

Agenda

Faculty Senate Meeting

Meeting place and time: 3:30 pm, Monday, September 13, 2010
Memorial Union, Plains Room

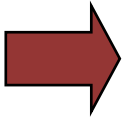
- I. Substitutions - K. Wold-McCormick
- II. Approval of May 10, 2010, University Senate Minutes
- III. Consent Agenda
 - a. Policy Coordinating Committee
For Information only:
 - 1. Policy 129 - Salary Administration Policy ([Attachment 1](#))
 - 2. Policy 305 - Health Insurance for International Scholars ([Attachment 2](#))
 - b. Confirmation of May 2010 graduates ([Attachment 3](#))

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

- IV. General Announcements
 - a. President Bresciani – unable to attend
 - b. Provost/VPAA Schnell
 - c. A. Rupiper Taggart, President of Faculty Senate
 - d. G. Totten, President Elect of Faculty Senate
 - e. K. Mickelson, President of Staff Senate
 - f. K. Black, President of Student Body
- V. Committee Reports
 - a. Academic Affairs – no report
 - b. General Education - L. Peterson
 - c. Council of College Faculties - J. Glower
 - d. Senate Special Committee on Academic Dishonesty - J. Council
 - e. Senate Special Committee on the Formation of a Faculty Senate - T. Stone Carlson
 - f. Policy Coordinating Committee - G. Totten/A. Rupiper Taggart
For discussion and vote:
 - 1. Policy 103A - Equal Opportunity/Affirmative Action ([Attachment 4](#))
 - 2. Policy 103B - Equal Opportunity/Affirmative Action ([Attachment 5](#))
 - 3. Policy 213 - Rest Periods ([Attachment 6](#))
 - 4. Policy 348 - Instruction in the Responsible Conduct of Research ([Attachment 7](#))
 - g. Other Committee Reports
- VI. Unfinished Business
- VII. New Business
 - a. Creation of ad hoc committee on Policy 103 - Spousal and Partner Hiring ([Attachment 8](#))
- VIII. Adjournment

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 129: Salary Administration 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).
 - *Minor language added to provide clarification as to whom this section of the policy pertains to. This is not a change, but a clarification. The word "Broadbanded" is placed in front of the word staff in section 6.1. A housekeeping change is also made in section 6.2 adding "broad" in front of banded.*

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

- *Office of Human Resources/Payroll – 08/11/10*
- *Colette.erickson@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

Committee: Presented 08/17/10

University

Senate: [Routed for Info 08/24/10](#)

Staff Senate:

[Routed for Info 08/24/10](#)

President's

Council: [Routed for Info 08/24/10](#)

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 129: SALARY ADMINISTRATION POLICY

SOURCE:

NDSU President
NDUS Human Resource Policy Manual, Section 5

6. Guidelines for Other Salary Adjustments

All staff positions are assigned to a salary band. The bands include job families with market levels for each position. (NDUS Human Resource Policy Manual 5.1)

Individual salary adjustments may be made throughout the year for the following reasons:

6.1 **Post-probationary adjustments for broadbanded staff.** Upon successful completion of the initial six month probation period an employee may be eligible for a salary adjustment up to 5%. The amount of the adjustment may vary, depending on such factors as performance, internal equity, initial salary and budget. A responsibility review form must be completed and submitted with the NDSU Change Form 101 requesting approval of the probationary adjustment (NDUS Human Resource Policy Manual 5.1.3).

6.2 **Non-broadbanded staff.** When an employee moves from one position to another involving an increased level of responsibility, the employee may receive a salary adjustment appropriate for the new level of responsibility. The adjustment must be consistent with internal equity and market and is subject to approval of the appropriate dean/director, vice president and the President.

6.3 The equity adjustments for staff are normally limited to ten percent but may exceed that amount with supportive documentation (NDUS Human Resource Policy Manual 5.1.6).

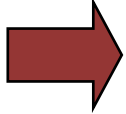
6.3.1 **Equity adjustments.** On a case-by-case basis, significant internal inequities may arise outside the annual salary review process described in 2.1. In these unusual situations, a request for an adjustment may be initiated. Factors generally considered are directly related experience, job performance and level of responsibility. The decision to request an equity adjustment should include consultation with the Office of Human Resources/Payroll and/or the Executive Director, the Vice President for Equity, Diversity, and Global Outreach, whichever is appropriate, and appropriate documentation should accompany the NDSU Change Form 101.

6.3.2 **Market adjustments.** A market adjustment is intended to mitigate a documented external inequity using North Dakota University System recognized market data. Market adjustments are normally limited to ten percent but may exceed that amount with supportive documentation and appropriate administrative approval. Market adjustment proposals must consider institutional internal equity.

HISTORY: November 1995; Amended November 1996; January 1997; May 1997; December 1998; July 1999; August 1999; October 2005, October 2007, July 2010hk.

Policy Change Cover Sheet

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SECTION: 305 HEALTH INSURANCE FOR INTERNATIONAL SCHOLARS

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).

Updates are being made to reflect the appropriate federal form number, correct department name and simply changing "five months" to "20 weeks".

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

Equity, Diversity and Global Outreach

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: 08/17/10 presented to PCC

University
Senate: Routed for Info 08/24/10
Staff Senate: Routed for Info 08/24/10

President's
Council: Routed for Info 08/24/10

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

SECTION 305: HEALTH INSURANCE FOR INTERNATIONAL SCHOLARS

SOURCE: NDSU President

1. NDSU invites international exchange scholars for the purposes of research, teaching, and other scholarly activities and lecture engagements. Scholars who are issued a J-1 (Exchange visitor) visa are given a specified time frame as indicated on the State Department ~~IAP-66~~ Form DS 2019.
 - 1.1 Exchange scholars who are paid by NDSU and whose exchange employment period is at least 20 hours per week and for 20 weeks per year~~for five months~~ or more should receive ~~fringe~~ benefits. Sponsoring NDSU departments are responsible to assure that funding for these exchange scholars includes the amount for ~~fringe~~ benefits.
2. Federal regulations ~~of the United States Information Agency (USIA)~~ require exchange scholars on a J-1 visa and accompanying dependents to have health insurance ~~for themselves and accompanying dependents~~ in order to insure their welfare while in the United States. The institution admitting the exchange scholar is responsible for ensuring that the appropriate coverage is provided as specified by those regulations.
3. The NDSU departmental representative who has invited an exchange scholar, with the assistance of the Office of -International Programs Faculty Advisor, is responsible for ascertaining the following: that prospective exchange scholars understand the health insurance requirements ~~of the USIA~~; that adequate funds are provided for the insurance coverage of the exchange scholar and his/her dependents; and that the appropriate coverage is obtained after arrival at NDSU.
4. Funding for the health insurance may be provided by one of three sources: the inviting department, sponsoring agency, or the scholar. Agreement must be made in writing to indicate that the exchange scholar is responsible for utilizing his/her funds for the purchase of health insurance for him/herself and dependents upon arrival.
5. The ~~International Faculty Advisor (Office of International Programs)~~ and/or the ~~Benefits Coordinator (Office of Human Resources/Payroll)~~ will assist faculty members, departments, and exchange scholars by; providing information regarding the plans available at NDSU; explaining the ~~USIA~~ requirements; and, providing appropriate application forms as necessary.
6. The information intake forms completed by the department representative for the Office of International Programs must include the selected health insurance plan and the funding source. The ~~IAP-66~~DS 2019 will be issued only after this information is provided.
7. Non-compliance with the ~~USIA~~ federal regulations could lead to sanctions or termination of NDSU's Exchange Visitor Program.

HISTORY: January 1995; August 1996, October 2007

[NDSU Policy Manual](#)

Last Updated: Thursday, May 09, 2008

Published by North Dakota State University

NORTH DAKOTA STATE UNIVERSITY

Attachment 3

Spring 2010 Graduates

Degree Conferral Date: May 14, 2010

College of Agriculture, Food Systems, and Natural Resources

Bachelor of Arts

Jared Terrence Dion

Bachelor of Science

Ryan Matthew Amann

Dustin Michael Anderson

Luke Charles Anderson

Ryan Keith Anderson

Hiroshi Ando

Brett Raymond Annexstad

Laura J. Axvig

Cory John Barth

Jennifer May Bartholomay

Craig Anthony Baumann

Mitchell John Becker

Mary A. Berg

Luke J. Black

Alex Joel Bleth

Daniel S. Blilie

Sarah Ann Braaten

Matthew John Breiland

Paul Gabriel Brown

Mitchell Reid Bruins

Claudia Elizabeth Carter

Brian Lee Christensen

Michael Anthony Czczok

Justin Craig Dewald

Amy Rae Dilly

Kellen Dale Dockter

Benjamin Lee Dotzenrod

Christopher John Evenson

James Allan Faul

Andrew David Ferrell

Jayme Fiesel

Bethany Joy Fischer

Deanna Frazier

Lynsey Rae Frey

Megan Elizabeth Friedt

Daniel P. Frith

Sharnae Ivon Fry

Kyle Brady Gerner

Megan Rose Gibbs

Gary Wayne Goos

Alicia Esther Hall

Jameson Lee Hall

Whitney Vilene Haux

Logan G. Heinrich

George Brandon Herman

Brandon Douglas Hoffman

Christen Jackson

Brooke Louise Jameson

Ryan Andrew Jarratt

Josiah Alan Johnson

Amanda Ruth Kassel

Nickolas Ray Keena

Daniel Jay Kilzer

Amanda Lynn Kopp

Hannah Sue Kossow

Stacey L. Kunze

Danielle M. Lambertz

Vincent T. Lancot

Rebecca Linn Laube

Brady Christopher Lewis

Lacey Marie Maier

Timothy John Malterer

Anthony David Martinson

Amanda M. Merrill

Lisa Rochana Mowry

Matthew Allen Moxness

Benjamin Charles Nelson

Jessica Dawn Nelson

Maansi Nijhawan

Jared J. Nordquist

Adam Ryan Novak

Jessica Marie Odegard

Luke Otto

Andrew Timothy Pederson

Brent William Pederson

Bryan Allen Pender

Ryan Michael Petersen

Steven P. Pranke

Tyler Rodney Qual

Justin Michael Quandt

Shiva Raoof

Matthew Henry Retka

Arshi Reyaz

Mark David Ries

Heather Amanda Ripley

Anthony A. Roy

Cole Richard Rupprecht

Darrin Joseph Sabinash

Kendra Kay Saxerud

Emily Beth Schlepp

Ashlee Marie Schroeder

Miranda Lynn Schultz

Tyge T. Sheldon

Nicole Slack

Stacy Mae Snyder

Michelle Jene Solga

William Donald Stansbery

Anthony Lee Steichen

Dustin Strong

Michael Charles Torrence

Mary Elizabeth Valenzuela

Mary Elizabeth Valenzuela

Lindsay Ann Waugh

Daniel John Weinand

Paul Welch

Lee Edward Widdel

Matthew Gregg Wilson

Master of Science

Dane Curtis Braun

Grant Richard Herges

Julie Ann Hochhalter

Leslie Ann Lekatz

Xiao Feli Shi

Alyssa Jayne Tangen

Jason M. Walter

Doctor of Philosophy

Kholoud M. Alananbeh

Venkata Chapara

Xinrong Dong

Hanan Eltahlawy

Sanjaya Gyawali

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

Bachelor of Arts

Justin Michael Atwell
Melissa Ann Cameron
Anthony James Clowe
Brandon R. Coyle
Molly Bersabe Dirkach
Meagen Ann Essen
Amanda Even
Jake R. Foley
Katie Jean Froeber
James W. Gardner
Jerry Geraets
Megan Jeanne Gette
Nigel Douglas Haarstad
Jim Han
Stephanie Hinrichs
Marguerite A. Horning
Amanda Kuller
Carl Lee Malheim
Angela Lou Markey
Adam Jacob Maus
Heather Rand
Amanda Jane Readell
Rachel Ann Stearns
I-Chieh Tsai
Davin Erik Wait
Sean Timothy Zimprich

Bachelor of Fine Arts

Tawnya Christine Iglehart
Kimberly D. Pigeon
Ari Bashar Skytta Gurkanlar
Calysta Swor

Bachelor of Music

Michael J. Goodwin

Aneisa Marie Hagen
Michael Warren Harmon
Daniel Hinman
Brian Carl Selander
Lisa Ann Widner

Bachelor of Science

Ashley Lorraine Anderson
Amanda Asselin
Tyler Steven Axness
Nathanael D. Baardson
Kenneth Craig Beese
Alison Benson
Angela Berland
Jonathan Edward Biersbach
Nathan John Boerboom
Ryan DJ Buatala
Anthony Robert Camp
Sierra Le Cimbura
Rebekah Cohen
Brandon R. Coyle
Jeffrey Donald Curtis
Travis Delzer
Jessica D. Earle
Katie Beth Edwards
Drew Theodore Espeseth
Amy L. Falkingham
Sara A. Flowers
Gabriel Brice Gomez
Gabriel Brice Gomez
Courtney Leigh Good
Bethany Marie Grant
Brandon Grosz
Janae Nina Hagen
Tami Jonye Haigh
Briana Kali Hanson
Christopher Paul Hanson
Shane Lee Harms

Christopher David Hart
Tokumatsu Peter Hatori
Amber Louise Haugen
Jonathan Owen Hickel
Jared James Hines
Matthew David Hohenstein
Timothy David How
Amber C. Hultman
Enid Isic
Terence D. Jackson
Amber Jechort
Richard Lee Jensen
Tony William Jensen
Emily Huseby Johnson
Landon T. Johnson
Wendy Marie Johnson
Ashley Nicole Jones
Kimberly Jean Jones
Carin Marie Jorgensen
Katie Marie Karkela
Meagan Kelly
Alissa Miriah Kemmet
Philip John Robert Knecht
Kaitlyn Marie Kostka
Sarah Elizabeth Land
Amanda Susann Lenzmeier
Kara Ann Lien
Matthew Limoges
Jebidiah Severt Lockwood
Christopher Patrick McGuire
Kelsey Anne Miller
Brittani Lee Mulvaney
Ashley Lynne Nelson
Molly E. Nephew
Megan L. Nice
David A. Nygaard
Hannah Gabrielle Okins

Theta Ann Olson
Katherine S. Paynter
Jamie Caryn Peltier
Kelsey Rae Peterson
Toni Ann Planteen
Brenna Patricia Pratt
Richard Wayne Prigge
Deidre Anne Reimers
Mark Rivenburg
Stephanie A. Ruth
Tyler Ray Schafer
Geoffrey Schaffer
Andrew Reveles Schlicksup
Jason John Schluter
Sarah Elizabeth Schmidt
Cassi Jo Schriefer
Brandon Robert Shirtliff
Paul David Simonson
Nathan Smith
Jeanna Marie Sommers
Adam Paul Sprengeler
Laura Beth Storhoff
Caitlin Jae Straabe
Lindsey L. Ternes
Ari Tresselt
Brian Mark Trzpuc
Chelsey Ranae Turner
Justine Marie Tweit
Nicole Debra Vigil
Leah R. Vogel
Jaid Waggoner
Ashley Rae Wiertzema
Michael David Williams
Anne Wohl
Angela Nicole Young

Master of Arts

Dana Raye Anderson

Keith Michael Dickhudt
Ashley Fandrich
Whitney Allison Frahm
Steven Reginald Hammer
Kathleen Maher
Neall Pogue
Cassandra Joy Ptacek
Michelle Marie Roers
Sarah Jane Smith Warren
Stacey Jo Tobias

Master of Music

Jamie Dawn Hagen
Erich L. Knapp
Martin Aasheim Olsen

Master of Science

Tyler Jon Anderson
Kimberly A. Beauchamp
Lacey Laura Locket
Kristi Marie Stahl
Melissa Beth Walter

Doctor of Philosophy

Kimberly Jo Cowden
Micheal Allen Kemp
Vicki L. Miller
Melissa Ann Vosen
Kelly Elizabeth Wolf

College of Business

Bachelor of Accountancy

Ann Marie Erickson
Luke David Evenson
Nicholas L. Hazard
Trevor Donald Long
Alex Schroeder
Benjamin J. Stuber
Douglas Wyckoff

Bachelor of Science

Yusuf Hussein Abdi
Ryan Adams
Opeyemi Ayodeji Aina
Kirby Kyler Anderson
Whitney Ann Arnold
Zachary R. Blomberg
Benjamin Bondy
Steve Joseph Bowles
Benjamin Neil Braaten
Stephanie Denelda Brost
Chad John Brucker
Mary Ella Buckhouse
Amy Rose Burckhard
Lucas Berent Carlson
Wing Ga Chow
Allison Katherine Colby
Mitchell Lee Crawford
Ross Steven Dahmen
Kylie Jaymes DeMars
David J. Dinneen
Tam Hoang Do
Lance Dolezal
Debra Michelle Dow
Andrew H. Ekren
Sean Wade Elsner
Kyle Engleson
Randall Thomas Erdman
Jennifer Erickson
Andrew Michael Faken
Ashley Renae Filpula
Jared Martin Fisher
Amy Jean Frederick
Matthew Douglas Geiselhart
Trish Ann Glass
Christina S. Gordon
Amanda Lee Gruer
Paul Joseph Gunderson

Richard Robert Hansen
Levi James Hanson
Brandon Scott Harberts
Casie Erin Hawkinson
Mollie Louise Heins
Brian Edward Hejna
Sara Renae Hendrickson
Jared Rhett Herman
Elizabeth Ann Hermanson
Adam Hinnenkamp
Sidney Allen Iverson
Cody Lee Jangula
Anna Jeska
Rhiannon Danae Johnson
Kimberly Ann Kalvoda
Kevin B. Karel
Disha Khanna
Amber Jane Klevgaard
Sara Jane Kramer
Ross Joseph Kuhn
Jill Suzanne Kussatz
Donn David LaBonte
Tanis L. Laducer
David Lamb
Kevin Lau
Alexander Craig Leach
Timothy J. Lee
Yanfei Liu
Ashley Marie Lystad
Christopher A. Marohl
Max Martin
Joshua Alan McAlister
Kristy Rose McCormic
Christy Lynn Meckle
Nicholas Mertens
Jayce Adam Miller
Mohamed Abdi-Sharif Mohamed

Abigail Mae Moyer
Randall Murphy
Brittney Frances Nagel
Jessica Elisabeth Nelson
Sara Niemela
Patrick John Nord
Kraig Nordick
Rachel L. Oakland
Brandon K. Olson
Richard J. Orr
Chauncey Lyle Planteen
Kenton Lee Plekkenpol
Michael D. Quast
Obinamuni Sudeepa Rathnaweera
Mark David Redepenning
Jordan Rodgers
Adam Mark Schaan
Anthony John Schanilec
Preston John Schell
Gustaf Rolland Schlepp
Thomas M. Schlobohm
Heidi Marie Schuer
Daren Seney
Matthew Allen Serfling
Jared Steven Shields
Casey Jo Slusher
Nicole Lee Smith
Sam B. Soholt
Cody Alan Spaeth
Megan Annette Stephani
Brent M. Sticha
Erik Ryan Stoneberg
Jeffrey C. Strand
Robyn Jo Stromberg
Kari Ann Swanberg
Tabitha Brown Thomas
Adam Lamont Torbert

Kristi Kay Van Ahn
Christopher Kenneth Votava
Briana Lynn Walicski
Joshua Kurtis Wanner
Shawn M. Weyer
Jordan Yaggie
Qiong Yan
Kelli Yeager

Master of Business Administration

Binny Singla
Amanda Jo Werre
Cory Wheeler

Master of Business Administration

Chantelle C. Arends
Ambika Badh
Jake Allen Bakke
Seth Gregory Bibler
Divya Chowdhary
Katrina Rae Falk
Oluwayemisi Fayemiwo
Kushal Gupta
Kay Marie Hopkins
Heather Renee Hughes
Heather Rae Jarski
Aby Vargis Kallimel
Andrea Marie Kramer
Saurav Kumar
Harika Mattaparthi
John Archibald McIntyre
Trina Ann Michels
Mohamed Elhad Ben Mohamed
Emmanuel Sylvester Ndhlovu
Jessica Marie Rode
Mohamed Sanaullah
Tera Lee Sandvik

College of Engineering and Architecture

Bachelor of Landscape Architecture

Jean Beaupre
Chidozie Ehiemere
Stephanie Jo Falkers
James A. Fink
Ryan Christopher Martineau
Kyle Slivnik
Laura M. Zimmerman

Bachelor of Science

Chelsey Jean Anderson
Trevor John Anderson
Robert Edwin Arlt
Molly Lynn Bausman
Jean Beaupre
Laura Nicole Brunik
Mark W. Cameron
Jill R. Cayley-Wieler
Benjamin James Davis
Allison A. Denault
Chidozie Ehiemere
Thomas David Erickson
Stephanie Jo Falkers
James A. Fink
Stephanie Ann Franzen
Benjamin Frick
Matthew Jordan Friesz
Aaron James Grunwald
Mindy Hart
Kerry Diane Hartleib
Daniel Hillukka
Eric Alan Hoffer
Heather Colleen Holz
Rachel Marie Horntvedt
Kasey Lynn Howard
Kathryn Elizabeth Hughes
Andrew Foster Jacot

Brandon Janshen
Jared Jensen
Kelsey Lee Jensen
Alec Mikel Johnson
Justin Daniel Johnson
Samuel Kalscheur
Lane Robert M Kleist
Nicholas Michael Klever
Kathryn Lindmeier
Kyle L. Lunke
Laura Ann Lutterman
Ryan Christopher Martineau
Drew R. Olson
Adam Daniel Pangrac
Kristopher Proulx
Maria Danielle Sauvageau
Louis A. Sirota
Kyle Slivnik
Ryan Lee Sorby
Jason Lee Sumner
Mitchell Allen Tromberg
Jourdann L. Utke
Pooja Vaidya
Jared Mathew Weismantel
Jodi Lynn Ziegelman
Laura M. Zimmerman

Bachelor of Science in Agricultural and Biosystems Engineering

Mohammed Tafseer Ansari
Nicholas David Bendickson
Thomas Curley
Jake Ryan Ellwein
Brandon J. Giesler
Jason Eugene Gross
David L. Hagemeister
Reed Charles Hanson
Matthew Clarence Hawkins

Michael Joseph Hiedeman
Blake Patrick Johnson
Mukesh Kumar
Nikhil Kumar
Jeremiah Michael Lang
Chad Mayfield
Austin D. McLaen
Aakanksha Rastogi
Jay Ronald Wardner
Dustin Dean Weber
Thomas Harvey Young

Bachelor of Science in Civil Engineering

Brent Aakre
Chad Thomas Abrahamson
Brady Austin Archer
Andrew Mark Ayash
Stephanie Brooke Bartels
Michael Edwin Bibow
Mark Aaron Blixt
Daniel F. Bogart
Jacob Joel Braunagel
Shawn Allen Breker
Kristi Lynn Brosz
Hayley Elyse Brown
Garrett Floyd Brunell
Brendan Paul Christenson
Tyson John Decker
Alayna Lynn Goodin
Anthony G. Hafner
Christopher Russel Hans
Steven K. Hegland
Courtney Ann Homan
Matthew Lee Isley
David Michael Johnson
Thomas Daniel Kading
Maureen Njoki Kinyua

Nicholas Daniel Klisch
Eric Mark Kroning
Paul Kevin Kyle
Russell Todd Landphere
Kyle R. LaPlante
Jacob Harold Loegering
Travis Michael Lucas
Kevin Douglas Mackey
Philip Oscar Markwed
Cody Earl Mueller
Adam Nicholas Nies
Alan Gerald Offerman
Matthew Nels Olson
Christopher James Peltier
Emily Claire Peterson
Laura Mae Prechel
Michael Edward Quamme
Eva Carolina Rojas
Justin Ray Sailer
Brian Jay Schreurs
Nathan Albert Schroht
Durham Glenn Snider
Aaron David Soderlund
Jacob D. Strombeck
Tyler Kaley Tubbs
Cody Alan Wardien
Cale Douglas Wegner
Timothy Jon Wegwerth

Bachelor of Science in Computer Engineering

Jeffrey C. Forshee
Brandon Froberg
Rishabh Gupta
Swati Gupta
Adam Matthew Hoffert
Sanjay Nariyal
Amrita Ratan

Sandeep Pal Singh
Yash Srivastava

Bachelor of Science in Construction Engineering

Patrick Thomas Gallagher
Michael John Gilbertson
Joshua Robert Hauser
Anthony Edward Hennen
Quinn D. Long
Jacob Allan Nygaard
Christopher James Sobieck
Joshua Volk

Bachelor of Science in Construction Management

Benjamin Joel Armbrust
Alexander Randy Asmus
Russell S. Bailey
Riley A. Beckman
Adam P. Benhardt
Justin P. Bossert
Matthew Both
Richard Arthur Chodek
John Thomas Clement
Ryan Andrew Dosch
Craig Conray Griesbach
Nathan Donald Grummert
Dane Edward Grunerud
Gage Alexander Halvorson
Thomas Reid Halvorson
Jeffrey D. Kahnke
Mark J. Kern
Jarvis Llyn Kramer
Brandon Daniel Langerud
Jack Thomas Leiwica
Leif Orrin Nelson
Tyler L. Odden
John Richard Poganski

Trevor Lee Poppler
Justin Michael Rheault
Bradley Ray Rothwell
David Allen Schauer
Brett M. Schneider
Cody John Shoman
Matthew John Smithers
Bradley Jacob Vesta
Daniel R. Walter
Zachary Ignatius Wilhelmi
Bryce William Wuori

Bachelor of Science in Electrical Engineering

Whitney Marie Aalund
Jacob Arntson
Maduka B. Bandara
Scott Casey Barber
Christopher James Baumler
Jeffrey Betterman
Brian James Booth
Matthew John Bruns
Thomas Allan Carpenter
Hitesh Chhillar
Saleh Ghazi
Daniel Lee Hanson
Kayla R. Helseth
Lee M. Hinsz
Ross Andrew Hjelle
Kirk Wesley Jensen
Mark Joseph Jund
George Henry Kryzer III
Nathan Douglas McBeth
Jeffrey Ryan Michel
Sanjay Nariyal
Thomas Narvesen
Matthew Thomas Nitschke
Cameron James Novak

Ripon Roy Chowdhury
Erik Edwin Ryen
Richard Kevin Schultz
Manish Shokeen
Sandeep Pal Singh
Justin Sipma
Smriti Tripathi
Jacob Elmer Wagner
Michael Roland Weisz

Bachelor of Science in Industrial Engineering and Management

Thamer A. Alsayegh
Amanda Joyce Anderson
Chad C. Berg
Surendra Bhandari
Thomas James Bishoff
Kayla Bosak
Patrick S. Garty
Luke Frank Holt
Luke Adam Johnson
Scott M. Johnson
John S. Koehler
Charla Marie Lanoue
Melissa Ann Lynnes
Kevin Ronsberg
Timothy Joseph Rousar
Jacob Michael Schill
Waylon David Thomas
Corey Joseph Vanderbosch
Brandon Richard Vold
Nathanael David Weller
McLain Lauris Woessner

Bachelor of Science in Manufacturing Engineering

Nicholas Wayne Reamann

Bachelor of Science in Mechanical Engineering

Rachel Marie Bruggeman
Jacob Michael Dannecker
Erik Drellack
Michael DesRoches Fegley
Jacob Eugene Fink
Derek Froslie
Dustin Geselius
Jacob Peter Grundman
William Ernest Haberman
Ryan Craig Haseman
Timothy Ralph Hertsgaard
William J. Humbert
Benjamin Keaveny
Lee A. Kersting
Natalie Jean Klavervkamp
Joseph John Kostreba
Keith Leier
Isaac R. Leyk
Vincent Gordon Lindenfelser
Gregory Kenneth Loken
Darrin Kyle Mahn
Erin Elizabeth Mann
Eric Martin
Bradley Leroy Messer
Lance Anthony Meyer
Kate L. Moser
Cassandra Lea Obarski
Jonathan P. Odermann
Kirk Patrick Ogden
Brian Adam Olson
Thomas James Paulson
Richard Wayne Prigge
Joshua Mark Retterath
John Joseph Ritzke
Matthew Rothschiller
Scott Sabol

Kevin Matthew Sagert
Austin Paul Schmalz
Kathryn Ann Steffes
Andrew William Teigen
Chude Umeh
Adam M. Weaver
Nathan Paul Wolf

Master of Architecture

Marita D. Abe
Thomas A. Adamietz
Christopher Joseph Anderson
Matthew Brian Arndt
Fernando Pavel Bales
Adam David Barnett
Matthew Alan Bergstrom
Kara Braaten
Amy Lynn Chmielewski
Shawn Michael Crowley
Micah Deitz
Justin Darel Douvier
Mitchell A. Dressel
Alexander John Engle
Mathias Fitzer
Nathaniel Keegan Manuel Gough
Kolby Michael Harpstead
Christopher Heidrich
John Goodwin Holten
Branden John Kalstad
Amanda Rose Kohn
Christopher John R Legatt
Stephanie Dawn Louis
Amanda Makis
Mandel K. Mertz
Carrie Marie Meyer
Brent Joseph Nelson
Nicholas Evans Peake
Meghan Kay Rausch

David Daniel Rock
Benjamin C. Schwarz
Brian M. Sommerfeld
Timothy Michael Stone
Michael David Stueven
Jonathan Joseph Thomas
Melissa Trueblood
Petar Milkov Valkov
Michael Cole Vetter
Jamie Katherine Walter
Nicholas S. Weber
Chris Robert Wetch
Jennifer Marie Whitney
Travis Michael Wilke
Kevin Francis Zachman

Master of Science

Narender Goud Bejawada
Raga Deepika Gondi
Shanshan Huo
Munir Kaderbhai
Qun Li
Mayank Kumar Verma

Doctor of Philosophy

Bhavnita Dhillon
Judith Dolores Espinoza Perez
Punyatoya Mohapatra
Shirui Wang

College of Graduate and Interdisciplinary Studies**Master of Science**

James G. Dodd
Brian James Fier
Jonathan Randall Mikkelsen
Kevin W. Misek

Doctor of Philosophy

Lei Fan
Benjamin Aaron Geaumont
Nancy Marie Hodur

College of Human Development and Education**Certificate**

Sara Kimberly Moeller

Bachelor of Arts

Maryssa Kalahikiola McKenzie
Allison C. Roth
Amanda Rose Smith
Daniel Harry Syvertson

Bachelor of Science

Kristen Aas
Kalli Jo Artz
Austin Philip Ash
Megan Ann Barnes
Vanessa Katherine Beckstrom
Alexander Robert Belquist
John Thomas Bentele
Marcus A. Bittner
Anthony John Bizal
Elise M. Blickensderfer
Sophia Christine Boche
Lesley Megan Browen
Patrick Whalen Browning
Brittni Nicole Bruenjes
Theresa Ann Bruns
Keith David Buckman
Jenna M. Buckwalter
Justine B. Cadwell
Tyrel Dixon Cale
Klay Guy Carlson
Michelle Elizabeth Carlson
Christopher Cameron Chatham

Suri June Clark
Lindsey Eve Cunningham
Grace Hopkins Curwin
Amy Ann Dahl
Amy Jo Devitt
Andrew Jordon Dosch
Rebecca Rae Duenow
Jesse K. Dunn
Gerald Ebel
Justin Ralph Ellenson
Nicole Marie Ellis
Lucy Kate Fagan
Megan Elaine Fandrich
Alireza Farahmand
Alison M. Feders
Katrina Marie Fick
Jessica Marie Flannigan
Curt Henry Follman
Rebecca Lynn Frasz
Kaylee Ann Frenzel
Angela M. Froehlich
Tasha Marie Glanzman
Morgan Godfrey
Brandon Donald Gosch
Jason Mandez Grant
Autumn V. Gray
Alicia Ann Grove
Katie Lee Haase
Nicole Hagstrom
Stacy Lynn Halvorson
Ashley Lorraine Hansen
Sarah Ann Helseth
Samantha Jo Hensch
Kevin Hermanson
Andrew Thomas Herzog
Tracy Hill
Ryan Andrew Hiltner
Jenna Carol Hoffert

Joshua Everette Hoskins
Jacob Richard Hughes
Katie J. Hultin
Raechel Hum
Angie Lynn Jacobs
Jenna Maree Janshen
Amy C. Johanek
Joshua Quinn Johnson
Kyle T. Johnson
Mattie Johnson
Cathy Jolene Jorgensen
Daniel J. Kaffar
Sarah Lynn Keller
Matthew Kittelson
Lisa Marie Knorr
Andrew J. Koch
Sara Louise Kram
Casey Kramer
Kyle David Kuether
Mary Monica Kurle
Hannah Jo Izetta Kusler
Kailah Lynn Ladbury
Courtney Elise Lagodinski
Jennifer Marie Lambrecht
Gretchen Anne Lee
Zachary Peter Liestman
Ruth Anne Loegering
Kelly Jean Lopez
Kelly Jean Lopez
Abby L. Lounsberry
Betsy J. Ludvigson
Jonathan Lunde
Nicole Lynn Maas
Emily Ruth MacLean
Natasha Marie Madoll
Amanda L. Maruska
Amanda Brooke McInnes

Shannon Michelle Medenwald
Nicole L. Miles
Hannah Miller
Trisha Irene Miller
Courtney Jewel Mitchell
Anne RaNee Mogck
Amy Joy Mugaas
Larissa Ann Myers
Whitney A. Nelson
Laura Beth Newton
John Obarski
Bradley M. Ogle
Adam R. Olson
Kasey Marie O'Rourke
Eric S. Park
James Ethan Park
Kayla Kathleen Peterson
Jennifer Ann Pickett
Derek Pinnick
Jacob James Pischke
RaeAnn Claire Preskey
Nicole L. Preston
Allison Elizabeth Pritchard
Kayla Ramsey
Amy Rau
Amanda Jane Readel
Sarah Kathryn Reierson
Raechel L. Riffle
Alexander Carrington Roorda
Abigail Louise Rothwell
Jennifer Lynn Sabourin
Erika Schaefer
Caitlin Cora Schilke
Christina Marie Schneider
Rachel Renae Schram
Amanda Jo Sieg
Shayna Sinton
Tessa Rae Sisk

Tyson Jon Skillings
Ariel Joy Smith
Kimberly Ann Stangl
Brittney Rose Stenvold
Wade A. Stevens
Lu Sun
Katherine Swalboski
Shelby Ann Tabery
Kari Elizabeth Thompson
Serena Jean Thompson
Krista Jennifer Tonn
Richard Patrick Trappen
Heather L. Trett
Hillary Tyler
Nicole Lorraine Vandal
Josh Thomas Vaughan
Melissa Lindsey Vettel
Holly Joy Wadeson
Allison Marie Walker
Katie Ann Wallace
Amanda Lynn Weigelt
Brittany Megan Wendler
Casey Lynn Weninger
Daniel Eric Wey
Kelsey Wickland
Paul Elroy Wixo
Teddi Jean Wood
Kaylie Marie Young
Heather Zander
Erica Ann Ziegler
Kimberly Dawn Zubke

Master of Athletic Training
Dewayne N. Dale

Master of Education
Charmaine Larissa Abey
David Matthew Axt
Jodi Burkhardt Bruns

Jill E. Erickson
Kathryn Marie Evenson
Susan Jane Gunderson
Heather M. Heising
Vanessa Anne Kocka
Ann E. Krier
Cassandra Anne Larson
David Duke Larson
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Lindsay Jill Lutovsky
Tressi Anne Mitchell
Jessica Marie Osebold
Michael Pulczinski
Heidi Joy Roberts
Luke Schaefer
Jennifer Lynn Schmidt
Nicole Lyn Smith
Carissa Joy Swenson
Amy Beth Tahrn
Jennifer Ann Thrasher
James William Upgren
Ting Wang

Master of Science

Corinne Lynette Russ Dauksavage
Paul Sidney Fisk
Sarah Jane Hilgers
Yuki Hirano
Kevin Quay Kelly
Sebastian Anderson Miles
Robyn Myrum
Whitney Elizabeth Nigg
Joshua Onken
Angela Lynn Ostrom
Elise Marie Pforr

Education Specialist

Lyn L. Hendry

Doctor of Philosophy

Nandita Bezbaruah
Jeremy William Carney
Sio-Wa Ho
Connie Lee Hovendick
Laura Oster-Aaland
Nels Milan Peterson
Joe Henry Sykora

