.
- 4.5 The public display of advertising or promotion of the use of alcoholic beverages in University buildings or any other public campus area including all University owned housing areas is prohibited. This includes banners, lighted beer/liquor signs, and large inflatable advertising, etc. (Entities that lease commercial or research property from the university may be excluded. However, the University may, in these leases, include provisions that will assist in its effort to promote legal and safe use of alcohol and to change the culture that perpetuates alcohol and other drug misuse and abuse.)
- 4.6 Alcohol promotional activities including advertising shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off-campus. This includes, but is not

limited to, such items as: cups, t-shirts, beverage can coolers, and any other items carrying alcohol/beer advertising.

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

* Student Newspaper (The Spectrum)

The Spectrum is not subject to the advertising portion of this university policy due to first amendment provisions of the US Constitution and State Board of Higher Education Policy 507. It is accountable to the Board of Student Publications for its standards of conduct. Because of the belief that advertising perpetuates the culture of high-risk and underage drinking, the Board of Student Publications may, if it chooses to accept advertising for alcoholic beverages, decide to adopt guidelines compatible with this policy.

- a. Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse nor shall it promote alcohol specials such as two for one, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.
- b. Advertising of establishments that sell alcohol shall not portray drinking as a solution to personal or academic problems or as necessary to social, sexual or academic success.
- c. Advertising of establishments that sell alcohol shall not associate consumption of alcoholic beverages with the performance of tasks that require skilled reactions such as the operation of motor vehicles or athletic performance.
- d. Advertising of establishments that sell alcohol shall include a statement of low-risk such as "know when to say when" or "please use our products legally and in a responsible manner".

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

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

- 5.1 Sanctions-Students & Student Organizations: Individual students and student organizations (including fraternities, sororities, residence hall associations and registered student organizations) who are found in violation of the University policy on alcohol and other drugs are subject to one or more of the following sanctions, dependent upon the severity of the violation and the existence or absence of prior alcohol or other drug violations: (For a more complete description of these sanctions see the [Code of Student Behavior](#).) [this has link to URL, but it does not show in review format]

5.1.1 No action (if alleged conflicts prove to be unfounded).

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

- a. Warning (oral or written).
- b. Behavioral probation (with or without supervision).
- c. Suspension.
- d. Voluntary withdrawal.
- e. Expulsion.

[rdj2]

5.1.3 In addition to the above mentioned sanctions, other restorative or educational actions may also be imposed:

- a. Restitution.
- b. Confiscation.
- c. Restricted access to University facilities and grounds.
- d. Loss of privileges.
- e. Participation in a specific program (i.e., counseling, drug and/or alcohol education).
- f. Educational projects (i.e., reflection paper or research).
- g. Alcohol or other drug testing and/or evaluation.

NOTE: These sanctions and/or conditions need not necessarily be applied in numerical sequence. Any sanction may be chosen from this list for any violation, dependent upon its severity.

Individual student behavioral actions will be adjudicated through the Department of Residence Life or the Dean of Student Life's Office depending on the student's place of residence. Student organization behavioral actions will be adjudicated through the Memorial Union.

Parental Notification: Parents or guardians of students under 21 may be contacted without student consent by an NDSU student affairs administrator following alcohol and/or drug related incidents depending on the severity of the offense, number of offenses, threat to others or the community or life concerns of the student involved. See <http://studentlife.ndsu.nodak.edu> for the full policy and rationale.

Financial Aid Eligibility: A student who has been convicted of any offense under Federal or State law involving the possession or sale of a controlled substance will not be eligible to receive certain grant, loans or work assistance from the time of conviction through a period of ineligibility. Eligibility may resume prior to the end of the ineligibility period if rehabilitation requirements are completed as outlined in the [Higher Education Opportunity Act of 2008, § 485\(a\)\(7\)\(C\) and \(a\)\(9\)](#). [this has link to URL, but it does not show in review format]

5.2 Notice and Sanctions - Employees

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

Any employee arrested under circumstances involving an alleged violation of a criminal drug or alcohol beverage related statute while in his or her workplace, whether on or off campus; in a University vehicle; or as part of any activity the University initiates or takes part in must notify his or her immediate supervisor within five days of the arrest. An arrest, depending on the circumstances may be grounds for actions or sanctions. The status of the criminal proceeding is a factor the supervisor will take into consideration. It is important that the supervisor seek advice from the Human Resources/Payroll Director or the NDSU General Counsel before taking action in arrest situations.

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

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

- 5.2.1 Requiring the employee to participate in a drug assistance or rehabilitation program approved by the University;
- 5.2.2 Disciplinary action for a violation of university alcohol or drug policy up to and including termination of employment. Disciplinary action may include one or more of the following:
 - a. Warning, reprimand, or probationary status;
 - b. Ineligibility to receive the next available annual salary increase;
 - c. Suspension without pay for up to 5 days;
 - d. Termination of employment; or
 - e. Any combination of the above sanctions.

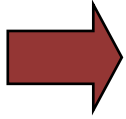
NOTE: These sanctions need not necessarily be applied in numerical sequence. Any sanction may be chosen from this list for any offense, dependent upon its severity. Referral for prosecution may also be a result of any criminal violations.

For more information on the health and legal risks of alcohol and drug abuse, refer to the University's brochure "Alcohol and Other Drugs: risks, policies and the law for students and employees" available from the Human Resources/Payroll Office, SGC Building.

HISTORY: March 18, 1989, Amended December 1992; October 1999, April 2003, October 2003, January 2004 (renumbered)

Policy Change Cover Sheet

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If the changes you are requesting include housekeeping, please submit those changes to Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

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).

Section 313: Annual Leave and Sick Leave

Per the request of the Provost & Vice President for Academic Affairs, a change to section 1.3 was made. Faculty members will now be paid their earned annual leave upon termination of their 12 month appointment.

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

- *Office of Human Resources/Payroll*
- *Contact Jill.spacek@ndsu.edu*

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

This portion will be complete by Kim Matzke-Ternes

Policy Introduced 03/11/2010

Committee:

University

Senate:

Staff Senate:

President's

Council:

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

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 kim.matzke-ternes@ndsu.edu.

All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

SECTION 313: ANNUAL LEAVE AND SICK LEAVE**SOURCE: NDSU President****1. ANNUAL LEAVE**

- 1.1 All 12 month faculty shall be entitled to annual leave at the rate of 16 hours per month, 24 days per year.

- 1.2 Leave benefits are not granted to faculty on an academic year (9 or 10 month) contract. See Section 320 of this Manual.
- 1.3 Annual leave earned by a faculty member or other academic staff employee on a limited term 12 month appointment ~~may not be carried forward by the employee to be used or paid for during the term of a subsequent 9 month appointment. The unused annual leave hours shall not be forfeited, but shall be reserved for use during a subsequent 12 month appointment or paid for at the time of the employee's eventual resignation or retirement from the University~~ **will be paid upon termination of the 12 month appointment.**

2. SICK LEAVE

- 2.1 Sick leave for full-time 12-month faculty accrues on the basis of one working day per month of service. Sick leave accumulation is unlimited.
- 2.2 Faculty on an academic year appointment are not entitled to sick leave within this definition. See Section 320 of this Manual. For general policies regarding annual and sick leave, see Sections 130 and 143.

HISTORY: July 1990, October 2007

SECTION: *603: Sexual Assault Student 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).

The policy had not been comprehensively reviewed and updated in many years. This revision attempts to clarify terminology, process and expectations.

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

*Sexual assault policy review task force comprised of representation from Student Affairs; Equity, Diversity & Global Outreach; and Finance & Administration
Fall 2009*

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

This portion will be completed by Kim Matzke-Ternes

Policy Committee: 10/14/2009 Presented to PCC; will be carried over to November meeting due to changes that had been done but not yet sent to the PCC. 11/12/09 – brought back to pcc with changes that have been made.; 11/27/09 wording change in section 6
University Senate: 11/27/09 route for input; 03/05/10 route for input
Staff Senate: 11/27/09 route for input; 03/05/10 route for input

President's Council: 11/27/09 route for input; 03/05/10 route for input

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

SECTION 603: SEXUAL ASSAULT STUDENT POLICY

For any questions

Please send e-mail to:

NDSU.Policy.Manual@ndsu.edu

SECTION 603: SEXUAL ASSAULT AND OTHER SEXUAL OFFENSES STUDENT POLICY SOURCE: NDSU President

1. INTRODUCTION: A goal of North Dakota State University (NDSU) is to create a campus community free from interpersonal abuse including sexual assault. NDSU commits its resources to the following twofold process: 1) to provide crisis intervention and a disciplinary response for victims and alleged offenders, and 2) to educate and promote discussion on interpersonal abuse and violence.
2. DEFINITIONS: For the purpose of this policy, the following definitions apply:

2.1 Sexual Assault is any sexual act between two or more people to which one person does not or cannot consent. This includes sexual acts or contacts with others that can involve:

- Compelling a person to submit to sexual acts or contacts by force, threat of force, or intimidation [JMS1]
- Use of intoxicants to substantially impair the person's power to give consent
Engaging in such acts when the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact-this includes, but is not limited to, situations when an individual is intoxicated, "high", scared, physically or psychologically pressured or

forced, passed out, unconscious, intimidated, coerced, mentally or physically impaired, beaten, isolated, or confined

- When the victim is under fifteen years of age.

2.2 **Sexual Misconduct** occurs when a sexual act is committed without intent to harm another and when by failing to correctly assess the circumstances, a person believes unreasonably that consent was given without having met his/her responsibility to gain effective consent. Situations involving physical force, violence, threat or intimidation fall under the definition of Sexual Assault, not Sexual Misconduct, and will be treated as such under these procedures.

2.3 **Sexual Act** includes, but is not limited to:

- Sexual intercourse
- Sodomy (oral and/or anal),
- Sexual penetration with any object,
- Touching of a person's intimate parts (genitalia, groin, breast, buttocks, or clothing covering them), or
- Compelling a person to touch his or her own or another person's intimate parts without consent.

2.4 **Non-contact Sexual Violations**[JMS2]

Non contact sexual offenses include, but are not limited to:

- Peeping,
- Indecent exposure, or
- Recording or photographing another without their consent.

2.5 **Consent** means words or actions that show a voluntary agreement to engage in mutually agreed upon sexual activity. Consent is an affirmative decision given by clear actions or words. It is important not to make assumptions. If confusion or ambiguity on the issues of consent arises anytime during the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

3. POLICY:

Sexual assault, sexual misconduct and non-contact sexual violations

- Sexual assault or sexual misconduct, in any form, is prohibited.
- Non-contact sexual violations, in any form are prohibited.
- The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others.

Note: Sexual harassment is addressed by Policy #162, NDSU Policy Manual.

4. **PREVENTION:** NDSU considers both physical surroundings and educational programming in addressing prevention of campus sexual assault, sexual misconduct and non-contact sexual violations. The University continually reviews and modifies the physical surroundings to foster security and safety, including but not limited to such factors as emergency phones,, lighting, and locking procedures. For further safety information, contact the University Police and Safety Office on the NDSU Campus (http://www.ndsu.nodak.edu/ndsu/police_safety/police). NDSU offers curricular and co-curricular educational experiences concerning personal safety and sexual assault.

NDSU also recognizes that individuals reduce their risk of sexual assault through a process of learning and practicing preventative actions. For further information on pertinent campus educational opportunities, contact the NDSU Dean of Student Life Office.

5. INTERVENTION: The NDSU community actively supports individuals who experience sexual assault, sexual misconduct and non-contact sexual violations through a coordinated response system that attends to their physical and emotional well-being. NDSU disciplinary efforts respect the personal rights of all parties. For further information, see "NDSU Rights and Responsibilities of Community: A Code of Student Behavior" and "NDSU Calendar Handbook" distributed by Residence Life. All reports of sexual violations are treated with respect to the privacy of the involved individuals, to the extent permitted by law. Incidents are reported to appropriate departments and agencies in consideration of safety concerns and investigative needs. In addition, NDSU publishes and disseminates annual statistics on incidents of sexual assault in the annual "Personal Safety and Security" publication (available in printed and online form).
6. DISCIPLINARY: NDSU assigns sanctions upon individuals found responsible for violating the sexual assault, sexual misconduct, and non-contact sexual violations policy. These sanctions can include but are not limited to suspension and expulsion. Individuals charged with sexual violation may be subject to criminal prosecution under state or federal statutes. The accused may also face civil proceedings.
7. REPORTING: The guiding principle in the report of a sexual violation [JMS3] is to avoid re-victimizing the survivor by forcing the person into any plan of action. Survivors may contact any one of several NDSU departments or community agencies for assistance. The following resources provide immediate aid or ongoing consultation:
 - NDSU University Police & Safety Office 701-231-8998 (Available 24 hours)
 - www.ndsu.edu/ndsu/police_safety/index.html
 - Fargo Police 911 (Available 24 hours)
 - www.cityoffargo.com/CityInfo/Department/Police
 - NDSU Counseling Center 701-231-7671 (Available 24 hours)
 - www.ndsu.edu/counseling/
 - NDSU Student Health Services 701-231-7331
 - <http://wellness.ndsu.ndsu.nodak.edu/shs/>
 - Vice President for Student Affairs 701-231-7701
 - <http://www.ndsu.edu/ndsu/vpsa/index2.shtml>
 - Resident Hall Director/Resident Hall Assistant (see Residence Hall directory)
 - <http://www.ndsu.edu/reslife/>
 - F-M Rape & Abuse Crisis Center 701-293-7273 (Available 24 hours)
 - www.raccfm.com
 - Dean of Student Life Office 701-231-6537
 - <http://studentlife.ndsu.nodak.edu>

A report of sexual violations will be handled by the following procedures:

- 7.1) In the event of a medical emergency, medical response personnel will be contacted (911).
- 7.2) If survivors are undecided in reporting, they will be encouraged to preserve evidence anyway, in case the survivor decides to file a police report at a later date.
- 7.3) North Dakota law ensures that a survivor of sexual assault [JMS4] will be provided a sexual assault exam at no cost.
- 7.4) The sexual assault [JMS5] survivor who does not wish to see the police will be encouraged to go to the hospital. A medical consultation will address

physical problems and may diminish fears about injury, venereal disease, or pregnancy. The medical exam includes preserving evidence in the event that the sexual assault survivor later chooses to file a police report.