College of Pharmacy, Nursing, and Allied Sciences

Bachelor of Science

Jorja Jeanette Bloomquist
Valerie Ann Bryce
Brianna Carlson
Daniel David Clark
Kayla Rae Dykema
Tristin Daniel Frank
Jaleesa Ann Hageman
Palleap Hour
Megan Marie Lange
Emily Jean Nelson
Brittany Noel Neshem
Rebecca K. Nordberg
Nathan Joseph Roth
Tania A. Strube
Lisa Ann Vilhauer

Bachelor of Science in Nursing

Kari Marie Bollingberg
Mallory Bosch
Katie Jean Boyum
Ashley Helen Dylla
Matthew Lee Flicker
Tiffany Catherine Fritel
Cierra Grondahl
Jessica Erin Gustafson
April Halland

Brett Lee Halvorson
Megan Ruth Halvorson
Teresa Dawn Haman
Megan Ashley Hardina
Jodi Clara Hart
Elizabeth Marie Holt
Yasuji Horita
Lisa Kristine Jaspers
Rachel Katherine Jennen
Alanna Lee Johnson
Heather Nicole Johnson
Shane Rupert Johnson
Kanako Kabaki
Laura Elizabeth Kenyon-Schmidt
Mandy Teneva May Kirkwood
Andrea Mary Knopik
Tierney Lynn Kudrna
Linda J. Loughheed
Kelli J. McCarren
Sarah Moquist
Danielle Marie Muck
Amanda Jo Nord
Kristin O'Connell
Katie Josephine Opatz
Ashley Nicole Prince
Nicole Whitney Reed
Katie Ann Ritt
Kelly L. Roebke
Sarah Roehl
Rochelle Anne Rogness
Ranelle Jean Sando
Tiffany Rose Saxton
Nicole Michelle Stewart
Lauren Jean Stoppler
Britta Kelsey Thiesse
Kari L. Thorson
Sarah Katherine Tollerud

Chasidi Irene Van Beek
Alana Jo Wagner
Michelle Diane Williams
Chelsey A. Woulfe

Doctor of Pharmacy

Roland A. Achenjang
David Richard Anderson
Troy H. Anderson
Stacy Louise Bates
Cody J. Behm
Tasha Nicolle Bekkerus
Cole Daniel Bemboom
Alexander Kindem Berg
Amanda Kathleen Boo
Elizabeth Mary Thesing Brisk
Aaron G. Brummer
Jenna Lynn Bryce
Todd W. Chapin
Robert J. Choiniere
Kurt R. Christianson
Steven Alan Collison
Jill Nicole Condon
Kayla Renee Dahlen
Ramona Marie Danks
Katherine Margaret Deering
Kristina Marie Degiovanni
Katie Lynn Deutsch
Pamela Sue Ekern
Erica Jean Engel
Nicole Ann Engelmeyer
Marissa Berty Erlandson
Kelly Jo Frank
Benjamin Woodrow Fritchman
Bhushan Prabhakar Gadam
Brandie Lynn Hagert
Casey Charles Halcrow
Paul Bernard Heim

Garrett James Hendrickson
Lynn Renae Herbranson
Maureen Odile Hickey
Virginia Talcott Howe
Lindsay Elyse Huether
Mark R. Janku
John William Jepperson
Christine Marie Johnson
Brenna Marie Kane
Nadine Kanyana
Ashlee N. Kinzel
Elliot Dane Klapperich
Jessica M. Korsten
Blaine Charles Kremer
John T. Krier
Kevin Dean Krogstad
Alissa Nichole Larson
Gabriel Carver Lautenschlager
Kyle David Leftwich
Thomas J. Lofgren
Sara Marie Lout
Maari Lynn Loy
Mandy Marie Maasjo
Nicholas Steven Maddux
Jema L. Marsolek
Heather Marie McGinnis
Sean Nicholas McLister
Erin E. Miller
John Charles Ness
Benjamin I. Niebaum
Kathryn Belle Nordick
Christopher Allen Olson
Stephanie Erin Olson
Michaela Leigh Ostendorf
Kathryn Victoria Pedersen
Michael Donald Peterson
Luke Dale Ratchenski

David Peter Reardon
Alexi J. Riedlinger
Elizabeth Sara Rinke
Andrew James Schlicht
Jared M. Schmitz
Kayla Marie Schroeer
LaNell Grace Staroba
Alicia Ann Thole
Andrew J. Thoreson
Terri Jean Torgerson
Anthony B. Tran
Jeffrey Mark Ulmer
Brent James Vesta
Margaret Lynn Wallace
Tyler Wesley Waller
Siri Ellen Waytulonis
Faith Elizabeth Wentzel
Gregory B. Ziegler

Doctor of Philosophy

Namrata Bhatnagar
Rajesh Subramaniam

College of Science and Mathematics

Certificate

Pratap Kotala

Bachelor of Arts

Matti Maurice Kariluoma
Allison Theresa Morth
Elizabeth Claire Sand
Emily Jane Sturn

Bachelor of Science

Jesse John Amo
Anant Daksh Asthana
Amanda Bachman
Emily Ann Baumgartner

Heather Elaine Bergan
Samantha Rae Billing
David George Blattner
Danielle Lynn Briceno
Cody Harold Brown
Thor David Brown
Ryan Thomas Carlsrud
Anna Elizabeth Christenson
Nicholas Ian Cilz
Tracy Eugene Clapper
Taryn Susan Cunningham
Lindsey Marie Czczok
Nicholas Richard Daigle
Allison Rose Deraney
Travis Jon Dockter
Jacob Wayne Doggett
Ian Monroe Donaghy
Zachary M. Eifert
Jarrett Failing
Aaron J. Feickert
Sarah Ann Ford
Mark Richard Frohlich
Haeli Marie Gerardy
Indiwari Gopallawa
Kaitlin M. Griffin
Steffanie Delores Grossman
Brian N. Hall
Nathan Owen Hansen
Devin Michael Hanson
Jeffery Simon Ardell Hanson
Dustin Dean Heim
Kallie Jade Heisler
Leon B. Heller
Robert Braga Henson
Eric Allen Hodgerson
Sasha Anne Hoffman
Grace Elizabeth Johnson

Evan Richard Jones
Brett James Kaber
Vandana Kadian
Laura Marie Keller
Kate Kirby
Seth Andrew Klingbeil
Kenneth Knoll
Jonathan Thomas Krebs
Michael James Kunstle
Kayla Jo Kuntz
Christopher A. Kuylen
Nicholas Joseph Laney
BreAnne Sarah Larson
Kimberly Katie Lindner
Joel Thomas Longanecker
Jared Lutz
Alyssa Lyn Lybeck
Adam Steven Lee Magyar
Adam Mahar
Jordann Diane Mahon
Peter Raymond Martin
Trevor Michael McDaniel
Christopher M. McEwen
Joseph Bradley Miller
Jessie Jane Monson
John Nagel
Jenna Kay Nelson
Christopher Michael Nilson
Michael Charles Nokelby
Tarik Nurkic
Amanda Jean Olson
Mariah Jo Olson
Scott Michael Parson
Matthew James Peabody
Matthew J. Piehl
Brice Alan Podoll
Mirela Porcic

Cassandra Lynn Refling
Kyle James Rehome
Natalie Jo Reiser
Tiffany Lee Renard
Andrew Mikal Sand
Britnie Jean Schlosser
Celton B. Seelig
Jacob K. Shaske
Deepak Sheoran
Vishal Vivek Sonalkar
Karly Lynn Sorensen
Mark Spanier
Carrie Rene Spillers
Trista Marie Swift
Sepora Eve Tagaloa
Christopher Ernest Thompson
Sabrina Lynn Thompson
Andre Lawrence Trindade
Ankush Wadhwa
Paul Wangota
Jerry Wayne Warmbold
Elizabeth Ann Wegleitner
Heather Marie Wieber
Michelle Winings
Andrew Joseph Wohlers
Joshua J. Wolff
Rajkumar Yadav

Master of Science

Li Cao
William Riley Casper
Arijit Chatterjee
Joseph James Dombeck
Kelsey Liann Dunnell
Ravi Eda
Jacob Timothy Juhl
Ashley Ann Kotrba
Hari Krishna Mukka

Md Golam Osmani
Phillip Steven Reindl
Salman Shams
Naomi Takahashi
Mousumi Tanha
Qipeng Wu

Doctor of Philosophy

Emilie Erin Dekrey
Carl Hashbarger
William H. Jockheck
Christopher Spicer

College of University Studies

Bachelor of University Studies

Wayne Allen Bartz
Adam Todd Bergem
Mathew James Bitzegaio
Sue Ann Bond
Tyrone Scott Braxton
Benjamin Patrick Bruggeman
Justin Paul Cain
Letha Cattanach
Jong In Choi
Jamie Lee Gable
Emily Jean Keller
Crystal L. Nagel
Ramey Jeanne Overstad
Austin Parker Pennick
Crystal Marie Rohr
Jill Marie Spinar
Preston Lee Steele
Joshua Jay Svaleson
Tommy Trieu Vo
Troy Gregory Wambach

VERSION A

POLICY CHANGE COVER SHEET

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 OPENINGS**

This change in Section 4.9, per University Senate, will remove the two year limit for a position hiring utilizing a spousal exception and replace it with no time limitation and provide this exception to spouse or partner of employee.

Change made 3/8/10 puts the two year limit back into policy and adds further clarification in section 4.9 regarding an employee's spouse/partner's obligation to locate positions they feel fully qualified for and then contact Human Resources.

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

Policy Committee: 01/09/09 brought to PCC, 12/17/09 brought back to PCC with changes made in version 5, Version 6 brought to PCC 3/10/10;additional changes made 03/15/10 by EDGO, routed to PCC again for April meeting.

University Senate: 9/14/09

Staff Senate: 05/09 approved

President's Council: 05/09 approved

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 broadbanded 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:~~
When an employee, at time of hire or within 2 years of employment, has a spouse or partner who is fully qualified and interested in for a university position, the department or 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 locate positions that they feel they are fully qualified for and 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.

The hiring department will make the final hiring decision.

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.

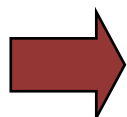
5. Regardless of the position announcement procedures that are followed, all employment decisions within the University are subject to equal opportunity laws and regulations, and [NDSU's Equal Opportunity and Non-Discrimination Policy 100](#). ~~equal opportunity laws and regulations that prohibit discrimination 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 or~~ director, it is forwarded by the vice president to the President for consideration.

VERSION B

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 103: Equal Opportunity/Affirmative Action Policy on the Announcement of Position Openings*

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 rationale for the proposed changes by the Commission on the Status of Women Faculty – FORWARD Advance team, in conjunction with the Provost, is that administrators are not required to advertise leadership positions that are less than 50% appointment (e.g., assistant/associate chairs/heads, assistant associate deans, etc.) as the policy is currently written. Although administrators are encouraged to advertise these positions, they are allowed to appoint someone without announcing it to interested individuals on campus. The team feels this limits access to positions that could lead to advancement and opportunity. The proposed changes would revise the language of the policy so that advertising these positions would be required.

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

- *Committee on the Status of Women Faculty/FORWARD Advance Team [1/29/10]*
- *Provost/Vice President for Academic Affairs*
- *Wendy.Reed@ndsuh.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

Committee: 01/09/09 presented

University Version B routed 06/2010

Senate:

Staff Senate Version B routed 06/2010

President's Version B routed 06/2010

Council:

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

All suggestions will be considered, however due to policy format guidelines, they may not be possible.

Thank you for your understanding!

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 the Office for Equity and Diversity, 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 (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. For any titled or compensated appointment, a position announcement is required. Unit supervisors are, ~~however, encouraged~~ required to announce the position on an internal or local basis. That means that an announcement ~~might~~ must be distributed ~~only~~ within the University ~~or and~~ to the ~~eligible~~ faculty or staff of the particular academic or administrative unit involved. ~~However, a~~ Affirmative action efforts ~~should still~~ must 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 in the Office for Equity and Diversity 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~~ unit leaders are ~~encouraged~~ required 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~~

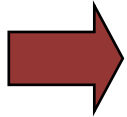
~~A reassignment of duties on a part-time basis, including any appropriate change in title, which does not result in more than a 10% salary increase, a change of more than 50% of the original duties, or the creation of a position vacancy.~~

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.

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 213: Rest Periods*

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).

- *Adding the additional language regarding nursing mothers due to passing of PPACA (Healthcare reform). Language is taken directly from section 4207 of the bill.*

<http://www.opencongress.org/bill/111-h3590/text>

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

- *Office of Human Resources/Payroll – June 4, 2010*
- *Brittnee.steckler@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 06/22/2010

Committee:

University Routed June 2010

Senate:

Staff Senate: Routed June 2010

President's Routed June 2010

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!

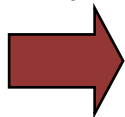
SECTION 213: REST PERIODS

SOURCE: NDUS Human Resource Policy Manual, Section 18

1. Employees may be allowed a paid rest period of 15 minutes each half day to be arranged by the department head. The work day may not be shortened and lunch periods may not be lengthened by omitting rest periods.
2. Employees who work more than four hours in any one day shall be allowed a minimum of 30 consecutive minutes for one unpaid lunch period.
3. An employer shall provide:
 - a) A reasonable break time for an employee to express breast milk for her nursing child for ~~1~~one year after the child's birth each time such employee has the need to express milk
 - b) A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk
 - c) An employer shall not be required to compensate an employee receiving reasonable break time for any work time spent for such purpose.
- 2.—NDSU has the following lactation rooms available for nursing mothers: Hultz Hall 210, The Wellness Center, Family Restroom (located near Bison Connection in Memorial Union), and Barry Hall.

Policy Change Cover Sheet

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SECTION: ~~348326.1-348~~: *Instruction in the Responsible Conduct of Research*

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 proposal for a NEW INTERIM policy. This policy is being requested in accordance with NDSU Policy Section 714(5). This proposed policy enables NDSU to comply with federal law and specific implementation requirements that went into effect for certain federal agencies concerning the responsible and ethical conduct in research. For the National Science Foundation, this requirement was effective for proposals submitted on or after January 4, 2010. For the National Institutes of Health, this requirement is effective for new and renewal applications submitted on or after January 25, 2010. The Provost has indicated that he will be appointing a faculty member at NDSU to lead the training effort/requirement. However, in order to be eligible for certain federal funds, NDSU needs to have a plan in place on instruction in the responsible conduct of research. It is anticipated that the Provost will make his appointment soon and then the leadership of this effort will formalize training and policy requirements through the normal policy change process. Until that time, it is important that NDSU have a policy on its books for compliance with the federal law and specific agency implementation requirements.

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

Department name: Provost and RCATT

Primary contact: Dr. Schnell, Teri Grosz, Val Kottner (valroy.kottner@ndsu.edu) Dr. Charlene Hall

Submitted: Jan. 13, 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:	1/27/10 presented; 2/11/10 - tabled until further information available
University Senate:	Routed for Input 03/05/10
Staff Senate:	Routed for Information 03/05/10
President's Council:	Routed for Input 03/05/10

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 ~~348326.1~~ 348: INSTRUCTION IN THE RESPONSIBLE CONDUCT OF RESEARCH

SOURCE: NDSU President
Provost

1.0 General Principles.

- 1.1 The responsible conduct of research (RCR) is critical for excellence, as well as public trust, in science and engineering. Consequently, education in RCR is considered essential in the preparation of future scientists and engineers. Federal law (Section 7009 of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science (COMPETES) Act (42 U.S.C. 1862o-1)) and Federal sponsors currently require appropriate training and oversight in the responsible and ethical conduct of research for students and researchers.

2.0 Applicability.

- 2.1 Students (undergraduates, graduate students, and post-doctoral researchers) *supported* by the National Science Foundation (NSF) for science and engineering research ~~or education~~ awards must be provided with appropriate training and oversight in the responsible and ethical conduct of research. This requirement is effective with proposals submitted to the NSF on or after January 4, 2010, and includes subrecipient institutions.
 (*NOTE: Use of the term “supported”, is not restricted to financial remuneration. “Supported” can be access to equipment, supplies or lab space by paid students or even volunteers conducting research. Students supported by funds other than NSF but involved in ~~work projects~~ research sponsored by the NSF are considered supported by the NSF and thus subject to training requirements.)
- 2.2 All trainees, fellows, participants, and scholars receiving support through any National Institutes of Health (NIH) training, career development award, research education grant, and dissertation research grant must receive instruction in responsible conduct of research. This requirement is effective with new and renewal applications submitted to NIH on or after January 25, 2010, and for all continuation (Type 5) applications with deadlines on or after January 1, 2011.
- 2.3 The Vice President for each Unit or the Dean of each College, as applicable, has the discretion to require RCR training for other individuals in addition to those identified in 2.1 and 2.2. “Unit” is intended to mean those divisions that don’t have a Dean typically, such as, but not necessarily limited to, [CNSE](#), [EPSCoR](#) and [UGPTI](#).

3.0 Educational Plans.

- 3.1 Each College and Department (or Vice President, as applicable) is responsible for determining the need for and developing a plan for training in the responsible conduct of research, as well as developing content and determining the most effective delivery mechanism appropriate for each discipline, tailored to students/postdocs needs in their respective areas of oversight. Plans must focus on issues and practices that are relevant. General topics (such as responsible authorship and publication) are relevant to all research, while special topics (such as use of vertebrate animal subjects) would be relevant to select research or disciplinary practices. Plans must also include an indication as to the frequency

~~Instruction in the Responsible Conduct of Research 348 – v1 – v2 – 0106/1324/2010 – 9/02/10~~
of training required as well as when training would expire. Most programs would include the following topics:

- conflict of interest – personal, professional, and financial
- conflict of commitment
- policies regarding human subjects, live vertebrate animal subjects in research, and safe laboratory practices
- mentor/mentee responsibilities and relationships
- collaborative research including collaborations with industry
- peer review
- data acquisition and laboratory tools; management, sharing and ownership
- research misconduct and policies for handling misconduct
- responsible authorship and publication
- the scientist as a responsible member of society, contemporary ethical issues in biomedical research, and the environmental and societal impacts of scientific research

3.2 NDSU currently subscribes to the Collaborative Institutional Training Initiative (CITI), which offers online modules on discipline-specific RCR training. Units, Colleges and Departments shall require completion of the appropriate modules by all individuals identified in Section 2.1 for NSF funding, Section 2.2 for NIH funding, and others as identified in accordance with Section 2.3 as a supplement to the Unit, College or Department training plan. The CITI modules are accessed at <https://www.citiprogram.org>.

3.3 Federal agencies, including the Office of Research Integrity, recommend incorporating RCR training throughout the curricula, in a variety of formats. Online courses may not be sufficient as the sole means of providing RCR education, and these should be supplemented with didactic and small-group discussions. Multiple approaches to training are recommended to produce the best results.

4.0 Roles and Responsibilities for Compliance.

4.1 It is the responsibility of each College (or Vice President Unit, as applicable) to determine how best to ensure effective and appropriate education in responsible and ethical research practices.

4.2 The Dean of each College (or Vice President of a Unit, as applicable) shall be the NDSU designate responsible for overseeing compliance with the RCR training requirement within their respective College or Unit.

4.3 Completion of training shall be appropriately monitored by the Deans (or Vice President, as applicable) or their designees and documented by Departments or Units to verify compliance with NSF, NIH or other sponsoring agency RCR requirements. All training plans and documents are subject to review upon request of the President, Provost, a Vice President, General Counsel, or any of their designees, federal agencies or other sponsoring entities.

4.4 The Office of Sponsored Programs Administration (SPA), as the Authorized Organizational Representative for NDSU, shall provide the necessary certification to the NSF that NDSU has a plan in place to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduates, graduate students and postdoctoral researchers who will be supported by NSF to conduct research. ~~SPA will also provide the Principal Investigator (PI) on NSF proposals with a reminder at the proposal stage of the NSF RCR requirements.~~ Prior to finalizing a NSF award subject to the RCR requirements, SPA will

~~Instruction in the Responsible Conduct of Research~~348 ~~v1 v2 0106/1324/2010~~ 9/02/10
provide the Principal Investigator (PI) with a second reminder notice of the NSF RCR
requirements to the PI.

5.0 Consequences of Noncompliance

5.1 In addition to any institutional or State Board of Higher Education consequences for failing to comply with the RCR requirements, NDSU or individuals at NDSU, can be debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from requesting or receiving funding from the NSF or other Federal agencies. Other possible actions include letters of reprimand, ban from serving as reviewers, fines and restitution.

6.0 Contact

6.1 Dr. Charlene Wolf-Hall
Research Integrity Officer (RIO)
Charlene.Hall@ndsu.edu
701-231-6387

Proposal for an Ad Hoc Committee on Policy 103, Spousal and Partner Hiring

Last year, Senate reviewed a change to Policy 103 that increased our spousal and partner hiring period from 1 year to 2. At the Senate meeting the question was raised regarding the rationale for any time period. Senators amended the policy to have no time limit.

Members of the campus community charged with the administration of the policy and with protecting equity suggested no time limit may cause equity and management problems. Because their concerns are legitimate and important, I am proposing a committee to review the research and other institutions' practices regarding spousal and partner hiring. This committee will be charged with reviewing best practices for spousal and partner hiring and revising the policy in accordance, bringing the revised policy forward for approval.

Four representatives have already stepped forward for this committee to represent HR, Equity and Diversity, and FORWARD. The committee would welcome a few additional faculty members with knowledge of or commitment to spousal/partner accommodations.

Agenda

Faculty Senate Meeting

*Meeting place and time: 3:30 pm, Monday, Oct. 11, 2010
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of Sept. 13, 2010, Minutes

III. Consent Agenda

- a. Policy Coordinating Committee
For Information Only
 - 1. Policy 133 Educational Policy ([Attachment 1](#))
 - 2. Policy 133.1 Tuition Discount—Spouse and Dependents ([Attachment 2](#))
 - 3. Policy 150 Commercial and Fund Raising Activities ([Attachment 3](#))
 - 4. Policy 180 Separation Procedure ([Attachment 4](#))
 - 5. Policy 330 Student Advising and Counseling ([Attachment 5](#))
 - 6. Policy 601.1 Behavior Intervention Team ([Attachment 6](#))
- b. Members of the Special Review Committee ([Attachment 7](#))
- c. Confirmation of August 2010 graduates ([Attachment 8](#))

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

IV. General Announcements

- a. President Bresciani
- b. Provost/VPAA Schnell
- c. A. Rupiper Taggart, President of Faculty Senate
- d. G. Totten, President Elect of Faculty Senate
- e. K. Mickelson, President of Staff Senate
- f. K. Black, President of Student Body
- g. Information Technology Services (ITS)

V. Committee Reports

- a. Academic Affairs- A. Brunt ([Attachment 9](#))
- b. Council of College Faculties Update and Elections- J. Glower (no report)
- c. University Senate Special Committee on Academic Dishonesty – J. Council
- d. University Senate Special Committee on the Formation of a Faculty Senate – T. Stone Carlson
- e. Policy Coordinating Committee – G. Totten/A. Rupiper Taggart
For Discussion Only:
 - 1. Policy 304 Academic Staff and Executive/Administrative Positions - L. Christiansen/
E. Myers ([Attachment 10](#))
 - 2. Policy 603 Sexual Assault Student Policy, J. Stoskopf ([Attachment 11](#))

VI. Unfinished Business

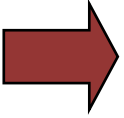
VII. New Business

- a. SSN Compliance - K. Wold-McCormick

VIII. Adjournment

Policy Change Cover Sheet

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SECTION: **133 – Educational Policy**

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

-Updated the SBHE reference.

-Section 3 wording was updated to more accurately reflect SBHE policy wording.

-Parts of the policy as currently written are ambiguous and left to multiple interpretations.

~~-These changes also address the expansion of campus and travel time need to attend classes.~~

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

Staff Senate

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: Presented 08/17/2010; 09/22/10 presented to PCC after being routed 08/24/10

University

Senate: Routed for input 08/24/10

Staff Senate:

Routed for input 08/24/10

President's

Council: Routed for input 08/24/10



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 133: EDUCATIONAL POLICY

SOURCE:

SBHE Staff Human Resources Policy Manual
SBHE Policy Manual, Section 820.2e4

The North Dakota State Board of Higher Education encourages its employees to pursue a program of continuing education.

1. An institution shall waive tuition, the student government activity fee and the university/college fee for "benefited employees" employed on at least a half-time basis regardless of probationary status of the North Dakota University System.

1.1

Employees who are eligible for this educational benefit are not eligible for the graduate assistant tuition waiver absent exceptional circumstances.

2. The waiver is limited to no more than three academic classes per calendar year.
3. Employees may be released from work for regular class sessions for one academic class per semester with approval of the employee's immediate supervisor and/or department head. Approval shall may be granted so long as if it does not interfere with completion of the employee's essential job duties and the essential work of the institution.
4. *This policy is applicable to any degree eligible course, regardless of delivery system, for NDSU employees only. This includes, but is not limited to, self-support and online courses, that would be normally accepted toward a degree program. For these types of courses, the policy does not apply to employees of other institutions or of the university system.*

4.1

Waivers cannot be used for third party sponsored, grant funded, consortium, study abroad, study tour, or remedial courses.

5. Release time may be granted only for the amount of time required to attend the regular class session. Time to travel to and from "regular class sessions" shall be included in the release time. Field trips and outside class activities are not included.
6. The waiver is applicable to all University system institutions of higher education and the Tri-College University Course Exchange.
7. Regular employees, who are not North Dakota residents, may receive a waiver from the non-resident portion of tuition requirements for courses beyond the three classes per calendar year.
8. **Procedure:**

8.1

The employee must obtain initial approval from his/her immediate supervisor and/or department head and final approval from the Human Resources/Payroll Office.

8.1.1

To obtain a tuition waiver, employees must complete a "Faculty/Staff Tuition Waiver Request" form which is available in the Human Resources/Payroll Office.

8.1.2

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

8.1.3

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

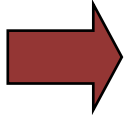
8.2

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

HISTORY: July 1990, Amended April 1991; November 1992, January 1994, January 1996, February 1996; August 1997; February 1998; August 1999; October 2000, April 2002, May 2003, February 2006, February 2009.

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SECTION: 133.1 Tuition Discount - Spouse and Dependents

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).

At a meeting that was held with VPs Schnell, Boudjouk, Bollinger, and Karin Hegstad, Jeanne Enebo and Jill Spacek, the decision was made to change the submittal deadline from 30 days to the Monday two weeks prior to the start of classes. This was the exact language that the VPs wanted for this policy, so that the form deadline was always a Monday.

After a discussion with the Admissions director, it was decided that the requirement of submitting acceptance letters to HR/Payroll for new students was not necessary and actually held up the process. Therefore, the decision was made to eliminate this requirement.

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

- Office of Human Resources/Payroll – 09/13/10
- 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 Committee: 09/22/10 submitted to PCC; [changed "on" to "by" in section 3.1.](#)

University Senate: [10/01/10: Routed for Information V2 10/01/10](#)

Staff Senate: [10/01/10: Routed for Information V2 10/01/10](#)

President's Council: [10/01/10: Routed for Information V2 10/01/10](#)

SECTION 133.1: Tuition Discount - Spouse and Dependents**SOURCE:**

NDSU President

SBHE Policy Manual, Section 820.1

The North Dakota State Board of Higher Education allows campuses to adopt tuition waivers which are consistent with an institution's mission. The spouse and dependent tuition discount is intended to help recruit and retain faculty and staff who can best perform or support the teaching, research and public service mission of the University.

1. The spouse and dependents of regular (broadbanded staff must be off -probation), benefitted NDSU employees are eligible for the discount effective Fall 2002.

- 1.1 Dependents are defined as those unmarried children qualifying as dependents under the NDPERS health insurance plan (25 years of age or under if they are a full-time student, otherwise age 22 and under), who rely on the parent(s) for significant financial support.

- 1.1.1 A spouse or dependent who is also a regular, benefitted employee is only eligible for the employee tuition waiver outlined in Section 133 (Educational Policy).

- 1.2 The spouse and/or dependents must meet admission standards and register for classes through regular registration procedures.

- 1.3 The employee must be actively employed on the first day of each semester to be eligible for the discount. The tuition discount is 50% of the tuition for NDSU classes (excluding self-supporting, Continuing Education courses and internships that require tuition to be paid to the site for student placement) per spouse and/or dependent.

- 2.1 The discount applies regardless of whether paying resident or out-of-state tuition.

- 2.2 The maximum discount for the dependent of more than one eligible employee is 50%.

- 2.3 Fees are not discounted or waived.

- 2.4 The discount applies to both undergraduate and graduate level classes.

- 2.5 Early Entry students will be eligible according to the terms of this policy.

3. Procedure

- 3.1 A Spouse/Dependent Tuition Discount application needs to be submitted to the Office of Human Resources/Payroll ~~along with a copy of the admission acceptance letter (for new students only) 30 days~~ onby the Monday two weeks prior to the

~~beginning of the semester~~ start of classes for which the waiver is requested. Given that conditions in this policy may change, it will be necessary to review the conditions of eligibility each term.

3.2 Proof of marriage/dependency may be required.

3.3 In accordance with federal regulations, the tuition discount will be used as a financial resource and become part of the student's financial aid package. The Student Financial Services Office may need to adjust aid if the amount of the tuition discount, along with other financial aid, exceeds the total cost of attendance.

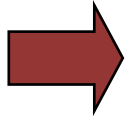
3.4 No employee who has an overdue accounts receivable balance with the University may receive a spouse/dependent tuition discount.

3.5 In accordance with IRS regulations, the value of the tuition waived for graduate level classes will be considered taxable income to the employee. Federal, state and social security taxes will be deducted in a lump sum from the employee's last paycheck of the semester, or, at the employee's written request, deducted on a prorated basis throughout the semester.

EFFECTIVE DATE: April 2002, July 2003, April 2005.

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SECTION: *Policy 150: COMMERCIAL AND FUND-RAISING ACTIVITIES*

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 provisions for Departmental/University fund-raisers for employees and students who have experienced severe emergencies or hardships.
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: 08/10 Presented to PCC; 09/22/10 updated version presented to PCC; 10/01/10 V3 to be routed for input

University

Senate: 10/01/10 v3 to be routed for input

Staff Senate:

10/01/10 v3 to be routed for input

President's

Council: 10/01/10 v3 to be routed for input



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SECTION 150: COMMERCIAL AND FUND-RAISING ACTIVITIES

SOURCE: Rights and Responsibilities of Community: A Code of Student Behavior
[President](#)

1. Recognized student organizations must register fundraising activities with the Associate Director of Memorial Union/Student Activities at least two (2) weeks prior to advertising or initiating fundraising efforts.

Activities or items associated with fundraisers must be consistent with University policies.

Student organizations may use university facilities for sponsoring events at which an admission is charged or donations are solicited, provided that the group has worked with appropriate departments in reserving facilities and coordinating activities. Facility rental fees may be assessed for events at which admission is charged.

2. Organizations not affiliated with NDSU and Individuals (regardless of affiliation with NDSU) may not advertise, sell, conduct a business, or raise funds on the campus or in university residences without first registering and receiving written permission from the following:

In all University apartments, from the Assistant Director for University Apartments and Residence Services. Commercial activities in public areas of University Apartments will not be allowed.

In residence halls, from the Associate Director of Housing and Residential Life. Commercial activities in public areas of residence halls will not be allowed.

In fraternity or sorority houses, from the president of the individual fraternity or sorority; permission will be limited to allowing commercial activities in public areas - not including rooms or corridors.

In Memorial Union, from the Memorial Union Director or the Director's designee. Approval requires a confirmed reservation of space in the Memorial Union. Rental fees (if applicable) will be assessed for space utilized for these purposes.

In the Wellness Center, from the Wellness Center Director or the Director's designee.

In all other areas, please consult the Dean of Student Life Office for referral to the appropriate University official.

3. Parking areas (Leaflets) Placing flyers or other leaflets on vehicles on the NDSU campus, including those in NDSU parking lots, is prohibited. Information left on vehicles will be removed and destroyed. If litter results from such activities, the sponsoring individual/group may be required to pick up discarded flyers or may be billed by the University for providing that service.

4. Raffles or lotteries require a permit from the City of Fargo. Permit applications may be obtained from the City Auditor's office or the Memorial Union Student Activities Office.

- ~~4. Fundraisers specifically for employees and/or students due to severe emergencies or hardships may be performed on University property only if it is sponsored by a University department or by a recognized student organization. These fundraisers shall be for those NDSU employees and students who have experienced severe emergencies or hardships such as losing their home and/or all their belongings due to fire or natural disaster, or financial hardship through overwhelming and unforeseeable medical expenses. In the event of such fundraisers, no state funding shall be used, nor shall there be any use of consumable state property.~~

~~There shall be strict accounting of the costs associated with the fundraiser, as well as an accounting of both donated cash and donated items for the individual or family. The responsibility and accountability of the fundraising activities shall be with the individual fundraiser organizers/planners, not the sponsoring department or student organization. NDSU shall not be held responsible for such fundraising activities beyond the normal use of University facilities.~~

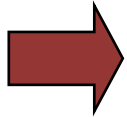
5. In all fundraising activities for employees or students, activities and items associated with it must be consistent with University policies.

NDSU departments and student organizations wishing to sponsor a fundraiser for an employee or student shall go through the appropriate channels to secure the facilities needed. In the case of fundraisers for NDSU employees, the event must be approved by the appropriate supervisor Vice President; and fundraisers for students need to go through the Director of Student Activities Vice President for Student Affairs or designee.

HISTORY: July 1990, August 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: **180: Separation Procedures**

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

Includes provisions regarding written authorization from the employee for withholding the final paycheck if he/she is still in possession of University property or owes the University money upon separation/termination.

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: 09/22/10 presented to the PCC

University

Senate: Route V1 for information

Staff Senate:

Route V1 for information

President's

Route V1 for information

Council:



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 180: SEPARATION PROCEDURE

**SOURCE: SBHE Human Resource Policy Manual, Sections 7 and 26
NDSU President**

1. An employee leaving the service of the University, either of his/her own volition or after having been informed of his/her separation, shall contact the Office of Human Resources/Payroll for information relevant to the separation process.
 - 1.1 *Departments should submit an NDSU Change Form: 101 to the Office of Human Resources/Payroll. This should be completed at least 10 days prior to the end of the pay period in which the separation will occur.*
 - 1.2 *Departments should contact the appropriate security officers to remove access for systems, networks, file storage, e-mail accounts and removal from e-mail lists for the terminating employee. (<http://www.ndsu.edu/hr/forms/SEPARATE.doc>).*
2. A regular employee is eligible to receive payment for accrued annual leave pay. Annual leave pay shall be prorated for the pay period of termination if the employee has not completed a full pay period of employment.
 - 2.1 The last day of work is the termination date, except that two weeks termination pay shall be provided when a two week's notice of layoff is not possible (*lack of work, or other unforeseen emergencies*). Upon termination, an employee shall be paid for all unused annual leave accrued through the termination date.
 - 2.2 The effective date used in a resignation, termination, or early retirement agreement is the termination date. This means the effective date can't be a holiday or a non-working day and must be the employee's last working day.
3. A *regular* employee with at least ten continuous years of state employment who leaves the employ of the state, is entitled to a lump-sum payment equal to one-tenth of the pay attributed to the employees unused sick leave. The pay attributed to the accumulated,

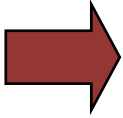
unused sick leave must be computed on the basis of the employee's salary or wage at the time the employee leaves the employ of the state.