7.5) When a survivor contacts the University Police & Safety Office, the NDSU Counseling Center and or The Rape & Abuse Crisis Center may be notified for immediate emergency assistance. The Counseling Center will support the survivor experiencing possible conflicting feelings and aid in developing options. If the survivor has decided not to report the violation, the counselor will maintain confidentiality.

7.5.1 Other alternatives include:

- a. The survivor can make an anonymous report to the police.
- b. The survivor can make the decision to report later; however, earlier reports may improve the preparation of a viable prosecution.
- c. Based on experience, the survivor can raise the awareness of friends about personal safety.
- d.

At anytime, NDSU students who are survivors of sexual violations may seek counseling from the NDSU Counseling Center or other community counseling services.

7.6) The survivor may choose to contact the NDSU Dean of Student Life Office. If the incident occurred off-campus the survivor will be advised to consider contacting the appropriate police department and filing a police report.

7.7) If the accused is an NDSU student, the procedures to be followed are outlined in "NDSU Rights and Responsibilities of Community: A Code of Student Behavior." Initially, the survivor can expect the following assistance from the Dean of Student Life Office:

- 7.7.1 The survivor will be encouraged to file a police report.
- 7.7.2 If the survivor is an NDSU student and

does not choose to file a report, the

student may still request procedural services from the Dean of Student Life Office.

- 7.7.3 If the survivor is an NDSU student, he/she may also be encouraged to seek assistance at the NDSU Counseling Center.

7.7.4. On-campus adjudication is conducted through the Dean of Student Life Office. Further proceedings are outlined in "Rights and Responsibilities of Community: A Code of Student Behavior."

Disciplinary proceedings following a sexual assault report include:

- i) The right of the accuser and the accused to have the same opportunities in having others present during the campus disciplinary process; and
- ii) the right of the accuser and the accused to be informed of the outcome of the campus disciplinary process.

c. In the event of a successful off-campus prosecution, the University reserves the right to proceed with an on-campus adjudication, based on the court's guilty finding, with or without the participation of the sexual assault survivor.

7.8) The Dean of Student Life Office and the NDSU Police & Safety Office offer the following services to assist the sexual assault survivor:

- a. Parking re-assignment
- b. Escort services

- c. Place of residence and phone # change
- d. Restraining order assistance
- e. Academic schedule adjustments
- f. University withdrawal
- g. Student judicial procedures

HISTORY: September 1995, October 2007, January 2008

POLICY MANUAL HOME PAGE: [SEARCH POLICY](#): [NDSU HOME PAGE](#)

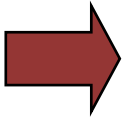
NDSU Policy Manual

Last Updated: Thursday, May 09, 2009

Published by North Dakota State University

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SECTION: *190 Employee Responsibility and Activities: Intellectual Property*

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).
 - *The Research and Consulting Committee (RCC) was charged by the University Senate Executive Committee with reviewing Policy 190. The RCC has been working on review since December 2007. At its February 25, 2010 meeting, the RCC voted to approve the attached modifications to Policy 190 and to forward to the PCC.*
 - *The proposed modifications, while still in line with the Source for the policy (SBHE Policy Manual, Section 611.2), included the following:*
 1. *under definitions, terms were added that had previously been in other areas of 190.*
 2. *Language was rearranged to make the policy easier to read and understand, and some edits were done to clarify language and eliminate redundancies.*
 3. *Plant Variety Protection (PVP) was retained as a subpart to Section 4, NDSU Patent Review Procedures, rather than being its own section. More clarifying language and edits were done to the PVP language to update the policy and remove internal Experiment Station procedure language.*
 4. *Subpart b. of Section 8, Student Work, was expanded to provide greater detail on student inventions, more in line with language under Section 8.a. on copyrights of student work.*

The RCC understands that the SBHE is forming a committee to review SBHE policy 611.2. Once that review is complete, the RCC anticipates it will again review 190 in light of any proposed changes to 611.2.

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

- *Research and Consulting Committee, March 5, 2010*
- *Valrey V. Kettner, RCC Committee Chair; val.kettner@ndsu.edu*
-

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: [03/11/10 – presented](#)

University [03/2010 routed for input](#)

Senate:

Staff Senate: [03/2010 routed for input](#)

President's 03/2010 routed for input
Council:

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Thank you for your understanding!

SECTION 190: EMPLOYEE RESPONSIBILITY AND ACTIVITIES: INTELLECTUAL PROPERTY

SOURCE: SBHE Policy Manual, Section 611.2

1. General Principles.

The primary purposes of this policy are to encourage and promote research and scholarship based on the traditional principles of the academic profession. These products may constitute Intellectual Property that could be of financial benefit to the individuals involved and the Institution. This policy establishes guidelines to support faculty, staff, and students, in identifying, protecting and administering Intellectual Property and defining the rights and responsibilities of all involved. This policy governs unless a policy on specific Intellectual Property provides a different rule.

2. Definitions.

a. "Author(s)": Person who creates a Copyrightable Work.

b. "Copyrightable Work or Work": An original Work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, such as books, journals, software, computer programs, musical work, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works, etc. A Work may be the product of a single Author or a group of Authors who have collaborated on a project. A Work is created by an Author.

c. "Creator": Either an Inventor(s) in the context of an Invention, or an Author(s) in the context of a Copyrightable Work.

d. "Institution": The individual colleges and universities and the North Dakota University System.

e. "Inventor(s)": Person(s) who creates an Invention. The term "Inventor(s)" includes "Breeder(s)" or "Plant Breeder(s)" as defined by the PVPA, 7 U.S.C. § 2401(a)(2). [Spartan1] In regards to plant variety protection, a "Breeder" is the person(s) who directs the final breeding creating a variety and/or the person(s) who discovers and develops the variety. 7 U.S.C. § 2401(a)(2). [Spartan2] Like patent law, persons whose work is directed by the Inventor are not considered the Breeder as they do not direct the breeding process. [Spartan3]

f. "Intellectual Property": Collectively, all forms of property created by the mind including, but not limited to, Inventions, Copyrightable Work, Trademarks, and Tangible Research Property.

g. "Invention": A process, method, discovery, device, plant, composition of matter, or other Invention that reasonably appears to qualify for protection under the United States patent law (including, but not limited to, utility patent, plant patent, design patent, certificate of Plant Variety Protection, etc.), whether or not actually patentable. An Invention may be the product of a single ~~inventor~~ Inventor or a group of ~~inventors~~ Inventors who have collaborated on a project.

(1) In regards to plant variety protection, "discover" means finding a natural plant which results in breeding a variety, or finding a new variety by performing experiments on results of cross-breeding and realizing that the resulting plant is different and closer in characteristics to a desired variety.

(2) In regards to plant variety protection, "develop" means to make additional selections for ~~(1a)~~ cross-breeding and/or ~~(2b)~~ developing pure lines. This may lead ~~up~~ to the variety for which protection is sought or may eliminate variance and convert a non-uniform variety to a uniform variety using the desired characteristics.

[Spartan4]

h. "Mediated Courseware": Teaching aids created and/or deployed electronically. Mediated Courseware may incorporate text, graphics, video, and audio elements. Examples of such materials include, but are not limited to, hypertext modules, simulation software, web sites, and databases containing numbers, images, or text.

i. "Net Royalties": Net Royalties are defined as gross royalties and fees less the expenses incurred by the Institution in conducting the research and in procuring, protecting, preserving, maintaining, and licensing the patent and related property rights, and such other costs, taxes, or reimbursements as may be necessary or required by law. [Spartan5]

j. "Significant Use of University System or Institution Resources": Significant Use of Institution Resources means an ~~Inventor's or~~ [Spartan6] Author's [rdj7] use of other employees' time or Institution facilities or equipment that appreciably increases the Institution's costs beyond those normally incurred in support of an employee in the Institution. Significant Use does not include the normal use of Institution employees, facilities, or equipment commonly available to faculty, staff, ~~students,~~ [Spartan8] or the public, such as libraries, Internet access, office space, office equipment, computers, and/or office supplies. Unless otherwise agreed, Significant Use also does not include the use of Institutional developmental leave time, so long as it does not appreciably increase the Institution's costs beyond those normally incurred in support of an employee of the Institution.

k. "Tangible Research Property": Tangible items produced in the course of research including, but not limited to, such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of Tangible Research Property may be associated with one or more intangible properties, such as Inventions, Copyrightable Work, and Trademarks. An item of Tangible Research Property may be the product of a single Creator or a group of individuals who have collaborated on the project.

l. "Trademark" (including Service Mark): A distinctive word, design, or graphic symbol, or combination word and design, that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs, or the Institutional names, logos, or derivatives thereof.

m. "Work For Hire": Defined pursuant to Federal Copyright Law which includes a Work prepared by an employee within the scope of employment or a Work created pursuant to a written agreement identifying the Work as a Work for Hire.

3. General Patent Policy.

a. The North Dakota State Board of Higher Education encourages the faculty, staff, and others associated with the Institutions under its jurisdiction to seek patents on Inventions as a method of bringing recognition and remuneration to all parties involved. Each Institution shall establish a "patent review procedure" to define the Institution's processing of such Inventions or discoveries, consistent with Board policy. The Inventor(s) shall submit to the Institution the conception and/or reduction to practice of all potentially patentable discoveries prior to ~~making any~~ [Spartan9] public "enabling" disclosure.

b. A patentable discovery may arise from the development of a new and useful process, device or apparatus, article of manufacture, composition of matter (including chemical compounds, microorganisms, and the like), plant, or related improvement, or a new use for a known material or device. A public "enabling" disclosure is one which will enable others in the same or a related field to fully understand and practice the Invention. The Institutional "patent review procedure" shall assure provision of guidelines to the Inventor(s) in defining what may constitute a public "enabling" disclosure.

[Spartan10]

c. The Institution shall have the right of first refusal to the title of all patentable discoveries ~~or other intellectual property~~ [rdj11] [Spartan12] derived with the use of facilities, gifts, grants, or contract funds through the university, subject to restrictions arising from the overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations. The Inventor(s) shall provide all necessary declarations, assignments, or other documents as may be necessary in the course of Invention evaluation, patent prosecution, or protection of patent rights to assure that title in such Inventions shall be held by the Institution or other parties as may be appropriate under the circumstances.

d. The Institution shall have six months in which to assess the technical and commercial viability and patentability of the discovery in accordance with Institutional procedures. If the Institution judges the discovery not to be patentable, or decides not to pursue a patent, and, in the absence of over-riding obligations to outside sponsors of the discovery ~~and subject to NDSU procedures,~~ [Spartan13] all rights will revert to the Inventor. ~~In no instance, and regardless of ownership of the patent, may the Institution's name be used in connection with the marketing of the Invention.~~ [Spartan14]

(1) Subject to restrictions arising from overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations, the Institution agrees, for and in consideration of the assignment of ~~ownership of Intellectual Property rights, including~~ [Spartan15] patent rights ~~or Inventions~~ [rdj16], to pay annually to the named Inventor(s), or to the Inventor(s)' heirs, successors, or assigns, a minimum of 30 percent of the ~~Net Royalties~~ [Spartan17] and fees received by the Institution.

(2) When there are two or more Inventors, each Inventor shall share equally in the Inventor's share of ~~Net Royalties~~ [Spartan18], unless all Inventors have agreed in writing to a different distribution of such share. The Institution will have final authority over any agreement purporting to share rights and/or ~~Net Royalties~~ [Spartan19] between participating parties.

(3) In addition to the Inventor's(s') share, the ~~Net Royalties~~ [Spartan20] shall be disbursed by negotiated agreement with allocations to the originating department, the originating college/school, and the Institution. In the disposition of any ~~Net Royalties~~ [Spartan21] accruing to Institutional parties, other than the

Inventor(s), support of research shall receive first consideration. The "patent review procedure" shall outline the negotiation and distribution mechanism at each Institution.

(4) The provisions of this section apply to plant variety protection unless inconsistent with Institution policy.

4. NDSU Patent Review Procedures. [Spartan22]

a. NDSU shall adopt procedures implementing SBHE Policy 611.2 [Spartan23] that include:

(1) Procedures for required disclosure of Intellectual Property;

(2) Procedures for review, evaluation, and protection of Intellectual Property;

(3) Rules governing distribution of Net Royalties [Spartan24] or fees;

(4) A process for resolving disputes; and

(5) A process for informing faculty, staff, and students of the rights and responsibilities of Intellectual Property.

[Spartan25]

b. Upon employment, all regular employees must sign the NDSU Intellectual Property Agreement. Temporary employees may be required to sign as well based on supervisor discretion. A failure to have the Agreement signed in no way changes or lessens the applicability of this Policy. [Spartan26]

c. NDSU patent policy provides that discoveries or inventions developed by faculty, staff, students, and associates using NDSU facilities, time, or materials shall be vested in NDSU. [Spartan27] Any invention developed by faculty, students, employees and associates using NDSU facilities, time or materials, must be reported to the NDSU Technology Transfer Office (TTO). Adjunct faculty are subject to this policy if working on NDSU projects or using NDSU facilities unless expressly exempted by the Vice President for Research, Creative Activities & Technology Transfer (VPRCATT). [Spartan28]

d. Faculty, staff, students, and associates with discoveries or inventions will supply the appropriate materials and descriptions to the TTO [Spartan29] using the appropriate invention report or disclosure form(s) [Spartan30] for processing prior to any public disclosure to prevent loss of patent rights. [Spartan31] The TTO shall be responsible for determining the procedure to be followed in securing patent protection and the assignment of rights to be made. [Spartan32]

e. Ownership of such patent rights normally will be assigned to NDSU except in the following cases:

(1) When NDSU, in turn, elects not to pursue a patent, ownership reverts to the Inventor(s). As a condition of its release of the right to ownership, NDSU may elect to receive up to 30% of any net income (gross income less legal and licensing expenses) received by the Inventor(s) from the Invention or Work. ~~NDSU~~ NDSU Research Foundation

(NDSU/RF) may negotiate an equity position in a start-up business. Inventor(s) shall not assign, transfer, or license such Intellectual Property [Spartan33] as a result of a consulting contract or other means so as to avoid payment to NDSU of its share under this section.

(2) When prior agreement between NDSU and an external agency assigned all rights to the agency, usually as a condition of a contract or grant.

[Spartan34]

f. The ~~Vice President for Research, Creative Activities, & Technology Transfer~~ VPRCATT must approve the conditions of any contract or grant in which

- (1) the disposition of patents is specified as being other than to NDSU and/or*
- (2) in which specific licensing agreements are specified.*

[Spartan35]

g. NDSU will have a period of six (6) months from full and complete disclosure to evaluate the commercial viability and patentability of the ~~discovery. This evaluation may be extended beyond six months if~~ Invention. If further research or development activity is required to ensure patentability and/or market or commercial feasibility, this evaluation period may be extended for a period not to exceed six (6) months, upon mutual written agreement between the parties. If the discovery is patentable, NDSU will find a mechanism to obtain patents and arrange licenses. [Spartan36]

h. NDSU may assign or transfer ownership rights in Intellectual Property to independent foundations created for the purpose of obtaining or administering and marketing NDSU Intellectual Property, receiving gifts, or supporting or promoting NDSU or NDSU research. [Spartan37] *For NDSU, the NDSU Research Foundation (NDSU/RF) is the independent foundation recipient of assignments of patents, copyrights, trademarked cultivars, and plant variety protection.*

[Spartan38] *NDSU/RF files for the appropriate Intellectual Property protection and is responsible for subsequent enforcement.* [Spartan39]

i. Should a scientist believe s/he is an Inventor entitled to a portion of the Inventor share and has not been so identified as stated in section 4(d), the scientist must promptly notify her/his Department Chair/Head or Unit Director in writing of her/his claimed inventorship before the patent publishes. If disputes regarding inventorship or distribution of Net Royalties occur, resolution will be made by a panel consisting of the Academic Dean(s) involved, ~~the Vice President for Research, Creative Activities, & Technology Transfer and the VPRCATT~~ in consultation with ~~the university attorney.~~ General Counsel. Such agreements shall be on file in the TTO [Spartan40]. [Spartan41]

j. Net Royalties from Inventions [Spartan42] *shall be shared by the Inventor(s), NDSU, and the NDSU/RF* [Spartan43]. *Inventor(s) shall receive a minimum of 30% of the Net Royalties* [Spartan44] *with the remainder being distributed as per agreement between the NDSU/RF and the NDSU contributing colleges(s), department(s), and/or other units to support endeavors to enhance NDSU research.* [Spartan45] [Spartan46]

k. Plant Variety Protection. [Spartan47]

(1) Unless otherwise provided for below, the general provisions of NDSU Policy 190 shall apply to plant variety protection. The term "variety" includes germplasm, natural selections, cultivar, inbred lines, or hybrids. Intellectual Property protection may be obtained on all varieties. [Spartan48]

(2) At the time of release or before plant variety protection is filed, ownership of the variety is assigned to NDSU/RF. [Spartan49]

(3) Per North Dakota law, N.D.C.C. § 15-10-17(9) and SBHE Policy 611.2, the percentage of the Net Royalties due the Inventor is established pursuant to rules of the State Board of Higher Education and NDSU (See 4(j)). [Spartan50][Spartan51]

(4) The North Dakota Agricultural Experiment Station (NDAES) supports the following internal distribution of Net Royalties generated from the utilization of plant varieties developed by the NDAES. First, the NDSU/RF will be reimbursed for expenses. Then, Net Royalties will be distributed by NDSU/RF as follows:

i. 20% to the NDSU/RF from in-state licensing royalties (or 32.5% from out-of-state licensing royalties or 35% from foreign licensing royalties),

ii. 30% to the Inventor(s),

iii. 50% from in-state collected royalties (or 37.5% from out-of-state licensing royalties and or 35% from foreign licensing royalties) to be distributed as directed by NDAES to the contributing departments or units.

[Spartan56]

The NDAES and the NDSU/RF can negotiate to change the NDAES and NDSU/RF percentages on a case-by-case basis. [Spartan57]

(5) The Breeder or her/his immediate supervisor, in consultation with the relevant Department Chair/Head, will identify, before a variety release, other scientists who provided inventive activity towards the development of the variety. Following pre-release, but in no event later than the release, the Breeder and the other scientists will decide how to divide the Inventor share among themselves and will recommend this distribution to the Department Chair/Head and Director of the NDAES. [Spartan58][Spartan59][Spartan60]

(6) Should a scientist believe that s/he is a Breeder entitled to a portion of the Inventor share and has not been so identified as stated in this section, the scientist must notify her/his Department Chair/Head or Unit Director and the Director of the NDAES in writing of her/his claimed inventorship before the release of the variety. Disputes on inventorship or department/unit distributions shall be resolved by a decision panel which shall consist of the VPRCATT, the Vice President for Agriculture and University Extension (VPAUE), Director of the NDAES, and the Department Chair/Head(s) involved, in consultation with General Counsel. The VPAUE may include an advisory panel of faculty with expertise in the area to advise the decision panel. [Spartan61][Spartan62][Spartan63][Spartan64][Spartan65][Spartan66]

(7) Upon termination of employment, a Breeder must identify to her/his immediate supervisor, the Director of the NDAES, and TTO of any advanced genotype(s) in which s/he claims inventorship. The Institution and the Inventor [Spartan67] shall negotiate rights in the varieties. If the Inventor fails to make this disclosure prior to or at the time of termination of employment, Inventor shall be deemed to have waived any rights to Net Royalties [Spartan68] on nondisclosed varieties. Net Royalties [Spartan69] may be paid only for a set term pursuant to the agreement on advanced genotypes released as varieties. [Spartan70]

(8) The Breeder [Spartan71] shall elect at the time of release of the variety to receive or permanently waive some or all of that share that such Breeder(s) is/are entitled to receive from Net Royalties [Spartan72], if any, from the variety. [Spartan73]

I. It is the responsibility of employees to ensure that the terms of their consulting agreements with third parties do not conflict with their commitments to the Institution. Each employee shall make the nature of the employee's obligations to NDSU clear to any third party for whom the employee expects to consult. Specifically, the scope of the consulting services must be distinguished from the scope of research commitments to NDSU. (See NDSU Policy Section 152)

[Spartan74][Spartan75][Spartan76]

5. General Copyright Policy.

a. Except as otherwise explicitly provided under this policy or applicable law, an employee who creates a Work retains copyright ownership of the Work. If there has been Significant Use of University System or Institutional Resources, the provisions of section ~~4b~~5(b) of this policy shall apply.

b. If there has been Significant Use of Institutional Resources, as defined in section 2 of this policy, to create a Copyrightable Work, the ownership of which is vested in the individual employee, the Institution shall be reimbursed out of the ~~royalties~~Net Royalties, in accord with an agreement between the employee and the Institution, up to that amount that constitutes the Institution's Significant Use. The Institution shall be reimbursed for the Significant Use of any facilities, personnel or resources, except those considered part of the normal academic environment including library facilities. *This pertains to all Copyrightable Work except Copyrightable Software as described in section ~~6-7~~.* [Spartan77]

c. If employees are employed or commissioned by the Institution or agencies of the Institution for the creation of Work, or if by prior agreement they are assigned to produce or develop Work in the course of their regular duties, and if such Work is deemed appropriate for copyright, it must be reported to the *NDSU Technology Transfer Office TTO* pursuant to its copyright review procedure. In such instances, the *NDSU Technology Transfer Office TTO* shall have the first option to secure copyright in the name of the Institution. Should the *NDSU TTO committee* decide, in writing, it would not be appropriate to secure copyright, the employee then may proceed to personally secure the copyright.

d. Net Royalties received as a result of copyright ownership by the Institution will be disbursed, with at least 30 percent to the employee(s). *The remainder ~~would~~ will be distributed according to NDSU Procedures (4(ii)).* [Spartan78]

~~5-6.~~ Mediated Courseware.

a. Self-initiated Mediated Courseware. When employees develop Mediated Courseware without specific direction by the Institution, unless otherwise agreed, the ownership of the courseware shall remain with the employee. Normally, no royalty, rent or other consideration shall be paid to the employee when that Mediated Courseware is used for instruction at the Institution and such Mediated Courseware shall not be used or modified without the consent of the employee. While the Creator is under Institutional employment, the Mediated Courseware shall not be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of the employee's own Institution unless that transaction has received the approval of the chief academic officer of the Institution. The Institution shall have a perpetual, non-exclusive royalty-free right to use such courseware for archival research purposes. Should approval be granted to offer the course outside of the Institution, the provisions of section ~~4b~~5(b) of this policy shall apply.

b. Institution-directed Mediated Courseware. When the Institution directs in an employment contract the creation of a specific Mediated Courseware, the resulting Mediated Courseware belongs to the Institution and the Institution shall have the right to revise it and decide who will utilize the Mediated Courseware in instruction. The Institution may specifically agree to share revenues, pursuant to the General Patent Policy with the employee(s) receiving a minimum of 30 percent of the ~~net royalties~~Net Royalties and fees, and control rights with the employee.

c. Development and use of Institution-directed Mediated Courseware shall be reported to the ~~unit head and/or college administrator with a copy to the Technology Transfer Office TTO~~^[Spartan79] at the Institution.

~~6.7.~~ Copyrightable Software.

Unless a separate written agreement provides otherwise, software created by employees within the scope of their employment and not covered under Mediated Courseware in section ~~5~~⁶ of this policy shall be treated as a Work for Hire, owned by the Institution and commercialized pursuant to the General Patent Policy, with the employee(s) getting a minimum of 30 percent of the ~~net royalties~~^{Net Royalties} and fees. The remainder will be distributed according to NDSU Procedures (4(j)).

~~7.8.~~ Student Work / Intellectual Property.

a. The ownership of copyrights in student Work is governed by the following:

(1) Copyright ownership of student Work that is performed in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.

(2) Copyright ownership of student Work generated by research performed in whole or in part utilizing equipment or facilities provided by the Institution under conditions that impose copyright restrictions shall be determined in accordance with such restrictions.

(3) Students will own the copyrights to their Work not within the provisions of (1) and (2) above; however, a student must, as a condition to a degree award, grant royalty-free permission to the Institution to reproduce and publicly distribute, including by electronic means, copies of the student's Work.

(4) Where there is Significant Use of Institution Resources, copyright ownership shall be determined under section ~~4b~~^{5(b)} of this policy.

b. Ownership of student Inventions shall be governed by the Patent Policy in ~~section~~^{sections} 3 & 4 of this policy. *It is the policy of ~~North Dakota State University~~^{NDSU} that this grant of ownership and control extends to any Work products or written ~~and electronic~~ reports of ~~employees~~^{students} that are essential for documentation of any ~~invention~~^{Invention} or discovery resulting from research administered by the ~~institution~~^{Graduate student employees}~~Institution~~. Students who are performing services as teaching assistants or research assistants or who are using university resources shall therefore be required by the departmental administrator to submit the original form of any laboratory notebook, spectral information, ~~electronic data~~, and other written documentation related to University-administered research.*

(1) ~~Inventions which are created on the student's own time and which do not involve Significant Use of University System's or Institution's Resources shall belong to the student.~~

- (2) Ownership of a student Invention that is created in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.
- (3) Ownership of a student Invention generated by research performed with Significant Use of Institution resources (utilizing equipment or facilities provided by the Institution under conditions that impose Invention restrictions) shall be determined in accordance with such restrictions. |

[Spartan80] 9. General Trademark Policy [Spartan81]

NDSU may develop a Trademark policy that provides for the protection of NDSU Trademarks and Service Marks.

HISTORY: New policy to reflect SBHE policy 611.2, incorporates NDSU policies 340, 341 and 342, May 2005.

VERSION 4 – 6/1/09

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

SECTION 304: ACADEMIC STAFF AND EXECUTIVE/ADMINISTRATIVE POSITIONS - PROCEDURES FOR FILLING

This Policy is being changed to account for the new Online Application Process that NDSU started this past August.

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

Policy Committee: Reviewed on 3/11/09. Routed for information.

Reviewed on 5/20/09. Minor changes made. 10/14/09 carryover to November meeting

University Senate: Reviewed on 4/20/09. Sent back to PCC with changes.

Staff Senate: 09/09 approved

President's Council:

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

VP – Division of Equity, Diversity and Global Outreach

1. All academic staff (instructors, assistant, associate or full professors and lecturers) and other positions with in the 2000 job codes family and executive/administrative positions (job family 0000) that qualify for fringe benefits must be filled according to the following procedures. Recruitment areas/methods are found in [Section 103.1](#).

- 1.1 "Create an Opening" in the Online Employment System and forward through the approval process up to the Office for Equity, Diversity and Global Outreach. Indicate search committee members, where to advertise, and provide any other necessary information or attachments.

~~Complete a Request to Recruit form and circulate with necessary attachments for approval signatures.~~ A notice of approval will be sent from the Office for Equity, Diversity and Global Outreach ~~Provost and Vice President for Academic Affairs' Office~~ to the search committee chair and the department chair/head or other appropriate unit administrator.