4. *All employees having possession of any University property including, but not limited to, such items as keys, NDSU ID Cards, laptop computers, etc., shall, prior to or upon termination of employment, return such property to the employee's immediate supervisor. All debts owed the University shall be paid in full prior to termination of employment unless other arrangements have been made with the Customer Account Services Office. Faculty who have reporting requirements under sponsored research agreements shall meet such reporting requirements prior to termination. If the employee fails to return property under his/her control, damages property (including destruction of University electronic files or documents), fails to pay debts owed to the University, or fails to meet the reporting requirements under a sponsored research agreement, the employee's last paycheck and/or other compensation due the employee (e.g., accrued leave payments) may be withheld or cancelled (or a portion representing the value of the debt/property) until all such property is returned, debts are paid or reporting requirements are met, provided there is a written document signed by the employee consenting to the foregoing deductions or this deduction policy. Withholding from the employee's last paycheck cannot result in employee receiving less than minimum wage or overtime requirements of law. If the employee is also a student at NDSU, grade transcripts and diplomas may be held in addition to his/her last paycheck.*

HISTORY: July 1990; Amended June 1994; July 1997; October 2000; January 2006; December 2006, October 2007, January 2008.

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: **330: STUDENT ADVISING AND COUNSELING**

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 proposes an additional paragraph referring advisers to Section ~~XXX~~601.1: Behavior Intervention Team when they observe concerning behavior or behavior that seems out of character for the advisee.

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

The 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; 09/22/10 presented to PCC as carryover

University Senate: Routed for Input 03/04/10; rerouted with BIT policy number inserted 04/19/10

Staff Senate: Routed for Input 03/04/10; approved 04/10

President's Council: Routed for Input 03/04/10; approved 04/10



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

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

SECTION 330: STUDENT ADVISING AND COUNSELING

SOURCE: NDSU Faculty Handbook

Students are assigned to faculty advisers for assistance with course selection, scheduling, and other academic problems. Advisers will receive necessary information and assistance from their academic deans.

Advisers should develop close working relationships with students assigned to them as advisees. They should have a general knowledge of the various academic programs of the University and should be familiar with specific University regulations and procedures related to the student's academic progress. They should make themselves available for assistance to their advisees by posting and maintaining regular office hours.

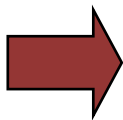
Advisers should recognize when a student might profit from professional counseling assistance in resolving personal, social, academic or career concerns. Such students should be referred to the Counseling Center ~~and Disability Services~~.

Advisers who observe student behaviors that cause concern and seem out of character for the student should report their observations to the Behavior Intervention Team (see Section ~~XXX~~601.1 of the NDSU Policy Manual)

HISTORY: July 1990

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: 601.1XXX: *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:

University

Senate:

Staff Senate:

President's

Council:

NDSU Policy Manual

SECTION ~~601.1XXX~~: BEHAVIOR INTERVENTION TEAMSOURCE: NDSU ~~Dean of Student Life Office~~ President

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, the Division of Academic Affairs, the Department of Residence Life, the Student Rights and Responsibilities Program, 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.

For information regarding the role of advisors, please see NDSU Policy 330;

For information regarding suicide threat response, please see NDSU Policy 608;

For information regarding admission & re-enrollment safety risks, please see NDSU Policy 607

HISTORY:

Members of the Special Review Committee

For the Senate's approval, upon the recommendation of its Executive Committee, the following are the candidates for the Special Review Committee. This committee must have membership from all of the colleges, except U. Studies. Members of the committee will be selected by the President of the Senate to hear grievances that pertain to faculty.

AHSS: Carol Archbald

Science and Math: Ken Nygard

HDE: Tom Barnhardt

Ag, Food Systems, Natural Resources: Stephen Foster

Business: Chanchai Tangpong

Eng. and Arch.: Om Prakash Yadav

Pharm., Nursing, Allied Sciences: Steve O'Rourke

NORTH DAKOTA STATE UNIVERSITY

Summer 2010 Graduates

Degree Conferral Date: August 6, 2010

Attachment 8

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

Jennifer Fowler

Bachelor of Arts

Bethany Brandt-Sargent

Bachelor of Science

Kayla S. Anderson

Emilee Elizabeth Boehm

Alison Bromelkamp

Maxwell Leonard Brown

Cassandra Kay Buck

Kendra Jo Cloos

Brandon Andrew DeFoe

Kayla Ann Delaney

Miranda Mae Edwards

Joshua Frederick Elke

Amy Leigh Engebretson

Rachel Mae Fritz

Thomas John Gross

Brittany Marlene Heinz

Melissa Sue Johannes

Katherine Marie Roberts

Libbi Khanna Sargees

Alicia Pauline Stanaway

Kayla Debbie Sundquist

Amanda Connie Wahler

Alicia Jeanne Wolf

Master of Science

Brenton F. Nesemeier

Sumadhur Shakya

Anne Christine Thurn

Dalitso Noble Yabwalo

Doctor of Philosophy

Prasad Burange

Amali Eashani Samarasinghe

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

Nicole Marie Jonas

Bachelor of Arts

Leah Irene Hauge

Natalie K. McComas

Bachelor of Music

Patrick Michael Thiel

Bachelor of Science

Bridget Barbara Bauer

Lacie Eden Cunningham

Andrew John Drabbs

Michael Gjorven

Tyler Daniel Kruger Hamre

Inger Lee Hodgson

Michael Coleman Howe

Ryan D. Huber

Brie Jamerson

Steven Daryl Moser

Jarrett Ryan Permann

Joshua Michael Rants

Brittany A. Schulz

Nicole Christine St. Marie

Kayla Marie Swanson

Micheal Tanhoff

Master of Arts

Katie Marie Gunter

Kathryn Marie Hedberg

Deborah McGregor-Pfleger

Kurt William Russow

Master of Music

Mara Madelyn Sammons

Master of Science

Renee Ann Devsi

Laura Catherine Farrell

Laura Catherine Farrell

Tim W. Peterson

Ericka A. Wentz

Doctor of Musical Arts

Duane Allen Bierman

Doctor of Philosophy

Najla Ghazi Amundson

Lindsey Bergeron

Anna Frances Carmon

Jessica Clark

Becky Lynn DeGreeff

Jessica Anne Jensen

Suzanne Kelley

College of Business

Bachelor of Accountancy

Nazib H. Chowdhury

Bachelor of Science

Wayne Morris Baumbach

Marcus Ray Boykin

Jeremy Robert Davis

Cara Lynn Docken

Ismail Mohamed Duale

Joshua Allen Engel

Paul Anders Erickson

Nicholas John Gifford

Christyn Marie Grommesh

Tanya Teresa Hanson

KrisCinda Lynn Harris

Kyle Joseph Hartley

Joseph L. Hebl

Brandon Scott Hoover

Anne Johnston

McKenzie Jean Kessler

Joshua Jay Kinneberg

Robert John Mattson

Victoria J. Nagel

Danica Olson

Taylor David Pope

Kyle M. Rose

Nichole Lynn Sabot

Sarah Ashton Schmitcke

Divya Sehgal

Luis Urbina

Master of Business

Administration

Daniel T. Aichele

Jonathan Johanson

Brendan Robert Nolan

Rocky T. Schneider

Binny Singla

Brian James Walsh

College of Engineering and Architecture

Bachelor of Landscape

Architecture

Joshua J. McKinney

Zachary Jerome Pleiss

Bachelor of Science

Anthony Norman Blume

Steven Scott Bugge

Nickolaus S. Corniea

Dustin Marlin Leidholm

Zachary J. Mathern

Joshua J. McKinney

Zachary Jerome Pleiss

Michael Robert Roden

Chelsea Raine Thorson

Bradley J. Wehrman

Bachelor of Science in

Civil Engineering

Austin James Allard

Levi James Heller

Tyler J. Peterson

Aaron A. Schmidt

Tyler Jerome Schmidt

Bachelor of Science in

Construction Management

Larry Edward Abdallah

Meredith Michelle Berger

Jad Karter Breiner

Brody Lee Chapman

Keegan A. Duffy
Kyle J. Forsman
Brett Ryan Nelson
Ryan Charles Ricketts
Jason Louis Srnsky
Justin Brian Stoelting

**Bachelor of Science in
Electrical Engineering**

Devlin D. Cox
Jedidiah Alan Meyer

**Bachelor of Science in Industrial
Engineering and Management**

Tolulope Adebimpe Amele
Ryan Bacon
Mahesh Dawadi
Amanda Jean Durick
Brian Allen Pearson
Lance David Straabe

**Bachelor of Science in
Mechanical Engineering**

Travis Dewayne Bauer
Matthew J. Braun
Josh L. Haugsdal
Anthony Alan Rolfes
Nathaniel Dean Schuette

**Bachelor of Science in
Manufacturing Engineering**

Lucas Daniel Runke

Master of Science

Yangwei Cai
Ahana Ghosh
Yasaman Kazemi
Vicky Mahodaya
Duraishamy Soundarajan
Koushik Sarker
Vinodgnanadeepa Sathyaseelan

Doctor of Philosophy

Ahmed Hussien Mahmoud
Wajira Asanga Ratnayake
Sudipta Pramanik
Kamal Thapa

***College of Graduate and
Interdisciplinary Studies***

Master of Managerial Logistics

Javan Allen Barker

Benjamin Kilgore
Jeremiah Stephen O'Connor
Kartik Sundar
Annie Thomason

Master of Science

Boubacar Hassane Oumarou
Shokhrukh-Mirzo Jalilov
Michael Wandanje Mahero
Lindsey Michele Meyers
Eva Lynn Sebesta
Tanush Wadhawan

Doctor of Philosophy

Khalid Bachkar
Charles Awoala Briggs

***College of Human
Development and Education***
Bachelor of Science

Eric Aurand
Amber Lynn Barth
Kayla Ann Boespflug
Melissa Ann Brandt
Carly Lynn Brodsho
Amber Cardinal
Clare Arlene Carlson
Courtney Rae Carpenter
Aaron M. Confer
Ryan Scott Dawson
Stacey Dilts
Wayne D. Eastman
Brad Wayne Elliott
Catelyn Joy Engelstad
Emily Faye Eslinger
Raeanne Galbreath
Hannah Elizabeth Goebel
Michael Alan Hagen
Megan Kathleen Haney
Kirsten Haverlock
Tessa Jane Hiney
Marja Janson
Joshua Christian King
Rachael Laura Kleis
Whitney Jo Krump
Taylor Lynn
Jessica Lynn Mack
David Ohrt

Josinda Oman
Lance Ryan Podoll
Ben J. Potter
Sarah E. Reget
Elizabeth M. Roehm
Jami Lynn Sawicki
Lorraine Anne Thompson
Erin M. Thornton
Jessica Lynn Trautmann
Domonic Louis Vasquez
Devon Joyce Wentz
Jill Zaruba

Master of Education

Benjamin James Gunkelman
Edward M. Mitchell
Scott V. Streng
Crysta Dawn Wagner
David Wesley Wisthoff

Master of Science

Candice Sue Allar
Rachel Diane Bergeson
Peer Samuel Herbert Bjorling
Sue Patricia Fullerton
Anne Rachel Gregoire
Jessica Michelle Kijak
Amanda M. Leonhard
Bibian Nwokedi
Lori Ann Olen
Marina Serdiouk
Michelle Glee Strang

Doctor of Philosophy

James Allen Boe
Tom A. Eberle
Lynette Flage

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

Lindsay M. Arhart
Kelsey Bauer
Kylie Ann Brogren
Michelle Nicole Brytowski
Nicole Sophia Bunn
Melissa S. Burkle
Kaley M. Caillier
Kayla Ann Dobberstein

Kayla Marie Espeseth
Krista Gail Field
Abby Elizabeth Hoffbeck
Janelle Lee Johanneck
Jamie R. Kramer
Kami Jo Krause
Kathleen Lynn McGuane
Sara Ann Meyer
Chelsy Marie Nelson
William S. Orr
Megan Christina Palczewski
Ryan Michael Pattee
Travis C. Rud
Amanda R. Wentz

Doctor of Nursing Practice

Susan Marie Harris

Doctor of Pharmacy

Siar S. Khaleel

Doctor of Philosophy

Jayati Banerjee

***College of
Science and Mathematics***
Bachelor of Arts

Monica Renee Hofmann
Lee Edwin Reinhardt
Tyler W. Williamson
Natalia Alicja Wroblewski

Bachelor of Science

Brady John Braaten
Jenna Kemmer
Rebekah Jane Morgan
Justin Duane Scoville
Rahul Sharma
Brittany C. Smith
Prince Surana
Kari Renae Werlinger
Nicole Lee Westerlind
Derek Everett Willey

Master of Science

Emily A. Berg
Benjamin James Dischinger
Adam Kent Fetterman
Peter John Knudson
Swathi Kondakindi
Paul Edward Loree

Marie Miller
Martha Jane Suek Nelson
Matthew
Cody Nitschke
Tayo Omotoyinbo
Sandeep Raavi
Katey Rae Scheller
Mayukh Sharma
Smitha Vishnuvardhan
William Voorhees
Jing Yi
Darya L. Zabelina

Doctor of Philosophy

Aaron Michael Clarke
Amber Koblitiz
Xiaodong Shi
Yoko Takahashi

College of University Studies

Bachelor of University Studies

Curtis John Donohue
Frank L. Hopkins
Devin Jaymes Keigley
Travis Patrick Kuehl
Josiah Lane Mehl
Rae Ann Nason
Lorenzo Domonique Riley

**Academic Affairs Committee Report
Faculty Senate
October 11, 2010**

Curricular Recommendations

Program Title Change							
From: Apparel and Textiles				To: Apparel, Retail Merchandising and Design			
New Courses							
Subject	No.	Title			Crs.		
ADHM	357	Product Development: Designing Pants			3		
ANTH	332	Medical Anthropology			3		
ANTH	455/655	Language and Expressive Culture			3		
COMM	707	Quantitative Research Methods in Communication			3		
EMGT	410/610	Comprehensive Emergency Management Planning			3		
EMGT	420/620	Hazard, Risk, and Vulnerability Assessments			3		
HIST	420/620	Colonial American History			3		
HIST	421/621	US History 1763-1829			3		
PHRM	101	Introduction to Public Health			3		
PHRM	450	Self Care			3		
PHRM	570	Pharmacy Practice Improvement and Project Management			3		
PHRM	580	Pharmacotherapy Capstone			3		
UNIV	150	Foundations of Science			3		
Course Deletion							
ADHM	280	Introduction to Facility Management			3		
AGRI	103	Introduction to Agricultural Communication (Unnecessary cross-listing)			3		
THEA	680	History and Literature of the Theatre I			3		
THEA	681	History and Literature of the Theatre II			3		
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
EMGT	721	Hazards Mitigation Theory and Practice	3	EMGT	762	Mitigation Theory and Practice	3
EMGT	732	Disaster Response Theory and Practice	3	EMGT	763	Response Theory and Practice	3
EMGT	782	Disaster Recovery Theory and Practice	3	EMGT	764	Recovery Theory and Practice	3
HDFS	481/681	Women and Aging	3	HDFS	481/681	Gender and Aging	3
HNES	684	Therapeutic Exercise	3	HNES	774	Therapeutic Exercise	3
HNES	685	Therapeutic Modalities	3	HNES	775	Therapeutic Modalities	3
PHRM	351	Pharmaceutical Care I	1	PHRM	351	Introduction to Pharmacy Practice	2
PHRM	352	Pharmaceutical Care II	1	PHRM	352	Introduction to Health Care Systems	2
PLSC	751	Advanced Genetics	3	PLSC	751	Advanced Plant Genetics	3
For Information Only							
BUSN	299	Concept Generation & Technology Entrepreneurship					1
Change in Prerequisites/Corequisites – for information only							
Subject	No.	Title		Prerequisite/Corequisite Change			
BUSN	489	Strategic Management		Add prerequisite: MGMT 320, MRKT 320, FIN 320 Senior Standing Corequisites/Prerequisites: BUSN 430			

HDFS	425/ 625	Risk, Resilience, and Competence in Children and Adolescents	Add prerequisite: HDFS 320, HDFS 330, HDFS 450 or equivalent
HNES	686	Injury Recognition and Evaluation of General Medical Conditions	Add prerequisite: HNES 782
PLSC	781	Quantitative Genetics	Add prerequisite: PLSC 718, PLSC 724, PLSC 780; Recommended Prerequisite: PLSC 711, PLSC 734 Delete all existing course prerequisites & corequisites
THEA	481	History and Literature of The Theatre II	Add prerequisite: THEA 480

VERSION 6 – 9/22/10

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~~ and per Faculty Senate's suggestions, to move procedural parts of policy to a separate document focused on the step by step procedures of recruiting, hiring and working within the online application system.

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; 09/22/10 V5 presented to
PCC; V6 sent to Kim by Lois for routing
University Senate: Reviewed on 4/20/09. Sent back to PCC with changes;
10/01/10 V6 routed for Input
Staff Senate: 09/09 approved; 10/01/10 V6 routed for Input
President's Council: ; 10/01/10 V6 routed for Input

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 ~~The position must be posted online at <https://jobs.ndsu.edu/hr>. The process to create and obtain approval for the position announcement as well as and to the posting of the announcement opening online and recruiting requirements is located at: "link". Prior to posting, the search committee must have received search committee training. All applicants must apply via the online application system. Hard copy application materials will not be accepted. "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.~~

1.2 For equal opportunity/affirmative action purposes, the search, recruiting, and hiring process must follow the outlined procedures referenced above in section 1.1 assuring equal opportunity and non-discrimination based on a status listed in NDSU Policy 100. 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 also, Section 103 for Equal Opportunity/Affirmative Action Policy on the Announcement of Position Openings and Section 103.1 on recruitment areas and methods.)~~

~~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 the recruiter. 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 in 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.~~

~~1.3 In addition, For those positions that do NOT include teaching responsibilities or is not a President, VP, or Dean position, a packet of information about the ND Veteran's Preference Law applies. and of This the screening process is unique and must be followed required in order to comply with that state law. The following information for use in regarding this 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~~

~~1.4 Additional information regarding recruitment/hiring resources for getting started, recruiting for a diverse applicant pool, screening/interviewing, interviewing guidelines for ADA compliance, and preparing an offer are available online at http://www.ndsu.edu/diversity/equity/recruitment_and_hiring/ includes:~~

- ~~• 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~~ are located on-line:

~~_____~~ Screening Sheet

- ~~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.~~

~~1.65 Complete the An Interview Report form(s) and Recruitment Employment Checklist must be completed for each interviewee. noting reasons for selection or non-selection of each applicant based on the minimum and preferred qualifications.~~

~~1.67 Complete tThe Request to Offer a Position form must be completed in its entirety, and routed 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 list of questions asked of references
 - The names of references contacted ~~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.~~
 - 1.7 A criminal background check authorization form must be completed by the candidate for new benefitted hires. The list of applicants with updated dispositions printed from Requisition Activity in Recruit Workforce. The completed form must be given to the recruiter so a background check can be completed. No applicant may have a hire date prior to the background check being completed.
 - ~~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 of the request to offer and a completed background check, the candidate may be offered the position. 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, the remaining applicants will be promptly notified, all remaining applicants of the action and the search file will be completed by the search committee, forwarded to and maintained at the Provost and Vice President for Academic Affairs for faculty and lecturers, the Office of Equity, Diversity and Global Outreach for executive searches in the 0000 job family and coaching positions, and the Director's Office – Extension Service for Extension positions in the 2000 job family.

~~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 search files has been completed and submitted to the appropriate location for retention of three years. 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,</u>	Employing

	~~reference check notes, and any other applicant materials received for the position~~	~~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~~
1.10.712	~~A completely signed copy of Request to Offer form~~	~~Employing department~~

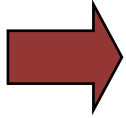
1.110 ~~Complete~~ The Hiring Form 100/102: must have Job Data, attach the following items attached when, and circulating ing formse it for signatures:

- 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.~~

1.121 ~~To change the status for A~~ a current employee being hired for a different position under a search requires the, complete the Change Form: 101 instead of the Hiring Form: 100/102. This form must also be routed for signature and have the same attachments as required under 1.11. 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: **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	10/14/2009 Presented to PCC; will be carried over to November meeting due to
Committee:	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. ; 11/2709 wording change in section 6
University	09/22/10 presented to PCC as carryover
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

SECTION 603: SEXUAL ASSAULT STUDENT POLICY

For any questions

~~please~~Please send e-mail to:

NDSU.Policy.Manual@ndsu.edu

SECTION 603: SEXUAL ASSAULT AND OTHER SEXUAL OFFENSES STUDENT POLICY~~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 ~~judicial~~/disciplinary response for victims and alleged offenders, and 2) to educate and promote discussion on interpersonal abuse and violence.

2. DEFINITION~~S~~: For the purpose of this policy, the following definitions apply:

2.1 ~~sexual assault~~Sexual Assault is any sexual act

~~- behavior~~ 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:

~~In describing sexual assault, NDSU relies upon North Dakota state law~~

~~- concerning sexual imposition which is much broader than the traditional~~

~~- concept of rape. NDSU prohibits sexual acts or contacts with others which can~~

~~- involve~~

- ~~e~~Compelling a person survivor to submit to sexual acts or contacts by force, ~~or~~ threat of force, or intimidation

- ~~;~~ Use of intoxicants to substantially impair the person's survivor's power to give consent

- ~~—~~ Engaging in such acts when there is reasonable cause to believe the person survivor suffers from a mental state which that renders him or her

incapable of understanding the nature of the contact -this includes, but is not limited to, situations whean 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

- ~~-or where~~ When the victim survivor is under fifteen years of age.

~~The abuse of alcohol or other substances does not~~

~~-relieve individuals of their responsibilities to themselves or others.~~

~~-Prohibited behavior includes all forcible and non-forcible sex offenses~~

~~-provided for under North Dakota state law. Examples of prohibited behavior~~

~~include but are not limited to the following:~~

- ~~1) acquaintance or date rape~~
- ~~2) stranger rape~~
- ~~3) indecent exposure~~
- ~~4) attempted sexual acts by use of verbal or non-verbal threats~~

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**

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**~~POLICY:~~

Sexual assault, and sexual misconduct and non-contact sexual violations

- Sexual assault or sexual misconduct, in any form, is prohibited.
- Non-contact sexual violations~~offenses~~, in any form are prohibited.
- The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others.

Non-contact Sexual Offenses

Non-contact sexual offenses include, but are not limited to:

- Peeping,
- Indecent exposure, or
- — Recording or photographing another without their consent.

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: NDSU examines such factors as emergency phones, campus signs, lighting, and locking procedures. For further safety information, contact the NDSU Campus University Police and Safety Office on the NDSU Campus (http://www.ndsu.nodak.edu/ndsu/police_safety/police). NDSU develops offers curricular and co-curricular educational experiences concerning personal safety and sexual assault. Involved students, faculty, staff, and community
members promote information and discussion on interpersonal abuse concerns.
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 Counseling Center Dean of Student Life Office.
5. INTERVENTION: The NDSU community and its people actively supports individuals involved in who experience sexual assault, sexual misconduct and non-contact sexual violations survivors through
NDSU has a coordinated response system that attends to their survivors' physical and emotional well-being.

- NDSU directs judicial/disciplinary efforts that respect the personal rights of both survivor and alleged perpetrator all parties. For further information, see "NDSU Rights and Responsibilities of Community: A Code of Student Conduct Behavior" and "NDSU Housing Services Calendar Handbook" distributed by Residence Life."
All reports of sexual violations assault 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 imposes assigns appropriate sanctions upon violators individuals found responsible for violating of the sexual

~~a~~ Assault, sexual misconduct, and non-contact sexual violations policy. These sanctions can include but are not limited to suspension and expulsion. ~~In addition, an individual~~ charged with a sexual assault-violation may be subject to criminal prosecution under state or federal North Dakota Criminal Statutes. The accused may also face civil proceedings.

7. REPORTING: The guiding principle in the report of a sexual violationassault is to avoid re-victimizing the ~~sexual assault~~ survivor by forcing the person into any plan of action. ~~Sexual assault s~~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 ~~phone~~ directory)
<http://www.ndsu.edu/reslife/>

F-M Rape & Abuse Crisis Center 701-293-7273 (Available 24 hours)
www.racfm.com

Dean of Student Life Office 701-231-6537
<http://studentlife.ndsu.nodak.edu>

A report of sexual violationsassault will be handled by the following procedures:

76.1) In the event of a medical emergency, medical response personnel will be contacted (911).

76.2)

~~It is recognized that a sexual assault survivor may be undecided in reporting the assault to the police. A report to the police can empower the survivor in exercising legal rights and aid in the protection of others. If a report is to be made to the police, the survivor will be encouraged not to destroy evidence by bathing, douching, changing clothes or cleaning up in any way. If the sexual assault survivors is are undecided in reporting, they survivor will be encouraged to preserve evidence anyway, in case the survivor decides to file a police report at a later date.~~

76.3) North Dakota law ensures that a survivor of sexual assault will be provided a sexual assault exam at no cost.

~~76.34)~~ The sexual assault 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.

~~7.6.45)~~ ~~If the~~ When a survivor ~~has agreed to~~ contacts the University Police & Safety Office, the NDSU Counseling Center and or The Rape & Abuse Crisis Center may ~~will~~ be notified for immediate emergency assistance. The Counseling Center will support the survivor experiencing possible conflicting feelings and aid in developing options. If the sexual assault survivor has decided not to report the assault violation, the counselor will maintain confidentiality.

7.5.1 Other alternatives include:

- a. The ~~sexual assault~~ survivor can make ~~a blind~~ an anonymous report to the police.
- b. The ~~sexual assault~~ survivor can make the decision to report later-;
- ~~H~~ However, earlier reports may improve the preparation of a viable prosecution.
- c. Based on ~~the sexual assault~~ experience, the survivor can raise the awareness of friends about ~~their~~ personal safety.

d.

~~It is noted that some sexual assault survivors have waited for days or years to seek help.~~ At anytime, NDSU students who are survivors of sexual ~~assault~~ violations may seek counseling from the NDSU Counseling Center or other community counseling services.

~~76.56)~~ The ~~sexual assault~~ survivor may choose to contact the NDSU ~~Vice President~~ for Student Affairs Dean of Student Life Office. If the incident occurred off-campus and involved ~~an NDSU student~~ the ~~sexual assault~~ survivor will be advised to consider contacting the appropriate police department and filing a police report.

~~76.67)~~ If the accused is an NDSU student ~~violence occurs on campus and the student involves the~~ Office of the Vice President for Student Affairs Dean of Student Life Office, the procedures to be followed are outlined in "NDSU Rights and Responsibilities of Community: A Code of Student ~~Conduct~~ Behavior." Initially, the ~~student making an accusation survivor~~ can expect the following assistance from the ~~Office of the Vice President for Student Affairs~~ Dean of Student Life Office:

7.7.1 —a. The ~~sexual assault~~ survivor will be encouraged to file a police report—.

7.7.2 If the survivor is an NDSU student and

~~The student may also be encouraged to seek assistance at the NDSU~~

~~Counseling Center. If the student~~ does not choose to file a report, the student may still request procedural services from the ~~Office of the Vice President of Student Affairs-Dean of Student Life Office.~~

7.7.3 If the survivor is an NDSU student, he/she ~~The student may also be encouraged to seek assistance at the NDSU Counseling Center.~~

7.7.4b. On-campus adjudication is conducted through the ~~Office of the Vice~~

~~President of Student Affairs Dean of Student Life Office.~~ Further proceedings are outlined in "Rights

and Responsibilities of Community: A Code of Student ~~Conduct 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.

76.78) The ~~Office of the Vice President of Student Affairs-Dean of Student Life Office~~ and the NDSU ~~Campus~~

Police ~~& Safety Office~~ offer the following services to assist the sexual ~~abuse-assault~~ survivor:

- a. ~~p~~Parking re-assignment
- b. ~~e~~Escort services
- c. ~~p~~Place of residence and phone # change
- d. ~~r~~Restraining order assistance
- e. ~~a~~Academic schedule adjustments
- f. ~~u~~University withdrawal
- ~~h~~g.sStudent judicial procedures

HISTORY: September 1995, October 2007, January 2008

Agenda

Faculty Senate Meeting

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

I. Substitutions - K. Wold-McCormick

II. Approval of October 11, 2010, Minutes

III. Consent Agenda

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

2. Policy Coordinating Committee

For Information only:

a. Policy 148 - Payroll Deduction Services ([Attachment 2](#))

b. Policy 160 - Political Activities and Voting Rights of University Employees
([Attachment 3](#))

c. Policy 169 - Employee Responsibility and Activities: Theft and Fraud
([Attachment 4](#))

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

IV. General Announcements

a. President Bresciani

b. Provost/VPAA Schnell

c. A. Rupiper Taggart, President of Faculty Senate

d. G. Totten, President Elect of Faculty Senate

e. K. Mickelson, President of Staff Senate

f. S. Affolter, Vice President of Student Body

V. Committee Reports

a. Academic Affairs - A. Brunt

b. General Education - L. Peterson

c. Council of College Faculties Update and Elections - J. Glower

d. University Senate Special Committee on the Formation of a Faculty Senate - T. Stone
Carlson ([Attachment 5](#))

e. Policy Coordinating Committee - G. Totten/A. Rupiper Taggart

For Discussion and Vote:

1. Policy 158 - Acceptable Use of Electronic Communications Devices ([Attachment 6](#))

2. Policy 335 - Code of Academic Responsibility and Conduct – J. Council ([Attachment 7](#))

f. Other Committee Reports

VI. Unfinished Business

VII. New Business

a. Policy Discussion: Transfer of Credit to Replace Fs and Transfer of Coursework Earned
During NDSU Suspension

VIII. Adjournment

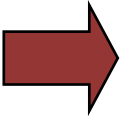
Academic Affairs Committee Report For Faculty Senate - November 8, 2010

Curricular Recommendations

New Program			
Minor in Vaccinology			
New Courses			
Subject	No.	Title	Crs.
ADHM	245	Contemporary Issues of Controlled Beverages	3
ANSC	150	Animal Science Orientation	1
ANSC	300	Domestic Animal Behavior and Management	3
COMM	346	Sports Broadcasting	3
PHRM	540	Public Health for Pharmacists	3
PSCI	417/617	Pharmacogenomics	2
Course Deletion			
HNES	453	Food and Dairy Microbiology	3
SOC	150	Cornerstone in Sociology	3
Change in Prerequisites/Corequisites – for information only			
Subject	No.	Title	Prerequisite/Corequisite Change
PLSC	727	Crop Breeding Techniques	Prerequisites: PLSC 718 & PLSC 724 Recommended Prerequisites: PLSC 710 & PLSC 734

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: *Section 148: Payroll Deduction Services*

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 U.S. Treasury Department made a ruling that anyone wishing to purchase savings bonds must go directly through the treasury department to do so. November 30, 2010 will be the last time the Treasury Department will allow a deduction to be made by businesses.*

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

- *Office of Human Resources/Payroll*
- *Colette Erickson Colette.erickson@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

Committee: Presented to PCC 10/13/10

University

Senate: 10/13/10 routed for info

Staff Senate: 10/13/10 routed for info

President's 10/13/10 routed for info

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 148: PAYROLL DEDUCTION SERVICES

SOURCE: NDSU President

1. The University provides payroll deduction service for certain types of voluntary group insurance. Detailed information is not available on campus but is available through the providers named.
2. **Supplemental Life Insurance (ReliaStar Life Insurance Co.-TriTerm Policy)**
This optional life insurance program provides term insurance for employees. Coverage is also available for spouse and children. Basic amounts of coverage are \$10,000 or \$20,000 or \$30,000 for the employee, with additional amounts available for spouse and children. Options are also available to increase employee coverage to a maximum of \$250,000. Insurance may be continued by direct billing or the policy may be converted to a whole-life policy at the employee's option upon termination of employment.

Applications must be made within the first 60 days of employment in order for the employee's basic coverage to be obtained without health questions. Spouse and dependent insurance will require the medical questions to be answered and approval through ReliaStar.
3. **Accident Insurance (Reliance Standard Life Insurance Co.)**
An optional group accidental death and dismemberment program is available to all employees with a minimum coverage of \$10,000 and additional increments of \$5,000 to a maximum of \$300,000 coverage. Family coverage is also available.
4. **Cancer Indemnity Insurance (AFLAC-American Family Life Assurance Co. of Columbus)**
This optional supplemental health insurance plan provides for benefits when hospitalized for definitive cancer treatment. This includes both inpatient and outpatient services. The benefits are paid directly to the insured to assist with out-of-pocket expenses.
5. **Hospital Intensive Care Insurance (AFLAC-American Family Life Assurance Co. of Columbus)**
An optional insurance plan which provides benefits for confinement in a hospital intensive care unit. The benefits are paid directly to the insured to assist with out-of-pocket expenses.
6. **ProviDent Dental Plan (Total Dental Administrators, Inc.)**
This optional dental maintenance program is available at the employee's expense. The plan requires the choice of a participating dentist in the program.
7. **Group Long-Term Care Insurance (CNA Insurance Company)**
An optional insurance plan to cover specific expenses for home health care, community-based services, and/or nursing home care. New employees and their spouses may enroll within 30 days of employment. Rates are determined by age at time of enrollment. Premiums are paid through payroll deduction.
8. **UnumProvident Longer Term Care Insurance**
An optional insurance plan to cover specific expenses for home health care, community-based services, and/or nursing home care. Anytime enrollment, however, during the first 30 days of employment, there is no medical underwriting for policies under \$6000. Rates are determined by age at time of enrollment.

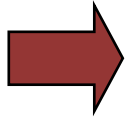
~~9. Savings Bonds~~

~~EE or I bonds can be purchased using payroll deduction~~

HISTORY: July 1, 1990; Amended April 1992; January 1995; April 1996; August 1996; May 1997; December 1999; October 2000; November 2000; June 2001, March 2002; November 2005; January 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: 160: ~~VOTING RIGHTS AND POLITICAL ACTIVITIES AND~~ VOTING RIGHTS OF UNIVERSITY 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 information regarding time allowed for NDSU employees to go vote. Changed policy title to reflect not only the political activities of employees, but also voting rights of employees.

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: 10/13/10 presented to the PCC

University

Senate: [10/13/10 routed for info](#)

Staff Senate:

[10/13/10 routed for info](#)

President's

Council: [10/13/10 routed for info](#)

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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NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 160: ~~VOTING RIGHTS AND~~ POLITICAL ACTIVITIES AND VOTING RIGHTS OF UNIVERSITY EMPLOYEES

SOURCE:

NDSU President
SBHE Policy Manual, Section 401.2

Political Activities.

1. The Board of Higher Education recognizes the importance of, and encourages, participation by individuals in the political, social, and economic affairs of the community, state, and nation. While the Board respects the deep concern of individual faculty members and students about current events and issues, and the committed desire to participate actively in elections, the distinction between the involvement of an individual and the involvement of an institution must be emphasized. The Board affirms its traditional concern for the well-being of the society; at the same time, the institution must remain outside the political arena. Adjustment of the academic calendar in order to free students, faculty, or other employees to engage in political activity is not consistent with the foregoing affirmation.
2. This policy does not bar anyone from active independent participation in political campaigns in behalf of candidates of their choice or in the advancement of their political beliefs or policy concerns outside the institution. In fact, active participation by all Americans in the political process which is fundamental to the democratic way of life is encouraged.
3. The Board does not believe it legitimate or wise for a college or university to make political commitments. Further, institutional participation in political activity, however worthy that activity might be in itself, would raise many legal questions.

4. The fundamental issue is the corporate involvement of an institution and any action that might involve institutional political unanimity which would not represent the views of all members of the academic community.
5. There is danger that an institution could revolve toward a kind of political orthodoxy, which in certain circumstances might even inhibit and discourage the expression of other opinions.
6. Any disruption of the normal processes of education at any institution endangers the very heart of our institutions; namely, freedom to inquiry, freedom of thought, and freedom of expression. Every effort must be made to make it as easy to present opposing viewpoints as it is for someone to express their views initially. An institution is not a place where anyone expressing a point of view, however much they are in minority, can be either silenced or threatened with language or physical actions. The common standards of courtesy that should characterize the academic community must be respected.
7. While class attendance may no longer be required in some institutions, every student has a right to expect every class for which they are registered to be held according to the university or college class schedule. In event of any class disruption or strike, students who choose to attend class must be able to do so without fear of intimidation or injury. Classes will be held in accordance with the academic calendar and all members of the faculty are obliged to meet assigned teaching responsibilities.
8. A university or college must always be a place of learning, a place for discussion, a place to hear differing opinions, a place for dissent, but such dissent must be made in a rational, lawful, and peaceful manner. It must be made with due respect for the rights of others. While the Board protects the rights of all those who choose to dissent in peaceful and lawful ways, it must defend, with all the power at its command, the rights of others when any actions by dissenters are clearly disruptive of the work and program of the university or college.

University Guidelines Approved by the University President, September 1, 1976

The purpose of these guidelines is to further clarify the necessary limitations on political activity by employees of North Dakota State University.

9. The State Board of Higher Education policy on political activities of employees makes it clear that, while active participation by University employees in the political process is encouraged, it may not result in a political commitment by the institution or a failure to meet assigned responsibilities.
10. In political campaign periods, employees who are either candidates for public office or assisting in the campaigns of other candidates must remember that their first obligation during normal working hours is to the University. For nine-month faculty, this means that all assigned classes must be taught on schedule and that regular office hours for student

conferences must be kept. For employees holding twelve-month appointments with specific annual leave allowances, the appropriate use of such leave for political activities during normal working hours must be discussed with and agreed upon with their immediate supervisor. However, it must be used for any activity or absence from the campus that substantially limits the employee's ability to fulfill his or her University responsibilities during any given work day.

11. If a University employee is elected to public office, an agreement must be reached with their immediate supervisor and the University President regarding the employee's continued status with the University. Employees who are elected to the State's Legislative Assembly will normally be required, at a minimum, to take an unpaid leave of absence from their University position during the legislative session. The President can approve up to 20% of employee's regular salary to be paid during the leave of absence for a comparable percentage of time spent on campus duties while serving in the legislature. An employee may also use annual leave up to the amount they have accrued.
12. Whether participating in a political campaign or serving in a public office, all University employees must make it clear that their political positions and the views they express are their own and not necessarily those of the University. Employees in upper-level administrative positions must be especially careful to avoid making any partisan political commitment on behalf of the University or the Board of Higher Education.
13. Regarding any political use of campus facilities and services, the University's policy is that they may be used only by University employees for purposes related to their official responsibilities, or by off-campus organizations for nonprofit, nonpolitical purposes, providing 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. This policy is specifically applicable to the University Copy Center, the campus mail system, mailing labels produced by the University Computer Center, or employee lists maintained by any other University office. 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. Finally, all University employees must comply with applicable federal and state laws regarding political activities. Section 39-01-03 of the North Dakota Century Code prohibits the use by a state officer or employee of a state-owned motor vehicle for a political activity. Section 39-01-05 further prohibits state officers or employees engaged in political activity from receiving any expense moneys from the state for any day in which they have engaged in any political activity, and makes them personally liable to the state for any such money unlawfully received.

Voting.

14. During election periods, North Dakota law (N.D.C.C. § 16.1-01-02.1) encourages employers to grant employees who are qualified voters to be absent from work for the purpose of voting "when an employee's regular work schedule conflicts with voting during the time when polls are open." Since polls are normally open longer than normal

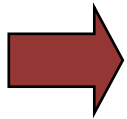
working hours, this should not be a problem with most University employees; however, if a conflict does arise, in the case of employees who are North Dakota residents, time should be allowed for the purpose of voting.

15. Minnesota law (Minn. Stat. § 204C.04) states that “Every employee who is eligible to vote in an election has the right to be absent from work for the time necessary to appear at the employee’s polling place, cast a ballot, and return to work on the date of that election, without penalty or deduction from salary or wages because of the absence.” For NDSU employees who are residents of Minnesota, the Minnesota law would only apply if that NDSU employee has a University workstation or office site that is physically located in the state of Minnesota. Otherwise, North Dakota law would prevail.

HISTORY: May 11, 1984; Amended April 1992, June 1995

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: **169: Employee Responsibility and Activities: Theft and Fraud**

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).

Addition to Paragraph 3 ~~prohibiting retaliation reporting theft or fraud~~garding furnishing false information.

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: Presented to PCC 08/17/10

University Routed 08/24/10 for info; 10/13/10 routed for info

Senate:

Staff Senate:

Routed 08/24/10 for info – approved 09/10

President's Routed 08/24/10 for info – approved 09/10

Council:

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NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

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

SECTION 169: EMPLOYEE RESPONSIBILITY AND ACTIVITIES: THEFT AND FRAUD

SOURCE:

SBHE Policy Manual, Section 611.10

NDSU President

1. Each employee, as a basic condition of employment, assumes responsibility for safeguarding and preserving the assets and resources of the state and university system and its institutions, particularly those for which the employee is responsible.
2. Each institution and the system office shall develop and implement controls designed to minimize opportunities for theft, fraud or unlawful or improper use of public resources, including funds, supplies and property. The controls must include a process for reporting of suspected theft, fraud or unlawful or improper use of public resources, designation of an officer with responsibility for receiving and investigating such reports, a process for investigation, audit or referral to law enforcement officials if there is reasonable basis to suspect theft, fraud, or unlawful or improper use of public resources and a report summarizing findings, disposition and, if appropriate, recommendations for additional controls to prevent recurrence.
3. Each employee is expected to report suspected theft, fraud or unlawful or improper use of public resources, ~~or an employee with knowledge of such acts by another who unreasonably fails to report such information as required by this policy, is subject to discipline, up to and including dismissal.~~ to a supervisor, department head, chief fiscal officer or other institution or system officer designated with responsibility for receiving and investigating such reports. Retaliation for such reporting is prohibited (sSee NDSU Policy 151.2(12) and 169.1(1)). unless aAn employee who intentionally furnishes false information is subject to employer sanctions, however (see NDCC § 34-11.1-04(3)).

4. An employee found to have engaged in theft, fraud or unlawful or improper use of public resources, or an employee with knowledge of such acts by another who unreasonably fails to report such information as required by this policy, is subject to discipline, up to and including dismissal.
5. As used in this policy, "theft, fraud or unlawful or improper use of public funds or property" includes:
 - a. stealing, larceny or embezzlement;
 - b. making or altering documents or files with the intent to defraud;
 - c. purposely inaccurate accounting or financial reporting at any level;
 - d. fraudulent conversion or misappropriation of public resources, including funds, supplies or other property;
 - e. improper handling or reporting of financial transactions;
 - f. authorizing or receiving compensation for goods not received, services not performed or hours not worked, including payment or receipt of a bribe, kickback or other unlawful or unauthorized payment.

HISTORY: January 2007, December 2009hk

Bylaws

Article 1: Faculty Senate Membership

Section 1.

Each representation unit shall have one elected senator for every fifteen eligible faculty (see Constitution Article 3, Section 1), or major fraction thereof, assigned to the Fargo Campus as of October 1 of each year. Faculty members in the Agriculture Experimental Station and the NDSU Extension Service shall be counted in and vote with their assigned representation unit.

Section 2.

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

Section 3.

The following are considered representation units for the purposes of determining Faculty Senate seats:

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

Section 4.

The Faculty Senate President will stagger Senate terms so that approximately 1/3 of the senators from each representation unit are elected each year. Each unit shall hold a meeting to elect the necessary Senators by April 15 of each year.

Section 5.

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

Section 6.

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

Section 7.

A senator may be removed from office by way of a two-thirds majority vote at a regular Faculty Senate meeting.

Section 8.

All senators are expected to:

1. Attend all Faculty Senate meetings. If unable to attend the meeting the Senator must find a competent substitute to act as her or his proxy at the meeting. Said proxy will have all rights and privileges accorded a regular Senator. The Senator must provide signed notification of the substitution to the Secretary of the Faculty Senate prior to start of the meeting.
2. Prepare for Faculty Senate meetings including reading the agenda and all attachments prior to the meeting.
3. Participate in meetings as long as doing so advances the business of the Faculty Senate.
4. Disseminate Faculty Senate information to their individual representation units.
5. Gather opinions and other information from their representation units concerning Faculty Senate activity.
6. Show proper decorum during meetings.

Article II: Organization and Faculty Senate Operation

Section 1.

Administrative officers of the Faculty Senate consist of the President and the President-Elect.

Section 2.

The President-Elect shall be elected for a one-year term by the Faculty Senate at the April or May meeting of the Faculty Senate. The President-Elect will be elected from the roster of current or former Senators.

Section 3.

At the end of the term, the President-Elect will succeed the President for a one-year term of office.

Section 4.

During their respective terms the President-Elect and the President will not represent her or his representation unit.

Section 5.

Removal of the President or President-Elect requires a 2/3 majority vote at a regular Senate meeting, followed by a 2/3 majority vote at a special meeting of the Senate not more than 2 weeks after the first meeting. In the event that the President is removed, the President-Elect will assume the role of President and will continue as President until the President-Elect's original term is concluded. In the event that the President-Elect is removed, the Senate will vote to replace the President-Elect at the next regular meeting of the Senate.

Section 6.

Duties of the President shall include the following:

1. Preside at all meetings of the Senate.
2. Set the agenda of the Faculty Senate in consultation with the Senate Executive Committee.

3. Serve Coordinating Council of the Faculty Senate.
4. Chair the Senate Executive Committee.
5. Introduce the President at the State of the University Address.
6. Appoint committee members, as outlined in Article IV and V.
7. Coordinate the dissemination of information relating to Senate activities.
8. Represent the Faculty Senate to the Staff Senate and the Student Senate.
9. Represent the Faculty Senate on administrative councils.
10. Provide the Secretary of the Senate and the incoming President with an annual report summarizing the Senate activities for the preceding year.
11. Submit policies or actions approved by the Faculty Senate to the University President for consideration. If the President fails to approve a policy or action submitted by the Faculty Senate President, the Faculty Senate President may submit the policy or action to the Chancellor of the North Dakota University System for consideration.

Section 7.

Duties of the President-Elect shall include the following:

1. Assist the President in executing the duties of the office.
2. Serve as President during any absence by the President.
3. Serve on the Senate Executive Committee.
4. Attend as a non-voting member of the Coordinating Council.

Section 8.

The University Registrar shall be the Secretary of the Senate; the Secretary of the Senate is not a voting member of the Senate. The duties of the Secretary shall include:

1. Acquire the agenda and related attachments, if any, from the President, then prepare and disseminate the agenda in accordance with Section 13
2. Maintain a current roster of senators and record attendance to confirm a quorum.
3. Collect and read the member substitution authorizations at the meeting.
4. Record, prepare and disseminate meeting minutes according to Section 15
5. Schedule a room for all Faculty Senate meetings.
6. Maintain a permanent record of Faculty Senate minutes.
7. Maintain a permanent record of annual reports submitted by the President and chairs of Faculty Senate committees.
8. Maintain records of standing committee membership.
9. Prepare updated versions of the Constitution for distribution.
10. Archive all past versions of Constitutions and Bylaws.

Section 9.

Regular meetings of the Senate shall be held at 3:30 pm on the second Monday of each month of the academic year. The meetings will be held the third Monday of the month if the second Monday is a University or state holiday, or if University classes are not yet in session at least one week prior to the second Monday of the month.

Section 10.

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

Section 11.

Meetings of the Faculty Senate shall be open to the public. At each Senate meeting the President of the University, the Vice President for Academic Affairs, the Student Body President, and the Staff Senate President will be invited to make announcements. The Faculty Senate President may allow other non-Senators to speak and/or provide reports. However, only Senators may make motions and only Senators may vote on motions before the Senate.

Section 12.

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

Section 13.

The primary business of the Faculty Senate is to review, propose, and approve 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.

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

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

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

1. Approval of the minutes of the previous meeting.

2. Announcements.
3. Consent agenda.
4. Planning and prioritizing Faculty Senate action for the year.
5. Adjournment.

Section 14.

A quorum of at least 55 percent of the total voting membership of the Senate shall be present in order to conduct Senate business.

Section 15.

The minutes of the meeting shall be posted to the Senate website by the Secretary within one week after the meeting.

Article III: Senate Committees

Section 1.

Duties of standing committees include:

1. Selecting a chair who will serve as a liaison to the Faculty Senate
2. Initiating and reviewing policy and policy changes in their areas of responsibility.
3. Providing their recommendations to the Faculty Senate for action.
4. Consulting with and provide advice to the administration, students, and staff when requested to do so.
5. Promptly and responsively discharge their duties.

Section 2.

The Faculty Senate shall confirm the membership of all standing committees, except the Standing Committee on Faculty Rights.

Section 3.

Committees shall determine their own procedural rules. However, no committee shall conduct business without a majority of members present. Each committee will keep such records as necessary to conduct business. In addition, every Faculty Senate Committee will make an oral report of progress to the Faculty Senate President at the May meeting of the Faculty Senate.

Section 4.

Individual representation units will determine their own method for selecting members of standing committees consistent with Articles IV and V. Such membership shall be presented to the Faculty Senate at the first meeting of each academic year. Committee members will serve for at most four consecutive years; however, they must be approved annually.

Section 5.

After the Faculty Senate has approved membership in the Standing Committees, each committee will meet and elect a chair, who will communicate all committee business to the Senate.

Section 6.

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

Section 7.

The Faculty Senate may create special committees as it deems necessary. Such committees shall be discharged upon the completion of their assigned duties. The duties of a special committee should not duplicate work being done by or usurp the responsibility of a standing committee without approval by said standing committee.

Article IV: Faculty Senate Standing Committees

Section 1. Academic Affairs

1. Voting members shall consist of one faculty member, with the rank of full or associate professor, from each of the representation units.
2. Non-voting members shall consist of one student, the Vice-President of Academic Affairs, and the University Registrar.
3. Committee responsibilities include:
 - a. Coordinating and recommending actions on proposals for curriculum and course changes that have been received from the colleges.
 - b. Recommending policies for the evaluation of transfer credit.
 - c. Recommending policies for graduation.
 - d. Recommending candidates for graduation.
 - e. Recommending the scheduling of policies for the efficient utilization of classrooms and laboratories.

Section 2. Academic Integrity

1. Membership shall consist of one tenured faculty member with the rank of professor from each representation unit. If a full professor is not available, an associate professor may be appointed.
2. Committee responsibilities include:
 - a. Providing investigative assistance on cases involving academic misconduct.
 - b. Selecting panels of three persons competent to investigate allegations; such panels may include members from outside the University.
 - c. Reviewing and recommending policies on academic integrity.

Section 3. Council of College Faculties

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

Section 4. Faculty Affairs

1. Membership shall consist of one faculty member from each representation unit.

2. Committee responsibilities include:
 - a. Reviewing policies and procedures relating to faculty affairs such as academic freedom, promotion, tenure, and evaluation, teaching and service.
 - b. Reviewing and recommending revisions to the personnel sections of the Faculty Handbook concerning faculty affairs.

Section 5. Faculty Rights

1. Membership, responsibilities, and procedures are determined by directives of the North Dakota State Board of Higher Education.
2. Membership consists of five members, from different representation units, elected for five-year terms by the faculty. Membership is restricted to tenured full professors.
3. Each spring the faculty shall elect by secure electronic ballot a faculty member to serve on the Standing Committee on Faculty Rights.
4. In the event that a member of the committee recuses himself/herself from the committee for a particular case or is recused by committee vote, the committee will appoint a replacement, first considering those who have previously served on the committee.

Section 6. General Education

1. Voting membership shall consist of one tenured faculty member from each representation unit and a representative from the Assessment committee.
2. Non-voting members shall consist of one student, and one representative from each of the following: the NDSU Library, Registration and Records, and the Vice President for Academic Affairs.
3. Committee responsibilities include:
 - a. Ensuring that existing courses and experiences meet general education requirements.
 - b. Developing criteria and procedures for submitting, evaluating, and approving courses and experiences that meet general education requirements of NDSU and the North Central Accreditation Association.
 - c. Developing criteria and procedures for submitting, evaluating, and approving courses or experiences that meet the general education requirements for integration into students' curricula.
 - d. Coordinating and recommending actions to the Faculty Senate on proposals for approving general education courses.
 - e. Providing periodic assessment of students' attainment of intended student outcomes in general education.
 - f. Studying, coordinating, and recommending to the Faculty Senate policies and procedures for continuing improvement in general education.

Section 7. Program Review

1. Membership shall consist of one tenured faculty member from each representation unit, the immediate past president of the Faculty Senate, the Dean of the College of Graduate and Interdisciplinary Studies, the Vice President of Academic Affairs. Each representation unit shall also select an alternate faculty member to serve in case of recusal.

2. Committee responsibilities include:
 - a. Developing criteria and procedures for review of academic programs.
 - b. Performing a continuing review of graduate and undergraduate academic programs with regard to such factors as mission, need, quality, cost, and contribution to other programs.
 - c. Addressing concerns and making recommendation to the Faculty Senate regarding duplication of programs and courses.
 - d. Recommending policies for University support to individual programs.
 - e. Coordinating the time of and use of external program reviews by accrediting agencies and/or other expert evaluators in its review of specific academic programs.

Section 8. Research & Consulting

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

Section 9. University Assessment

1. Voting membership shall consist of one faculty member from each representation unit and the Vice President of Academic Affairs.
2. Non-voting membership shall consist of one undergraduate student, one graduate student, a representative of the General Education committee, a representative of the Dean of Graduate and Interdisciplinary Studies, and the Director of the Office of Accreditation and Assessment.
3. Committee responsibilities include:
 - a. Periodically reviewing the assessment of student learning in undergraduate and graduate programs.
 - b. Developing procedures for annual reporting of assessment activities by departments and other academic units.
 - c. Providing feedback and assistance to departments and other academic units on their assessment activities.
 - d. Providing a yearly summary of assessment activities to the Vice President of Academic Affairs, the Office of Institutional Research and Analysis, the Office of Accreditation and Assessment.

Section 10. Conflict of Interest Advisory

1. Committee membership shall consist of five tenured faculty recommended by the Faculty Senate Executive Committee and appointed by the Faculty Senate President.

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

Section 11: Equity and Diversity

1. Voting membership shall consist of five tenured faculty recommended by the Faculty Senate Executive Committee and appointed by the Faculty Senate President and a representative from the Commission on the Status of Women Faculty.
2. Non-voting membership shall consist of a representative from the office of the Vice President for Equity, Diversity, and Global Outreach.
3. Committee responsibilities include:
 - a. Reviewing, revising and proposing policies to ensure that rights and considerations of diverse groups or faculty are included in NDSU policy, practices, and procedures.
 - b. In particular, the committee will explore and identify ways that NDSU can be more inclusive for diverse faculty including women, people of color, and sexual minorities (e.g., lesbian, gay, bisexual, or transgendered).

Section 12: Executive Committee of the Faculty Senate

1. Voting membership shall consist of one senator from each representation unit (except the College of University Studies and College of Graduate and Interdisciplinary Studies), the President, the immediate Past President, and the President-Elect.
2. Non-voting membership shall consist of the President-Elect, the immediate past President, and the Provost/Vice President for Academic Affairs. In the event the immediate Past President is unable or unwilling to serve, the President will appoint another past President as a replacement for the immediate Past President on the committee. The term of office shall be for one year following the regular May meeting. PART III, Section 5, permits a member to be re-elected during that member's term as senator.
3. During the first week of the new Senate term, the Executive Committee shall meet and organize for the following year.
4. Committee responsibilities are the following:
 - a. Delegating tasks to Faculty Senate committees.
 - b. Reviewing the progress of Faculty Senate committees.
 - c. Setting the agenda for upcoming Faculty Senate meetings.
 - d. Interpreting, when necessary, provisions of the Faculty Senate Constitution and Bylaws.

Article V: Joint Standing Committees

Section 1. Coordinating Council

1. Voting membership shall consist of the two representatives each from the Faculty, Student, and Staff Senates, the Faculty Senate President, the Staff Senate President, and the Student Body President.
2. The President of the Faculty Senate will serve as chair of the Coordinating Council.
3. Non-voting membership shall consist of the Vice President for Academic Affairs, the Vice President for Student Affairs, the Vice President for Finance and Administration, and a representative of the office of the Vice President for Finance and Administration who will facilitate meetings and maintain records.
4. Committee responsibilities include:
 - a. Encouraging the development of clear, thorough, and consistent policies by stimulating collegial discussion and analysis of policy proposals having campus-wide effects.
 - b. Coordinating the distribution of policies to the appropriate senate body consistent with the Faculty Senate Constitution.
 - c. Sending policies that have been voted on to appropriate channels at NDSU for final approval.
 - d. Serving in a liaison capacity regarding the Faculty Senate, administration, Staff Senate, and Student Senate.

Section 2. Campus Space & Facilities

1. Voting members shall consist of one faculty member from each representation unit, one staff member appointed by the Staff Senate, one student member appointed by the Student Senate, one faculty member appointed by the Dean of the College of Graduate and Interdisciplinary Studies, the Vice President of Academic Affairs, and the Vice President for Finance and Administration.
2. Non-voting members shall consist of the Director of Facilities Management, the Chair of the Department of Architecture, the Assistant to the Director of the North Dakota Agricultural Experiment Station, the Associate Dean of Student Affairs, and the Campus Police/Security Chief.
3. Committee responsibilities include:
 - a. Provide for the systematic development and review of the “Campus Master Plan” and Guidelines for Campus Development.
 - b. Recommending policies and procedures to meet the current and future needs for all physical facilities and to review changes in University space allocation.
 - c. Reviewing proposed building projects and major building renovations prior to presentation to the State Board of Higher Education and the Legislature.
 - d. Recommending policies for site location for new buildings and for overall landscaping.
 - e. Recommending traffic and parking regulations, to include cars, buses, bicycles, and pedestrians.
 - f. Recommending plans for sidewalks, streets, and parking lots.

Section 3. Grade Appeals Board

1. Membership shall consist of one faculty member and one alternate from each representation unit, three students and three student alternates selected by the Student Senate, one member appointed by the Faculty Senate to serve as Chair of the Committee. The chair must be tenured.
2. Faculty shall be elected for three year terms by their representation unit.
3. Students should be full-time students with a minimum 2.00 grade point average and junior standing.
4. Committee responsibilities include:
 - a. Hearing charges of inequitable or prejudiced academic evaluations and to provide redress for improper evaluation.
 - b. Acting in accordance with procedures approved by the Senate, specifically Policy 337.

Section 4. Library

1. Membership shall consist of one faculty member from each representation unit, two students appointed by the Student Senate, a staff member appointed by the Staff Senate, a representative from Information Technology Services, and the Dean of Libraries.
2. Committee responsibilities include:
 - a. Formulating policy recommendations for the NDSU Libraries.

Section 5. University Athletics

1. Membership consists of one faculty member from each representation unit, two students, the Student Body Vice-President, the President of the Student-Athletes Advisory Council, a representative of the Staff Senate, the Director of Intercollegiate Athletics, the Director of Intercollegiate Women's Athletics, the Vice President for Equity, Diversity, and Global Affairs, and the Faculty Athletic Representative.
2. The University Athletics Committee serves as the NDSU Athletics Advisory Board as described in the constitution of the National Collegiate Athletics Association (NCAA).
3. Committee responsibilities include:
 - a. Promoting compliance with principles of conduct as defined by the NCAA.
 - b. Acting as the Board of Appeals for athletic grievances.
 - c. Initiating and reviewing policies concerning University Athletics and make recommendation for consideration of said policy to the Faculty Senate. Such areas of concern include Guidelines for athletic schedules, guidelines for participation in postseason activities, awards for excellence in athletics, eligibility of athletes.
 - d. Reviewing upcoming issues at intercollegiate conference meetings and recommend institutional positions.
 - e. Reviewing the budget of the athletic programs prior to its approval by the University President.

- f. Stimulating interest in athletic events by the entire University community.

Section 6. Equal Opportunity Hearing Panel

1. Membership shall consist of 6 faculty members appointed by the Faculty Senate President, 6 students appointed by the Student Senate President, and 6 Staff members appointed by the Staff Senate President.
2. Each group of appointees shall include members of both sexes/genders, and ethnic/racial diversity.
3. Committee responsibilities include:
 - a. Acting in accordance with procedures and policy approved by the Senate, specifically Policy 156.

Article VI: Amending the Bylaws

Section 1.

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

Section 2.

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

Section 3.

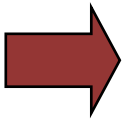
At the next regular meeting of the Faculty Senate if approved by two-thirds of the ballots cast the change will be submitted to the University President.

Section 4.

When approved by the University President the changes shall become effective immediately.

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: **158 – Acceptable Use of Electronic Communications Devices**

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).

Add Paragraph 9 – Electronic Recording of Meetings Prohibits secretly rendering meetings

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: Presented to PCC 09/22/10; brought back to pcc with further changes v2 092710

University

Senate: 10/13/10 routed for input

Staff Senate: 10/13/10 routed for input

President's Council: 10/13/10 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

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!



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

SECTION 158: ACCEPTABLE USE OF ELECTRONIC COMMUNICATIONS DEVICES

SOURCE: SBHE Policy Manual, Section 1901.2 (Computing Facilities)

1. All employees, students, and other users of North Dakota University System computing and networking resources shall comply with applicable laws, policies, and procedures. The chancellor shall adopt procedures establishing rules governing access to and use of computing and networking resources.
2. NDUS Procedure [1901.2](#), "Computer and Network Usage," contains specific policies, procedures, rights, and responsibilities which also apply to NDSU. See: <http://www.ndus.nodak.edu/policies/ndus-policies/subpolicy.asp?ref=2551>.

Of central importance in this document are the definitions of "Authorized Use" and "Authorized Users" from section 1:

"Authorized use: Use of computing and networking resources shall be limited to those resources and purposes for which access is granted. Use for political purposes is prohibited. Use for private gain or other personal use not related to job duties or academic pursuits is prohibited, unless such use is expressly authorized under governing institution or system procedures, or, when not expressly authorized, such use is incidental to job duties or limited in time and scope, and such use does not: (1) interfere with NDUS operation of information technologies or electronic mail services; (2) burden the NDUS with incremental costs; or (3) interfere with the user's obligations to the institution or NDUS."

"Authorized user(s): Computing and networking resources are provided to support the academic research, instructional, outreach and administrative objectives of the NDUS and its institutions. These resources are extended to accomplish tasks related to the individual's status with NDUS or its institutions. Authorized users are (1) current faculty, staff and students of the North Dakota University System; (2) individuals connecting to a public information service (see section 5.3); and (3) other individuals or organizations specifically authorized by the NDUS or an NDUS institution. For the purposes of this policy, no attempt is made to differentiate among users by the user's group. These policies treat all users similarly, whether student, faculty, staff or other authorized user, in terms of expectations of the user's conduct."

3. Examples of **Electronic Communications Devices** (ECD) include NDSU provided computers, telephones, cell phones, facsimile (fax) machines, personal digital assistants (PDA's), network equipment and infrastructure, software, information services, peripherals, flash drives, data media, etc.

Use of some of these devices may also be affected by other policies or procedures and local, state, and federal laws. In particular, NDSU Policy Section 710 contains further administrative policy on Computer and Electronic Communications Facilities.

4. Examples of uses which NDSU considers to be **unauthorized and unacceptable uses** of NDSU provided electronic communications devices include but are not limited to: intentionally viewing, listening to, or sharing obscene or pornographic materials including child pornography; political use; personal commercial gain; copyright (DMCA) violations; hacking or other disruption of operations for other ECD's; attempting to conceal one's identity (such as anonymous emails) for an unlawful or improper purpose or use of a false identity; threatening communications; harassment; use contributing to a hostile, intimidating, or offensive work environment; fraud; stalking; luring of minors; and invasion of privacy.
5. The **Acceptable Use Review Committee (AURC)** is charged with establishing recommended procedures and working with NDSU administrators and the NDSU Information Technology Security Officer to ensure consistent responses to alleged violations of this policy. The members of the AURC are the:

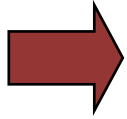
Director of Human Resources/Payroll
~~Executive Director, Chief Diversity Officer in the Office of Equity and Diversity~~Vice President for Equity, Diversity and Global Outreach,
University General Counsel, and
Associate Vice President for Information Technology and Chief Information Officer
or their designees. Procedures are published at <http://www.ndsu.edu/its/security/au/>.
6. **Alleged violations** of this policy by employees should be reported to the NDSU Information Technology Security Officer and the responsible administrator at the Dean or Director level or higher. The administrator and NDSU IT Security Officer in turn will work with the AURC to assess the situation and recommend an appropriate course of action. The person accused of the violation should not be notified until this discussion has taken place. Allegations concerning students who are not employed by NDSU are guided by the Code of Student Behavior (See Policy Section 601). The outcome of an investigation might include a finding of no violation, a violation of policy or law, and/or referral to law enforcement for criminal investigation.
7. **Sanctions** for violations of policy or law include but are not limited to one or more of the following actions: verbal caution; letter of warning; loss of computer and/or network access; referral to the Employee Assistance Program, training, or education; letter of reprimand; suspension with or without pay; and termination of employment.
8. Employee **questions** about acceptable use should be directed to their supervisors. Supervisors and administrators may contact AURC members or the NDSU IT Security Officer in Information Technology Services (231-8685 option 1) if they have questions.

9. Employees may not secretly record meetings (whether audio, video or photographic) in the workplace without prior approval of their ~~supervisor~~ appropriate Vice President. Such recordings, when done secretly, can undermine relationships and trust. An employee has no legal right to record meetings, and a supervisor normally does not have to permit such recordings, even when openly done.

HISTORY: April 15, 1988, October 2004, March 2006, October 2007.

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: *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).

- Provides descriptive section headings for numbered sections; reorganize for clarity.
- Adds definitions of "instructional staff member" and "student" (Section 1).
- Adds examples of behavior constituting academic misconduct (Section 2).
- Adds responsibility of instructional staff to inform student of judgment, penalty, and right to appeal (Section 4.d, 5.c).
- Specifies procedures for imposing penalties for academic misconduct (Section 5).
- Adds procedure and means for tracking repeat offenses (Section 5.c.d).
- Specifies procedures for dealing with students not enrolled in course in which misconduct occurred (Section 6).
- Specifies procedures for dealing with repeat offenders (Section 7).
- Specifies procedures for non-graduate student appeals (Section 8).
- Specifies procedures for suspension or expulsion of non-graduate students (Section 9).
- Updates and specifies procedures for graduate student academic misconduct, including appeals (Section 10).
- Updates and specifies procedures for individuals who are not NDSU students (Section 11).
- Adds paragraph 12 regarding responsibilities and actions on rescinding a degree.
- ~~Adds paragraph 125 regarding responsibilities and actions on rescinding a degree.~~

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

University Senate
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 10/14/09 presented to the PCC; 10/13/10 V5 presented to the PCC
Committee:

University
Senate: 10/21/09 routed to US Exec for Input; 11/27/09 routed version 4 with updates from General Counsel; 10/13/10 routed V5 for input

Staff Senate:

10/27/09 routed for input; placed policy on consent agenda; 10/13/10 routed V5 for input

**President's
Council:**

10/27/09 routed for input; 10/13/10 routed V5 for input

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



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

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~~ This trust is violated when students engage in academic misconduct ~~cheating~~ ~~occurs~~, either inadvertently or deliberately. This ~~Code~~ policy ~~will serve~~ as the guideline for cases ~~where-in which~~ cheating, plagiarism, or other academic ~~improprieties-misconduct~~ have occurred in an instructional context (e.g., coursework, exams for degree requirements, practical experience, or fieldwork experience). Depending on the nature of the alleged offense, academic misconduct involving graduate or undergraduate research (e.g., thesis, dissertation, honors thesis), may be handled by either this policy or policy 326, ACADEMIC MISCONDUCT. This ~~policy 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 (including the College of Graduate and Interdisciplinary Studies) 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. Definitions. In this policy, an “instructional staff member” is defined to be anyone who has primary responsibility for a course, or other instructional context to which this policy applies. Examples of instructional staff members include tenured and tenure-track faculty members, professors of practice, teaching assistants who have primary responsibility for a course, teaching fellows, instructors, and lecturers.

In this policy, a “student” is defined as anyone enrolled in undergraduate, professional, or graduate coursework at NDSU. These students include individuals in a non-degree status, such as those taking NDSU courses through a collaborative, consortium, exchange, or early admission program, or in a conditional admit status (e.g., Tri-College, NDUS Collaborative Registration, and Early Entry/dual credit program).

2. Examples of behavior constituting academic misconduct. 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;~~
 - i. Cases of apparently unintentional plagiarism or source misuse must be handled on a case-by-case basis and in the context of the instructor’s policies. Unintentional plagiarism may constitute academic misconduct.

ii. Improper attribution of sources may be a symptom of bad writing and not plagiarism. Instructors are encouraged to recognize that citation skills are developed over time and are contextual.

Unintentional plagiarism is still plagiarism;

- b. Receiving, possessing, distributing or using any material or assistance not authorized by the instructional staff/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/other academic requirements;
- c. Unauthorized collaborating on individual assignments or representing work from unauthorized collaboration as independent work;
- d. 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;
- e. Stealing; or otherwise improperly obtaining -copies of an examination or assignment before or after its administration, and/or passing it onto other students;
- f. Unauthorized copying, in part or in whole, of exams or assignments that will be kept by the instructional staff/faculty member, including those and are handed out in class only for review purposes;
- g. Altering or correcting Knowingly submitting a paper, report, presentation, examination, or any class assignment, in part or in whole, without the instructional staff member's permission, and submitting that has been altered or corrected, in part or in whole, for re-evaluation or re-grading, without the faculty member's permission;
- h. 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;
- i. Fabricating org, i.e., falsifying data/information in research, papers, and/or reports;
- j. Aiding or abetting academic misconduct, i.e., knowingly giving assistance not authorized by the instructional staff/faculty member to another in the preparation of papers, reports, presentations, examinations, or laboratory data and products;
- k. Unauthorized copying of another student's work (e.g., data, results in a lab report, or exam) without his or her knowledge;
- l. Tampering with or destroying materials, (e.g., in order to impair another student's performance);
- + Utilizing false/ or misleading information (e.g., illness or family emergency) to gain extension and/or exemption on an assignment or test.
- m.

The A

- 4.3. The university culture of academic honesty. A primary responsibility of the students, faculty members/instructional staff 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~~ Instructional staff 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.

~~a.~~

~~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 academic misconduct~~ occurred.

~~3. Fairness. The~~ Faculty ~~Instructional staff~~ members and ~~the~~ administrators are responsible for procedural fairness to ~~the any accused student~~ accused of academic misconduct ~~or students in accordance with the following procedure:~~ An i-nstructional staff ~~faculty~~ member who suspects that academic misconduct has occurred in his/her class or other instructional context has an initial responsibility to:

~~4.~~

~~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

~~c.~~ 3) make a fair and reasonable judgment as to whether or not any prohibited academic misconduct occurred; and

~~a.d.~~ inform the student of the judgment, penalty (if any), and the student's right to appeal. See also Section 5.c of this policy.

~~5. 4P.~~ enalties from instructional staff members for academic misconduct. Instructional staff ~~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. 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.

~~a.~~

~~b. In this situation, If an i-nstructional staff~~ faculty member imposes a penalty, the student may not drop the course in question without the permission of the ~~-instructor~~ instructional staff faculty member. (The instructional staff faculty member is responsible for notifying the Registrar to prevent the student from dropping the class.)

~~b.~~

~~b. c.~~ If a n i-nstructional staff ~~faculty~~ members imposes a penalty, the instructional staff ~~faculty~~ member must complete the Student Academic Misconduct Tracking Form and submit copies to the student, his/her ~~will provide a written statement of the action to the department~~ the chair/-head of the instructional staff member's primary department, or, the program director if the student is enrolled in an interdisciplinary program. It is the chair/head or program director's responsibility to forward copies of the tracking form to the dean of the college of

the student's primary major, the dean of the instructional staff faculty member's primary 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.

c.

e. 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.

d.

e. In cases of particularly egregious academic misconduct, the dean of the college of the student's primary major or the dean of the college where the academic misconduct occurred may recommend suspension or expulsion as outlined in Sections 9 and 10 of this policy.

6. 5.—Penalties from instructional staff members for students not enrolled in course. 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 academic misconduct occurred, the instructional staff faculty member teaching that course may recommend a disciplinary sanction penalty to the dean of the instructional staff faculty member's primary college, in which the infraction occurred. If the student is not enrolled in this a different college, the dean will forward the recommendation 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.

b. Alternatively, the dean of the college of the student's primary major may recommend suspension or expulsion to the Academic Standards Committee, as outlined in Sections 9 and 10 of this policy.