For equal opportunity/affirmative action purposes, particular attention will be given to:

- **completeness** of the position description
- **specificity** of qualifications
- **consistency** of qualifications ~~on Request to Recruit~~ with those in flyers and/or advertisements
- **details** of the recruitment plan which should include:
 - both formal and informal recruitment methods
 - specific efforts to reach those in traditionally underrepresented groups (see [Section 103.1](#) on recruitment areas and methods)

- 1.2 After receiving the notice of approval ~~for the Request to Recruit~~, the department initiates the recruitment efforts described ~~on the Request to Recruit~~ by placing both hard copy and electronic advertisements,

distributing position announcements, etc., and retaining documentation for the transaction file (see this section, No. 1.10.41). ~~An electronic copy of the position announcement should be sent to the Equity and Diversity Office for posting on standard web sites: NDSU employment page, Higher Ed Jobs, and Career Fargo. If changes occur in the recruitment plan, please the department shall notify The Equity and Diversity Office for Equity, Diversity and Global Outreach.~~

- 1.3 Once the ~~opening Request to Recruit~~ has been completely approved, the ~~Office for Equity, and Diversity and Global Outreach Office~~ will ~~create a Job Requisition in Recruit Workforce and~~ send the following to the search committee chair:

- ~~• a copy of the approved Request to Recruit that includes the Job Requisition number;~~

~~NOTE: The department is responsible for entering and updating applicant information n Recruit Workforce; at least one support staff member in each department has Recruit Workforce access to do this task.~~

- ~~• a supply of applicant flow cards and envelopes (See Section 105);~~
- a copy of the NDSU recruitment brochure (additional copies are available from the [Office for Equity, and Diversity and Global Outreach Office](#) for recruitment activities);
- a list of women and minority doctoral candidates, when available and appropriate.

In addition, ~~for positions that do NOT include teaching responsibilities, a packet of information about the ND Veteran's Preference Law and of the screening process required in order to comply with that law.~~ the following information for use in the recruitment and hiring process is available online:

- [NDSU Procedures](#) for Recruitment/Selection of Nonbroadbanded Positions Subject to the ND Veteran's Preference Law

-A form for applicants to use in claiming the [ND veteran's preference](#)

-["Legal Watch"](#) on the ND veteran's preference law

- [Employment Inquiry Guide](#) (guidelines for appropriate questioning during reference checking and interviewing)
- [Interviewing Guidelines for ADA Compliance](#)

The following institutional forms may be downloaded and/or completed on-line:

- ~~• [Recruitment Employment Checklist](#)~~
- [Interview Report](#)
- [Request to Offer](#)
- ~~• [Criminal Record Disclosure Form](#)~~
- [NDSU Hiring Form 100/102: Job Data](#)
- [NDSU Change Form: 101](#)

- 1.4 Conduct the screening process using the qualifications ~~indicated given on the Request to Recruit form.~~ (Keeping notes about this process will be helpful in completing the transaction file.) Those who do not meet minimum qualifications should be notified promptly that they are no longer being considered and their lack of qualifications noted ~~in their applicant status in the Online Employment System. on the Recruitment/Employment Checklist.~~
- 1.5 ~~The search committee, in consultation with the department/unit head, will determine the list of candidates they want to interview. To do this, the department changes the status of those applicants in the Online Employment System to "Request for an Interview". The Office for Equity, Diversity and Global Outreach will review the search and follow-up if there are any questions.~~

Conduct interviews and determine the best qualified applicant. For non-teaching positions, see the packet of information on compliance with the veteran's preference law. Please note that the Provost and Vice President for Academic Affairs should be included in the interview schedule for those interviewed for academic department chair positions and, when possible, those interviewed for faculty positions.
- 1.6 Complete the [Interview Report](#) forms ~~and Recruitment Employment Checklist~~ noting reasons for selection or non-selection of each applicant based on the minimum and preferred qualifications.
- 1.7 Complete the [Request to Offer a Position](#) form in its entirety, and route for required signatures with the following attachments:
 - ~~Complete application files for all interviewed applicants or for all applicants included in the final pool (in cases where only one applicant is interviewed on campus). Be sure to include the following:~~
 - Interview Report [Forms](#)
 - A list of the questions used in the formal interview, ~~the Recruitment/Employment Checklists,~~
 - ~~A completed and signed Criminal Record Disclosure form. Faxed copies are acceptable. While Criminal Record Disclosure form is required only for the individual hired, the department may want to ask all those interviewed for the position to submit this form in case the first choice applicant does not accept an offer.~~
 - ~~The list of applicants with updated dispositions printed from Requisition Activity in Recruit Workforce.~~
 - For faculty and lecturer appointments, a draft of the proposed letter of offer based on the format provided by the Provost and Vice President for Academic Affairs
 - A completed [Degree Verification form](#) for the applicant to whom the department wishes to make the offer if the required degree has been completed. If the applicant's file includes a complete transcript, the Degree Verification [form](#) is not needed
- 1.8 Upon approval, contact the person selected and send two originals of the letter of offer (one to be signed and returned indicating acceptance). If the person rejects the offer, return to 1.7 above and follow the same procedure for the second ranking applicant. To save time, *as many as* three (3) finalists may be rank ordered and a Request to Offer form for each circulated altogether.
~~Note: When an individual accepts the offer, the Criminal Record Disclosure form should be sent to the appropriate dean's office to be filed in the individual's official personnel file. The Criminal Record Disclosure form for any other applicant who completes it should remain with that applicant's file and be submitted to the Equity and Diversity Office as part of the transaction file.~~
- 1.9 Once the ~~position offer~~ has been accepted, promptly notify all remaining applicants of the action.

- 1.10 As soon as possible after the offer is accepted, complete and submit the employing department's portion of the transaction file to the Office for Equity, and Diversity and Global Outreach Office. If a position is not filled and a new or extended search is planned, contact ~~the~~ The Office for Equity, and Diversity and Global Outreach Office to determine how to handle the new recruitment.

NOTE: No Hiring form 100/102: Job Data or Change Form; 101 will be processed until transaction file has been completed and submitted to the Office for Equity, and Diversity and Global Outreach Office.

A complete transaction file for the Online Employment System will include the following:

ITEM		RESPONSIBLE OFFICE
1.10.1	Request to Recruit form	Equity and Diversity Office
1.10.2	Memo appointing the search committee	Equity and Diversity Office
1.10.3	Applicant flow summary	Equity and Diversity Office
1.10.14	Copies of all recruitment efforts including: -Actual advertisement(s) used to recruit with publication names and dates -Samples of position flyer(s) and/or letters with a list of those to whom such mailings were sent	Employing department
1.10.25	Any correspondence related to the recruitment and selection process	Employing department
1.10.36	Notation of telephone or face-to-face contacts	Employing department
1.10.47	Applications and related <u>Letters of reference, reference check notes, and any other applicant</u> materials received for the position	Employing department
1.10.8	Complete Recruitment/Employment Checklists for all applicants	Employing department
1.10.59	A list of the questions used for the phone and/or personal interview	Employing department
1.10.610	Completed Interview Reports for those interviewed by phone or in person	Employing department
1.10.11	A copy of the interview questions used by the search committee	Employing department
1.10.742	A completely signed copy of Request to Offer form	Employing department

- 1.11 Complete the Hiring Form 100/102: Job Data, attach the following items, and circulate it for signatures:

- A fully signed copy of the Request to Offer form
- For faculty, lecturers and graduate teaching/research fellows, a copy of the letter of offer or appointment agreement.

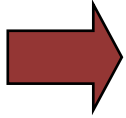
- A completed Degree Verification form if the applicant's file did not include a complete transcript because the degree was not completed at the time the Request to Offer was approved.

1.12 To change the status for a current employee, complete the Change Form: 101 instead of the Hiring Form: 100/102. The Change Form: 101 should be accompanied by either a fully signed Request to Offer form or a memo documenting the means by which the change has been authorized. The Change Form: 101 is routed for signatures in the same way as the Hiring Form: 100/102.

Transaction files will be reviewed for completeness in the Office for Equity, ~~and~~ Diversity and Global Outreach Office and stored for three years.

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: **712.1: Legal Representation**

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).

Any attorney representing the University must have an appointment as a Special Assistant Attorney General. All requests for legal representation shall be approved and coordinated through the NDSU General Counsel's Office. There must be a contract for legal representation approved by the General Counsel. Any payment for legal fees must be approved first by the General Counsel.

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

General Counsel

Rick.johnson@ndsu.edu

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

This portion will be complete by Kim Matzke-Ternes

Policy Presented to PCC 03/11/2010

Committee:

University

Senate:

Staff Senate:

President's

Council:

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

SECTION 712.1: Legal Representation

**SOURCE: SBHE Policy Manual Sections: 607.1 and 840
N.D.C.C. §54-12-08**

Any attorney representing the University must have an appointment as a Special Assistant Attorney General. All requests for legal representation shall be approved and coordinated through the NDSU General Counsel's Office. There must be a contract for legal representation approved by the General Counsel. Any payment for legal fees must be approved first by the General Counsel.

HISTORY:

Faculty Senate Constitution

Article I: Preamble

Section 1.

The administration and faculty of North Dakota State University share responsibility for governance and effective management of the academic affairs of the University. In addition, shared governance mandates involving stakeholders in all aspects of the University mission. As such, faculty, staff, and students exercise this responsibility in their respective domains. To this end, the faculty accepts the responsibility of crafting, reviewing, and approving policies concerning the Academic and Extension missions of NDSU.

Article II: Responsibilities

Section 1.

The Faculty Senate is the University's legislative body responsible for the review and approval of policy with respect to the following matters:

- a. Academic freedom, including rights and responsibilities
- b. All curricular matters, including establishment, dissolution, and substantial changes to degree programs
- c. Research and scholarship
- d. Admissions standards and prerequisites
- e. Requirements for regular certificates and degrees
- f. Regulations regarding attendance, examinations, grading, scholastic standing, and honors
- g. Teaching quality
- h. Professional standards and criteria for positions accorded academic rank
- i. Policies and procedures for promotion, tenure, and evaluation
- j. And other academic matters

Section 2.

The Faculty Senate will also review, recommend, and participate in the formulation and exercise of policy with regard to:

- a. Institutional priorities
- b. The allocation of institutional resources
- c. Academic organization
- d. Administrative procedures and organizational structure
- e. Appointment and promotion of administrators
- f. Issues related to intellectual property
- g. Honorary degrees
- h. Other matters of interest to the faculty

Article III: Membership

Section 1.

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.

Section 2.

The following, whether full or part time or interim, are considered administrative positions: Chair/Head/or equivalent, Assistant/Associate Dean, Dean, Vice President, Assistant/Associate Vice President, Provost, and President.

Article IV: Amendments

Section 1.

Amendments to the Constitution may be proposed by the Senate or by a petition signed by twenty-five percent of the faculty. The Secretary of the Senate will distribute the proposed amendment to all faculty no later than nine days after the amendment is submitted for approval.

Section 2.

No later than thirty days nor earlier than seven days after the amendment is distributed, the faculty shall vote by secure electronic ballot on the proposed changes. If approved by two-thirds of the ballots cast, the change will be submitted to the University President for concurrence and then forwarded to the North Dakota State Board of Higher Education for consideration.

Section 3.

When approved by the North Dakota State Board of Higher Education, the changes shall become effective immediately.

Proposed Ballot

_____ Yes, I am voting to approve the Constitutional changes.

A yes vote indicates I am in support of creating a Faculty Senate, to begin Aug. 1, 2010, serving parallel to the Staff and Student Senates and replacing the present University Senate.

_____ No, I am voting in opposition to the Constitutional changes.

A no vote indicates I oppose the creation of a Faculty Senate, to begin Aug.1, 2010, serving parallel to the Staff and Student Senates and replacing the present University Senate.

Agenda
University Senate Meeting

*Meeting place and time: 3:30 pm, Monday, May 10, 2010
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of April 12, 2010, Minutes

III. Consent Agenda

- Academic Affairs ([Attachment 1](#))

Any member can request that an item on the consent agenda be placed on the regular agenda.

IV. General Announcements

- A. Interim President Hanson
- B. Provost/VPAA Schnell
- C. M. Meister, President of University Senate
- D. A. Rupiper Taggart, President Elect of University Senate
- E. V. Olson, Staff Senate President – Introduction of Staff Senate President
- F. A. Altstadt, Student Body President - Introduction of Kevin Black, Student Body President
- G. University Senate Meeting Dates for 2010-2011 ([Attachment 2](#))

V. Committee Reports

- A. Academic Affairs
- B. General Education - L. Peterson, Report on ND General Education Meeting
- C. Council of College Faculties Update and Elections- J. Glower
- D. University Senate Special Committee on Academic Dishonesty – J. Council
- E. University Senate Special Committee on the Formation of a Faculty Senate – T. Stone Carlson
- F. Policy Coordinating Committee - M. Meister/A. Rupiper Taggart

For Discussion and Vote:

- 1. Policy 190 - Employee Responsibility and Activities: Intellectual Property ([Attachment 3](#))
- 2. Policy 700 - Services and Facilities Usage ([Attachment 4](#))

VI. Unfinished Business

- A. Senate Committee Yearly Activity Reports
- B. Other

VII. New Business

- A. University Senate President-Elect Election
 - 1. Gary Totten, Department of English ([Attachment 5](#))
 - 2. Nominations from the floor
- B. Policy 335 - Code of Academic Responsibility and Conduct - for discussion and vote ([Attachment 6](#))
- C. Academic Affairs - K. Wold-McCormick, Addendum Report of Academic Affairs

VIII. Remarks and Passing of the Gavel - M. Meister

IX. Adjournment – President of the University Senate - A. Rupiper Taggart

Academic Affairs Committee Report May 10, 2010

Curricular Recommendations

New Degree			
Bachelor of Science in Architecture, B.S.Arch			
Program Title Change			
From: Environmental Design (split current program into two separate majors)		To: <i>Environmental Design Architecture</i>	
New Courses			
Subject	No.	Title	Crs.
ART	131	Foundations Drawing	3
COMM	316	Conflict Communication	3
COMM	386	Organizational Interviewing	3
EMGT	430	Socio-Behavioral Foundations of Emergency Management	3
HIST	440/640	The Ottoman Empire	3
HIST	465/665	Germany Since 1750	3
NURS	724	Curriculum Design in Nursing Education	3
NURS	725	Strategies for Teaching and Learning in Nursing Education	3
NURS	726	Evaluation and Assessment in Nursing Education	3
NURS	728P	Nurse Educator Practicum I	2
NURS	729P	Nurse Educator Practicum II	3
NURS	735	Family Primary Care III: Assessment and Management	2
NURS	736P	Practicum V: FNP Role Integration	4-8
PLSC	307	History and Evolution of Wine in America	1
Course Deletion			
ADHM	380	Facility Operations and Analysis	3
ADHM	480	Facility Design and Management	3
ADHM	482	Facility Management Capstone Experience	3
COMM	370	Principles of Public Relations	3
COMM	642	Information Technologies and Mass Media	3
HNES	129	Aerobic Dance	1
HNES	140	Strength Training	1
HNES	180	Athletic Trainers' Profession	2
HNES	181	Practical Applications of Taping, Protective Devices, and Equipment	3
HNES	220	Lifeguard Training	2
HNES	226	Introduction to Therapeutic Recreation	3
HNES	285	Clinical Experience II	1
HNES	286	Injury Recognition Laboratory	1
HNES	302	Water Safety Instruction	2
HNES	381	Injury Recognition and Evaluation of the Upper Extremity	3
HNES	382	Injury Recognition and Evaluation of the Head, Neck and Spine	3
HNES	383	Psychosocial Aspect of the Injured Athlete	3
HNES	386	Clinical Experience III	1
HNES	387	Clinical Experience IV	1
HNES	428	Sport Management Internship	12
HNES	435/635	Nutrition, Disease, and Health Professional	2
HNES	441	Health and Safety Services	3
HNES	484	Therapeutic Exercise	3
HNES	485	Therapeutic Modalities	3
HNES	486	Injury Recognition and Evaluation of General Medical Conditions	3
THEA	240	Production Stage Management	3

Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
ARCH	461	Urban Design	2	ARCH	461	Urban Design	3
COMM	375	Principles and Practices of Advertising	3	COMM	375	<i>Principles and Practices of Advertising and Public Relations</i>	3
NURS	601	Theoretical Perspectives of the Discipline	2	NURS	701	Theoretical Perspectives of the Discipline	3
NURS	602	Ethics of Health Care and Nursing	2	NURS	702	<i>Ethics and Health Policy in Nursing</i>	2
NURS	606	Health Care Delivery Systems, Financing and Informatics	2	NURS	706	Health Care Delivery Systems, Financing and Informatics	3
NURS	735P	Practicum IV: FNP Role Integration	8	NURS	735P	Practicum IV: FNP Role Integration	4-8
PHYS	489	Physics Projects	1-4	PHYS	489	Physics Projects	3
PLSC	457	Turfgrass Science, Ecology and Management	3	PLSC	457	<i>Horticulture and Turfgrass Systems</i>	3
Change in Catalogue/Course Description – for information only							
THEA	180	Dramatic Literature and Style					3
THEA	228	Development of Musical Theatre					3
THEA	301	Musical Theatre Troupe					1
THEA	370	Technical Theatre Production					3
Change in Prerequisites/Corequisites – for information only							
ADHM	161	Interior Graphics I: Residential		Add corequisite: ADHM 150, ADHM 151 or departmental approval Remove prerequisite: ADHM 150, ADHM 151			
ADHM	401	Convention and Meeting Planning		Add prerequisite: Junior Standing, ADHM 140 or ADHM 141			
ENT	770	Insect Ecology		Add prerequisite: For undergraduates taking ENT 470, ENT 350 or instructor's permission			
HNES	225	Camp Management and Outdoor Recreation Skills		Remove prerequisite: Sports and Recreation Studies or Physical Education-Community Sports majors only			
HNES	326	Recreation Programming		Add requisite: Sports and Recreation Leadership majors only			
HNES	354	Introduction to Medical Nutrition Therapy		Add requisite: Dietetics professional standing			
HNES	426	Sport and Recreation Administration		Add requisite: Junior standing and Sports and Recreation Leadership majors only			
HNES	427	Leisure and Society		Add requisite: Junior standing			
ME	471/ 671	Stress Analysis		Add prerequisite: ME 442 Remove prerequisite: ME 423 but keep ME 331			
ME	474/ 674	Mechanics of Composite Materials		Remove corequisite: ME 423			
ME	477/ 677	ME Finite Element Analysis		Add prerequisite: ME 442 Remove prerequisite: ME 423			
ME	726	Fracture Mechanics		Add prerequisite: ME 442 Remove prerequisite: ME 423			
PHYS	350	Modern Physics		Add prerequisite: PHYS 252, MATH 265			

Attachment 1

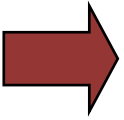
THEA	370	Technical Theatre Production	Add requisite: Enrollment by departmental assignment only Remove prerequisite: THEA 270, THEA 271
THEA	461	Period Styles for the Actor	Add prerequisite: THEA 261, THEA 266 Add requisite: BFA Standing
THEA	462	Modern Nonrealistic Styles for the Actor	Add prerequisite: THEA 261, THEA 266 Add requisite: BFA Standing

University Senate Meeting Dates 2010-2011

University Senate Executive Committee Meetings <i>(Mondays, 3:30 p.m. - Mandan Room, Memorial Union)</i>	University Senate Meetings <i>(Mondays, 3:30 p.m. - Plains Room, Memorial Union)</i>
August 30, 2010	September 13, 2010
September 27, 2010	October 11, 2010
October 25, 2010	November 8, 2010
November 29, 2010	December 13, 2010
January 10, 2011	January 24, 2011
January 31, 2011	February 14, 2011
March 7, 2011	March 21, 2011
March 28, 2011	April 11, 2011
April 25, 2011	May 9, 2011

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *190 Employee Responsibility and Activities: Intellectual Property*

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).
 - *The Research and Consulting Committee (RCC) was charged by the University Senate Executive Committee with reviewing Policy 190. The RCC has been working on review since December 2007. At its February 25, 2010 meeting, the RCC voted to approve the attached modifications to Policy 190 and to forward to the PCC.*
 - *The proposed modifications, while still in line with the Source for the policy (SBHE Policy Manual, Section 611.2), included the following:*
 1. *under definitions, terms were added that had previously been in other areas of 190.*
 2. *Language was rearranged to make the policy easier to read and understand, and some edits were done to clarify language and eliminate redundancies.*
 3. *Plant Variety Protection (PVP) was retained as a subpart to Section 4, NDSU Patent Review Procedures, rather than being its own section. More clarifying language and edits were done to the PVP language to update the policy and remove internal Experiment Station procedure language.*
 4. *Subpart b. of Section 8, Student Work, was expanded to provide greater detail on student inventions, more in line with language under Section 8.a. on copyrights of student work.*

The RCC understands that the SBHE is forming a committee to review SBHE policy 611.2. Once that review is complete, the RCC anticipates it will again review 190 in light of any proposed changes to 611.2.

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

- *Research and Consulting Committee, March 5, 2010*
- *Valrey V. Kettner, RCC Committee Chair; val.kettner@ndsu.edu*
-

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

This portion will be complete by Kim Matzke-Ternes

Policy

Committee: 03/11/10 – presented

University 03/2010 routed for input

Senate:

Staff Senate: 03/2010 routed for input

President's 03/2010 routed for input
Council:

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu

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 kim.matzke-ternes@ndsu.edu.

All suggestions will be considered, however due to policy format guidelines, they may not be possible.

Thank you for your understanding!

SECTION 190: EMPLOYEE RESPONSIBILITY AND ACTIVITIES: INTELLECTUAL PROPERTY

SOURCE: SBHE Policy Manual, Section 611.2

1. General Principles.

The primary purposes of this policy are to encourage and promote research and scholarship based on the traditional principles of the academic profession. These products may constitute Intellectual Property that could be of financial benefit to the individuals involved and the Institution. This policy establishes guidelines to support faculty, staff, and students, in identifying, protecting and administering Intellectual Property and defining the rights and responsibilities of all involved. This policy governs unless a policy on specific Intellectual Property provides a different rule.

2. Definitions.

a. "Author(s)": Person who creates a Copyrightable Work.

b. "Copyrightable Work or Work": An original Work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, such as books, journals, software, computer programs, musical work, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works, etc. A Work may be the product of a single Author or a group of Authors who have collaborated on a project. A Work is created by an Author.

c. "Creator": Either an Inventor(s) in the context of an Invention, or an Author(s) in the context of a Copyrightable Work.

d. "Institution": The individual colleges and universities and the North Dakota University System.

e. "Inventor(s)": Person(s) who creates an Invention. The term "Inventor(s)" includes "Breeder(s)" or "Plant Breeder(s)" as defined by the PVPA, 7 U.S.C. § 2401(a)(2). [Spartan1] In regards to plant variety protection, a "Breeder" is the person(s) who directs the final breeding creating a variety and/or the person(s) who discovers and develops the variety. 7 U.S.C. § 2401(a)(2). [Spartan2] Like patent law, persons whose work is directed by the Inventor are not considered the Breeder as they do not direct the breeding process. [Spartan3]

f. "Intellectual Property": Collectively, all forms of property created by the mind including, but not limited to, Inventions, Copyrightable Work, Trademarks, and Tangible Research Property.

g. "Invention": A process, method, discovery, device, plant, composition of matter, or other Invention that reasonably appears to qualify for protection under the United States patent law (including, but not limited to, utility patent, plant patent, design patent, certificate of Plant Variety Protection, etc.), whether or not actually patentable. An Invention may be the product of a single ~~inventor~~ Inventor or a group of ~~inventors~~ Inventors who have collaborated on a project.

(1) In regards to plant variety protection, "discover" means finding a natural plant which results in breeding a variety, or finding a new variety by performing experiments on results of cross-breeding and realizing that the resulting plant is different and closer in characteristics to a desired variety.

(2) In regards to plant variety protection, "develop" means to make additional selections for (1a) cross-breeding and/or (2b) developing pure lines. This may lead ~~up~~ to the variety for which protection is sought or may eliminate variance and convert a non-uniform variety to a uniform variety using the desired characteristics.

[Spartan4]

h. "Mediated Courseware": Teaching aids created and/or deployed electronically. Mediated Courseware may incorporate text, graphics, video, and audio elements. Examples of such materials include, but are not limited to, hypertext modules, simulation software, web sites, and databases containing numbers, images, or text.

i. "Net Royalties": Net Royalties are defined as gross royalties and fees less the expenses incurred by the Institution in conducting the research and in procuring, protecting, preserving, maintaining, and licensing the patent and related property rights, and such other costs, taxes, or reimbursements as may be necessary or required by law. [Spartan5]

j. "Significant Use of University System or Institution Resources": Significant Use of Institution Resources means an ~~Inventor's or~~ [Spartan6] Author's [rdj7] use of other employees' time or Institution facilities or equipment that appreciably increases the Institution's costs beyond those normally incurred in support of an employee in the Institution. Significant Use does not include the normal use of Institution employees, facilities, or equipment commonly available to faculty, staff, ~~students,~~ [Spartan8] or the public, such as libraries, Internet access, office space, office equipment, computers, and/or office supplies. Unless otherwise agreed, Significant Use also does not include the use of Institutional developmental leave time, so long as it does not appreciably increase the Institution's costs beyond those normally incurred in support of an employee of the Institution.

k. "Tangible Research Property": Tangible items produced in the course of research including, but not limited to, such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of Tangible Research Property may be associated with one or more intangible properties, such as Inventions, Copyrightable Work, and Trademarks. An item of Tangible Research Property may be the product of a single Creator or a group of individuals who have collaborated on the project.

l. "Trademark" (including Service Mark): A distinctive word, design, or graphic symbol, or combination word and design, that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs, or the Institutional names, logos, or derivatives thereof.

m. "Work For Hire": Defined pursuant to Federal Copyright Law which includes a Work prepared by an employee within the scope of employment or a Work created pursuant to a written agreement identifying the Work as a Work for Hire.

3. General Patent Policy.

a. The North Dakota State Board of Higher Education encourages the faculty, staff, and others associated with the Institutions under its jurisdiction to seek patents on Inventions as a method of bringing recognition and remuneration to all parties involved. Each Institution shall establish a "patent review procedure" to define the Institution's processing of such Inventions or discoveries, consistent with Board policy. The Inventor(s) shall submit to the Institution the conception and/or reduction to practice of all potentially patentable discoveries prior to making any [Spartan9] public "enabling" disclosure.

b. A patentable discovery may arise from the development of a new and useful process, device or apparatus, article of manufacture, composition of matter (including chemical compounds, microorganisms, and the like), plant, or related improvement, or a new use for a known material or device. A public "enabling" disclosure is one which will enable others in the same or a related field to fully understand and practice the Invention. The Institutional "patent review procedure" shall assure provision of guidelines to the Inventor(s) in defining what may constitute a public "enabling" disclosure.

[Spartan10]

c. The Institution shall have the right of first refusal to the title of all patentable discoveries or other intellectual property [rdj11] [Spartan12] derived with the use of facilities, gifts, grants, or contract funds through the university, subject to restrictions arising from the overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations. The Inventor(s) shall provide all necessary declarations, assignments, or other documents as may be necessary in the course of Invention evaluation, patent prosecution, or protection of patent rights to assure that title in such Inventions shall be held by the Institution or other parties as may be appropriate under the circumstances.

d. The Institution shall have six months in which to assess the technical and commercial viability and patentability of the discovery in accordance with Institutional procedures. If the Institution judges the discovery not to be patentable, or decides not to pursue a patent, and, in the absence of over-riding obligations to outside sponsors of the discovery and subject to NDSU procedures, [Spartan13] all rights will revert to the Inventor. In no instance, and regardless of ownership of the patent, may the Institution's name be used in connection with the marketing of the Invention. [Spartan14]

(1) Subject to restrictions arising from overriding obligations of the Institution pursuant to gifts, grants, contracts, or other agreements with outside organizations, the Institution agrees, for and in consideration of the assignment of ownership of Intellectual Property rights, including [Spartan15] patent rights or Inventions [rdj16], to pay annually to the named Inventor(s), or to the Inventor(s)' heirs, successors, or assigns, a minimum of 30 percent of the Net Royalties [Spartan17] and fees received by the Institution.

(2) When there are two or more Inventors, each Inventor shall share equally in the Inventor's share of Net Royalties [Spartan18], unless all Inventors have agreed in writing to a different distribution of such share. The Institution will have final authority over any agreement purporting to share rights and/or Net Royalties [Spartan19] between participating parties.