7. Penalties for students with multiple instances of academic misconduct. If, when entering an instructional staff 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 primary major about the student's repeated academic misconduct.

or the

b. 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 dDean of the College of Graduate and Interdisciplinary Studies, not the Academic Standards Committee.~~

~~a. The graduate dDean 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 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 dDean 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.~~

~~Any prior history of academic misconduct shall be taken into account when determining penalties for a current offense.~~

~~a. In case of repeat offenses, the Provost/VPAA and/or tThe Provost/VPAA and/or the deandean of the college of the student's primary major -may recommend additional penalties up to and including suspension or expulsion to the Academic Standards Committee, as outlined in Sections 9 and 10 Section 11 of this policy.~~

~~e.b. In the case of graduate student academic misconduct, the Dean of the College of Graduate and Interdisciplinary Studies also must also be notified.~~

8. Non-graduate student appeals for penalties from instructional staff members. A student who has received a penalty from an instructional staff member for academic misconduct may appeal the penalty on one or more of the following bases: the penalty was too severe for the offense; the instructional staff member's decision was made in an arbitrary or capricious manner; the instructional staff member's decision was not substantiated by adequate evidence; or the student's rights were violated. If the student chooses to appeal the instructional staff member's penalty, the student must initiate the appeal process within fifteen class days after the beginning of the following

semester. For spring or summer courses, the appeal must be initiated within fifteen class days of the start of the fall semester. The student must appeal the penalty in writing. The appeal must be pursued in the following sequence: the instructional staff member, the chair/head of the instructional staff member's primary department, and the dean of the instructional staff member's primary college.~~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.~~

~~1.~~

~~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.~~

~~a.~~

~~a.~~

~~If, after the appeal consultations outlined in Section 89.a., the appeal is not granted, Then,~~ the student may request a hearing by the Student Progress Committee in the college where the academic misconduct violation occurred to appeal the penalty. ~~In addition,~~ 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 Student Body President.

~~b.~~

~~d.e.~~ 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. The decision of the Student Progress Committee is final.

~~i.~~

~~d.ii.~~ 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.

~~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.~~

~~3.~~

9. Suspension or expulsion at the university level of non-graduate students. In cases of particularly egregious academic misconduct, a student may be suspended or expelled for academic misconduct in accordance with the following procedure:

a. The dean of the college of the student's primary major or the dean of the college where the academic misconduct occurred decides that suspension or expulsion is

- warranted, that dean shall recommend suspension or expulsion to the Academic Standards Committee. At the same time, the dean who recommends suspension or expulsion also shall notify the student of this action and inform the student of the hearing and response options described in Sections 9.b. and 9.c. of this policy.
- b. The student has ~~two~~five class days after receiving the dean's notification to request a hearing from the Student Progress Committee in the college of the dean who has recommended suspension or expulsion.
 - i. Such hearings shall be held in accordance with college policy.
 - ii. The Academic Standards Committee shall take no action on the case before a hearing is concluded.
 - iii. The Student Progress Committee shall forward its decision and appropriate hearing information to the student, the dean who recommended suspension or expulsion, the dean of the college of the student's primary major, and the Academic Standards Committee.
 - c. The student has ~~two~~five class days after receiving notification to respond to the dean's recommendation and/or the hearing outcome in a written statement submitted to the Academic Standards Committee.
 - d. If the Academic Standards Committee decides that suspension or expulsion is warranted, the committee chair shall recommend suspension or expulsion to the Provost/VPAA. At the same time, the committee chair also shall notify the student of its decision and inform the student that he/she has the right to respond to the recommendation, as described in Section 9.e. of this policy.
 - e. The student has ~~two~~five class days after receiving the Academic Standards Committee's notification to respond to the committee's recommendation in a written statement to the Provost/VPAA.
 - f. If the Provost/VPAA decides that suspension or expulsion is warranted, he/she shall impose suspension or expulsion. At the same time, the Provost/VPAA shall notify the student of his/her decision and inform the student that he/she has the right to appeal the penalty, as described in Section 9.g. of this policy. At the same time, the Provost/VPAA also shall notify the Registrar and President of the university of the action.
 - g. The student may file a written appeal of this penalty with the President of the University within thirty calendar days of receiving the notice of the decision. The President's decision normally will be made within thirty calendar days after receiving the appeal. The President's decision on the matter is final.
 - h. The Office of the President shall notify the following parties of the results of the final decision on suspension or expulsion: the student, the chair/head of the student's primary major department, the dean who recommended suspension or expulsion, the dean of the college of the student's primary major, the Academic Standards Committee, the Provost/VPAA, and the Registrar.

~~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 sSection 3.b.9.b-d above.~~

~~The Academic Standards Committee may impose suspension or expulsion, if an appeal with the Student Progress Committee is not in progress.~~

~~d. Procedures for suspension and/or expulsion of graduate students are described in Section 6 above.~~

10. Procedures for cases involving graduate students. Accusations involving academic misconduct of graduate students will follow the procedure described in Sections 4-7 above, with the following exceptions. Appeals of penalties imposed by instructional staff member must be filed in accordance with the policy described in the NDSU Graduate Bulletin. Also, the dean of the college of the student's primary major may recommend an additional penalty (including academic warning, academic probation, suspension, or expulsion) to the Dean of the College of Graduate and Interdisciplinary Studies. The imposition of penalties shall be in accordance with the policy described in the NDSU Graduate Bulletin.

a. The Dean of the College of Graduate and Interdisciplinary Studies will provide the student with written notice of the following:

i. additional disciplinary action taken, if any;

ii. description of the graduate student appeal process, as outlined in the NDSU Graduate Bulletin;

iii. the date by which an appeal must be filed by the student, should the student choose to file an appeal.

b. If an appeal is filed, the Dean of the College of Graduate and Interdisciplinary Studies will notify the student of the result following the completion of the appeal process.

c. The following parties shall be notified if the student is suspended or expelled: the student, the chair/head of the student's primary major department, the dean who recommended suspension or expulsion, the dean of the college of the student's primary major, the Academic Standards Committee, the Provost/VPAA, and the Registrar.

11. Procedures for cases involving individuals who are not NDSU students. If a person who is not an NDSU student (according to the definition in Section 1 of this policy) is involved in academic misconduct, the instructional staff member shall send a written statement describing the academic misconduct to the Provost/VPAA, Vice President for Student Affairs, Registrar, and Director of Admission for appropriate action. Appropriate action may include, but is not limited to, holds being placed on admission or readmission to the university, and notification being sent to the individual's home institution.

Rescission of degrees. 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 the rescission of any wrongfully obtained degree(s). The Dean of Student Life also may recommend to the Provost, with notice to the Vice President for Student Affairs, with notice to the Vice President for Student Affairs, the recommendation to rescind a degree based on actions in violation of the Code of Student Behavior.

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 violation of the Code of Student Behavior.

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 30thirty 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 Provoist/VPAA whether to rescind the degree(s) shall be made within 30 thirty calendar days after a response is received or hearing is completed.

A decision by the Provost/VPAA shall be made within 30thirty calendar days after receiving the recommendation. The graduate has 10ten 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.

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 30thirty calendar days after receiving the appeal.

12. The Office of Registration and Records will be notified of the results of the Committee's or Council'sfinal decision on rescinding the degree(s).

- a. Written notice of the concerns and recommendation to rescind the graduate's degree(s) shall be sent via certified mail and email with return receipt to the graduate, with a hold placed on the student's record. 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 CommitteeStudent Progress 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 calendar days after receiving the recommendation. The graduate has 10 business 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 calendar days of receiving the notice of the decision. The President's decision will normally be made within 30 calendar days after receiving the appeal.
- d. The Office of Registration and Records will be notified of the results of the final decision on rescinding the degree(s).

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

Agenda **Faculty Senate Meeting**

*Meeting place and time: 3:30 pm, Monday, December 13, 2010
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of November 8, 2010, Minutes

III. Consent Agenda

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

B. General Education Recommendations ([Attachment 2](#))

C. Policy Coordination Committee

For Information only:

1. Policy 103.1: Recruitment for Executive/Administrative/Managerial, Academic Staff and other Non-banded, Positions ([Attachment 3](#))
2. Policy 200: Recruitment for Professional Staff Positions ([Attachment 4](#))
3. Policy 201: Recruitment for Broadbanded Staff Positions ([Attachment 5](#))
4. Policy 712: Contract Review ([Attachment 6](#))
5. Policy 713.1: Litigation Hold Policy ([Attachment 7](#))

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

IV. General Announcements

A. President Bresciani

B. Provost/VPAA Schnell

C. A. Rupiper Taggart, President of Faculty Senate

D. G. Totten, President Elect of Faculty Senate

E. K. Mickelson, President of Staff Senate

F. S. Affolter, Vice President of Student Body

V. Committee Reports

A. Academic Affairs- A. Brunt

B. General Education - L. Peterson

- The Constitution of the North Dakota General Education Council ([Attachment 8](#))

C. Council of College Faculties - J. Glower

D. University Senate Special Committee on the Formation of a Faculty Senate – T. Stone Carlson

- Draft Faculty Bylaws ([Attachment 9](#))

E. Policy Coordinating Committee – Gary Totten/Amy Rupiper Taggart

For Discussion and Vote:

1. Policy 304: Academic Staff and Executive/Administrative Positions – Procedures for Filling ([Attachment 10](#))
2. Policy 335: Code of Academic Responsibility and Conduct – J. Council ([Attachment 11](#))
 - Student Academic Misconduct Tracking Form ([Attachment 12](#))

VI. Unfinished Business

- Policy Discussion: Transfer of Credit to Replace Fs and Transfer of Coursework Earned During NDSU Suspension

VII. New Business

VIII. Adjournment

Academic Affairs Committee Report For Faculty Senate – December 13, 2010

Curricular Recommendations

New Courses							
Subject	No.	Title				Crs.	
ACCT	725	International Financial Reporting Standards				3	
ANSC	223	Introduction to Animal Nutrition				2	
ANSC	324	Applied Animal Nutrition				3	
ANSC	380	Livestock Sales and Marketing				2	
ANSC	478	Research and Issues in Animal Agriculture				3	
CSCI	213	Modern Software Development				3	
CSCI	313	Software Development for Games				3	
CSCI	415	Networking and Parallel Computation				3	
PHIL	111	Professional Responsibility and Ethics				3	
PPTH	755	Population Biology of Plant Pathogens				3	
Course Deletion							
ANSC	263	Introduction to Animal Biotechnology				3	
COMM	635	Popular Culture and Mass Media				3	
EDUC	381	Early Experience				1	
MUSC	104	Introduction to Music Literature to 1825				3	
MUSC	105	Introduction to Music Literature: 1825 to the Present				3	
MUSC	318	Dakota Jazz (Vocal)				1	
MUSC	440	History of Choral Literature				2	
PHRM	556	Introductory Pharmacy Practice Experience IV				2	
STAT	520	Statistical Methods for Pharmacy				3	
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
CHEM	364	Physical Chemistry I	4	CHEM	364	Physical Chemistry I	3
CHEM	365	Physical Chemistry II	4	CHEM	365	Physical Chemistry II	3
COMM	435	Popular Culture and Mass Media	3	COMM	435	Critical Approaches to Popular Culture	3
CPM	778	Physical Chemistry of Polymers	4	CPM	778	Physical Chemistry of Polymers	3
CSCI	366	Files for Database Systems	3	CSCI	366	Database Systems	3
LA	552	Advanced Landscape Planning	2	LA	552	Advanced Landscape Planning	3
Change in Prerequisites/Corequisites and Change in Bulletin Descriptions – for information only							
Subject	No.	Title	Prerequisite/Corequisite Change				
CSCI	161	Computer Science II	Change in Bulletin Description				
CSCI	372	Comparative Programming Languages	Change in Bulletin Description Add Prerequisite: CSCI 213				
CSCI	445	Capstone Projects	Add Prerequisite: CSCI 313 and CSCI 366				
CSCI	374	Computer Organization and Architecture	Add Prerequisite: CSCI 213				
HNES	458/ 658	Advanced Medical Nutrition Therapy	Requisites: Dietetics professional standing				
PLSC	433/ 633	Weed Biology and Ecology	Delete Prerequisite: PLSC 315 Add Prerequisites: BOT 380 Change in Bulletin Description				
New Special Topics – for information only							
HDE	499/ 696	Korean Culture Study Tour				2	

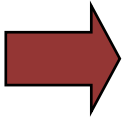
For Faculty Senate: Approved General Education Recommendations

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	
UNIV 150	Foundations of Science	S	5, 6	
WGS 112	Introduction to Masculinities	A, D	3, 6	
Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes				
Course No.	Course Title	Categories	Outcomes	
CDFS 230	Lifespan Development	B	3, 6	
Continued Approval (5-Year Renewal) for General Education with Changes in Outcomes				
Course No.	Course Title	Categories	Previous Outcomes	Recommended Outcomes
CHEM 121	General Chemistry I	S(p)	1, 2, 5	5, 6
CSCI 122*	Beginning BASIC/Visual BASIC	R	1, 5	2, 5, 6
GEOG 161	World Regional Geography	B, G	1, 2, 3, 5	3, 6
PSYC 210	Human Sexuality	B	2, 4, 5, 7	4, 5
PSYC 211	Introduction to Behavior Modification	B	2, 4, 6	4, 6

*Pending receipt of a revised syllabus.

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SECTION: SECTION 103.1: RECRUITMENT FOR EXECUTIVE/ADMINISTRATIVE/MANAGERIAL, ACADEMIC STAFF AND OTHER NON-BANDED POSITIONS (0000, 1000 and 2000 positions)

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 last part of this policy is being changed to reflect current job posting procedures because of the implementation of the online application system and provide an updated equal opportunity/affirmative action language for recruitment materials and job ads.

2. This policy was originated by (individual, office or committee/organization):
Office of Equity, Diversity and Global Outreach

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: 11/10/10 presented to PCC

University 11/19/10 routed for info V1

Senate:

Staff Senate: 11/19/10 routed for info V1

President's

Council: 11/19/10 routed for info V1

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 103.1: RECRUITMENT FOR EXECUTIVE/ADMINISTRATIVE/MANAGERIAL, ACADEMIC STAFF AND OTHER NON-BANDED POSITIONS (0000, 1000 and 2000 positions)

SOURCE: NDSU President

1. Recruitment Areas

1.1

Generally, all full-time executive/administrative/managerial, academic staff and other non-banded positions require a national search. Based on the source of funding, salary ranges, and local availability, however, some of these positions require only a regional search (a wider search is always an option, if the hiring official wishes). EXCEPTIONS to the national search requirement for these types of positions include:

1.1.1

2000 level: lecturer, assistant coach, assistant experiment station specialist, Extension district directors, Extension area specialists, and Extension field staff.

1.2

Regular, part-time payroll positions (without regard to the funding source) require only a local search.

2. Recruitment Methods

2.1

Recruitment is a critical function for an effective equal opportunity/affirmative action employment program because increased diversity in the applicant pool is essential in order to increase the diversity of people actually employed. With this objective in mind, some potentially fruitful recruitment channels include:

2.1.1

Advertisements in appropriate professional journals and job registries and/or in The Chronicle of Higher Education. Publications which solicit advertisements on the basis of direct minority circulation are generally not a required method for recruiting; however, if applicant pools consistently lack diversity, a publication such as Affirmative Action Register should be considered.

2.1.2

Regional or national meetings of professional organizations and associations; women's and minority caucuses associated with professional groups are especially helpful and important.

2.1.3

College/University academic departments and placement offices especially at institutions where the student body is composed primarily of women or racial/ethnic minorities.

2.1.4

Industries, government, independent research institutions, etc., where racial/ethnic minorities or women are professionally engaged.

2.1.5

~~Directories (usually published annually) of minority college graduates, women/minority doctoral recipients, etc.; the NDSU Office of Equity, Diversity, and Global Outreach has a number of these directories available.~~

Recruitment (placement of advertisements, position announcement mailings, etc.) for administrative and academic positions is the responsibility of the hiring department. Once the Request to Recruit is approved, and posted online, it also is posted by Job Service North Dakota. however, Aa notice for staff positions requiring a minimum qualification of a bachelor's degree may be is sent routinely from the Office of Equity, Diversity, and Global Outreach to the NDSU Career Center Services Office for their listing_ which is distributed to Job Service offices throughout the state.

All recruitment information should include: the one of the following statements: **NORTH DAKOTA STATE UNIVERSITY IS AN EQUAL OPPORTUNITY INSTITUTION:**

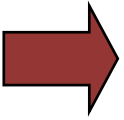
- o North Dakota State University is an Equal Opportunity/Affirmative Action Employer ; or
- o NDSU is an EO/AA Employer .

The following additional language may be added to either option above: Women & traditionally underrepresented groups are encouraged to apply.

HISTORY: July 1990; Amended April 1992; March 2001, October 2007, May 2010hk.

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: SECTION 200: RECRUITMENT FOR PROFESSIONAL STAFF POSITIONS (Banded 1000 and 3000 positions)

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 last statement in this policy is being updated to provide a restructured equal opportunity/affirmative action language for recruitment materials and job ads.

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

Office of Equity, Diversity and Global Outreach

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: 11/10/10 presented to pcc

University 11/19/10 routed for info V1

Senate:

Staff Senate:

11/19/10 routed for info V1

President's

Council: 11/19/10 routed for info V1

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SECTION 200: RECRUITMENT FOR PROFESSIONAL STAFF POSITIONS (Banded 1000 and 3000 positions)

SOURCE: NDSU President

1. Recruitment Areas

1.1

Full-time 1000-level professional positions require a national search.

1.2

Full-time 3000 level professional positions require at least a regional search (a wider search is always an option, if the hiring official wishes.)

1.3

Regular part-time payroll positions (without regard to the funding source) require only a local search.

2. Recruitment Methods

2.1

Recruitment is a critical function for an effective equal opportunity/affirmative action employment program because increased diversity in the applicant pool is essential in order to increase the diversity of people actually employed. With this objective in mind, some potentially fruitful recruitment channels include:

2.1.1

Advertisements in appropriate professional journals, web sites and job registries and/or in *The Chronicle of Higher Education*. Publications which solicit advertisements on the basis of direct circulation to people from traditionally under-represented groups are generally not a required method for recruiting; however, if applicant pools consistently lack diversity, a publication such as *Affirmative Action Register* should be considered.

2.1.2

Regional or national meetings of professional organizations and associations; caucuses for women and for people from traditionally under-represented groups associated with professional groups are especially helpful and important.

2.1.3

College/University academic departments and placement offices especially at institutions where the student body is composed primarily of women or people from traditionally under-represented racial/ethnic groups.

2.1.4

Industries, government, independent research institutions, etc., where people from traditionally under-represented racial/ethnic groups or women are professionally engaged.

2.1.5

Directories (usually published annually) of graduates from traditionally under-represented groups.

NOTE: Responsibility for recruitment for professional staff positions is shared jointly by the hiring department and the Office of Human Resources/Payroll. Advertisements in *The Chronicle of Higher*

Education or in professional publications and position announcement mailings are usually done by the hiring department. **Only** advertisements in selected regional newspapers and notices to the NDSU Career Center office and selected agencies for affirmative action purposes are handled by the Office of Human Resources/Payroll.

All recruitment information should include one of the following statements: ~~**NORTH DAKOTA STATE UNIVERSITY IS AN EQUAL OPPORTUNITY INSTITUTION.**~~

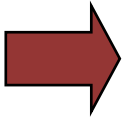
- North Dakota State University is an Equal Opportunity/Affirmative Action Employer ; or
- NDSU is an EO/AA Employer .

The following additional language may be added to either option above: Women & traditionally underrepresented groups are encouraged to apply.

HISTORY: July 1990, Amended November 1995; April 1996; October 1999, October 2007.

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SECTION: 201 RECRUITMENT FOR BROADBAND STAFF POSITIONS

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 last statement in this policy is being updated to provide restructured equal opportunity/affirmative action language for recruitment materials and job ads.

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

Office of Equity, Diversity and Global Outreach

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: 11/10/10 presented to PCC

University

Senate: 11/19/10 routed for info V1

Staff Senate:

11/19/10 routed for info V1

President's 11/19/10 routed for info V1

Council:

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SECTION: 201 RECRUITMENT FOR BROADBANDED STAFF POSITIONS

SOURCE: NDSU President

1. **Recruitment Areas** The recruitment area for staff positions (4000-7000 bands) is local which means the Fargo-Moorhead community and surrounding counties. Several of the recruitment methods do, however, reach a state-wide audience in both North Dakota and Minnesota.
2. **Recruitment Methods**

2.1

Recruitment for staff positions (4000-7000 bands) is conducted by the Office of Human Resources/Payroll in conjunction with the employing department. All such positions are listed with various agencies including some of those listed below:

2.1.1

Job Service of North Dakota and Minnesota.

2.1.2

The State of North Dakota Human Resources Management Services Office

2.1.3

Local groups and agencies including the Fargo YWCA, New Horizons Manor, Southeast Human Service Center, VA Regional Center and Native American Programs.

2.2

Listings of current openings (updated daily) are available on the INTERNET at <http://www.ndsu.edu/jobs>.

All recruitment information should include one of the following statements: ~~NORTH DAKOTA STATE UNIVERSITY IS AN EQUAL OPPORTUNITY INSTITUTION.~~

o North Dakota State University is an Equal Opportunity/Affirmative Action Employer ; or

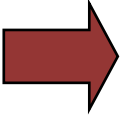
o NDSU is an EO/AA Employer .

The following additional language may be added to either option above: Women & traditionally underrepresented groups are encouraged to apply.

HISTORY: July 1990; Amended April 1996; April 1997; December 1999.

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SECTION: 712: CONTRACT REVIEW

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).
Adding Vice President for Equity, Diversity and Global Outreach to the list of contractual authority and moving the Vice President for Information Technology so the list that includes Vice Presidents are in alpha order.
2. This policy was originated by (individual, office or committee/organization):
Office of Equity, Diversity and Global Outreach
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: 11/10/10 presented to PCC

University

Senate: 11/19/10 Routed v2 for info

Staff Senate:

11/19/10 Routed v2 for info

President's

Council: 11/19/10 Routed v2 for info

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Thank you for your understanding!

SECTION 712: CONTRACT REVIEW

**SOURCE: NDSU President
SBHE Policy Manual, Section 840**

1. Any contractual agreement involving North Dakota State University must be signed by the President and/or the Vice President for Finance and Administration, or their designated representative or as otherwise stated in Section 2.

2. The following positions have contractual authority in the stated areas:

Provost and Vice President for Academic Affairs	academic agreements
Vice President for Agriculture and University Extension	entitlement programs such as Hatch and McIntire-Stennis funds and USDA/CSRS noncompetitive grants; Extension Service funds such as Smith-Lever funds
<u>Vice President for Equity, Diversity and Global Outreach</u>	<u>agreements related to Equity, Diversity & Global Outreach's mission such as grants and/or international agreements</u>
<u>Vice President for Information Technology or Dean, NDSU Libraries</u>	<u>software site licensing contracts</u>
Vice President for Research, Creative Activities and Technology Transfer	research grants and contracts and technology transfer documents
Vice President for Student Affairs	student affairs agreements
<u>Vice President for Information Technology or Dean, NDSU Libraries</u>	<u>software site licensing contracts</u>
Director, Division of Fine Arts	Reineke Fine Arts and Askanase Hall use
Director of Purchasing	<u>P</u> urchase agreements and leases
State Forester	Cooperative Forestry Assistance funds

3. Delegated authority to sign as a designated representative shall be in writing and submitted to the President. All contracts and contract amendments, must be approved by University General Counsel pursuant to State Board of Higher Education Policy 840. Any contract document, lease agreement, etc., not bearing an authorized signature will not be binding to the University. General Counsel approved form contracts don't need further approval unless they are changed.

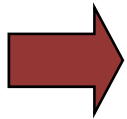
4. Written delegation must specify area of contract authority by position and/or name and be reviewed by the delegator when person in that position changes.

For more information regarding contract review, see [SBHE Policy 840](#) and [NDUS Procedure 840](#).

HISTORY: July 1990; Amended April 1992; November 1992; May 1996; February 2000; October 2000, January 2003; February 2005, October 2007, January 2008.

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SECTION: 713.1: LITIGATION HOLD 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).

New policy which provides procedures for the preservation of documents, electronic information and other such material in cases of litigation hold.

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:

University

Senate:

Staff Senate:

President's

Council:

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NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

SECTION 713.1: LITIGATION HOLD POLICY

SOURCE:

NDSU President
ND Office of Risk Management

A “litigation hold” is the process in which documents, electronic information and other such materials are preserved pending a reasonably foreseeable litigation. A litigation hold is also known as a “preservation order,” where an organization’s document destruction process is suspended to preserve required documents for a pending litigation.

Potential threats of litigation can be a receipt of a summons or complaint; the filing of an [Equal Employment Opportunity Commission \(EEOC\)](#) charge; formal notice of investigation, the receipt of a subpoena; or even a verbal communication of the intent to sue. Once an employee receives any of the above, they should immediately inform their supervisor and the Office of the General Counsel. The Office of the General Counsel will then determine if the situation warrants a litigation hold for documents, and if so, implement procedures for a [pre-litigation hold notice](#). A pre-litigation hold notice is one where no lawsuit has actually been filed yet, however, the university is preserving documentation in case litigation procedures are started. If litigation has [been](#) filed, the General Counsel will send out a [post-filing of litigation notice](#). Once a litigation hold notice has been issued, no documents pertaining to the litigation shall be destroyed until the litigation hold notice has been released by the General Counsel.

Documents pertaining to a litigation hold include, but are not limited to:

- Paper originals, drafts, and copies.
- Word processing documents.
- E-mail and e-mail attachments.
- Calendars and planners.
- Spreadsheets and databases.
- Instant messages.
- Network logs.
- PowerPoint presentations.
- Manuals, publications, bulletins, and pamphlets.
- Graphic files.
- Voicemail [\(if a message manager program is available to save voicemails\)](#).
- [Information on the website.](#)
- [Text messages.](#)

[\(Excerpted from a Memo dated January 29, 2007, from Douglas A. Bahr, Solicitor General.\)](#)

A notice of litigation hold should:

- Identify the person(s) who are likely to have relevant information, and communicate a preservation notice to those persons;
- Communicate the preservation notice in a manner that is comprehensible and timely;
- Be in written form;
- Clearly define what information is to be preserved and how the preservation should be undertaken; and
- ~~Is-Be~~ periodically reviewed and, if necessary, reissued in either its original or an amended form.

Once the litigation hold notice has been implemented, the university employees who have received the notice should then immediately suspend any and all deletion or destruction of electronic or paper documents relevant to the litigation; preserve any new documentation that pertains to the litigation; and preserve existing documentation. If a university employee separates his or her employment from the university during a litigation hold process, the supervisor should then take possession of and retain such records and documents, and notify the General Counsel of the change in ~~ownership~~custody.

Only when the threat of litigation is over will the General Counsel issue a release of litigation hold on the relevant documents. Such documents are not to be deleted or destroyed until such release is given by the General Counsel, and at that time any document destruction will be in compliance with NDSU's records management policy.

To assist in understanding the legal hold process, refer to the following documents:

[Anticipation of Litigation and Legal Holds](#)

[Litigation Hold Procedures](#)

[Litigation Holds and Preservation of Evidence](#)

[Litigation Hold Checklist](#)

[Destruction Hold Notice](#)

[NDSU 713: Records Management](#)

HISTORY: September 2010

THE CONSTITUTION OF THE NORTH DAKOTA GENERAL EDUCATION COUNCIL

The campuses in the North Dakota University System, as well as those from private and tribal institutions, in order to organize for their mutual benefit a structure within which they shall:

- (a) identify the interests shared among faculty regarding General Education;
- (b) identify and support particular General Education interests in teaching, research, and service shared by faculty appointed to institutions with like roles and missions;
- (c) promote a continuing dialogue to compare those interests from similar institutions with those General Education interests shared by faculty appointed to institutions with differing roles and missions;
- (d) work together to promote the interests of General Education across the state at public, tribal, and private institutions;
- (e) coordinate the diverse General Education programs among these institutions and develop cooperation among these institutions, while respecting the differing missions of these institutions;
- (f) provide a forum for campuses from across the state to improve their efforts in designing, assessing, implementing, and evaluating General Education programs and teaching and learning within those programs;
- (g) assist the State Board of Higher Education and other governing bodies in their duty to improve higher education by ministering to the needs and proper development of General Education at each institution, in harmony with the best interests of the students and the people of North Dakota;
- (h) proceed in a manner which informs the System, the Board, and other governing bodies of the diversity of views on General Education issues so that they might perform their governing role for the benefit of the entire system;

do establish this constitution of Universities and Colleges in the State of North Dakota.

I NAME

The name of this organization shall be the North Dakota General Education Council.

II PURPOSE

The purpose of the Council shall be to foster discussion and collaboration in reviewing General Education practices, assessment, and outcomes across institutions of higher learning in the state of North Dakota. Our vision of General Education is grounded in the work of the Higher Learning Commission and its “Statement on General Education” which defines General Education as being *“intended to impart common knowledge and intellectual concepts to students and to develop in them the skills and attitudes that ...faculty believe every educated person should possess. From...general education a student acquires a breadth of knowledge in the areas and proficiency in the skills that...[the faculty] identifies as hallmarks of being college educated. Moreover, effective general education helps students gain competence in the exercise of independent intellectual inquiry and also stimulates their examination and understanding of personal, social, and civil values.”* It is the intent of the council to help each institution ensure that all students who complete general education possess a common core of college-level skills and knowledge that reflects a shared experience in academic foundations and provides a basis for transferability.

III MEMBERSHIP

(a) The Council membership shall consist of two representatives, at least one of which must be a faculty member, and one alternate from each participating public, private, and tribal campus as selected by procedures defined by and for each campus. It is suggested that both members be directly involved in the implementation of General Education on each campus. The representative members and alternates from each institution shall have full rights to discussion and deliberation. An alternate may vote only in the absence of a member from that campus. No proxy votes will be allowed.

Non-voting members of the council will include the Vice Chancellor for Academic Affairs, the Director of Articulation and Transfer, a registrar member of the NDACRAO, one student representative (rotating among public, private and tribal campuses), a workforce representative invited by the Council, one representative each from the North Dakota Association of Tribal Colleges, the Department of Public Instruction, the Department of Career and Technical Education, the Council of College Faculties, and other invited ad hoc members.

(b) Each voting representative shall serve a three year term.

(c) Representatives must act as a liaison between the Council and their respective

campuses.

IV MEETINGS

The Council must meet at least four times throughout the academic year. Additional meetings may be called as deemed necessary by the President of the Council or by majority vote of the members. Meetings will be conducted according to Robert's Rules of Order, latest addition. Fifty (50) percent of the membership plus one (1) shall constitute a quorum.

In addition to the above meetings, the council will organize and host two General Education Summits per academic year, one during Fall semester and one during Spring semester. The site of these summits will be determined at least four months prior to the date of the summit. Attendance at these summits will be open to individuals from any campus with a vested interest in General Education, no matter the role they have on their individual campus. It is expected that attendees be both from among the faculty and administration of each campus. The purpose of these summits is to have the council report on its actions and to solicit input from attendees as to how to best proceed with a common General Education agenda for the state of North Dakota.

V OFFICERS

The elected officers shall consist of a president, a vice president, a secretary, and a treasurer/parliamentarian. Election of officers for the next academic year will occur at the next-to-last Spring meeting. The terms of office shall be for one year commencing June 1st.

Section A. President

1. The President shall preside at Council meetings and otherwise act as the chief executive officer of the council.

Section B. Vice President

1. The Vice President shall preside at meetings in the absence of the president.

Section C. Secretary

1. The Secretary shall record and maintain a file of minutes of the Council meetings and distribute copies within two weeks after each meeting to all Council members.

2. The Secretary shall keep a record of membership and activities of the Council.

Section D. Treasurer

1. The Treasurer shall keep an account of any and all receipts and expenditures of the Council and coordinate reimbursements.
2. The Treasurer shall serve as Parliamentarian.

Section E. Vacancies

1. Vacancies occurring during a term of office shall be filled by a vote at the next scheduled meeting after the vacancy occurs.

VI QUALIFICATIONS, NOMINATION AND ELECTION OF OFFICERS

Section A. Qualifications

1. Any voting member of the Council shall be eligible to hold any office.

Section B. Nominations

Nominations shall be made from the floor or in writing at the first meeting of the calendar year, but no later than January 15th.

Section C. Election

The election of officers will be by majority vote of the members. If more than two candidates are competing for an office, and no one receives a majority, a run off between the top two will be held at the same meeting.

VII RATIFICATION AND VOTING

Section A. Ratification

This constitution must be approved in its totality by at least two-thirds (2/3) of the attendees present and voting at one of the regularly scheduled General Education Summits.

After approval by the Summit attendees, this constitution must be submitted to the highest level faculty governing body on each campus and to the State Academic Affairs Council and ratified in its totality by two-thirds (2/3) of participating campuses no later than thirty days prior to the next General Education Summit.

After consideration and approval by these bodies, this constitution shall become effective immediately.

Section B. Voting

For voting purposes, proposed actions may be introduced by any member of the Council at any regularly scheduled meeting. If any of these actions involve amendments to the constitution, these amendments shall be distributed to all members of the Council at least 30 days before the meeting at which they are to be considered.

Amendments must be approved by at least two-thirds (2/3) of the members present and voting of the Council. After approval by the Council, amendments must be submitted to the appropriate governing bodies and approved by two-thirds (2/3) of them.

After consideration and approval by these bodies, amendments shall become effective immediately.

Section C. Amendments

Amendments to the constitution may be introduced by any member of the Council at any regularly scheduled meeting. Proposed amendments shall be distributed to all members of the Council at least 30 days before the meeting at which they are to be considered.

Amendments must be approved by at least two-thirds (2/3) of the members present and voting of the Council. After approval by the Council, amendments must be submitted to the faculty governing bodies in member institutions and approved by two-thirds (2/3) of them.

Motion to approve the amended **NORTH DAKOTA GENERAL EDUCATION COUNCIL CONSTITUTION** and to initiate ratification at the campus level.

Motion carries.

Motion Jim Stout. Second Ryan Winburn.

Bylaws

Article 1: Faculty Senate Membership

Section 1.

Each representation unit shall have one elected senator for every fifteen eligible faculty (see Constitution Article 3, Section 1), or major fraction thereof, assigned to the Fargo Campus as of October 1 of each year. Faculty members in the Agriculture Experimental Station and the NDSU Extension Service shall be counted in and vote with their assigned representation unit.

Section 2.

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

Section 3.

The following are considered representation units for the purposes of determining Faculty Senate seats:

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

Section 4.

The Faculty Senate President will stagger Senate terms so that approximately 1/3 of the senators from each representation unit are elected each year. Each unit shall hold a meeting to elect the necessary Senators by April 15 of each year.

Section 5.

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

Section 6.

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

Section 7.

A senator may be removed from office by way of a two-thirds majority vote at a regular Faculty Senate meeting.

Section 8.

All senators are expected to:

1. Attend all Faculty Senate meetings. If unable to attend the meeting the Senator must find a competent substitute (who is not already a Senator) to act as her or his proxy at the meeting. Said proxy will have all rights and privileges accorded a regular Senator. The Senator must provide signed notification of the substitution to the Secretary of the Faculty Senate prior to start of the meeting.
2. Prepare for Faculty Senate meetings including reading the agenda and all attachments prior to the meeting.
3. Participate in meetings as long as doing so advances the business of the Faculty Senate.
4. Disseminate Faculty Senate information to their individual representation units.
5. Gather opinions and other information from their representation units concerning Faculty Senate activity.
6. Show proper decorum during meetings.

Article II: Organization and Faculty Senate Operation

Section 1.

Administrative officers of the Faculty Senate consist of the President and the President-Elect.

Section 2.

The President-Elect shall be elected for a one-year term by the Faculty Senate at the April or May meeting of the Faculty Senate. The President-Elect will be elected from the roster of current or former Senators.

Section 3.

At the end of the term, the President-Elect will succeed the President for a one-year term of office.

Section 4.

During their respective terms the President-Elect and the President will not represent her or his representation unit.

Section 5.

Removal of the President or President-Elect requires a 2/3 majority vote at a regular Senate meeting, followed by a 2/3 majority vote at a special meeting of the Senate not more than 2 weeks after the first meeting. In the event that the President is removed, the President-Elect will assume the role of President and will continue as President until the President-Elect's original term is concluded. In the event that the President-Elect is removed, the Senate will vote to replace the President-Elect at the next regular meeting of the Senate.