(3) In addition to the Inventor's(s') share, the Net Royalties [Spartan20] shall be disbursed by negotiated agreement with allocations to the originating department, the originating college/school, and the Institution. In the disposition of any Net Royalties [Spartan21] accruing to Institutional parties, other than the

Inventor(s), support of research shall receive first consideration. The "patent review procedure" shall outline the negotiation and distribution mechanism at each Institution.

(4) The provisions of this section apply to plant variety protection unless inconsistent with Institution policy.

4. NDSU Patent Review Procedures. [Spartan22]

a. NDSU shall adopt procedures implementing SBHE Policy 611.2 [Spartan23] that include:

(1) Procedures for required disclosure of Intellectual Property;

(2) Procedures for review, evaluation, and protection of Intellectual Property;

(3) Rules governing distribution of Net Royalties [Spartan24] or fees;

(4) A process for resolving disputes; and

(5) A process for informing faculty, staff, and students of the rights and responsibilities of Intellectual Property.

[Spartan25]

b. Upon employment, all regular employees must sign the NDSU Intellectual Property Agreement. Temporary employees may be required to sign as well based on supervisor discretion. A failure to have the Agreement signed in no way changes or lessens the applicability of this Policy. [Spartan26]

c. NDSU patent policy provides that discoveries or inventions developed by faculty, staff, students, and associates using NDSU facilities, time, or materials shall be vested in NDSU. [Spartan27] Any Invention developed by faculty, students, employees and associates using NDSU facilities, time or materials, must be reported to the NDSU Technology Transfer Office (TTO). Adjunct faculty are subject to this policy if working on NDSU projects or using NDSU facilities unless expressly exempted by the Vice President for Research, Creative Activities & Technology Transfer (VPRCATT).

[Spartan28]

d. Faculty, staff, students, and associates with discoveries or inventions will supply the appropriate materials and descriptions to the TTO [Spartan29] using the appropriate invention report or disclosure form(s) [Spartan30] for processing prior to any public disclosure to prevent loss of patent rights. [Spartan31] The TTO shall be responsible for determining the procedure to be followed in securing patent protection and the assignment of rights to be made. [Spartan32]

e. Ownership of such patent rights normally will be assigned to NDSU except in the following cases:

(1) When NDSU, in turn, elects not to pursue a patent, ownership reverts to the Inventor(s). As a condition of its release of the right to ownership, NDSU may elect to receive up to 30% of any net income (gross income less legal and licensing expenses) received by the Inventor(s) from the Invention or Work. ~~NDSU~~ NDSU Research Foundation

(NDSU/RF) may negotiate an equity position in a start-up business. Inventor(s) shall not assign, transfer, or license such Intellectual Property [Spartan33] as a result of a consulting contract or other means so as to avoid payment to NDSU of its share under this section.

(2) When prior agreement between NDSU and an external agency assigned all rights to the agency, usually as a condition of a contract or grant.

[Spartan34]

f. The Vice President for Research, Creative Activities, & Technology Transfer VPRCATT must approve the conditions of any contract or grant in which

- (1) the disposition of patents is specified as being other than to NDSU and/or
- (2) in which specific licensing agreements are specified.

[Spartan35]

g. NDSU will have a period of six (6) months from full and complete disclosure to evaluate the commercial viability and patentability of the discovery. This evaluation may be extended beyond six months if Invention. If further research or development activity is required to ensure patentability and/or market or commercial feasibility, this evaluation period may be extended for a period not to exceed six (6) months, upon mutual written agreement between the parties. If the discovery is patentable, NDSU will find a mechanism to obtain patents and arrange licenses. [Spartan36]

h. NDSU may assign or transfer ownership rights in Intellectual Property to independent foundations created for the purpose of obtaining or administering and marketing NDSU Intellectual Property, receiving gifts, or supporting or promoting NDSU or NDSU research. [Spartan37] For NDSU, the NDSU Research Foundation (NDSU/RF) is the independent foundation recipient of assignments of patents, copyrights, trademarked cultivars, and plant variety protection.

[Spartan38] NDSU/RF files for the appropriate Intellectual Property protection and is responsible for subsequent enforcement. [Spartan39]

i. Should a scientist believe s/he is an Inventor entitled to a portion of the Inventor share and has not been so identified as stated in section 4(d), the scientist must promptly notify her/his Department Chair/Head or Unit Director in writing of her/his claimed inventorship before the patent publishes. If disputes regarding inventorship or distribution of Net Royalties occur, resolution will be made by a panel consisting of the Academic Dean(s) involved, the Vice President for Research, Creative Activities, & Technology Transfer and the VPRCATT in consultation with the university attorney-General Counsel. Such agreements shall be on file in the TTO [Spartan40]. [Spartan41]

j. Net Royalties from Inventions [Spartan42] shall be shared by the Inventor(s), NDSU, and the NDSU/RF [Spartan43]. Inventor(s) shall receive a minimum of 30% of the Net Royalties [Spartan44] with the remainder being distributed as per agreement between the NDSU/RF and the NDSU contributing colleges(s), department(s), and/or other units to support endeavors to enhance NDSU research. [Spartan45] [Spartan46]

k. Plant Variety Protection. [Spartan47]

(1) Unless otherwise provided for below, the general provisions of NDSU Policy 190 shall apply to plant variety protection. The term "variety" includes germplasm, natural selections, cultivar, inbred lines, or hybrids. Intellectual Property protection may be obtained on all varieties. [Spartan48]

(2) At the time of release or before plant variety protection is filed, ownership of the variety is assigned to NDSU/RF. [Spartan49]

(3) Per North Dakota law, N.D.C.C. § 15-10-17(9) and SBHE Policy 611.2, the percentage of the Net Royalties due the Inventor is established pursuant to rules of the State Board of Higher Education and NDSU [See 4(j)]. [Spartan50][Spartan51]

(4) The North Dakota Agricultural Experiment Station [Spartan52] (NDAES) supports the following internal distribution of Net Royalties [Spartan53] generated from the utilization of plant varieties developed by the NDAES. First [Spartan54], the NDSU/RF will be reimbursed for expenses. Then, Net Royalties [Spartan55] will be distributed by NDSU/RF as follows:

i. 20% to the NDSU/RF from in-state licensing royalties (or 32.5% from out-of-state licensing royalties or 35% from foreign licensing royalties),

ii. 30% to the Inventor(s),

iii. 50% from in-state collected royalties (or 37.5% from out-of-state licensing royalties and or 35% from foreign licensing royalties) to be distributed as directed by NDAES to the contributing departments or units. |

[Spartan56]

The NDAES and the NDSU/RF can negotiate to change the NDAES and NDSU/RF percentages on a case-by-case basis. [Spartan57]

(5) The Breeder or her/his immediate supervisor, in consultation with the relevant Department Chair/Head, [Spartan58] will identify, before a variety release, other scientists who provided inventive activity towards the development of the variety. Following pre-release, but in no event later than the release, the Breeder and the other [Spartan59] scientists will decide how to divide the Inventor share among themselves and will recommend this distribution to the Department Chair/Head and Director of the NDAES. [Spartan60]

(6) Should a scientist believe that s/he is a Breeder entitled to a portion of the Inventor share and has not been so identified as stated in this section, the scientist must notify her/his Department Chair/Head or Unit Director and [Spartan61] the Director of the NDAES in writing of her/his [Spartan62] claimed inventorship before the release of the variety [Spartan63]. Disputes on inventorship or department/unit distributions shall be resolved by a decision panel [Spartan64] which shall consist of the VPRCATT, the Vice President for Agriculture and University Extension (VPAUE), Director of the NDAES, and the Department Chair/Head(s) [Spartan65] involved, in consultation with General Counsel. The VPAUE may include an advisory panel of faculty with expertise in the area to advise the decision panel. [Spartan66]

(7) Upon termination of employment, a Breeder must identify to her/his immediate supervisor, the Director of the NDAES, and TTO of any advanced genotype(s) in which s/he claims inventorship. The Institution and the Inventor [Spartan67] shall negotiate rights in the varieties. If the Inventor fails to make this disclosure prior to or at the time of termination of employment, Inventor shall be deemed to have waived any rights to Net Royalties [Spartan68] on nondisclosed varieties. Net Royalties [Spartan69] may be paid only for a set term pursuant to the agreement on advanced genotypes released as varieties. [Spartan70]

(8) The Breeder [Spartan71] shall elect at the time of release of the variety to receive or permanently waive some or all of that share that such Breeder(s) is/are entitled to receive from Net Royalties [Spartan72], if any, from the variety. [Spartan73]

/ . It is the responsibility of employees to ensure that the terms of their consulting agreements with third parties do not conflict with their commitments to the Institution. Each employee shall make the nature of the employee's obligations to NDSU clear to any third party for whom the employee expects to consult. Specifically, the scope of the consulting services must be distinguished from the scope of research commitments to NDSU. (See NDSU Policy Section 152)

[Spartan74][Spartan75][Spartan76]

5. General Copyright Policy.

- a. Except as otherwise explicitly provided under this policy or applicable law, an employee who creates a Work retains copyright ownership of the Work. If there has been Significant Use of University System or Institutional Resources, the provisions of section ~~4b~~5(b) of this policy shall apply.
- b. If there has been Significant Use of Institutional Resources, as defined in section 2 of this policy, to create a Copyrightable Work, the ownership of which is vested in the individual employee, the Institution shall be reimbursed out of the ~~royalties~~Net Royalties, in accord with an agreement between the employee and the Institution, up to that amount that constitutes the Institution's Significant Use. The Institution shall be reimbursed for the Significant Use of any facilities, personnel or resources, except those considered part of the normal academic environment including library facilities. *This pertains to all Copyrightable Work except Copyrightable Software as described in section ~~6-7~~.* [Spartan77]
- c. If employees are employed or commissioned by the Institution or agencies of the Institution for the creation of Work, or if by prior agreement they are assigned to produce or develop Work in the course of their regular duties, and if such Work is deemed appropriate for copyright, it must be reported to the NDSU ~~Technology Transfer Office~~TTO pursuant to its copyright review procedure. In such instances, the NDSU ~~Technology Transfer Office~~TTO shall have the first option to secure copyright in the name of the Institution. Should the ~~NDSU TTO~~committee decide, in writing, it would not be appropriate to secure copyright, the employee then may proceed to personally secure the copyright.
- d. Net Royalties received as a result of copyright ownership by the Institution will be disbursed, with at least 30 percent to the employee(s). *The remainder ~~would~~will be distributed according to NDSU Procedures ~~(4)~~(ii).* [Spartan78]

~~5-6.~~ Mediated Courseware.

- a. Self-initiated Mediated Courseware. When employees develop Mediated Courseware without specific direction by the Institution, unless otherwise agreed, the ownership of the courseware shall remain with the employee. Normally, no royalty, rent or other consideration shall be paid to the employee when that Mediated Courseware is used for instruction at the Institution and such Mediated Courseware shall not be used or modified without the consent of the employee. While the Creator is under Institutional employment, the Mediated Courseware shall not be sold, leased, rented or otherwise used in a manner that competes in a substantial way with the for-credit offering of the employee's own Institution unless that transaction has received the approval of the chief academic officer of the Institution. The Institution shall have a perpetual, non-exclusive royalty-free right to use such courseware for archival research purposes. Should approval be granted to offer the course outside of the Institution, the provisions of section ~~4b~~5(b) of this policy shall apply.
- b. Institution-directed Mediated Courseware. When the Institution directs in an employment contract the creation of a specific Mediated Courseware, the resulting Mediated Courseware belongs to the Institution and the Institution shall have the right to revise it and decide who will utilize the Mediated Courseware in instruction. The Institution may specifically agree to share revenues, pursuant to the General Patent Policy with the employee(s) receiving a minimum of 30 percent of the ~~net royalties~~Net Royalties and fees, and control rights with the employee.

c. Development and use of Institution-directed Mediated Courseware shall be reported to the unit head and/or college administrator with a copy to the ~~Technology Transfer Office~~TTO^[Spartan79] at the Institution.

6.7. Copyrightable Software.

Unless a separate written agreement provides otherwise, software created by employees within the scope of their employment and not covered under Mediated Courseware in section 56 of this policy shall be treated as a Work for Hire, owned by the Institution and commercialized pursuant to the General Patent Policy, with the employee(s) getting a minimum of 30 percent of the ~~net royalties~~Net Royalties and fees. The remainder will be distributed according to NDSU Procedures (4(j)).

7.8. Student Work / Intellectual Property.

a. The ownership of copyrights in student Work is governed by the following:

(1) Copyright ownership of student Work that is performed in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.

(2) Copyright ownership of student Work generated by research performed in whole or in part utilizing equipment or facilities provided by the Institution under conditions that impose copyright restrictions shall be determined in accordance with such restrictions.

(3) Students will own the copyrights to their Work not within the provisions of (1) and (2) above; however, a student must, as a condition to a degree award, grant royalty-free permission to the Institution to reproduce and publicly distribute, including by electronic means, copies of the student's Work.

(4) Where there is Significant Use of Institution Resources, copyright ownership shall be determined under section 4b5(b) of this policy.

b. Ownership of student Inventions shall be governed by the Patent Policy in ~~section~~sections 3 & 4 of this policy. *It is the policy of ~~North Dakota State University~~NDSU that this grant of ownership and control extends to any Work products or written ~~and electronic~~ reports of ~~employees~~students that are essential for documentation of any ~~invention~~Invention or discovery resulting from research administered by the ~~institution. Graduate student employees~~Institution. Students who are performing services as teaching assistants or research assistants or who are using university resources shall therefore be required by the departmental administrator to submit the original form of any laboratory notebook, spectral information, electronic data, and other written documentation related to University-administered research.*

(1) Inventions which are created on the student's own time and which do not involve Significant Use of University System's or Institution's Resources shall belong to the student.

(2) Ownership of a student Invention that is created in whole or in part by the student with financial support in the form of wages, salaries, stipend, or grants from funds administered by the Institution shall be determined in accordance with the terms of the support agreement, or in the absence of such terms, shall become the property of the Institution.

(3) Ownership of a student Invention generated by research performed with Significant Use of Institution resources (utilizing equipment or facilities provided by the Institution under conditions that impose Invention restrictions) shall be determined in accordance with such restrictions.

[Spartan80] 9. General Trademark Policy [Spartan81]

NDSU may develop a Trademark policy that provides for the protection of NDSU Trademarks and Service Marks.

HISTORY: New policy to reflect SBHE policy 611.2, incorporates NDSU policies 340, 341 and 342, May 2005.

POLICY CHANGE COVER SHEET

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy):

Section: *NDSU Policy 700: Services and Facilities Usage*

Language is being added to prohibit pets (with few exceptions such as service animals) and bike in buildings. Language prohibiting students from bringing pets and bikes in buildings already exist in NDSU Policy 601, the Code of Student Behavior.

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

Policy Committee: [presented 02/11/10](#)
University Senate: [routed for input 04/19/2010](#)
Staff Senate: [routed for input 04/19/2010](#)
~~Student Senate/Executive Board:~~
President's Council: [routed for input 04/19/2010](#)

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

VPFA

SECTION 700: SERVICES AND FACILITIES USAGE

SOURCE:

NDSU President

1. As a general rule, campus services may be used only by: 1) University employees for purposes related to their official responsibilities, or 2) off-campus organizations for non-profit, nonpolitical purposes, provided that the specific use of a campus service is sponsored by a University department or University-related organization as a part of its official function.

~~1.1~~

1.1 The administrator directly in charge of any such service shall have the authority to allow an exception to this general rule in any case involving unusual circumstances and appropriate justification.

~~1.2~~

1.2 This policy is specifically applicable to the University Copy Centers, the campus mail system, and mailing labels, or employee lists maintained by any other University office.

2. Computer generated name and address lists or labels of higher education employees may only be prepared for individuals and organizations directly affiliated with the University to assist in performing a bonafide University activity. Such individuals and organizations must request lists or labels from the Office of Human Resources/Payroll.

~~2.1~~

2.1 Other individuals and commercial or non-profit organizations may obtain employee names, addresses, and telephone numbers from the University directory, available for purchase at the NDSU Bookstore.

3. Unauthorized sales or solicitations are not allowed on campus. Unauthorized sales or solicitations at any time in the residence halls, University apartments, or in any other campus buildings, including academic and administrative buildings, are prohibited. For questions regarding sales in the Memorial Union, see the Memorial Union Director. For questions regarding sales in Residence Life facilities, see the Associate Director of Residence Life. For questions concerning sales in any other areas, contact the Dean of Student Life Office, Memorial Union.

See also NDSU Policy 601, subsection 4.19 and section 8, and Policy 150.

4. Pets are not allowed within University academic, administrative and auxiliary buildings. Service dogs and other service animals as defined by NDSU Policy Manual Section 100.2, animals on University farm properties, horses at the Equine Science Center, any animals used for research or classroom study as allowed by NDSU Policy Manual

Section 346, and those animals recognized by the University Institutional Animal Care and Use Committee shall be excluded from these requirements. [Individuals in Residence Life buildings](#) will comply with the NDSU Student Code of Behavior. Additionally, [individuals with pets on campus](#) must comply with all City of Fargo pet related ordinances.

~~— Animals are prohibited in campus buildings. Outdoors, animals must be on a leash or must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible to clean up after their animal(s) and for any health or safety issues that may arise concerning the presence of these animals on University properties and at NDSU sponsored or supervised events.~~

~~— 4.1 “Animals” are defined under this policy as any vertebrate or invertebrate animal, including, but not limited to, any cat, dog, horse, bird, rabbit, rat, or other rodent, snake or other reptile, frog, or other amphibian, fish, and any scorpion, spider, or other stinging or biting insect.~~

~~— 4.2 Exceptions:~~

~~— 4.2.1 Service animals as defined in Policy 100.2 ([link](#)).~~

~~— 4.2.2 Animals used in University laboratories for official research, classroom, or observation purposes as allowed by Policy 346 ([link](#)).~~

~~— 4.2.3 Animals used in equine instruction at the Equine Science Center.~~

~~— 4.2.4 Fish in residence halls as defined in the NDSU Code of Student Conduct [Behavior](#). ([link](#))~~

~~— 4.2.5 Animals approved in advance by the Vice President for Finance and Administration or designee for special events (e.g.: animal shows, pet wash).~~

~~— 4.2.6 Animals approved in advance by the Vice President for Agriculture and University Extension or designee at extension centers and farms.~~

~~— 4.2.7 Animals used in law enforcement.~~

~~4.3 Animals in the confined spaces of the interior of a building pose concerns for some individuals and groups.~~

~~4.3.1 Animals can pose a health threat for individuals that have sensitivities to being in animals’ proximity.~~

~~4.3.2 Animals have the potential to carry parasites which could be detrimental to health.~~

~~4.3.3 Some animals are considered offensive to some cultures and religions, and adherents are not allowed to have contact with such animals.~~

~~4.4 The owner of an animal that creates damage to University and other property is subject to making restitution to correct the damage.~~

5. Bicycles are not allowed inside campus buildings at any time. All bikes must be secured to the bike racks outside only, not to any railings or to anything inside campus buildings other appurtenances. Students may store rollerblades, skateboards, etc, in their rooms but they may not use them inside any campus buildings.

5.1 Bicycles, along with other human-powered modes of transportation, create a potential impediment to egress during an emergency and other times, as well as can create damage to and soiling of buildings.

5.1.1 The owner of a bicycle, or other human-powered mode of transportation, that creates damage to University and other property is subject to making restitution to correct the damage.

5.2 Bicycles not secured in accordance with this policy and/or that appear abandoned are subject to being tagged, removed and impounded.

5.2.1 The owner of an impounded bicycle shall be subject to paying a fee associated with reclaiming at their bicycle from impoundment.

5.2.2 Impounded bicycles, which are not claimed within thirty (30) days of impoundment, are subject to disposal.

See also NDSU Code of Student Conduct Behavior and NDSU Parking Regulations.

~~4.6~~ Candidates for political or public office who wish to use campus facilities must comply with University rules and regulations. NDSU has adopted specific campaign procedures for local, state, and national elections. Copies of the policies can be obtained from the Office of the Vice President for Student Affairs. These policies govern canvassing, placement of brochures and materials, and use of the Student Union and University housing. Door to door campaigning or canvassing is not permitted in academic buildings. These buildings are restricted to educational purposes. For use of facilities by University employees, see Policy 160, number 13.

~~5.7~~ All filming, videotaping, and still photography on University property or at University sponsored events for commercial purposes (including political advertising) must be approved and coordinated by the Director of University News, Old Main 204. "Commercial purpose" does not include news media reporting or outside use of University property for personal use (like wedding pictures).

The request must be in writing and include: name of organization, contact person, location, requested dates and detailed description of project. A contract must be signed

prior to any activity beginning on University property or at a University sponsored event. The project can't disrupt normal operations of the University. For restrictions on the use of state property for political activities see also, NDSU Policy 160.

HISTORY: April 15, 1976, March 14, 1986; Amended March 1993; November 1995; March 2005; March 2006, October 2007

Curriculum Vitae
Gary Totten

Education

- Ph.D. English, Ball State University, July 1998
M.A. English, Brigham Young University, August 1993
B.A. Humanities, Brigham Young University, December 1990

Teaching Experience: English Department North Dakota State University

Associate Professor, 2007-present; Assistant Professor, 2004-2007

Selected Publications (past three years)

Peer-Reviewed Books:

- Totten, Gary, ed. *Memorial Boxes and Guarded Interiors: Edith Wharton and Material Culture*. Tuscaloosa: U of Alabama P, 2007.

Peer-Reviewed Journal Articles and Book Chapters:

- Totten, Gary. "Embodying Segregation: Ida B. Wells and the Cultural Work of Travel." *African American Review* 42.1 (Spring 2008): 47-60. Rpt. in *Representing Segregation: Toward an Aesthetics of Living Jim Crow, and Other Forms of Racial Division*. Ed. Brian Norman and Piper Kendrix Williams. Albany: SUNY Press, 2010. 167-84.
- . "Critical Reception and Cultural Capital: Edith Wharton as a Short Story Writer." *Pedagogy: Critical Approaches to Teaching Literature, Language, Composition, and Culture* 8.1 (Winter 2008): 115-33.
- . "Teaching Travel Writing as Life Writing." *Teaching Life Writing Texts*. Ed. Miriam Fuchs and Craig Howes. New York: Modern Language Association, 2007. 53-58.
- . "Southernizing Travel in the Black Atlantic: Booker T. Washington's *The Man Farthest Down*." *MELUS (Journal of the Society for the Study of the Multi-Ethnic Literature of the United States)* 32.2 (Summer 2007): 106-31.
- . "Introduction: Edith Wharton and Material Culture." *Memorial Boxes and Guarded Interiors: Edith Wharton and Material Culture*. Ed. Totten. Tuscaloosa: U of Alabama P, 2007. 1-16.
- . "The Machine in the Home: Women and Technology in *The Fruit of the Tree*." *Memorial Boxes and Guarded Interiors: Edith Wharton and Material Culture*. Ed. Totten. Tuscaloosa: U of Alabama P, 2007. 237-64.

Selected Conference Presentations (past three years)

- "Walking in the City: Theodore Dreiser and Cultural Vision," *Modern Language Association Conference*, Philadelphia, PA, December 27-30, 2009
- "Geographies of Race and Mobility in Carl Rowan's *South of Freedom*," *International Colloquium: Riding/Writing Across Borders in North American Travelogues and Fiction*, Vienna Austria, October 16-19, 2009 (Invited)

“Re-making America in Dreiser’s Florida Travel Diary,” *American Literature Association Conference*, Boston, MA, May 21-24, 2009

“Bodies of Knowledge: Cultural Transmission and Black Female Mobility in Zora Neale Hurston’s *Tell My Horse*,” *Midwest Modern Language Association Conference*, Minneapolis, MN, November 13-16, 2008

“The Dialectic of History and Technology in Wharton’s *A Motor-Flight through France*,” *Edith Wharton & History Conference*, Pittsfield, MA, June 26-28, 2008

“Women Who Do: Ideological Affinity in the Works of Dreiser and Grant Allen,” *American Literature Association Symposium on Naturalism*, Newport Beach, CA, October 4-5, 2007

“Embodying Segregation: Ida B. Wells and the Cultural Work of Travel,” *International Society for Travel Writing Conference*, Madrid, Spain, September 19-21, 2007

“Body, Text, and Travel in Dreiser’s American Diaries and *A Hoosier Holiday*,” *American Literature Association Conference*, Boston, MA, May 24-27, 2007

Professional Service

State/National/International

Vice-President, Edith Wharton Society, 2010-present
 Secretary/Treasurer, International Theodore Dreiser Society, 2008-present
 Executive Committee, MLA Discussion Group on Travel Literature, 2005-2010; chair 2009
 Steering Committee, International Society of Travel Writing, 2009-present
 Theodore Dreiser Bibliography Committee, 2007-present
 Outside Reviewer for PT&E, College of Charleston, 2007
 Facilitator, ND Humanities Council, “Read North Dakota,” with Leif Enger, 2007
 Manuscript Reader, *College Literature*; *American Literary Realism*; *American Indian Quarterly*

North Dakota State University

University Senate, 2009-present
 University Anti-Racism Team, 2004-present
 University General Education Committee, 2009-present
 College of Art, Humanities, & Social Sciences, Student Progress Committee, 2005-2008
 English Department Graduate Program Director, 2007-present
 English Department Graduate Studies Committee, 2004-present; chair 2007-present
 English Department Curriculum Committee, 2004-present
 English Department Vertical Writing Curriculum Committee, 2005-2006
 Red River Conference on World Literature Committee, 2005-2008

Recent Grants & Awards

Grants:

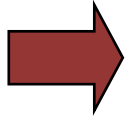
Helm Visiting Fellowship Grant, Lilly Library, Indiana University, 2008-2009
 Larry Remele Memorial Fellowship Grant, North Dakota Humanities Council, 2005-2006

Awards:

Outstanding Research Award, NDSU College of Arts, Humanities, & Social Sciences, 2008
 Vogel Teaching Award, NDSU English Department, North Dakota State University, 2007
 NDSU Bison Ambassadors Apple Polisher Award, 2007

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 Kim Matzke-Ternes first so that a clean policy can be presented to the committees.

SECTION: *335: Code of Academic Responsibility and 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).

Adds paragraph 5 regarding responsibilities and actions on rescinding a degree.

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

General Counsel

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

This portion will be complete by Kim Matzke-Ternes

Policy Committee: 10/14/09 presented to the PCC

University Senate:

10/21/09 routed to US Exec for Input; 11/27/09 routed version 4 with updates from General Counsel

Staff Senate:

10/27/09 routed for input; placed policy on consent agenda

President's

Council:

10/27/09 routed for input

If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes at 1-7080 or kim.matzke-ternes@ndsu.edu



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: NDSU.Policy.Manual@ndsu.edu

SECTION 335: CODE OF ACADEMIC RESPONSIBILITY AND CONDUCT

SOURCE: NDSU University Senate Policy

The academic community is operated on the basis of honesty, integrity, and fair play. Occasionally, this trust is violated when academic misconduct~~cheating~~ occurs, either inadvertently or deliberately. This Code ~~will serve~~s as the guideline for cases ~~where-in which~~cheating, plagiarism, or other academic improprieties have occurred in an instructional context (e.g., coursework, exams for degree requirements, practical experience, or fieldwork experience). This Code also serves as the guideline for cases in which there is evidence of student academic misconduct in more than one instance. Procedures established by an academic college may exceed the minimum standards outlined in this policy~~and an established procedure has not been approved by the faculty of a college such as the Honor System of the College of Agriculture.~~

1. Academic misconduct (intentional or otherwise) includes but is not limited to the following:
 - a. Plagiarizing, i.e., submitting work that is, in part or in whole, not entirely one's own, without attributing such portions to their correct sources;
 - i. Unauthorized collaboration with other students and representing it as one's own individual work also is considered plagiarism;
 - ii. Unintentional plagiarism is still plagiarism;
 - b. Receiving, possessing, distributing or using any material or assistance not authorized by the faculty member in the preparation of papers, reports, examinations or any class assignments to be submitted for credit as part of a course or to be submitted to fulfill College requirements;
 - c. Arranging to have others take examinations or complete assignments (e.g., papers, reports, laboratory data, or products) for oneself, unauthorized collaborating with another student on individual assignments or doing academic work for another student;
 - d. Stealing, or otherwise improperly obtaining copies of an examination or assignment before or after its administration, and/or passing it onto other students;
 - e. Copying, in part or in whole, exams or assignments that will be kept by the faculty member and are handed out in class only for review purposes;

- f. Knowingly submitting a paper, report, presentation, examination, or any class assignment that has been altered or corrected, in part or in whole, for reevaluation or re-grading, without the faculty member's permission;
 - g. Misrepresenting one's attendance or the attendance of others in a course or practical experience where credit is given and/or a mandatory attendance policy is in effect;
 - h. Fabricating, i.e., falsifying data in research, papers, and reports;
 - i. Aiding or abetting academic misconduct, i.e., knowingly giving assistance not authorized by the faculty member to another in the preparation of papers, reports, presentations, examinations or laboratory data and products;
 - j. Copying another student's work (e.g., data, results in a lab report, or exam) without his or her knowledge;
 - k. Tampering with or destroying materials in order to impair another student's performance;
 - l. Utilizing false/misleading information (e.g., illness or family emergency) to gain extension and/or exemption on an assignment or test.
- 1.2. The primary responsibility of the students, faculty members, staff members, and administrators is to create an atmosphere where-in which the academic honesty, integrity, and fair play are the norm and academic misconduct is minimized. of individuals will not be questioned.