Section 6.

Duties of the President shall include the following:

1. Preside at all meetings of the Senate.
2. Set the agenda of the Faculty Senate in consultation with the Senate Executive Committee.

3. Serve on the Coordinating Council of the Faculty Senate.
4. Chair the Senate Executive Committee.
5. Introduce the President at the State of the University Address.
6. Appoint committee members, as outlined in Article IV and V.
7. Coordinate the dissemination of information relating to Senate activities.
8. Represent the Faculty Senate to the Staff Senate and the Student Senate.
9. Represent the Faculty Senate on administrative councils.
10. Provide the Secretary of the Senate and the incoming President with an annual report summarizing the Senate activities for the preceding year.
11. Submit policies or actions approved by the Faculty Senate to the University President for consideration.
12. Moderate the official faculty listserv.

Section 7.

Duties of the President-Elect shall include the following:

1. Assist the President in executing the duties of the office.
2. Serve as President during any absence by the President.
3. Serve on the Senate Executive Committee.
4. Attend as a non-voting member of the Coordinating Council.

Section 8.

The University Registrar shall be the Secretary of the Senate; the Secretary of the Senate is not a voting member of the Senate. The duties of the Secretary shall include:

1. Acquire the agenda and related attachments, if any, from the President, then prepare and disseminate the agenda in accordance with Section 13
2. Maintain a current roster of senators and record attendance to confirm a quorum.
3. Collect and read the member substitution authorizations at the meeting.
4. Record, prepare and disseminate meeting minutes according to Section 15
5. Schedule a room for all Faculty Senate meetings.
6. Maintain a permanent record of Faculty Senate minutes.
7. Maintain a permanent record of annual reports submitted by the President and chairs of Faculty Senate committees.
8. Maintain records of standing committee membership.
9. Prepare updated versions of the Constitution for distribution.
10. Archive all past versions of Constitutions and Bylaws.

Section 9.

Regular meetings of the Senate shall be held at 3:30 pm on the second Monday of each month of the academic year. The meetings will be held the third Monday of the month if the second Monday is a University or state holiday, or if University classes are not yet in session at least one week prior to the second Monday of the month.

Section 10.

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

Section 11.

Meetings of the Faculty Senate shall be open to the public. At each Senate meeting the President of the University, the Provost/Vice President for Academic Affairs, the Student Body President, and the Staff Senate President will be invited to make announcements. The Faculty Senate President may allow other non-Senators to speak and/or provide reports. However, only Senators may make motions and only Senators may vote on motions before the Senate.

Section 12.

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

Section 13.

The primary business of the Faculty Senate is to review, propose, and approve 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.

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

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

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

1. Approval of the minutes of the previous meeting.
2. Announcements.

3. Consent agenda.
4. Planning and prioritizing Faculty Senate action for the year.
5. Adjournment.

Section 14.

A quorum of at least 55 percent of the total voting membership of the Senate shall be present in order to conduct Senate business.

Section 15.

The minutes of the meeting shall be posted to the Senate website by the Secretary within one week after the meeting.

Article III: Senate Committees

Section 1.

Duties of standing committees include:

1. Selecting a chair who will serve as a liaison to the Faculty Senate
2. Initiating and reviewing policy and policy changes in their areas of responsibility.
3. Providing their recommendations to the Faculty Senate for action.
4. Consulting with and providing advice to the administration, students, and staff when requested to do so.
5. Promptly and responsively discharging their duties.

Section 2.

The Faculty Senate shall confirm the membership of all standing committees, except the Standing Committee on Faculty Rights.

Section 3.

Committees shall determine their own procedural rules. However, no committee shall conduct business without a majority of members present. Each committee will keep such records as necessary to conduct business. In addition, every Faculty Senate Committee will make an oral report of progress to the Faculty Senate President at the May meeting of the Faculty Senate.

Section 4.

Individual representation units will determine their own method for selecting members of standing committees consistent with Articles IV and V. Such membership shall be presented to the Faculty Senate at the first meeting of each academic year. Committee members will serve for at most four consecutive years; however, they must be approved annually.

Section 5.

After the Faculty Senate has approved membership in the Standing Committees, each committee will meet and elect a chair, who will communicate all committee business to the Senate.

Section 6.

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

Section 7.

The Faculty Senate may create special committees as it deems necessary. Such committees shall be discharged upon the completion of their assigned duties. The duties of a special committee should not duplicate work being done by or usurp the responsibility of a standing committee without approval by said standing committee.

Article IV: Faculty Senate Standing Committees

Section 1. Academic Affairs

1. Voting members shall consist of one faculty member, with the rank of full or associate professor, from each of the representation units.
2. Non-voting members shall consist of one student, the Provost/Vice President of Academic Affairs, the University Registrar, and a representative of the Dean of Graduate and Interdisciplinary Studies.
3. Committee responsibilities include:
 - a. Coordinating and recommending actions on proposals for curriculum and course changes that have been received from the colleges.
 - b. Recommending policies for the evaluation of transfer credit.
 - c. Recommending policies for graduation.
 - d. Recommending candidates for graduation.
 - e. Recommending the scheduling of policies for the efficient utilization of classrooms and laboratories.

Section 2. Academic Integrity

1. Membership shall consist of one tenured faculty member with the rank of professor from each representation unit. If a full professor is not available, an associate professor may be appointed.
2. Committee responsibilities include:
 - a. Providing investigative assistance on cases involving academic misconduct.
 - b. Selecting panels of three persons competent to investigate allegations; such panels may include members from outside the University.
 - c. Reviewing and recommending policies on academic integrity.

Section 3. Council of College Faculties

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

Section 4. Faculty Affairs

1. Membership shall consist of one faculty member from each representation unit and a representative of the Dean of Graduate and Interdisciplinary Studies.
2. Committee responsibilities include:
 - a. Reviewing policies and procedures relating to faculty affairs such as academic freedom, promotion, tenure, and evaluation, teaching and service.
 - b. Reviewing and recommending revisions to the personnel sections of the Faculty Handbook concerning faculty affairs.

Section 5. Faculty Rights

1. Membership, responsibilities, and procedures are determined by directives of the North Dakota State Board of Higher Education.
2. Membership consists of five members, from different representation units, elected for five-year terms by the faculty. Membership is restricted to tenured full professors.
3. Each spring the faculty shall elect by secure electronic ballot a faculty member to serve on the Standing Committee on Faculty Rights.
4. In the event that a member of the committee recuses himself/herself from the committee for a particular case or is recused by committee vote, the committee will appoint a replacement to serve the remainder of the term after considering those who have previously served on the committee.

Section 6. General Education

1. Voting membership shall consist of one tenured faculty member from each representation unit and a representative from the Assessment committee.
2. Non-voting members shall consist of one student, and one representative from each of the following: the NDSU Library, Registration and Records, and the Provost/Vice President for Academic Affairs.
3. Committee responsibilities include:
 - a. Ensuring that existing courses and experiences meet general education requirements.
 - b. Developing criteria and procedures for submitting, evaluating, and approving courses and experiences that meet general education requirements of NDSU and the North Central Accreditation Association.
 - c. Developing criteria and procedures for submitting, evaluating, and approving courses or experiences that meet the general education requirements for integration into students' curricula.
 - d. Coordinating and recommending actions to the Faculty Senate on proposals for approving general education courses.
 - e. Providing periodic assessment of students' attainment of intended student outcomes in general education.
 - f. Studying, coordinating, and recommending to the Faculty Senate policies and procedures for continuing improvement in general education.

Section 7. Program Review

1. Membership shall consist of one tenured faculty member from each representation unit, the immediate past president of the Faculty Senate, the Dean of the College of Graduate and Interdisciplinary Studies, the Provost/Vice President of Academic Affairs. Each representation unit shall also select an alternate faculty member to serve in case of recusal.
2. Committee responsibilities include:
 - a. Developing criteria and procedures for review of academic programs.
 - b. Performing a continuing review of graduate and undergraduate academic programs with regard to such factors as mission, need, quality, cost, and contribution to other programs.
 - c. Addressing concerns and making recommendation to the Faculty Senate regarding duplication of programs and courses.
 - d. Recommending policies for University support to individual programs.
 - e. Coordinating the time of and use of external program reviews by accrediting agencies and/or other expert evaluators in its review of specific academic programs.

Section 8. Research & Consulting

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

Section 9. University Assessment

1. Voting membership shall consist of one faculty member from each representation unit and the Provost/Vice President of Academic Affairs.
2. Non-voting membership shall consist of one undergraduate student, one graduate student, a representative of the General Education committee, a representative of the Dean of Graduate and Interdisciplinary Studies, and the Director of the Office of Accreditation and Assessment.
3. Committee responsibilities include:
 - a. Periodically reviewing the assessment of student learning in undergraduate and graduate programs.
 - b. Developing procedures for annual reporting of assessment activities by departments and other academic units.
 - c. Providing feedback and assistance to departments and other academic units on their assessment activities.
 - d. Providing a yearly summary of assessment activities to the Vice President of Academic Affairs, the Office of Institutional Research and Analysis, the Office of Accreditation and Assessment.

Section 10. Conflict of Interest Advisory

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

Section 11. Equity and Diversity

1. Voting membership shall consist of five tenured faculty recommended by the Faculty Senate Executive Committee and appointed by the Faculty Senate President and a representative from the Commission on the Status of Women Faculty.
2. Non-voting membership shall consist of a representative from the office of the Vice President for Equity, Diversity, and Global Outreach.
3. Committee responsibilities include:
 - a. Reviewing, revising and proposing policies to ensure that rights and considerations of diverse groups or faculty are included in NDSU policy, practices, and procedures.
 - b. In particular, the committee will explore and identify ways that NDSU can be more inclusive for diverse faculty including women, people of color, and sexual minorities (e.g., lesbian, gay, bisexual, or transgendered).

Section 12. Technology and Instructional Services Committee

1. Voting membership shall include one faculty member from each of the representation units.
2. Non-voting membership shall include one representative from ITS.
3. Committee responsibilities shall include:
 - a. an annual review of ITS support services to the NDSU teaching and research communities.
 - b. making recommendations for Faculty Senate approval of any changes proposed by ITS regarding policy, implementation procedures, or classroom and instructional technologies.
 - c. formulating recommendations regarding needs of the faculty that are unmet by IT
 - d. serving as the liaison between the Faculty Senate and ITS administration.

Section 12: Executive Committee of the Faculty Senate

1. Voting membership shall consist of one senator from each representation unit, the President, the immediate Past President, and the President-Elect.
2. Non-voting membership shall consist of the President-Elect, the immediate past President, the Provost/Vice President for Academic Affairs, and the Faculty Senate Secretary. In the event the immediate Past President is unable or unwilling to serve, the President will appoint another past President as a replacement for the immediate Past President on the committee. The term of office shall be for one year following the regular May meeting.
3. During the first week of the new Senate term, the Executive Committee shall meet and organize for the following year.
4. Committee responsibilities are the following:
 - a. Delegating tasks to Faculty Senate committees.
 - b. Reviewing the progress of Faculty Senate committees.
 - c. Setting the agenda for upcoming Faculty Senate meetings.
 - d. Interpreting, when necessary, provisions of the Faculty Senate Constitution and Bylaws.

Article V: Joint Standing Committees

Section 1. Coordinating Council

1. Voting membership shall consist of the two representatives each from the Faculty, Student, and Staff Senates, the Faculty Senate President, the Staff Senate President, and the Student Body President.
2. The President of the Faculty Senate will serve as moderator of the Coordinating Council.
3. Non-voting membership shall consist of the Provost/Vice President for Academic Affairs, the Vice President for Student Affairs, the Vice President for Finance and Administration, and a representative of the office of the Vice President for Finance and Administration who will facilitate meetings and maintain records.
4. Committee responsibilities include:
 - a. Encouraging the development of clear, thorough, and consistent policies by stimulating collegial discussion and analysis of policy proposals having campus-wide effects.
 - b. Coordinating the distribution of policies to the appropriate senate body consistent with the Faculty Senate Constitution.
 - c. Sending policies that have been voted on to appropriate channels at NDSU for final approval.
 - d. Serving in a liaison capacity regarding the Faculty Senate, administration, Staff Senate, and Student Senate.

Section 2. Campus Space & Facilities

1. Voting members shall consist of one faculty member from each representation unit, one staff member appointed by the Staff Senate, one student member appointed by the Student Senate, a representative of the College of Graduate and Interdisciplinary Studies, the Provost/Vice

President of Academic Affairs, the Registrar, and the Vice President for Finance and Administration.

2. Non-voting members shall consist of the Director of Facilities Management, the Chair of the Department of Architecture, the Assistant to the Director of the North Dakota Agricultural Experiment Station, the Associate Dean of Student Affairs, a representative of the Dean of Libraries, and the Campus Police/Security Chief.
3. Committee responsibilities include:
 - a. Provide for the systematic development and review of the “Campus Master Plan” and Guidelines for Campus Development.
 - b. Recommending policies and procedures to meet the current and future needs for all physical facilities and to review changes in University space allocation including classrooms and laboratories.
 - c. Reviewing proposed building projects and major building renovations prior to presentation to the State Board of Higher Education and the Legislature.
 - d. Recommending policies for site location for new buildings and for overall landscaping.
 - e. Recommending traffic and parking regulations, to include cars, buses, bicycles, and pedestrians.
 - f. Recommending plans for sidewalks, streets, and parking lots.

Section 3. Grade Appeals Board

1. Membership shall consist of one faculty member and one alternate from each representation unit, a representative of the Dean of Graduate and Interdisciplinary Studies, three students and three student alternates selected by the Student Senate, one member appointed by the Faculty Senate to serve as Chair of the Committee. The chair must be tenured.
2. Faculty shall be elected for three year terms by their representation unit.
3. Students should be full-time students with a minimum 2.00 cumulative grade point average and junior standing.
4. Committee responsibilities include:
 - a. Hearing charges of inequitable or prejudiced academic evaluations and to provide redress for improper evaluation.
 - b. Acting in accordance with procedures approved by the Faculty Senate, specifically Policy 337.

Section 4. Library

1. Membership shall consist of one faculty member from each representation unit, two students appointed by the Student Senate, a staff member appointed by the Staff Senate, a representative from Information Technology Services, a representative of the Dean of Graduate and Interdisciplinary Studies and the Dean of Libraries.
2. Committee responsibilities include:
 - a. Formulating policy recommendations for the NDSU Libraries.

Section 5. University Athletics

1. Membership consists of one faculty member from each representation unit, two students, the Student Body Vice-President, the President of the Student-Athletes Advisory Council, a representative of the Staff Senate, the Director of Intercollegiate Athletics, the Director of Intercollegiate Women's Athletics, the Vice President for Equity, Diversity, and Global Affairs, and the Faculty Athletic Representative.
2. The University Athletics Committee serves as the NDSU Athletics Advisory Board as described in the constitution of the National Collegiate Athletics Association (NCAA).
3. Committee responsibilities include:
 - a. Promoting compliance with principles of conduct as defined by the NCAA.
 - b. Acting as the Board of Appeals for athletic grievances.
 - c. Initiating and reviewing policies concerning University Athletics and make recommendation for consideration of said policy to the Faculty Senate. Such areas of concern include Guidelines for athletic schedules, guidelines for participation in postseason activities, awards for excellence in athletics, eligibility of athletes.
 - d. Reviewing upcoming issues at intercollegiate conference meetings and recommend institutional positions.
 - e. Reviewing the budget of the athletic programs prior to its approval by the University President.
 - f. Stimulating interest in athletic events by the entire University community.

Section 6. Equal Opportunity Hearing Panel

1. Membership shall consist of six faculty members appointed by the Faculty Senate President, six students appointed by the Student Senate President, and six Staff members appointed by the Staff Senate President.
2. Each group of appointees shall include members of both sexes/genders, and ethnic/racial diversity.
3. Committee responsibilities include:
 - a. Acting in accordance with procedures and policy approved by the Senate, specifically Policy 156.

Article VI: Amending the Bylaws

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

When approved by the University President the changes shall become effective immediately.

VERSION 9 – 12/02/10**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~~ and per Faculty Senate's suggestions, to move procedural parts of policy to a separate document focused on the step by step procedures of recruiting, hiring and working within the online application system. Version 7 adds back into policy language the provision in section 6 that 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 must be included with the Request to Offer. Edits were also made per feedback from Faculty Senate at their October 11, 2010, meeting.

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; 09/22/10 V5 presented to PCC. Version 7 submitted for 11/10/10 PCC meeting.
University Senate:	Reviewed on 4/20/09. Sent back to PCC with changes. Reviewed on 10/11/10. Sent back to PCC for 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 within the 2000 (academic) 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. Additionally, 1.2 For equal opportunity/affirmative action purposes, this search, recruiting, and hiring process must be followed assuring equal opportunity and non-discrimination based on any status listed in NDSU Policy 100. particular attention will be given to:~~

~~2. completeness of the position description~~

~~3. specificity of qualifications~~

~~4.~~

~~5. consistency of qualifications on Request to Recruit with those in flyers and/or advertisements~~

~~6.~~

~~7. details of the recruitment plan which should include:~~

~~–both formal and informal recruitment methods~~

~~–specific efforts to reach those in traditionally underrepresented groups (See also, Section 103 for Equal Opportunity/Affirmative Action Policy on the Announcement of Position Openings which includes the process for spouse or partner hiring and the allowance of such a hiring without a search if appropriate and Section 103.1 on recruitment areas and methods.)~~

~~8. 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.~~

~~1.1. The position must be posted online at <https://jobs.ndsu.edu/hr> . If changes occur in the recruitment plan, the department shall notify the Office of the Provost/Vice President for Academic Affairs or Equity, Diversity and Global Outreach.~~

~~The process to create and obtain approval for the position announcement as well as and to the posting of the announcement opening online and recruiting requirements are is located at: “link”
http://www.ndsu.edu/diversity/equity/forms/equity_diversity_forms/~~

2. Prior to posting, the search committee chair must have received search chair training available through the offices of the Provost/Vice President for Academic Affairs and Equity, Diversity and Global Outreach or via the on-line training module available on BlackBoard.

3. All applicants must apply via the online application system. Hard copy application materials will not be accepted. "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.

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 in 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.

1.34. In addition, for those positions that do NOT include teaching responsibilities or is that are not a President, Vice President, or Dean Provost position, a packet of information about the ND Veteran's Preference Law applies. and of This the screening process must be followed required in order to comply with that state law. The following information for use in regarding 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 Vveteran's Ppreference Llaw.

~~1.45 Additional information regarding recruitment/hiring resources for getting started, recruiting for a diverse applicant pool, screening/interviewing, interviewing guidelines for ADA compliance, and preparing an offer are available online at http://www.ndsu.edu/diversity/equity/recruitment_and_hiring/. includes: Forms such as the Request of Offer, NSDU Hiring Form 100/102 and NDSU Change Form 101 are located at: <http://www.ndsu.edu/forms/>.~~

- ~~• [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 [are located 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~~ An Interview Report form(s) and Recruitment Employment Checklist must be completed for each interviewee, noting reasons for selection or non-selection of each applicant based on the minimum and preferred qualifications.

- 1.7.6 ~~Complete the~~ The Request to Offer a Position form must be completed in its entirety, and routed d 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 (An interview report form must be completed for each interviewee.);
- A list of the questions used in the formal interview; ~~the Recruitment/Employment Checklists,~~
- A list of questions asked of references;
- The names of references contacted ; and 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.~~
- For faculty and lecturer appointments, a draft of the proposed letter of offer based on the format provided by the Office of the Provost and Vice President for Academic Affairs.
- ~~1.7. A criminal background check authorization form must be completed by the candidate for new benefitted hires. The list of applicants with updated dispositions printed from Requisition Activity in Recruit Workforce. The completed form must be given to the Office of the Provost/Vice President for Academic Affairs or Equity, Diversity and Global Outreach so a background check can be completed. No applicant may have a hire date prior to the background check being completed.~~
- ~~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 of the request to offer and a completed background check, the candidate may be offered the position. ~~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, ~~the remaining applicants will be promptly notified~~ all remaining applicants of the action. ~~The search file will be completed by the search committee, forwarded to and maintained at the Office of the Provost and Vice President for Academic Affairs for faculty and lecturers, the Office of Equity, Diversity and Global Outreach for executive searches in the 0000 job family and coaching positions, and the Director's Office – Extension Service for Extension positions in the 2000 job family.-~~

- 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 search files have been completed and submitted to the appropriate location for retention of three years. 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 materials received for the position</u>	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
1.10.712	A completely signed copy of Request to Offer form	Employing department

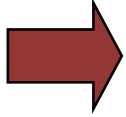
~~1.10. Complete~~ The Hiring Form 100/102: must have ~~Job Data, attach~~ the following items attached when, and circulating formse-it for signatures:

- 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.~~

- 4.11. ~~To change the status for A~~ a current employee being hired for a different position under a search requires the, ~~complete the~~ Change Form: 101 instead of the Hiring Form: 100/102. This form must also be routed for signatures and have the same attachments as required under section 6. 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: **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).

- Provides descriptive section headings for numbered sections; reorganize for clarity.
- Adds definitions of "instructional staff member" and "student" (Section 1).
- Adds examples of behavior constituting academic misconduct (Section 2).
- Adds responsibility of instructional staff to inform student of judgment, penalty, and right to appeal (Section 4.d, 5.c).
- Specifies procedures for imposing penalties for academic misconduct (Section 5).
- Adds procedure and means for tracking repeat offenses (Section 5.c,d).
- Specifies procedures for dealing with students not enrolled in course in which misconduct occurred (Section 6).
- Specifies procedures for dealing with repeat offenders (Section 7).
- Specifies procedures for non-graduate student appeals (Section 8).
- Specifies procedures for suspension or expulsion of non-graduate students (Section 9).
- Updates and specifies procedures for graduate student academic misconduct, including appeals (Section 10).
- Updates and specifies procedures for individuals who are not NDSU students (Section 11).
- Adds -paragraph 12 regarding responsibilities and actions on rescinding a degree.
- Adds language clarifying the priority of college honor commissions.
- ~~Adds paragraph 125 regarding responsibilities and actions on rescinding a degree.~~

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

University Senate
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 10/14/09 presented to the PCC; 10/13/10 V5 presented to the PCC; 11/10/10 tabled at PCC;
Committee: 11/19/10 received further updates (V6) from Faculty Senate to pass to PCC and Staff Senate.

University

Senate: 10/21/09 routed to US Exec for Input; 11/27/09 routed version 4 with updates from General Counsel; 10/13/10 routed V5 for input; 11/19/10 V6 routed for input

Staff Senate:

10/27/09 routed for input; placed policy on consent agenda; 10/13/10 routed V5 for input;
11/19/10 V6 routed for input

President's

Council:

10/27/09 routed for input; 10/13/10 routed V5 for input

*If you have any questions regarding this cover sheet, please contact Kim Matzke-Ternes
at 1-7080 or kim.matzke-ternes@nds.u.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 students engage in academic misconduct ~~cheating occurs~~, either inadvertently or deliberately. This ~~Code~~ policy ~~will serve~~ as the guideline for cases ~~where in which~~ cheating, plagiarism, or other academic ~~improprieties~~ misconduct have occurred in an instructional context (e.g., coursework, exams for degree requirements, practical experience, or fieldwork experience). Depending on the nature of the alleged offense, academic misconduct involving graduate or undergraduate research (e.g., thesis, dissertation, honors thesis), may be handled by either this policy or policy 326, ACADEMIC MISCONDUCT. This policy ~~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 (including the College of Graduate and Interdisciplinary Studies) may exceed the minimum standards outlined in this policy. Academic colleges with an approved and published honor commission (or similar mechanism) may employ alternative procedures; however, the standards of expected behavior shall not be less than those in this policy. In all cases, the procedures presented in this policy for tracking academic misconduct must still be followed; see Sections 5.c and 5.d of 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. Definitions. In this policy, an “instructional staff member” is defined to be anyone who has primary responsibility for a course, or other instructional context to which this policy applies. Examples of instructional staff members include tenured and tenure-track faculty members, professors of practice, teaching assistants who have primary responsibility for a course, teaching fellows, instructors, and lecturers.

In this policy, a “student” is defined as anyone enrolled in undergraduate, professional, or graduate coursework at NDSU. These students include individuals in a non-degree status, such as those taking NDSU courses through a collaborative, consortium, exchange, or early admission program, or in a conditional admit status (e.g., Tri-College, NDUS Collaborative Registration, and Early Entry/dual credit program).

2. -Examples of behavior constituting academic misconduct. 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;~~
 - i. Cases of apparently unintentional plagiarism or source misuse must be handled on a case-by-case basis and in the context of the instructor's policies. Unintentional plagiarism may constitute academic misconduct.
 - ii. Improper attribution of sources may be a symptom of bad writing and not plagiarism. Instructors are encouraged to recognize that citation skills are developed over time and are contextual.
Unintentional plagiarism is still plagiarism;
- b. Receiving, possessing, distributing or using any material or assistance not authorized by the instructional staff/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/other academic requirements;
- c. Unauthorized collaborating on individual assignments or representing work from unauthorized collaboration as independent work;
- d. 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;
- e. Stealing; or otherwise improperly obtaining -copies of an examination or assignment before or after its administration, and/or passing it onto other students;
- f. Unauthorized copying, in part or in whole, of exams or assignments that will be kept by the instructional staff/faculty member, including those and are handed out in class only for review purposes;
- g. Altering or correcting Knowingly submitting a paper, report, presentation, examination, or any class assignment, in part or in whole, without the instructional staff member's permission, and submitting that has been altered or corrected, in part or in whole, for re-evaluation or re-grading, without the faculty member's permission;
- h. Misrepresenting one's attendance or the attendance of others (e.g., by PRS or attendance sheet) in a course or practical experience where credit is given and/or a mandatory attendance policy is in effect;
- i. Fabricating org, i.e., falsifying data/information in research, papers, and/or reports;
- j. Aiding or abetting academic misconduct, i.e., knowingly giving assistance not authorized by the instructional staff/faculty member to another in the preparation of papers, reports, presentations, examinations, or laboratory data and products;
- k. Unauthorized copying of another student's work (e.g., data, results in a lab report, or exam) without his or her knowledge;
- l. Tampering with or destroying materials, (e.g., in order to impair another student's performance);
- ~~+~~ Utilizing false/ or misleading information (e.g., illness or family emergency) to gain extension and/or exemption on an assignment or test.
- m.

TheA

1.3. The university culture of academic honesty. A primary responsibility of the students, ~~faculty members~~ instructional staff members, staff members, and administrators ~~is to~~ 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~~ Instructional staff 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.~~

a.

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 s~~ Students are subject to disciplinary action even when one of the students is not enrolled in the course where the violation academic misconduct occurred.

3. Fairness. ~~The~~ Faculty Instructional staff members ~~and the~~ administrators ~~are~~ are responsible for procedural fairness to ~~the any accused student~~ accused of academic misconduct. ~~or students in accordance with the following procedure:~~ An i-nstructional staff ~~faculty~~ member who suspects that academic misconduct has occurred in his/her class or other instructional context has an initial responsibility to:

4.

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

c. 3)-make a fair and reasonable judgment as to whether or not any prohibited academic misconduct occurred; and

a.d. inform the student of the judgment, penalty (if any), and the student's right to appeal. See also Section 5.c of this policy.

5. 4P. ~~enalties from instructional staff members for academic misconduct. Instructional staff~~ 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. 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.

a.

b. ~~In this situation, If an i-nstructional staff~~ faculty ~~member imposes a penalty, the student may not drop the course in question without the permission of the~~ instructor ~~instructional staff~~ faculty member. (The instructional staff ~~faculty~~ member is responsible for notifying the Registrar to prevent the student from dropping the class.)

b.

b. c. ~~If a n i~~ nstructional staff ~~faculty~~ members imposes a penalty, the instructional staff ~~faculty~~ member must complete the Student Academic Misconduct Tracking

~~Form and submit copies to the student, his/her will provide a written statement of the action to the department~~ the chair/-head of the instructional staff member's primary department, or, the program director if the student is enrolled in an interdisciplinary program. It is the chair/head or program director's responsibility to forward copies of the tracking form to the dean of the college of the student's primary major, the dean of the instructional staff faculty member's primary 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.

c.

~~c.~~ 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.

d.

e. In cases of particularly egregious academic misconduct, the dean of the college of the student's primary major or the dean of the college where the academic misconduct occurred may recommend suspension or expulsion as outlined in Sections 9 and 10 of this policy.

6. 5. Penalties from instructional staff members for students not enrolled in course. ~~In addition to the prerogative above, or if the a student involved in a case of academic misconduct is not enrolled in his or her the course in which the violation academic misconduct occurred,~~ the instructional staff faculty member teaching that course may recommend a disciplinary sanction penalty to the dean of the instructional staff faculty member's primary college. ~~in which the infraction occurred.~~ If the student is not enrolled in this a different college, the dean will forward the recommendation 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.

b. Alternatively, the dean of the college of the student's primary major may recommend suspension or expulsion to the Academic Standards Committee (http://www.ndsu.edu/fileadmin/vpaa/POLICIES_FOR_NDSU_UNIVERSITY_ACADEMIC_STANDARDS_COMMITTEE-Rev_6_22_10.doc), as outlined in Sections 9 and 10 of this policy.

7. Penalties for students with multiple instances of academic misconduct. If, when entering an instructional staff 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 primary major about the student's repeated academic misconduct.

or the

b. ~~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 dDean of the College of Graduate and Interdisciplinary Studies, not the Academic Standards Committee.~~

~~a. The graduate dDean 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 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 dDean 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.~~

~~— Any prior history of academic misconduct shall be taken into account when determining penalties for a current offense.~~

~~a. In case of repeat offenses, the Provost/VPAA and/or tThe Provost/VPAA and/or the deandean of the college of the student's primary major -may recommend additional penalties up to and including suspension or expulsion to the Academic Standards Committee, as outlined in Sections 9 and 10 Section 11 of this policy.~~

~~e.b. In the case of graduate student academic misconduct, the Dean of the College of Graduate and Interdisciplinary Studies also must also be notified.~~

8. Non-graduate student appeals for penalties from instructional staff members. A student who has received a penalty from an instructional staff member for academic misconduct may appeal the penalty on one or more of the following bases: the penalty was too severe for the offense; the instructional staff member's decision was made in an

arbitrary or capricious manner; the instructional staff member's decision was not substantiated by adequate evidence; or the student's rights were violated.

If the student chooses to appeal the instructional staff member's penalty, the student must initiate the appeal process within fifteen class days after the beginning of the following semester. For spring or summer courses, the appeal must be initiated within fifteen class days of the start of the fall semester. The student must appeal the penalty in writing. The appeal must be pursued in the following sequence: the instructional staff member, the chair/head of the instructional staff member's primary department, and the dean of the instructional staff member's primary college.~~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.~~

1.

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.

a.

If, after the appeal consultations outlined in Section 89.a., the appeal is are not granted,
~~Then,~~ the student may request a hearing by the Student Progress Committee in the college where the academic misconduct violation occurred to appeal the penalty.
~~In addition, 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.

b.

~~i. 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. The decision of the Student Progress Committee is final.

i.

~~b.ii.~~ 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.

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.

3.

9. Suspension or expulsion at the university level of non-graduate students. In cases of particularly egregious academic misconduct, a student may be suspended or expelled for academic misconduct in accordance with the following procedure:

- a. If the dean of the college of the student's primary major or the dean of the college where the academic misconduct occurred decides that suspension or expulsion is warranted, that dean shall recommend suspension or expulsion to the Academic Standards Committee. At the same time, the dean who recommends suspension or expulsion also shall notify the student of this action and inform the student of the hearing and response options described in Sections 9.b. and 9.c. of this policy.
- b. The student has ~~two~~five class days after receiving the dean's notification to request a hearing from the Student Progress Committee (or Honor Commission or similar body) in the college of the dean who has recommended suspension or expulsion.
 - i. Such hearings shall be held in accordance with college policy.
 - ii. The Academic Standards Committee shall take no action on the case before a hearing is concluded.
 - iii. The Student Progress Committee (or Honor Commission or similar body) shall forward its decision and appropriate hearing information to the student, the dean who recommended suspension or expulsion, the dean of the college of the student's primary major, and the Academic Standards Committee.
- c. The student has ~~two~~five class days after receiving notification to respond to the dean's recommendation and/or the hearing outcome in a written statement submitted to the Academic Standards Committee.
- d. If the Academic Standards Committee decides that suspension or expulsion is warranted, the committee chair shall recommend suspension or expulsion to the Provost/VPAA. At the same time, the committee chair also shall notify the student of its decision and inform the student that he/she has the right to respond to the recommendation, as described in Section 9.e. of this policy.
- e. The student has ~~two~~five class days after receiving the Academic Standards Committee's notification to respond to the committee's recommendation in a written statement to the Provost/VPAA.
- f. If the Provost/VPAA decides that suspension or expulsion is warranted, he/she shall impose suspension or expulsion. At the same time, the Provost/VPAA shall notify the student of his/her decision and the terms of the decision, and inform the student that he/she has the right to appeal the penalty, as described in Section 9.g. of this policy. At the same time, the Provost/VPAA also shall notify the Registrar and President of the university of the action and its terms.
- g. The student may file a written appeal of this penalty with the President of the University within thirty calendar days of receiving the notice of the decision. The President's decision normally will be made within thirty calendar days after receiving the appeal. The President's decision on the matter is final.
- h. The Office of the President shall notify the following parties of the results of the final decision on suspension or expulsion: the student, the chair/head of the student's primary major department, the dean who recommended suspension or expulsion, the dean of the college of the student's primary major, the Academic Standards Committee, the Provost/VPAA, and the Registrar.

~~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 sSection 3.b.9.b d above.

The Academic Standards Committee may impose suspension or expulsion, if an appeal with the Student Progress Committee is not in progress.

d. Procedures for suspension and/or expulsion of graduate students are described in Section 6 above.

10. Procedures for cases involving graduate students. Accusations involving academic misconduct of graduate students will follow the procedure described in Sections 4-7 above, with the following exceptions. Appeals of penalties imposed by instructional staff member must be filed in accordance with the policy described in the NDSU Graduate Bulletin. Also, the dean of the college of the student's primary major may recommend an additional penalty (including academic warning, academic probation, suspension, or expulsion) to the Dean of the College of Graduate and Interdisciplinary Studies. The imposition of penalties shall be in accordance with the policy described in the NDSU Graduate Bulletin.

a. The Dean of the College of Graduate and Interdisciplinary Studies will provide the student with written notice of the following:

i. additional disciplinary action taken, if any;

ii. description of the graduate student appeal process, as outlined in the NDSU Graduate Bulletin;

iii. the date by which an appeal must be filed by the student, should the student choose to file an appeal.

b. If an appeal is filed, the Dean of the College of Graduate and Interdisciplinary Studies will notify the student of the result following the completion of the appeal process.

c. The following parties shall be notified if the student is suspended or expelled: the student, the chair/head of the student's primary major department, the dean who recommended suspension or expulsion, the dean of the college of the student's primary major, the Academic Standards Committee, the Provost/VPAA, and the Registrar.

11. Procedures for cases involving individuals who are not NDSU students. If a person who is not an NDSU student (according to the definition in Section 1 of this policy) is involved in academic misconduct, the instructional staff member shall send a written statement describing the academic misconduct to the Provost/VPAA, Vice President for Student Affairs, Registrar, and Director of Admission for appropriate action. Appropriate action may include, but is not limited to, holds being placed on admission

or readmission to the university, and notification being sent to the individual's home institution.

— Rescission of degrees. 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 the rescission of any wrongfully obtained degree(s). ~~The Dean of Student Life also may recommend to the Provost, with notice to the Vice President for Student Affairs, , with notice to the Vice President for Student Affairs, the recommendation to rescind a degree based on actions in violation of the Code of Student Behavior.~~

— 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 violation of the Code of Student Behavior.

— 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 30thirty 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 Provoist/VPAA whether to rescind the degree(s) shall be made within 30 thirty calendar days after a response is received or hearing is completed.

— A decision by the Provost/VPAA shall be made within 30thirty calendar days after receiving the recommendation. The graduate has 10ten 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.

— 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 30thirty calendar days after receiving the appeal.

— 12. The Office of Registration and Records will be notified of the results of the Committee's or Council'sfinal decision on rescinding the degree(s).

a. Written notice of the concerns and recommendation to rescind the graduate's degree(s) shall be sent via certified mail and email with return receipt to the graduate, with a hold placed on the student's record. 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~~Student Progress 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 calendar days after receiving the recommendation. The graduate has 10 business 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 calendar days of receiving the notice of the decision. The President's decision will normally be made within 30 calendar days after receiving the appeal.
- d. The Office of Registration and Records will be notified of the results of the final decision on rescinding the degree(s).

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

Student Academic Misconduct Tracking Form

This form shall be filed in accordance with Section 335 of the NDSU Policy Manual to report cases of academic misconduct. See Section 335 for a full description of procedures and the appeals process.

Student Name/ID: _____ **Date of Report:** ____/____/____

Subject and Catalog Number of Course: _____ **Term/Year:** _____

Instructor's signature/date

Instructor's printed name

Description of academic misconduct:

Description of Penalty:

The instructor should submit copies of this form to the student, and chair/head of the instructional staff member's primary department. *The chair/head is responsible for forwarding copies to the dean of the college of the student's primary major, dean of the instructional staff member's primary college, Registrar, and Provost/VPAA. In a case of graduate student academic misconduct, also copy the Dean of the College of Graduate and Interdisciplinary Studies.*

Agenda

Faculty Senate Meeting

*Meeting place and time: 3:30 pm, Monday, January 24, 2011
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of December 13, 2010, Minutes

III. Consent Agenda

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

B. Policy Coordination Committee

For Information only:

1. Policy 122: Payroll Checks - Distribution ([Attachment 2](#))
2. Policy 509: Electronic Financial Transaction Policy ([Attachment 3](#))
3. Policy 812: Allowable Cost Policies - Miscellaneous ([Attachment 4](#))
4. Policy 821: Effort Reporting ([Attachment 5](#))

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

IV. General Announcements

A. President Bresciani

B. Provost/VPAA Schnell

C. A. Rupiper Taggart, President of Faculty Senate

D. G. Totten, President Elect of Faculty Senate

E. K. Mickelson, President of Staff Senate

F. S. Affolter, Vice President of Student Body

V. Committee Reports

A. Academic Affairs- A. Brunt

B. General Education - L. Peterson

C. Council of College Faculties - J. Glower

D. University Senate Special Committee on the Formation of a Faculty Senate – T. Stone
Carlson

1. Draft Faculty Bylaws ([Attachment 6](#))
 - a. Terms and term limits on Senate committees
 - b. Voting vs. nonvoting members on committees
 - c. Chairship of committees

For information only:

2. SBHE Section 611.2: Employee Responsibility and Activities: Intellectual
Property ([Attachment 7](#))

E. Policy Coordinating Committee – Gary Totten/Amy Rupiper Taggart

For Discussion and Vote:

1. Policy 603: Sexual Assault and Other Sexual Offenses Student Policy
([Attachment 8](#))
2. Policy 700: Services and Facilities Usage ([Attachment 9](#))
3. Policy 712.1: Legal Representation ([Attachment 10](#))

VI. Unfinished Business

VII. New Business

VIII. Adjournment

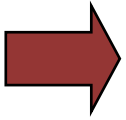
Academic Affairs Committee Report For Faculty Senate –January 24, 2011

Curricular Recommendations

New Program							
International Infectious Disease Management & Biosecurity (IIDMB), M.S. and Graduate Certificate							
New Courses							
Subject	No.	Title					Crs.
HDFS	755	Advanced Lifespan Development					3
HDFS	756	Advanced Quantitative Methods in Developmental Science					3
HNES	789	Athletic Training Professional Experience					3
MICR	722	International Health Systems, Policy & Biosecurity					2
Course Deletion							
STAT	775	Linear Models II					3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
MICR	572	Clinical Immunology	1	MICR	472/ 672	Clinical Immunology	3
Change in Prerequisites/Corequisites and Change in Bulletin Descriptions – for information only							
Subject	No.	Title		Prerequisite/Corequisite Change			
EDUC	322	Educational Psychology		Change in Bulletin description			
New Special Topics – for information only							
ME	499	Powertrain Testing and Development					3
WS	199	Introduction to Lesbian, Gay, Bisexual and Transgender Studies					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: *Section 122: Payroll Checks-Distribution*

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 language in item 2 is being modified, item 2.1 and item 3 removed entirely. This change is being initiated because direct deposit advice slips will no longer be printed for NDSU employees after December 31, 2010.*

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

- *HR/Payroll Office*
- *Colette Erickson, Colette.Erickson@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 12/08/10

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 122: PAYROLL CHECKS - DISTRIBUTION

**SOURCE: NDSU President, NDUS Human Resource Policy Manual,
Section 5.2**

1. Payday shall be the last day of the month for the period from the first day of the month to the fifteenth day of the month, and the fifteenth day of the following month for the period from the sixteenth day of the month to the end of the month; however, if the pay date should fall on a Saturday, Sunday, or holiday, the preceding work day shall be payday. Effective not later than for the pay period beginning July 1, 2008 and subject only to individual exceptions in exceptional circumstances as approved according to institution or system office procedures, employee wages shall be paid with direct deposit in the financial institution of the employee's choice. Institutions and the system office may enact implementing procedures defining exceptional circumstances under which individual exceptions to mandatory direct deposit may be approved by an authorized institution or system official.
- ~~2. Statements of Earnings, taxes and deductions for those individuals paid under the method noted in Section 127 and 128 are available to view online under ND HE Self Service in [Oracle/PeopleSoft HRMS](#) no later than two business days prior to each payday. distributed to the department via campus messenger on payday. Employees working in off-campus locations will have their statements of earnings and deductions mailed to them at their work address.~~

2.1

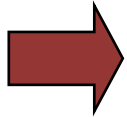
~~Unclaimed statements of earnings and deductions for employees should be returned to Human Resources/Payroll within two months from the date of issue.~~

- ~~3. Individuals in need of having their statement of earnings and deductions mailed to them should submit a written request to their employing department. The request should include name, Empl ID number, and mailing address.~~

HISTORY: July 1990; Amended April 1996; August 1997; May 1998; May 2004, October 2007; February 2009

Policy Change Cover Sheet

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SECTION: *509: Electronic Financial Transaction 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).

Adds requirements for vendors using campus facilities for business to ensure they follow applicable PCI DSS standards and guidelines in credit card transactions.

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: 11/10/10 presented to pcc;

University 11/19/10 routed for input

Senate:

Staff Senate: 11/19/10 routed for input

President's 11/19/10 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

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NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 509: ELECTRONIC FINANCIAL TRANSACTION POLICY

SOURCE: NDSU President

1. All NDSU departments and colleges that conduct electronic-based financial transactions of NDSU which involve the transfer of credit/debit card or Electronic Funds Transfer (EFT) information must be compliant with Payment Card Industry Data Security Standards (PCI DSS), all applicable laws and mandates, and North Dakota University System and NDSU policy and procedures.
2. All electronic-based financial transactions of NDSU that involve the transfer of credit/debit card or EFT information must be performed through the North Dakota University System application, TouchNet, or through an NDSU approved third party vendor, or on systems provided by Information Technology Division (IT Division) for this purpose. All specialized servers and other electronic equipment which have been approved for this activity must be housed within IT Division, and administered in accordance with the requirements as set forth by PCI DSS, all applicable laws and mandates, and North Dakota University System and NDSU policy and procedures.
3. Entities wishing to use TouchNet must file a request with the NDSU Customer Account Services Department (nds.customer.account@nds.edu). Entities that use TouchNet for a purpose other than that which was approved will be required to stop electronic payment transactions.
4. Exceptions to this policy may be granted only after a written request from the unit has been reviewed and approved by the Vice President for Finance and Administration and the Vice President for Information Technology or their designees.
- 4.5. Vendors using NDSU facilities to conduct business are to ensure that they comply with all PCI DSS standards and guidelines. NDSU is not required to provide internet services to vendors doing business on campus to access credit card payment processors; it is the vendor's responsibility to specifically request such services through the Vice President for Finance and Administration, and the Vice President for Information Technology

Services, or their designee. Vendors on campus can use the Vendor Request to Process Credit Card and Electronic Fund Transactions Utilizing (Outside) Third Party Online Processor form.

5-6.Definitions.

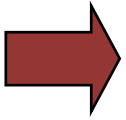
- a. **Electronic Funds Transaction (EFT):** The term is used for a number of different concepts such as cardholder-initiated transactions, where a cardholder makes use of a payment card (e.g., credit or debit card); electronic payments by businesses, including salary payments, electronic check clearing.
- b. **TouchNet:** Third party vendor and software for campus online billing and payment processing for credit/debit card payments which follow applicable PCI DSS standards and guidelines.
- c. **Payment Card Industry Data Security Standards (PCI DSS):** The PCI DSS was developed by the major credit card companies as a guideline to help organizations that process card payments prevent credit card fraud, hacking and various other security issues. A company processing, storing, or transmitting credit card numbers must be PCI DSS compliant or they risk losing the ability to process credit card payments. The current version of the standard (1.1) specifies 12 requirements for compliance, organized into six logically related groups called control objectives. For more information please see https://www.pcisecuritystandards.org/security_standards/pci_dss.shtml

For related procedures see the Electronic Financial Transaction Procedure #509.

HISTORY: June 2008, January 2009, June 2009

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SECTION: *Section 812:Allowable Cost Policies-Miscellaneous*

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).
 - *Add #13. OFFICE SUPPLIES. Need to clarify office supply expenses.*
 - *Numbering needs to be changed from that point on.*

2. This policy was originated by (individual, office or committee/organization):
 - *Grant and Contract Accounting 11/19/2010*
 - *Joann.swanson@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

Committee: 12/08/10

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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Thank you for your understanding!



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

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

SECTION 812:ALLOWABLE COST POLICIES-MISCELLANEOUS

SOURCE: NDSU President

1. ADVERTISING COSTS. The term advertising costs means the costs of advertising media, such as magazines, newspapers, radio and television programs, direct mail, and exhibits.

Advertising costs for the recruitment of personnel required for the performance of obligations under the sponsored agreement, the procurement of goods and services for the performance of the sponsored agreement, the disposal of scrap or surplus materials acquired in the performance of the agreement, and other specific purposes necessary to meet the requirement of the sponsored agreement are allowable as direct charges to an agreement.

The dates of the advertisement must correspond to the dates of the agreement to be charged.

If an advertisement benefits more than one sponsored agreement, the cost of the advertisement should be allocated between all agreements benefited.

The Accounts Payable Voucher should include the dates of the advertisement and the content of the ad if the information is not clearly provided on the invoice from the vendor.

1.1

On federal funds, the only allowable public relations costs are those specifically required by sponsored agreements.

Costs of promotional items and memorabilia including models, gifts and souvenirs are unallowable.

2. COMMENCEMENT AND CONVOCATION COSTS. These costs are not allowable as direct charges to sponsored agreements.
3. COMMUNICATION COSTS. Costs incurred for long distance telephone calls and facsimiles are allowable on sponsored agreements. If personal calls are made by an individual within a department, the cost of the call must not be allocated to any sponsored agreement.

3.1

Local telephone costs, which includes purchase, installation, and monthly line charges, should normally be charged to a source other than the federal program. This also applies to the cost of pagers, cellular

telephone, and facsimile lines, except where required by the projects' scope of work and approved by the sponsor in the project budget.

3.2

Postage should normally be charged to a source other than the federal program, unless the expense can be shown to be a significant part of the project or activity, and the expense is for the sole direct technical benefit of the project. Postage for routine correspondence, including correspondence with the sponsoring agency should not be direct charged to the project.

4. CONTINGENCY PROVISIONS. Contributions to a contingency fund or any similar provision are unallowable against sponsored agreements.
5. ENTERTAINMENT COSTS. Costs incurred for amusement, social activities, entertainment, and any items relating, such as meals, lodging, rentals, transportation, and gratuities are unallowable.
6. MEALS AND MEETINGS. The costs incurred in hosting official guests are allowable provided the expense incurred has a direct benefit on the agreement being charged. No alcoholic beverages may be reimbursed.

6.1

Costs of meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, and other items incidental to such meetings or conferences.

The request for reimbursement should include names of all attendees, date(s) of meeting, and purpose(s) of the meeting.

7. FINES AND PENALTIES. Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the sponsored agreement, or instructions in writing from the contracting officer or equivalent.

Late fees and penalties resulting from failure to pay an invoice in a timely manner are also unallowable against sponsored agreements.

8. INSURANCE AND INDEMNIFICATION. Costs of insurance required or approved and maintained for a specific sponsored agreement are allowable.

If an agency requires the institution to provide a specified amount of liability insurance during the life of the agreement, the sponsored agreement should be directly charged for the cost of the insurance coverage.

9. INTEREST, FUND RAISING, AND INVESTMENTS. Costs incurred for interest on borrowed capital or temporary use of endowment funds are unallowable.

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable.

10. MAINTENANCE AND REPAIR COSTS. Cost incurred for necessary maintenance, repair or upkeep of property which neither add to permanent value nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

11. MATERIAL COSTS. Costs incurred for the purchase of materials, supplies, and fabricated parts directly or indirectly sponsored agreement are allowable.

If the materials used were taken from stockrooms not recognized as specialized cost centers of the University, the cost of the materials charged should be substantiated by referencing the original purchase transaction for verification of the cost charged.

12. MEMBERSHIPS, SUBSCRIPTIONS, AND PROFESSIONAL ACTIVITY COSTS. Costs of the institution's membership in business, technical, and professional organizations are allowable. The cost of individuals' memberships, which are incurred primarily to represent the institution in business, technical, and professional organizations are allowable.

Costs of the institution's subscriptions to business, professional, and technical periodicals are allowable. If the subscription is in the name of an individual, the cost is still allowable provided the subscription is received at an on-campus address.

The cost of such memberships, subscriptions, and professional activity costs should be allocated among all activities benefiting from the expense.

When a membership, subscription, or professional activity cost is incurred solely for the benefit of one project, that fact should be explained on the Request for Payment so that clarification is given to the charge.

The dates of the membership, subscription, or professional activity cost should correspond to the effective dates of the agreement. This is not to say that an annual membership for the calendar year may only be charged to a agreement running on the calendar year, but that some benefit from the membership should be recognized during the effective dates of the agreement.

NOTE: Under federal agreements, the above mentioned memberships are allowable only if approved in the budget. Memberships in civic or community organizations are unallowable.

13. OFFICE SUPPLIES

For grant funding received from federal sources, general purpose office supplies are not normally allowable as direct costs. These costs are considered to be part of University overhead and are to be treated as F & A (facilities and administrative costs). Any direct charges need to be budgeted for and approved by the sponsor.

- ~~13.~~14. PROFESSIONAL SERVICES OR CONSULTANT COSTS. This section applies only to non-employees of North Dakota State University. See Section 805, Compensation for Personal Services, for rules applying to employees.

Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable when reasonable in relation to the services rendered.

Certain agencies require prior approval for the use of consultants and/or limit the amount of consultant payments. Contact the Office of Grant and Contract Accounting for assistance.

1314.1

When submitting an Accounts Payable Voucher for professional services, the following information should be provided:

- 1) the name of the consulting firm or individual consultant;
- 2) the nature of the services rendered and their relevance to the sponsored activity, if not apparent from the nature of the work performed;
- 3) the date the services were performed;
- 4) the basis for calculating the fee paid; e.g., rate per day or hour worked or rate per unit of service rendered; and
- 5) a certification statement from the Principal Investigator as follows:
"I HAVE REVIEWED AND APPROVED THE WORK PERFORMED BY (name). I FOUND THE WORK TO BE SATISFACTORY AND IN ACCORDANCE WITH THE ESTABLISHED POLICIES OF THE SPONSORED AGREEMENT."

Signed Principal Investigator

The University will not issue payment for services until the actual work has been performed.

- ~~4~~.15. PROPOSAL COSTS. Proposal costs are the costs of preparing bids or proposals, including the development of data necessary to support the institution's bids or proposals and the cost of mailing the information to the agency. These costs are to be treated as indirect costs only. They are unallowable as direct charges to a sponsored agreement.
- ~~5~~.16. PUBLIC INFORMATION SERVICES COSTS. Cost of news releases pertaining to specific research or scientific accomplishment are allowable, when they result from performance of sponsored agreements.
- ~~6~~.17. REARRANGEMENT AND ALTERATION COSTS. Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the sponsoring agency.
- ~~7~~.18. RENTAL COSTS OF BUILDINGS AND EQUIPMENT. Rental costs under "sale and lease back" arrangements are allowable only up to the amount that would be allowed if the institution continued to own the property.

Rental costs under "less-than-arms-length" leases are allowable only up to the amount that would be allowed if the institution owned the property.

The Accounts Payable Voucher should state the period of time the rental costs are covering and the cost of the item if it were being purchased instead of being leased.

- ~~8~~.19. SCHOLARSHIP AND STUDENT AID COSTS. Costs of scholarships, fellowships, and other programs of student aid are allowable only when the purpose of the sponsored agreement is to provide training to selected participants and the charge is approved by the sponsoring agency.

All scholarship and student aid costs should be reported to the Financial Aids Office to be included with the student's financial support records.

9-20. STUDENT ACTIVITY COSTS. Costs incurred for intramural activities, student publications, student clubs, and other student activities, are unallowable, unless specifically provided for in the sponsored agreement.

10-21. SPECIALIZED SERVICE FACILITIES. The costs of institutional services involving the use of highly complex or specialized facilities such as electronic computers and analysis laboratories are allowable, provided the charge for the service meets the following conditions:

A)

the cost of each service normally shall consist of both its direct costs and its allocable share of indirect costs with deductions for appropriate income;

B)

the cost of such institutional services will be charged directly to users, including sponsored agreements based on actual use of the services and a schedule of rates that does not discriminate between federally and non federally supported activities of the institution.

2021.1

Departments operating a specialized service facility must establish a system of tracking all costs incurred in operating the facility. The costs involved in operating the facility should be allocated among the various services performed by the facility. The Controller's Office and Office of Grant and Contract Accounting are available to assist with establishing a system for tracking costs and establishing rates for such facilities.

2021.2

Activities funded by external grants or contracts shall be subject to a charge for the use of University computer facilities. The charges will be based on the actual costs of operation of such facilities.

All proposals with activities that require computer use shall include a budget item for the amount of estimated use. Current rates may be obtained from the service provider.

Funded proposals of this nature are communicated to the service provider to establish a unique user account number for charges.

Basing rate charges upon the going rate of other commercial or private enterprises is not an acceptable method of establishing verifiable rates. The rates charged must correspond to the costs of operating the facility.

Rates charged for specialized service facilities which are not based upon a costing method as described above, will be unallowable against federally sponsored agreements.

11-22. LOBBYING. Costs of lobbying activities to influence legislative activity are unallowable. This includes travel costs involved in visiting legislators when the primary purpose of the visit is to seek assistance in securing federal funds. Costs involved in hosting receptions for legislators are also unallowable.

12-23. HONORARIA. Honoraria are unallowable if the primary intent of the cost is to confer distinction on, or to symbolized respect, esteem, or admiration for, the recipient.

Honoraria that constitute a payment for services rendered, such as a speaker's fee are allowable. These costs should be called "Speaker Fees" as opposed to Honoraria when submitting the Accounts Payable Voucher.

2223.1

The Accounts Payable Voucher should include the following:

- A)
the name of the individual speaking;
- B)
the nature of the service provided;
- C)
the date the service was performed; and
- D)
the basis for calculating the fee paid.

13,24. MOVING COSTS. Moving costs incurred by new or relocating employees may not be charged to federal funds without specific approval from the awarding agency.

HISTORY: July 1990; Amended April 1992; May 1996, September 2007.

• POLICY MANUAL HOME PAGE :

• SEARCH POLICY :

• NDSU HOME PAGE

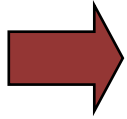
[NDSU PolicyManual](#)

Last Updated: Thursday, June 3, 2010

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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: **Section 821:EFFORT REPORTING**

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).
 - *Make changes in wording to clarify.*

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

- *Grant and Contract Accounting 11/19/2010*
- *Joann.swanson@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

Committee: 12/08/2010

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!



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 821: ~~PERSONNEL ACTIVITY CONFIRMATIONS EFFORT~~ REPORTING

SOURCE: NDSU President

1. Personnel Activity Confirmations forms are distributed ~~quarterly after the end of each semester~~ to all employees who are paid from sponsored agreements or contributing effort on sponsored agreements. This is a requirement of the federal government and care must be given to insure that the form clearly reflects the actual effort for each individual.
2. The reports are an after-the-fact reporting of the percentage of activity of each employee. Estimates may be made before the services are performed, but effort percentages must be adjusted promptly if differences exist from the actual effort expended on each project. When working on a Federal project the effort contributed to the project must equal or exceed the payment received from the project.
3. To confirm that the distribution of activity represents a reasonable estimate of the work performed by the employee during the period, each report will be signed by the employee or by a responsible official having first hand knowledge of the work performed. Departmental administrative assistants do not have signature authority. The responsible official should be the Department Chair or the Principal Investigator of the project for whom the employee is working.
4. The Personnel Activity Confirmation is also used to reflect cost share on sponsored agreements. The Office of Grant and Contract Accounting may preset the effort allocation to projects where cost sharing is involved. However, if the pre-set percentages are not an accurate reflection of the effort of the employee, corrections should be made to reflect the actual effort. See Section 814 for an explanation of the calculation.
5. The Personnel Activity Confirmations forms are mailed ~~quarterly after the end of each semester~~ to each responsible department along with a checklist of all individuals receiving forms for that department. The department should distribute the forms for certification. The signed forms should be returned promptly to the Office of Grant and Contract Accounting ~~after all the forms on the checklist have been collected~~.

HISTORY: July 1990; Amended April 1992; June 1996, August 2007; October 2007.

Bylaws

Article I: Faculty Senate Membership

Section 1.

Each representation unit shall have one elected senator for every fifteen eligible faculty (see Constitution Article 3, Section 1), or major fraction thereof, assigned to the Fargo Campus as of October 1 of each year. Faculty members in the Agriculture Experimental Station and the NDSU Extension Service shall be counted in and vote with their assigned representation unit.

Section 2.

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

Section 3.

The following are considered representation units for the purposes of determining Faculty Senate seats:

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

Section 4.

The Faculty Senate President will stagger Senate terms so that approximately 1/3 of the senators from each representation unit are elected each year. Each unit shall hold a meeting to elect the necessary Senators by April 15 of each year.

Section 5.

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

Section 6.

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

Section 7.

A senator may be removed from office by way of a two-thirds majority vote at a regular Faculty Senate meeting.

Section 8.

All senators are expected to:

1. Attend all Faculty Senate meetings. If unable to attend the meeting the Senator must find a competent substitute (who is not already a Senator) to act as her or his proxy at the meeting. Said proxy will have all rights and privileges accorded a regular Senator. The Senator must provide signed notification of the substitution to the Secretary of the Faculty Senate prior to start of the meeting.
2. Prepare for Faculty Senate meetings including reading the agenda and all attachments prior to the meeting.
3. Participate in meetings as long as doing so advances the business of the Faculty Senate.
4. Disseminate Faculty Senate information to their individual representation units.
5. Gather opinions and other information from their representation units concerning Faculty Senate activity.
6. Show proper decorum during meetings.

Article II: Organization and Faculty Senate Operation

Section 1.

Administrative officers of the Faculty Senate consist of the President and the President-Elect.

Section 2.

The President-Elect shall be elected for a one-year term by the Faculty Senate at the April or May meeting of the Faculty Senate. The President-Elect will be elected from the roster of current or former Senators.

Section 3.

At the end of the term, the President-Elect will succeed the President for a one-year term of office.

Section 4.

During their respective terms the President-Elect and the President will not represent her or his representation unit.

Section 5.

Removal of the President or President-Elect requires a 2/3 majority vote at a regular Senate meeting, followed by a 2/3 majority vote at a special meeting of the Senate not more than 2 weeks after the first meeting. In the event that the President is removed, the President-Elect will assume the role of President and will continue as President until the President-Elect's original term is concluded. In the event that the President-Elect is removed, the Senate will vote to replace the President-Elect at the next regular meeting of the Senate.

Section 6.

Duties of the President shall include the following:

1. Preside at all meetings of the Senate.
2. Set the agenda of the Faculty Senate in consultation with the Senate Executive Committee.

3. Serve on the Coordinating Council of the Faculty Senate.
4. Chair the Senate Executive Committee.
5. Introduce the President at the State of the University Address.
6. Appoint committee members, as outlined in Article IV and V.
7. Coordinate the dissemination of information relating to Senate activities.
8. Represent the Faculty Senate to the Staff Senate and the Student Senate.
9. Represent the Faculty Senate on administrative councils.
10. Provide the Secretary of the Senate and the incoming President with an annual report summarizing the Senate activities for the preceding year.
11. Submit policies or actions approved by the Faculty Senate to the University President for consideration.
12. Moderate the official faculty listserv.

Section 7.

Duties of the President-Elect shall include the following:

1. Assist the President in executing the duties of the office.
2. Serve as President during any absence by the President.
3. Serve on the Senate Executive Committee.
4. Attend as a non-voting member of the Coordinating Council.

Section 8.

The University Registrar shall be the Secretary of the Senate; the Secretary of the Senate is not a voting member of the Senate. The duties of the Secretary shall include:

1. Acquire the agenda and related attachments, if any, from the President, then prepare and disseminate the agenda in accordance with Section 13
2. Maintain a current roster of senators and record attendance to confirm a quorum.
3. Collect and read the member substitution authorizations at the meeting.
4. Record, prepare and disseminate meeting minutes according to Section 15
5. Schedule a room for all Faculty Senate meetings.
6. Maintain a permanent record of Faculty Senate minutes.
7. Maintain a permanent record of annual reports submitted by the President and chairs of Faculty Senate committees.
8. Maintain records of standing committee membership.
9. Prepare updated versions of the Constitution for distribution.
10. Archive all past versions of Constitutions and Bylaws.

Section 9.

Regular meetings of the Senate shall be held at 3:30 pm on the second Monday of each month of the academic year. The meetings will be held the third Monday of the month if the second Monday is a University or state holiday, or if University classes are not yet in session at least one week prior to the second Monday of the month.

Section 10.

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

Section 11.

Meetings of the Faculty Senate shall be open to the public. At each Senate meeting the President of the University, the Provost/Vice President for Academic Affairs, the Student Body President, and the Staff Senate President will be invited to make announcements. The Faculty Senate President may allow other non-Senators to speak and/or provide reports. However, only Senators may make motions and only Senators may vote on motions before the Senate.

Section 12.

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

Section 13.

The primary business of the Faculty Senate is to review, propose, and approve 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.

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

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

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

1. Approval of the minutes of the previous meeting.
2. Announcements.

3. Consent agenda.
4. Planning and prioritizing Faculty Senate action for the year.
5. Adjournment.

Section 14.

A quorum of at least 55 percent of the total voting membership of the Senate shall be present in order to conduct Senate business.

Section 15.

The minutes of the meeting shall be posted to the Senate website by the Secretary within one week after the meeting.

Article III: Senate Committees

Section 1.

Duties of standing committees include:

1. Selecting a chair who will serve as a liaison to the Faculty Senate
2. Initiating and reviewing policy and policy changes in their areas of responsibility.
3. Providing their recommendations to the Faculty Senate for action.
4. Consulting with and providing advice to the administration, students, and staff when requested to do so.
5. Promptly and responsively discharging their duties.

Section 2.

The Faculty Senate shall confirm the membership of all standing committees, except the Standing Committee on Faculty Rights.

Section 3.

Committees shall determine their own procedural rules. However, no committee shall conduct business without a majority of members present. Each committee will keep such records as necessary to conduct business. In addition, every Faculty Senate Committee will make an oral report of progress to the Faculty Senate President at the May meeting of the Faculty Senate.

Section 4.

Individual representation units will determine their own method for selecting members of standing committees consistent with Articles IV and V. Such membership shall be presented to the Faculty Senate at the first meeting of each academic year. Committee members will serve for at most four consecutive years; however, they must be approved annually.

Section 5.

After the Faculty Senate has approved membership in the Standing Committees, each committee will meet and elect a chair, who will communicate all committee business to the Senate.

Section 6.

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

Section 7.

The Faculty Senate may create special committees as it deems necessary. Such committees shall be discharged upon the completion of their assigned duties. The duties of a special committee should not duplicate work being done by or usurp the responsibility of a standing committee without approval by said standing committee.

Article IV: Faculty Senate Standing Committees

Section 1. Academic Affairs

1. Voting members shall consist of one faculty member, with the rank of full or associate professor, from each of the representation units and a representative of the Dean of Graduate and Interdisciplinary Studies..
2. Non-voting members shall consist of one student, the Provost/Vice President of Academic Affairs, and the University Registrar.
3. Committee responsibilities include:
 - a. Coordinating and recommending actions on proposals for curriculum and course changes that have been received from the colleges.
 - b. Recommending policies for the evaluation of transfer credit.
 - c. Recommending policies for graduation.
 - d. Recommending candidates for graduation.
 - e. Recommending the scheduling of policies for the efficient utilization of classrooms and laboratories.

Section 2. Academic Integrity

1. Membership shall consist of one tenured faculty member with the rank of professor from each representation unit. If a full professor is not available, an associate professor may be appointed.
2. Committee responsibilities include:
 - a. Providing investigative assistance on cases involving academic misconduct.
 - b. Selecting panels of three persons competent to investigate allegations; such panels may include members from outside the University.
 - c. Reviewing and recommending policies on academic integrity.

Section 3. Council of College Faculties

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

Section 4. Faculty Affairs

1. Membership shall consist of one faculty member from each representation unit and a representative of the Dean of Graduate and Interdisciplinary Studies.
2. Committee responsibilities include:
 - a. Reviewing policies and procedures relating to faculty affairs such as academic freedom, promotion, tenure, and evaluation, teaching and service.
 - b. Reviewing and recommending revisions to the personnel sections of the Faculty Handbook concerning faculty affairs.

Section 5. Faculty Rights

1. Membership, responsibilities, and procedures are determined by directives of the North Dakota State Board of Higher Education.
2. Membership consists of five members, from different representation units, elected for five-year terms by the faculty. Membership is restricted to tenured full professors.
3. Each spring the faculty shall elect by secure electronic ballot a faculty member to serve on the Standing Committee on Faculty Rights.
4. In the event that a member of the committee recuses himself/herself from the committee for a particular case or is recused by committee vote, the committee will appoint a replacement to serve the remainder of the term after considering those who have previously served on the committee.

Section 6. General Education

1. Voting membership shall consist of one tenured faculty member from each representation unit and a representative from the Assessment committee.
2. Non-voting members shall consist of one student, and one representative from each of the following: the NDSU Library, Registration and Records, and the Provost/Vice President for Academic Affairs.
3. Committee responsibilities include:
 - a. Ensuring that existing courses and experiences meet general education requirements.
 - b. Developing criteria and procedures for submitting, evaluating, and approving courses and experiences that meet general education requirements of NDSU and the North Central Accreditation Association.
 - c. Developing criteria and procedures for submitting, evaluating, and approving courses or experiences that meet the general education requirements for integration into students' curricula.
 - d. Coordinating and recommending actions to the Faculty Senate on proposals for approving general education courses.
 - e. Providing periodic assessment of students' attainment of intended student outcomes in general education.
 - f. Studying, coordinating, and recommending to the Faculty Senate policies and procedures for continuing improvement in general education.

Section 7. Program Review

1. Membership shall consist of one tenured faculty member from each representation unit, the immediate past president of the Faculty Senate, the Dean of the College of Graduate and Interdisciplinary Studies, the Provost/Vice President of Academic Affairs. Each representation unit shall also select an alternate faculty member to serve in case of recusal.
2. Committee responsibilities include:
 - a. Developing criteria and procedures for review of academic programs.
 - b. Performing a continuing review of graduate and undergraduate academic programs with regard to such factors as mission, need, quality, cost, and contribution to other programs.
 - c. Addressing concerns and making recommendation to the Faculty Senate regarding duplication of programs and courses.
 - d. Recommending policies for University support to individual programs.
 - e. Coordinating the time of and use of external program reviews by accrediting agencies and/or other expert evaluators in its review of specific academic programs.

Section 8. Research & Consulting

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

Section 9. University Assessment

1. Voting membership shall consist of one faculty member from each representation unit, a representative from the General Education Committee, and the Provost/Vice President of Academic Affairs.
2. Non-voting membership shall consist of one undergraduate student, one graduate student, a representative of the Dean of Graduate and Interdisciplinary Studies, a representative from the Division of Student Affairs, a representative from the NDSU Extension Service, a representative from the Office of Institutional Research and Analysis, a representative from Distance and Continuing Education, and the Director of the Office of Accreditation and Assessment.
3. Committee responsibilities include:
 - a. Periodically reviewing the assessment of student learning in undergraduate and graduate programs.
 - b. Developing procedures for annual reporting of assessment activities by departments and other academic units.

- c. Providing feedback and assistance to departments and other academic units on their assessment activities.
- d. Providing a yearly summary of assessment activities to the Vice President of Academic Affairs, the Office of Institutional Research and Analysis, the Office of Accreditation and Assessment.

Section 10. Conflict of Interest Advisory

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

Section 11. Equity and Diversity

1. Voting membership shall consist of five tenured faculty recommended by the Faculty Senate Executive Committee and appointed by the Faculty Senate President and a representative from the Commission on the Status of Women Faculty.
2. Non-voting membership shall consist of a representative from the office of the Vice President for Equity, Diversity, and Global Outreach.
3. Committee responsibilities include:
 - a. Reviewing, revising and proposing policies to ensure that rights and considerations of diverse groups or faculty are included in NDSU policy, practices, and procedures.
 - b. In particular, the committee will explore and identify ways that NDSU can be more inclusive for diverse faculty including women, people of color, and sexual minorities (e.g., lesbian, gay, bisexual, or transgendered).

Section 12. Technology and Instructional Services Committee

1. Voting membership shall include one faculty member from each of the representation units.
2. Non-voting membership shall include one representative from ITS.
3. Committee responsibilities shall include:
 - a. an annual review of ITS support services to the NDSU teaching and research communities.
 - b. making recommendations for Faculty Senate approval of any changes proposed by ITS regarding policy, implementation procedures, or classroom and instructional technologies.

- c. formulating recommendations regarding needs of the faculty that are unmet by IT
- d. serving as the liaison between the Faculty Senate and ITS administration.

Section 13: Executive Committee of the Faculty Senate

1. Voting membership shall consist of one senator from each representation unit, the President, the immediate Past President, and the President-Elect.
2. Non-voting membership shall consist of the Provost/Vice President for Academic Affairs, and the Faculty Senate Secretary. In the event the immediate Past President is unable or unwilling to serve, the President will appoint another past President as a replacement for the immediate Past President on the committee. The term of office shall be for one year following the regular May meeting.
3. During the first week of the new Senate term, the Executive Committee shall meet and organize for the following year.
4. Committee responsibilities are the following:
 - a. Delegating tasks to Faculty Senate committees.
 - b. Reviewing the progress of Faculty Senate committees.
 - c. Setting the agenda for upcoming Faculty Senate meetings.
 - d. Interpreting, when necessary, provisions of the Faculty Senate Constitution and Bylaws.

Article V: Joint Standing Committees

Section 1. Coordinating Council

1. Voting membership shall consist of the two representatives each from the Faculty, Student, and Staff Senates, the Faculty Senate President, the Staff Senate President, and the Student Body President.
2. The President of the Faculty Senate will serve as moderator of the Coordinating Council.
3. Non-voting membership shall consist of the Provost/Vice President for Academic Affairs, the Vice President for Student Affairs, the Vice President for Finance and Administration, and a representative of the office of the Vice President for Finance and Administration who will facilitate meetings and maintain records.
4. Committee responsibilities include:
 - a. Encouraging the development of clear, thorough, and consistent policies by stimulating collegial discussion and analysis of policy proposals having campus-wide effects.
 - b. Coordinating the distribution of policies to the appropriate senate body consistent with the Faculty Senate Constitution.
 - c. Sending policies that have been voted on to appropriate channels at NDSU for final approval.
 - d. Serving in a liaison capacity regarding the Faculty Senate, administration, Staff Senate, and Student Senate.