 - a. Faculty members are responsible for providing guidelines concerning cheating academic misconduct and plagiarism at the beginning of each course in each class syllabus, and should use precautionary measures and security to discourage academic misconduct in cases where cheating is likely to occur.
 - 2.b. Students are responsible for submitting their own work. Students who cooperate on oral or written examinations or work without authorization share the responsibility for violation of academic principles and the sStudents are subject to disciplinary action even when one of the students is not enrolled in the course where the violation occurred.
- 1.3. The Faculty member and the administrator are responsible for procedural fairness to the any accused student. or students in accordance with the following procedure: A faculty member who suspects that academic misconduct has occurred in his/her class or other instructional context has an initial responsibility to:

 - a. Faculty members who suspect that prohibited academic conduct has occurred in their class have an initial responsibility to: 1) inform the student or students involved of his/her their suspicion and the suspicion's grounds;
 - b. 2) allow a fair opportunity for the student to respond; and
 - a.c. 3) make a fair and reasonable judgment as to whether or not any prohibited academic misconduct occurred.
4. Faculty members have the prerogative of determining the penalty for prohibited academic misconduct in their classes and other instructional contexts. Faculty members

~~may, among other sanctions, fail the student for the particular assignment, test, or course involved.~~

~~a. Penalties may be varied with the gravity of the offense and the circumstances of the particular case. Penalties may include, but are not limited to failure for a particular assignment, test, or course.~~

~~b. In this situation, If a faculty member imposes a penalty, the student may not drop the course in question without the permission of the instructor/faculty member. (The faculty member is responsible for notifying the Registrar to prevent the student from dropping the class.)~~

~~c. If a faculty member imposes a penalty, the faculty member must complete the Student Academic Misconduct Tracking Form and submit copies to his/her/ will provide a written statement of the action to the department chair head, the dean of the college of the student's primary major, the dean of the faculty member's college, the Registrar, and the Provost/VPAA and Vice President for Academic Affairs. In the case of the graduate students, academic misconduct, the graduate dean of the College of Graduate and Interdisciplinary Studies also must receive a copy of the completed Student Academic Misconduct Tracking Form. will also be notified.~~

~~b. d. Within three class days of receiving the Student Academic Misconduct Tracking Form, the Registrar shall enter the information from the Student Academic Misconduct Tracking Form into a FERPA compliant Student Academic Misconduct Database.~~

~~5. In addition to the prerogative above, or if the student involved in a case of academic misconduct is not enrolled in his or her the course in which the violation occurred, the faculty member teaching that course may recommend a disciplinary sanction penalty to the dean of the faculty member's college, in which the infraction occurred. If the student is not enrolled in this a different college, the dean will forward the charge to the dean of the college of the student's home college primary major.~~

~~a. a. That The dean of the college of the student's primary major may impose academic warning or probation in the college, according to established college policy or the~~

~~e. b. Alternatively, the dean may recommend suspension or expulsion to the Academic Standards Committee, as outlined in Section 411 of this policy. If the student is not enrolled in the college where the infraction occurred, the dean of the college for the student must be informed before the disciplinary sanction is imposed and may impose a disciplinary sanction for that college, also.~~

~~6. Accusations involving academic misconduct of graduate students will follow the procedure described in Sections 4 and 5 with the following exception. The dean of the home academic college of the student's primary major will recommend a sanction penalty (which may include academic warning, academic probation, suspension, or expulsion) to the graduate dean of the College of Graduate and Interdisciplinary Studies, not the Academic Standards Committee.~~

~~a. The graduate dean of the College of Graduate and Interdisciplinary Studies will provide the student with written notice of the following:~~

~~i. of the action taken;~~

- ii. ~~describe description of~~ the graduate student appeal process, ~~and indicate to the student~~
 - iii. the date by which an appeal must be filed ~~by the student, should the student choose to file an appeal. Failure to file an appeal will result in implementation of the specified action.~~
 - b. If an appeal is filed, the ~~graduate d~~Dean of the College of Graduate and Interdisciplinary Studies will notify the student of the result following the completion of the appeal process.
 - c. ~~Failure to file an appeal will result in implementation of the specified action.~~
 - d. ~~If the student is suspended or expelled, the Dean of the College of Graduate and Interdisciplinary Studies shall notify the Registrar.~~
- 7. If a person not ~~currently~~ enrolled at NDSU is involved in ~~prohibited~~ academic misconduct, the ~~faculty member shall send a written statement describing the violation to the~~ Provost/VPAA, ~~and Vice President for Academic Student Affairs, Registrar, Vice President for Student Affairs, and the Director of Admission shall be informed of the violation for appropriate action. Appropriate action may include, but is not limited to, holds being placed on admission or readmission to the univeristy.~~
- 1- 8. If, when entering a faculty member's report into the Student Academic Misconduct Database, it is discovered that the student has a prior record of academic misconduct, the Registrar shall notify the Provost/VPAA and dean of the college of the student's current primary major about the student's repeated academic misconduct.
 - a. ~~Any prior history of academic misconduct shall be taken into account when determining penalties for a current offense.~~
 - b. ~~The Provost/VPAA and/or the dean may recommend penalties up to and including suspension or expulsion to the Academic Standards Committee, as outlined in Section 11 of this policy.~~
 - ~~d~~c. ~~In the case of graduate student academic misconduct, the Dean of the College of Graduate and Interdisciplinary Studies must also be notified.~~
- 3-1. 9. An undergraduate student who has received a penalty ~~from a faculty member for or a disciplinary sanction academic misconduct for prohibited academic conduct~~ may appeal the decision.
 - a. The student must consult ~~(in sequence) with the instructor faculty member, the faculty member's department chair/head, and the faculty member's Dean, in sequence, to resolve the conflict to appeal the decision.~~
 - b. ~~If, after the consultations outlined in Section 9.a., the appeal is not granted. Then,~~ the student may request a hearing by the Student Progress Committee in the college where the violation occurred. ~~In addition, t~~The student may request that two ~~additional~~ students be appointed to the Student Progress Committee for the hearing; one student shall be a member of the Student Court appointed ~~to the Student Progress Committee~~ by the Chief Justice of the Student Court, and the

other student shall be a student senator for that college appointed to the Student Progress Committee by the ~~s~~Student ~~b~~Body ~~p~~President.

c. The outcome of the appeal shall be communicated to the Registrar by the Student Progress Committee within three class days after the Student Progress Committee has made its final decision.

~~b-d.~~ If the Student Progress Committee decides that no academic misconduct has occurred, then the Registrar shall delete all relevant information relating to the case from the Student Academic Misconduct Database. Otherwise, the Registrar shall enter the decision of the Student Progress Committee into the Student Academic Misconduct Database.

~~4.2.~~ 10. A graduate student may be suspended or expelled for prohibited academic conduct by the Academic Standards Committee in accordance with the following procedure: who has received a penalty for academic misconduct may appeal the decision with the Graduate Student Appeals Committee, as outlined in the current NDSU Graduate Bulletin.

~~5.3.~~

~~4.~~ 11. An undergraduate student may be suspended or expelled for academic misconduct by the Academic Standards Committee in accordance with the following procedure:

~~5.~~

a. The dean of the college of the student's primary major or the Provost/VPAA must notify the student that ~~they~~he or she will recommend suspension or expulsion to the Academic Standards Committee, but the student must be given two-~~school~~class days to file a written notice of appeal with the Student Progress Committee before the recommendation is presented to the Academic Standards Committee.

b. The student may appeal the recommendation of suspension or expulsion to the Student Progress Committee as outlined in ~~s~~Section 3.b.9.b-d -above.

c. The Academic Standards Committee may impose suspension or expulsion, if an appeal with the Student Progress Committee is not in progress.

~~e-d.~~ Procedures for suspension and/or expulsion of graduate students are described in Section 6 above.

12. A degree previously awarded may be rescinded if it is determined that the graduate's actions taken to obtain the degree involved ~~fraud, deceit, error, or academic misconduct~~. The degree conferring college reserves the right to recommend to the Provost/VPAA, with notice to the Vice President for Student Affairs, the rescission of any wrongfully obtained degree(s). ~~The Dean of Student Life may also recommend to the Provost, with notice to the Vice President for Student Affairs, the recommendation to rescind a degree based on actions (directly related to obtaining a degree) in a violation of the Code of Student Behavior.~~

- a. Written notice of the concerns and recommendation to rescind the graduate's degree(s) shall be sent via certified mail with return receipt to the graduate, with a hold placed on the student's record. The graduate will have ~~30~~thirty calendar days after the notice was received to respond in writing or request a hearing with the conferring college's ~~Academic Standards~~ Student Progress Committee for undergraduate degree holder, or the Graduate Council for graduate level degree holders. A recommendation by the Student Progress Committee or the Graduate Council to the Provost/VPAA whether to rescind the degree(s) shall be made within ~~30~~ thirty calendar days after a response is received or hearing is completed.
- b. A decision by the Provost/VPAA shall be made within ~~30~~thirty calendar days after receiving the recommendation. The graduate has ~~10~~ten -business days after receiving the Committee or Council recommendation to respond, in writing, to the Provost/VPAA. Notice of the decision whether to rescind the degree(s) shall be sent to the respondent via certified mail with return receipt.
- c. The respondent may file an appeal of this decision with the President of the University within ~~30~~ thirty calendar days of receiving the notice of the decision. The President's decision will normally be made within ~~30~~thirty calendar days after receiving the appeal.
- d. The Office of Registration and Records will be notified of the results of the ~~Committee's or Council's~~final decision on rescinding the degree(s).

HISTORY: December 10, 1973; Amended May 12, 1975; April 1992; December 2006; March 2007

Academic Affairs Committee Report
Addendum for May 10, 2010

Curricular Recommendations

New Program							
Bachelor of Science in New Media and Web Design							
New Option							
Musical Theatre Option within BFA Theatre Arts							
New Courses							
Subject	No.	Title					Crs.
COMM	363	Advanced Web Design					3
COMM	465	Convergence Media					3
COMM	477	Research for Strategic Communication					3
COMM	484	Organizational Advocacy and Issue Management					3
COMM	486	Principles of Risk Communication					3
COMM	488	Social Influence and Organizational Change					3
COMM	701	Advanced Research Methods in Communication I					3
COMM	704	Qualitative Research Methods in Communication					3
HIST	430	Prairie Earth, Prairie Homes: A Field School					3
THEA	363	Dance Studio II					2
UNIV	791	STEM Curriculum and Instruction					3
Course Deletions							
COMM	484	Global Organizational Communication					3
HNES	120	Swimming					1
HNES	136	Hockey					1
HNES	240	Emergency Response					3
HNES	280	Sport Safety Training					3
HNES	281	Injury Recognition and Evaluation of the Lower Extremity					3
HNES	282	Athletic Training Terminology and Equipment					2
HNES	284	Clinical Experience I					1
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
ARCH	721	Non-Western Architectural Traditions	2	ARCH	721	Non-Western Architectural Tradition	3
ARCH	722	Urbanism	2	ARCH	722	Urbanism	3
ARCH	723	Historic Preservation	2	ARCH	723	Historic Preservation	3
ARCH	724	Architectural Technology	2	ARCH	724	Architectural Technology	3
ARCH	725	Architecture of the Recent Past	2	ARCH	725	Architecture of the Recent Past	3
ARCH	726	Current Architectural Theory	2	ARCH	726	Current Architectural Theory	3
ARCH	727	Vernacular Architectural Traditions	2	ARCH	727	Vernacular Architectural Traditions	3
ARCH	728	Socio-Cultural Issues	2	ARCH	728	Socio-Cultural Issues	3
COMM	442	Information Technologies and Mass Media	3	COMM	442	Digital Media and Society	3
COMM	701	Action Research in Communication	3	COMM	703	Advanced Research Methods in	3

						<i>Communication II</i>	
MNT	732	Electronic Properties of Materials	3	MNT	732	<i>Physical Properties of Materials</i>	3
PHRM	352L	Introductory Pharmacy Practice Experience (IPPE) I	3	PHRM	355	<i>Introductory Pharmacy Practice Experience I: Introduction to Institutional Pharmacy Practice</i>	3
PHRM	451L	Introductory Pharmacy Practice Experience II	4	PHRM	455	<i>Introductory Pharmacy Practice Experience I: Introduction to Community Based Patient Care</i>	3
Change in Catalogue/Course Description – for information only							
THEA	274	Introduction to Stage Design					3
Change in Prerequisites/Corequisites – for information only							
HNES	150	Foundations of Physical Education		Remove corequisite HNES 110			
HNES	160	Foundations of Health Professions		Remove corequisite HNES 110			