Section 2. Campus Space & Facilities

1. Voting members shall consist of one faculty member from each representation unit, one staff member appointed by the Staff Senate, one student member appointed by the Student Senate, a representative of the College of Graduate and Interdisciplinary Studies, the Provost/Vice President of Academic Affairs, the Registrar, and the Vice President for Finance and Administration.
2. Non-voting members shall consist of the Director of Facilities Management, the Chair of the Department of Architecture, the Assistant to the Director of the North Dakota Agricultural Experiment Station, the Associate Dean of Student Affairs, a representative of the Dean of Libraries, and the Campus Police/Security Chief.
3. Committee responsibilities include:
 - a. Provide for the systematic development and review of the “Campus Master Plan” and Guidelines for Campus Development.
 - b. Recommending policies and procedures to meet the current and future needs for all physical facilities and to review changes in University space allocation including classrooms and laboratories.
 - c. Reviewing proposed building projects and major building renovations prior to presentation to the State Board of Higher Education and the Legislature.
 - d. Recommending policies for site location for new buildings and for overall landscaping.
 - e. Recommending traffic and parking regulations, to include cars, buses, bicycles, and pedestrians.
 - f. Recommending plans for sidewalks, streets, and parking lots.

Section 3. Grade Appeals Board

1. Membership shall consist of one faculty member and one alternate from each representation unit, a representative of the Dean of Graduate and Interdisciplinary Studies, three students and three student alternates selected by the Student Senate, one member appointed by the Faculty Senate to serve as Chair of the Committee. The chair must be tenured.
2. Faculty shall be elected for three year terms by their representation unit.
3. Students should be full-time students with a minimum 2.00 cumulative grade point average and junior standing.
4. Committee responsibilities include:
 - a. Hearing charges of inequitable or prejudiced academic evaluations and to provide redress for improper evaluation.
 - b. Acting in accordance with procedures approved by the Faculty Senate, specifically Policy 337.

Section 4. Library

1. Membership shall consist of one faculty member from each representation unit, two students appointed by the Student Senate, a staff member appointed by the Staff Senate, a representative from Information Technology Services, a representative of the Dean of Graduate and Interdisciplinary Studies and the Dean of Libraries.

2. Committee responsibilities include:
 - a. Formulating policy recommendations for the NDSU Libraries.

Section 5. University Athletics

1. Membership consists of one faculty member from each representation unit, two students, the Student Body Vice-President, the President of the Student-Athletes Advisory Council, a representative of the Staff Senate, the Director of Intercollegiate Athletics, the Director of Intercollegiate Women's Athletics, the Vice President for Equity, Diversity, and Global Affairs, and the Faculty Athletic Representative.
2. The University Athletics Committee serves as the NDSU Athletics Advisory Board as described in the constitution of the National Collegiate Athletics Association (NCAA).
3. Committee responsibilities include:
 - a. Promoting compliance with principles of conduct as defined by the NCAA.
 - b. Acting as the Board of Appeals for athletic grievances.
 - c. Initiating and reviewing policies concerning University Athletics and make recommendation for consideration of said policy to the Faculty Senate. Such areas of concern include Guidelines for athletic schedules, guidelines for participation in postseason activities, awards for excellence in athletics, eligibility of athletes.
 - d. Reviewing upcoming issues at intercollegiate conference meetings and recommend institutional positions.
 - e. Reviewing the budget of the athletic programs prior to its approval by the University President.
 - f. Stimulating interest in athletic events by the entire University community.

Section 6. Equal Opportunity Hearing Panel

1. Membership shall consist of six faculty members appointed by the Faculty Senate President, six students appointed by the Student Senate President, and six Staff members appointed by the Staff Senate President.
2. Each group of appointees shall include members of both sexes/genders, and ethnic/racial diversity.
3. Committee responsibilities include:
 - a. Acting in accordance with procedures and policy approved by the Senate, specifically Policy 156.

Article VI: Amending the Bylaws

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

When approved by the University President the changes shall become effective immediately.

Section: 611.2**Employee Responsibility and Activities: Intellectual Property****1. GENERAL PRINCIPLES**

a. The North Dakota State Board of Higher Education (SBHEBoard) encourages and promotes research and scholarship based on the traditional principles of the academic profession. Some creative endeavors, discoveries, advancements, and innovative approaches have the potential to be utilized outside of the North Dakota University System. Through this policy, the SBHEBoard seeks to execute a synergistic model of education, research, outreach, service, and economic development to accomplish a greater good.

b. This policy establishes guidelines to support faculty, staff, and students, in identifying, protecting and administering Intellectual Property (IP) and defining the rights and responsibilities of all involved. Each Institution shall adopt procedures implementing this policy, a process for resolving disputes and a process for informing faculty, staff, and students of their rights and responsibilities related to IP.

c. The primary purposes of this policy are to:

1. Provide clear guidelines for all involved in the creation, development, management, protection, and dissemination of discoveries and IP.
2. Avoid confusion and provide for an effective, efficient process to achieve positive outcomes for Creators, the Institutions, and society.
3. Recognize, respect, and effectively manage all interests that may emerge with discoveries that have commercial or other valued outcomes and provide guidance as to which of these interests and outcomes has priority.
4. Bring creative output into practical use for the public benefit as quickly and as effectively as possible, in a manner consistent with applicable law and policy.
5. Facilitate the creation of appropriate public-private partnerships to achieve economic development.
6. Encourage a broad array of mutually beneficial relationships with organizations outside the Institutions to enhance creative output of the Institutions – including collaborative research, licensing of IP, and companies specifically formed to commercialize IP created at the Institutions.

2. DEFINITIONS

- a. “Creator”: A person who contributes to the development of IP in a significant manner.
- b. “Net Royalties”: Gross revenues, including all royalties, licensing and other fees collected, less the actual cost of procuring and maintaining such protection for any IP.
- c. “Institution”: ~~The~~One of the individual colleges and universities of the North Dakota University System.
- ~~ed.~~ “Intellectual Property” or “IP”: Collectively, any form of property created by the mind including, but not limited to, Inventions, trade secrets, copyrights, trademarks, mask works and any other tangible research result.
- ~~de.~~ “Invention”: A process, method, discovery, device, plant, composition of matter, know-how, or other discovery that reasonably appears to qualify for protection under United States patent law, whether or not actually patentable (including, but not limited to, utility patent, plant patent, design patent, and certificate of Plant Variety Protection). This includes patentable software that may also be copyrightable.
- ~~ef.~~ “Significant Use of Institutional Resources”: A Creator~~(s)~~s use of other employees’ time or Institutional 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 Institutional employees’ time, facilities, or equipment commonly available to faculty, staff, or the public, such as libraries, Internet access, office space, office equipment, computers, and/or office supplies. **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.

3. GENERAL INTELLECTUAL PROPERTY POLICY

- a. The ~~SBHE~~Board strongly encourages the pursuit of formal protection and/or commercialization of all IP as a method of bringing recognition and/or remuneration to Creators and the Institutions.
- b. Each Institution shall have the right to acquire all title to all IP which is the result of any work, research or investigation conducted in the course of employment or other obligation to the Institution, except as otherwise specifically set forth herein and subject to restrictions arising from overriding obligations of the Institution.

c. Each Institution shall establish ~~“Intellectual Property Review~~review Procedures”procedures to detail the Institution's ownership and disclosure, review, and evaluation of IP which shall at a minimum require:

1. The Creator's timely, written disclosure of IP.
2. The Creator's provision of all necessary declarations, assignments, or other documents as may be necessary.
3. The Institution's review of the technical and commercial viability and patentability of the IP within a reasonable period of time.

d. If at any time an Institution decides not to pursue, or to discontinue its protection and commercialization of any IP, and in the absence of any overriding obligations, the Institution may release its rights in such IP to the Creator(s). However, in no instance may the Creator(s) use the Institution's name in connection with their subsequent development, use or marketing of the IP.

e. Subject to any overriding obligations, the Creator~~(s)~~, or the Creator~~(s)~~'s heirs, successors, or assigns, shall be entitled to a minimum of thirty percent of the Net Royalties received by the Institution from the IP. Each Institution's ~~“Intellectual Property Review~~review Procedures”procedures should allocate ~~any~~ remaining Net Royalties between the originating department, the originating college/school, and/or the Institution to be utilized principally in support of research.

f. When there are two or more Creators, each Creator shall share equally in the Creator's share of royalties, unless all Creators 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 royalties between participating parties.

4. COPYRIGHT

a. Each Institution shall develop a policy and procedures that provide for the disclosure, review, and evaluation of original works of authorship, and for the protection of copyright. Copyrightable works, such as software, that are also Inventions shall be governed by the General Intellectual Property Policy.

b. An Institution shall own copyright in any scholarly works prepared by its employee(s) at the direction of the Institution, as well as any non-scholarly works which are within the employee's scope of employment.

1. An employee shall report such work in accordance with the requirements of the General Intellectual Property Policy.

2. Net Royalties received as a result of copyright ownership by the Institution will be disbursed in accordance with the General Intellectual Property Policy ~~with at least thirty percent to the Creator(s).~~
- c. Institution employee(s) shall be entitled to copyright ownership in scholarly works which are prepared within the scope of employment but not at the direction of the Institution.
1. An Institution shall relinquish any copyright ownership in any scholarly work that arises by operation of law and if necessary, shall execute assignments conveying such copyright ownership to employee(s). Institution shall retain a perpetual, non-exclusive, worldwide, royalty-free license to use the copyrightable work for teaching, educational, archival, and research purposes.
 2. In the event that an employee has made a Significant Use of Institutional Resources to create a scholarly work, the employee shall reimburse the Institution for the value of such use.
 3. Institution employees shall not sell, lease, rent or otherwise use any of their scholarly works, including textbooks and other courseware, either printed or electronic, in any manner that competes in a substantial way with the for-credit offering of their own Institution unless that transaction has received the approval of the chief academic officer of the Institution.

5. TRADEMARK

Each Institution shall develop a policy and procedures that provide for the protection of the Trademarks and Service Marks of the Institution. Trademarks and service marks developed by faculty, staff or students of the Institution shall, where practicable, be treated in the same manner as an Invention.

6. STUDENT INTELLECTUAL PROPERTY POLICY.

- a. Any IP developed by a student shall be governed in accordance with this section.
- b. An Institution shall not claim any rights to, or any ownership interest in, IP developed by a student as long as:
 1. the student did not receive any financial support from the Institution in the form of wages, salary, stipend, or grant funds for the research which ~~lead~~ led to the development of the IP;
 2. the Institution is not contractually obligated to make such claim;
 3. the IP was not developed in cooperation with an Institutions employee(s);

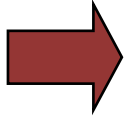
4. the IP was developed without the ~~s~~Significant ~~u~~Use of ~~i~~Institutional ~~r~~Resources;
and
 5. the student has not assigned or agreed to assign the IP to the Institution.
- c. In the event that at least one of the above conditions is not met, the student shall be considered a Creator and the IP shall be governed by the General Intellectual Property Policy ~~in section 3 of this policy~~.
- d. Each Institution may require, as a condition to study or a degree award, students to grant to the Institution at least limited rights in student IP.

7. OTHER

- a. Independent Foundation. An Institution may assign or transfer ownership rights in Intellectual Property to an independent foundation created for the purpose of obtaining or administering and marketing the Institution's Intellectual Property, receiving gifts, or supporting or promoting the Institution or its research. Such assignment or transfer shall be in writing and signed by the President of the Institution or his or her designee.
- b. Employee Consulting. It is the responsibility of Institution employees to ensure that the terms of their consulting agreements with third parties do not conflict with this or any other Board or Institutional policy.

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: 603: Sexual Assault and Other Sexual Offenses 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: 09/22/10 presented to PCC as carryover
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 AND OTHER SEXUAL OFFENSES STUDENT POLICY

For any questions
~~please~~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 for victims, 2) to provide-and-a judicial/disciplinary response for victims-and-alleged offenders, and 32) 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~~Sexual Assault is any sexual act
~~- behavior~~ 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:
~~In describing sexual assault, NDSU relies upon North Dakota state law~~
~~- concerning sexual imposition which is much broader than the traditional~~
~~- concept of rape. NDSU prohibits sexual acts or contacts with others which can~~
~~- involve~~
- ~~e~~Compelling a person survivor to submit to sexual acts or contacts by force, ~~or~~ threat of force, or intimidation
 - ~~;~~ Use of intoxicants to substantially impair the person's survivor's power to give consent

- ~~;~~ Engaging in such acts when there is reasonable cause to believe the person survivor suffers from a mental state which- 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
- ~~-or where~~ When the victim survivor is under fifteen (15) years of age.

~~The abuse of alcohol or other substances does not~~
~~-relieve individuals of their responsibilities to themselves or others.~~

- ~~Prohibited behavior includes all forcible and non-forcible sex offenses provided for under North Dakota state law. Examples of prohibited behavior include but are not limited to the following:~~
- ~~1) acquaintance or date rape~~
- ~~2) stranger rape~~
- ~~3) indecent exposure~~
- ~~4) attempted sexual acts by use of verbal or non-verbal threats~~

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 Misconduct**

Non contact sexual violations include, but are not limited to:

- Peeping,
- Indecent exposure, or
- -Recording or photographing individuals within premises where there is a reasonable expectation of privacy with respect to nudity and/or sexual activity, without the knowledge and consent of all participants subject to such recordings.

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 to obtain explicit consent from any sexual partner, and 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, and sexual misconduct and non-contact sexual misconduct

- Sexual assault or sexual misconduct, in any form, is prohibited.
- Non-contact sexual misconduct offenses, in any form are prohibited.
- The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others.

Non-contact Sexual Offenses

Non-contact sexual offenses include, but are not limited to:

- Peeping,
- Indecent exposure, or
- —Recording or photographing another without their consent.

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 misconduct. The University continually reviews and modifies the physical surroundings to foster security and safety, including but not limited to, NDSU examines such factors as emergency phones, campus signs, lighting, and locking procedures. For further safety information, contact the NDSU Campus NDSU University Police and Safety Office on the NDSU Campus (http://www.ndsu.nodak.edu/ndsu/police_safety/police). NDSU develops offers curricular and co-curricular educational experiences concerning personal safety, and sexual assault, and sexual misconduct. Involved students, faculty, staff, and community members promote information and discussion on interpersonal abuse concerns. 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 Counseling Center Dean of Student Life Office.
5. INTERVENTION: The NDSU community and its people actively supports individuals involved in who experience sexual assault, sexual misconduct and non-contact sexual misconduct survivors through NDSU has a coordinated response system that attends to their survivors' physical and emotional well-being.
- NDSU directs judicial/disciplinary efforts that respect the personal rights of both survivor and alleged perpetrator all parties. For further information, see "NDSU Rights and Responsibilities of Community: A Code of Student Conduct Behavior" and "NDSU Housing Services Calendar Handbook" distributed by Residence Life." All reports of sexual assault and sexual misconduct assault are treated with are handled in a manner designed to 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 ~~imposes-assignsappropriate~~ sanctions upon ~~violators-individuals~~ found responsible for violating of the sexual ~~aAssault~~ assault and other sexual misconduct policy. These sanctions can include but are not limited to suspension and expulsion. ~~In addition, an i~~ Individuals accused of committing sexual assault or sexual misconduct charged with a sexual assault violation may be subject to criminal prosecution under state or federal ~~North Dakota Criminal S~~ statutes. The accused may also face civil proceedings.

7. REPORTING: The guiding principle in the report of ~~a~~ sexual assault or sexual misconduct assault is to avoid re-victimizing the ~~sexual assault~~ survivor by forcing the person into any plan of action. ~~Sexual assault s~~ 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 ~~phone~~ 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 assault or sexual misconduct ~~assault~~ will be handled by the following procedures:

76.1) In the event of a medical emergency, medical response personnel will be contacted (911).

76.2)

~~It is recognized that a sexual assault survivor may be undecided in~~

~~—reporting the assault to the police. A report to the police can empower the survivor in exercising legal rights and aid in the protection of others. If a report is to be made to the police, the survivor will be encouraged not to destroy evidence by bathing, douching, changing clothes or cleaning up in any way. If the sexual assault survivor is are undecided in reporting, they survivor will be encouraged to preserve evidence anyway, in case the survivor they decides to file a police report at a later date.~~

76.3) North Dakota law ensures that a survivor of sexual assault will be provided a sexual assault exam at no cost.

76.34) The sexual assault 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.

7.6.45) ~~If the~~ When a survivor ~~has agreed to~~ contacts the University Police & Safety Office, the NDSU Counseling Center and/or The Rape & Abuse Crisis Center may ~~will~~ be notified for immediate emergency assistance. The Counseling Center will support the survivor experiencing possible conflicting feelings and aid in developing options. If the sexual assault survivor has decided not to make a report to law enforcement ~~the assault~~, the counselor will maintain confidentiality.

7.6 Other alternatives include:

- a. The sexual assault survivor can make ~~a blind~~ an anonymous report to the police.
- b. The sexual assault survivor can make the decision to report later ~~;~~
~~H~~however, earlier reports may improve the preparation of a viable prosecution.
- c. ~~Based on the sexual assault experience, the survivor can raise the awareness of friends about their personal safety.~~
- d.
~~It is noted that some sexual assault survivors have waited for days or years to seek help.~~ At anytime, NDSU students who are survivors of sexual assault or sexual misconduct ~~assault~~ may seek counseling from the NDSU Counseling Center or other community counseling services.

76.576) The sexual assault survivor may choose to contact the NDSU Vice President ~~for Student Affairs~~ Dean of Student Life Office. If the incident occurred off-campus and involved ~~an NDSU student~~ the sexual assault survivor will be advised to consider

contacting the appropriate police department and filing a police report.

~~76.687)~~ If ~~the accused is an NDSU student~~
~~violence occurs on campus and the student involves the~~
~~Office of the Vice~~

~~—President for Student Affairs Dean of Student Life Office,~~ the procedures to be followed are outlined in

"NDSU Rights and Responsibilities of Community: A Code of Student ~~Conduct Behavior~~."

Initially, the ~~student making an accusation survivor~~ can expect the following assistance from the ~~Office of the Vice President for Student Affairs Dean of Student Life Office:~~

~~7.8.1—~~a. The ~~sexual assault~~ survivor will be encouraged to file a police report.

~~7.8.2~~ If the survivor is an NDSU student and

~~The student may also be encouraged to seek assistance at the NDSU~~

~~Counseling Center. If the student~~ does not choose to file a report, the student may still request procedural services from the ~~Office of the Vice~~

~~—President of Student Affairs Dean of Student Life Office.~~

~~7.8.3~~ If the survivor is an NDSU student, he/she ~~The student may also be encouraged to seek assistance at the NDSU Counseling Center.~~

~~7.8.4b.~~ On-campus adjudication is conducted through the ~~Office of the Vice~~

~~—President of Student Affairs Dean of Student Life Office.~~ Further proceedings are outlined in "Rights and Responsibilities of Community: A Code of Student ~~Conduct 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) ~~T~~he right of the accuser and the accused to be informed of the outcome of the campus disciplinary process.

~~€.iii)~~ 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.

~~76.78)~~ The ~~Office of the Vice President of Student Affairs Dean of Student Life Office~~ and the ~~NDSU Campus University~~

Police ~~& Safety Office~~ offer the following services to assist the ~~sexual abuse assault~~ survivor:

- a. ~~p~~Parking re-assignment
- b. ~~e~~Escort services
- c. ~~p~~Place of residence and phone ~~number#~~ change
- d. ~~†~~Restraining order/~~NDSU No Contact order~~ assistance
- e. ~~a~~Academic schedule adjustments
- f. ~~u~~University withdrawal

hg.s Student ~~judicial~~ conduct 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

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; 09/22/10 presented to PCC as carryover; 10/13/10 presented as carryover to PCC; 10/13/10 tabled until further information is received from the committee.; 12/08/10 V4 presented to the PCC

University Senate: routed for input 04/19/2010

Staff Senate: routed for input 04/19/2010

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 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.

~~— 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.~~

~~— 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.~~

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

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

~~— 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 and City of Fargo bicycle related ordinances.~~

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).

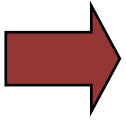
The request must be in writing and include: name of organization, contact person, location, requested dates and detailed description of project. A contract must be signed prior to any activity beginning on University property or at a University sponsored event.

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

Policy Change Cover Sheet

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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).

Implements State Board Policy and State law for the appointment of outside attorneys representing NDSU, as delineated by SBHE 607.1.

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:

Faculty

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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Thank you for your understanding!



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 712.1: Legal Representation

SOURCE: SBHE Policy Manual Sections: 607.1

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.

Request for SAAG appointments come from the General Counsel and go through the President, SBHE Chancellor's office, and then to the Attorney General. Most appointments are for specific cases or situations, but some are for general topic areas, like contracts or personnel issues. Attorneys are selected based on their experience, expertise, past performance, among other factors, and after discussion with appropriate University officials.

Further information on legal representation can be found at:
[N.D.C.C. § 32-12.2-03](#), regarding the personal liability and defense of employees;
[N.D.C.C. § 54-12-08](#), regarding assistant and special assistant attorneys general; and
North Dakota Attorney General brochure: "[Liability of State Employees](#)."

HISTORY:

Agenda **Faculty Senate Meeting**

*Meeting place and time: 3:30 pm, Monday, February 14, 2011
Memorial Union, Plains Room*

I. Substitutions - K. Wold-McCormick

II. Approval of January 24, 2011, Minutes

III. Consent Agenda

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

B. Policy Coordination Committee

For Information only:

1. Policy 134: Faculty/Staff Assistance ([Attachment 2](#))
2. Policy 135: Family Medical Leave, Uncompensated ([Attachment 3](#))
3. Policy 137: Holidays ([Attachment 4](#))
4. Policy 406: Surplus Property ([Attachment 5](#))
5. Policy 712.1: Legal Representation ([Attachment 6](#))
6. Policy 813: Facilities and Administrative Costs ([Attachment 7](#))

C. Confirmation of December 2010 Graduates ([Attachment 8](#))

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

IV. General Announcements

A. President Bresciani

B. Provost/VPAA Schnell

C. A. Rupiper Taggart, President of Faculty Senate

D. G. Totten, President Elect of Faculty Senate

E. K. Mickelson, President of Staff Senate

F. S. Affolter, Vice President of Student Body

V. Committee Reports

A. Academic Affairs- A. Brunt

B. General Education - L. Peterson – Undergraduate Curriculum Review survey preview

C. Council of College Faculties Update and Elections - J. Glower

D. University Senate Special Committee on the Formation of a Faculty Senate – T. Stone Carlson

1. Draft Faculty Bylaws ([Attachment 9](#))

Bylaws updates are maintained at <http://www.ndsu.edu/facultysenate/>

~~E. Policy Coordinating Committee – G. Totten/A. Rupiper Taggart~~

~~For Discussion and Vote:~~

- ~~• Policy 703: Bison Card Terms and Conditions ([Attachment 10](#)) (removed)~~

VI. Unfinished Business

- Bike Friendly Campus Resolution ([Attachment 11](#))

VII. New Business

- Ad hoc Committee to Revise Grade Appeals Policy ([Attachment 12](#))

VIII. Adjournment

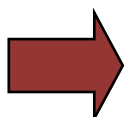
Academic Affairs Committee Report For Faculty Senate –February 14, 2011

Curricular Recommendations

New Program Option in HDFS M.S. Degree							
Developmental Science							
Option Name Change in M.S. and M.Ed. in Counseling							
From: Community Counseling				To: <i>Clinical Mental Health Counseling</i>			
New Courses							
Subject	No.	Title					Crs.
MICR	723	International Animal Production, Disease Surveillance, and Public Health					3
Course Deletion							
MATH	447/647	Molecular Topology					3
MATH	482/682	Survey of Mathematical Models					3
MATH	763	Integral Equations II					3
MATH	786	Mixed Boundary Value Problems I					3
MATH	787	Mixed Boundary Value Problems II					3
MATH	789	Numerical Analysis II					3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
SOC	202	Minorities and Race Relations	3	SOC	235	<i>Cultural Diversity</i>	3
NURS	604	Advanced Nursing Research	3	NURS	704	Advanced Nursing Research	3
NURS	608	Transcultural and Social Perspectives	3	NURS	708	Transcultural and Social Perspectives	3
NURS	614	Advanced Pathophysiology I	2	NURS	714	Advanced Pathophysiology I	2
NURS	630	Advanced Community Assessment	3	NURS	715	Advanced Community Assessment	3
NURS	616	Advanced Pathophysiology II	2	NURS	716	Advanced Pathophysiology II	2
Change in Prerequisites/Corequisites and Change in Bulletin Descriptions – for information only							
Subject	No.	Title		Prerequisite/Corequisite Change			
CHEM	431	Analytical Chemistry I		Change in Bulletin Description Prerequisites: CHEM 122 or CHEM 151; CHEM 122L or CHEM 161; and CHEM 342			
New Special Topics – for information only							
CE	499/ 696	Environmental Nanotechnology					3

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SECTION: **Policy 134: Faculty/Staff Assistance**

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 in language was written by the Director of The Village Employee Assistance Program, Darin Tonsfeldt. These changes reflect the inclusive environment of the NDSU community as well as the rules for determining counseling service availability used by The Village.

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

- **Office of Human Resources/Payroll – December 29, 2010**
- **Brittnee.steckler@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

Committee: 01/26/2011 presented to the PCC;

Faculty

Senate: 01/31/2011 routed for info v2

Staff Senate:

01/31/2011 routed for info v2

President's

Council: 01/31/2011 routed for info v2

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SECTION 134: FACULTY/STAFF ASSISTANCE

SOURCE: NDSU President

North Dakota State University recognizes that a wide range of personal problems may affect employees' work performance. Such problems typically relate to family, finances, marriage, legal matters, career decisions, personal concerns, and alcohol/drug abuse. In many instances the individual handles such personal problems independently and the effect on job performance is negligible. In other cases, normal supervisory assistance serves as either motivation or guidance in resolving the problem so that the employee's performance on the job will return to an acceptable level. However, normal supervisory efforts are not always sufficient to correct unsatisfactory job performance.

The Faculty/Staff Assistance Program (FSAP) of North Dakota State University is designed to assist faculty, staff, and their families with personal problems that impair job performance. This program provides problem assessment and short-term counseling (four sessions per ~~family~~ household member per fiscal year) and referral to community resources when deemed appropriate.

The Faculty/Staff Assistance Program of NDSU is provided by The Village Family Service Center. The Village has offices throughout North Dakota and Minnesota, and affiliate providers across the nation.

1. Confidentiality

1.1

All help will be provided in complete confidence between the FSAP professional and the faculty, staff, or family member receiving assistance. All records are maintained by the FSAP provider. They will not be released without the expressed, written consent of the employee. Any record released to NDSU by the employee will not become part of the faculty or staff member's official personnel file.

2. Eligibility

2.1

Regular, benefited faculty and staff and their ~~immediate family~~ household members are eligible to use the program. ~~Immediate family~~ Household member is defined for this policy to be the spouse/partner and/or children living in the same ~~household~~ legal residence as the employee. Dependent children living outside the home (i.e. college students) will be given consideration for program services. Children under age 18 will be provided an initial assessment ~~by phone~~, however, will be required, unless an emergency or crisis situation, to have parental permission to receive program services beyond the initial ~~phone~~ contact.

3. Referral Procedures

3.1

Supervisory Referrals

3.1.1

The supervisor is in the best position to observe the employee's job performance. It is the supervisor who observes behavioral changes through such objective measures as poor attendance, reduced productivity, and increased errors or accidents on the job. Often these problems can be handled by the supervisor working directly with the employee. However, if the resolution of the problem is beyond the resources of the supervisor, the supervisor may inform the employee that his/her work performance had declined and suggest that he/she take advantage of the assistance offered through the FSAP. Since diagnosis of the problem is not the responsibility of the

supervisor, the supervisor is encouraged to make the appropriate referral after observing work performance. After the referral is made and the employee does not participate in FSAP or the work performance does not improve, the supervisor may take normal corrective or disciplinary action and bring the matter to the attention of the next supervisory level.

3.1.2

A comprehensive orientation program will be available to supervisors to enable them to better recognize behavior changes and to initiate referral.

3.2

Self Referrals

3.2.1

The faculty or staff member may decide to ask the immediate supervisor for help in efforts to seek assistance. In this case the supervisor is expected to help the employee find assistance.

3.2.2

The faculty or staff member may seek help on his/her own directly from a FSAP professional. No contact with NDSU will be made by the FSAP professional.

3.2.3

When appropriate, sick leave may be granted for treatment or rehabilitation on the same basis as for all other health problems. Annual leave or leave without pay may also be considered for use when necessary.

4. **Services**

Any NDSU faculty, staff, or family member may arrange service.

4.1

Appointments may be made by calling the FSAP provider office at 1-800-627-8220.

Arrangements will be made for the faculty, staff or ~~family~~ household member to see a counselor in Fargo or other available locations in North Dakota.

4.2

A counselor is available 24 hours a day, seven days a week, to address any emergency or crisis situation by calling 1-800-627-8220.

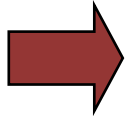
5. **Cost**

5.1

The cost for assessment, short-term counseling and referral is covered by NDSU. If costs are incurred for other services not covered by this problem or other benefits, those costs will be the responsibility of the faculty or staff member.

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SECTION: *Policy 135: Family Medical Leave - uncompensated*

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).
 - *Adding in the additional qualified reasons for using family medical leave due to updates in the law. Language is taken directly from the Department of Labor, Wage & Hour Division fact sheets of Family Medical Leave.*
 - <http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf>

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

- *Office of Human Resources/Payroll – May 6, 2010*
- *Brittnee.steckler@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 to PCC 05/12/2010; V2 routed for information with updated cover sheet:09/22/10 presented to PCC as carryover; 10/13/10 presented as Carryover:
Committee: 01/26/2011 v3 brought to the PCC

Faculty Senate: 05/21/2010 routed V2 for Information;01/31/2011 routed for info

Staff Senate: 05/21/2010 routed V2 for Information;01/31/2011 routed for info

President's Council: 05/21/2010 routed V2 for Information;01/31/2011 routed for info

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SECTION 135: FAMILY MEDICAL LEAVE - UNCOMPENSATED

**SOURCE: NDUS Human Resource Policy Manual, Section 22,
NDSU President**

1. Family leave is an unpaid leave of absence available to all eligible employees for the birth, adoption, or foster placement of a child; ~~or for the serious health condition of the employee, the employee's parent, child or spouse;~~ for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation; or to care for military caregiver leave for a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty that is a spouse, son, daughter, parent or next of kin (This entitles the employee to up to 26 weeks of leave in a single 12 month period). Consistent with applicable law and upon notice to the employee by the employing entity or election by the employee, family leave may be concurrent with paid sick or annual leave.

1.1

Eligible employees are those individuals employed by NDSU for at least twelve months, and who have worked at least one thousand two hundred fifty hours over the previous twelve months.

Under the terms of the statute Family Medical Leave Act of 1993 (29 U.S.C. 2611), qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces; however, it does not extend to family members of regular active-duty servicemembers. "Qualifying exigencies" include such instances as: short-notice deployment; military events and related activities; certain childcare and related activities resulting from active duty or call to active duty; making or updating financial and legal arrangements to address a covered military member's absence; short-term, rest and recuperation leave during deployment; or attending to certain post-deployment activities.

A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or is a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date the veteran undergoes that medical treatment, recuperation or therapy. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12

months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

1.2

Family leave used for the birth, adoption, or foster care placement of a child must conclude within 12 months of the event.

1.3

Medical certification may be required by NDSU to verify the existence of a serious health condition including date of commencement and probable duration of illness. *If medical certification is requested it must be returned to NDSU within 15 days of the request unless it is not practical under the circumstances to do so despite diligent good faith efforts. If medical certification is not provided in a timely manner, NDSU may deny Family Medical Leave of Absence (FMLOA) until the certification has been provided.*

1.4

The maximum length of *total uncompensated* Family Medical Leave for eligible *full time* employees is twelve weeks within a 12-month period that begins with the first day of leave (26 weeks in a single 12 month period for the care of a covered service member). *Leave for eligible part time employees is based on pro rata by comparing the new schedule with the employee's normal schedule.* Leave for birth or adoption of a child may be taken intermittently if approved by the employing entity; leave because of the serious health condition of the employee, a parent, child or spouse may be taken intermittently if medically necessary. A married couple is not limited to a total of twelve weeks if both are employed by the state; each is entitled to twelve weeks. Reasonable and practical notice must be provided to the agency.

1.5

If NDSU has questions regarding a health care provider's certification, a second opinion may be required at NDSU's expense.

1.6

While on FMLOA leave, a status report regarding intent to return to work upon conclusion of the leave must be given to the manager or supervisor.

1.7

While on FMLOA, holidays are uncompensated unless the employee works the day before and the day after the holiday.

1.8

If the FMLOA is due to an employee's serious health condition which makes them unable to perform their job, NDSU requires certification from the health care provider that she/he is able to return to work. The beginning of an employee's FMLOA and returning from an employee's FMLOA leave are considered a "change in family status" for flex plan purposes. A 30-day window from the date of the change is allowed to change election on an employee's flex plan.

1.9

When leave is completed, the employee must be returned to the same position, or a position with equivalent compensation and benefits. If a reduction in force would have caused the position to be eliminated, this reinstatement does not apply.

1.10

Employees utilizing family leave will be provided health benefits at the same level and as if the employee had not taken leave.

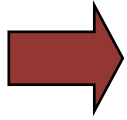
1.11

Contact the Office of HR/Payroll to request family medical leave paperwork. Once completed, return paperwork to Office of HR/Payroll for processing. After eligibility is determined, notice will be sent to employee and supervisor.

HISTORY: January 1990; Amended September 1993, March 1996; July 1997, March 2004, January 2006, March 2008

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SECTION: *Section 137: Holidays*

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 Board Office amended this policy to add language defining a holiday as an eight hour day (for a full-time employee) for the purpose of calculating entitlement to extra pay for employees required to work on a holiday.*

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

- *Office of Human Resources/Payroll*
- *Colette.erickson@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 1/26/11 presented to the PCC

Committee:

Faculty 01/31/2011 routed v1 for info

Senate:

Staff Senate:

01/31/2011 routed v1 for info

President's 01/31/2011 routed v1 for info

Council:

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SECTION 137: HOLIDAYS

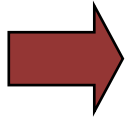
SOURCE: SBHE Human Resource Policy Manual, Section 19

1. The University shall observe the following legal holidays:
 - New Year's Day
 - Martin Luther King, Jr.
 - President's Day
 - Good Friday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Veteran's Day
 - Thanksgiving Day
 - Christmas Day
- 1.1 Employees of state institutions of higher learning shall also observe every day appointed by the President of the United States or by the Governor of this state as a public holiday.
- 1.2 If such holiday falls on Saturday, the preceding Friday shall be observed as the holiday; or if the holiday falls on Sunday, the following Monday shall be the holiday.
- 1.3 University offices must be closed at 12-noon on December 24, Christmas Eve Day, which is an office closure and not a holiday; however, if December 25, Christmas Day, falls on a Saturday, institution offices must be closed all day on the preceding Friday, which is then a holiday as indicated by SBHE Section 19.2.
2. *In order to receive pay for a holiday, an employee must be in a paid work status (either working or on paid leave) both the day preceding, and the day following the holiday (see policy 212.1.1 on work week definition).*
3. Operational units of the University shall close or operate with a minimum staff on observed holidays. Employees who because of work schedules have a regular day off that coincides with a holiday shall have an additional day off with pay at the convenience of the University.
4. Special religious holidays may be observed with the advance approval of the department head. Such time shall be charged to accumulated annual leave.
5. A holiday is an eight hour day for a full-time employee and a prorated part of an eight hour day for employees who work less than full time.

HISTORY: July 1990; Amended April 1992; December 1996; July 1997; January 2006

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SECTION: *Section 406 Surplus 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).

Addition of language requested by the State Auditor's Office to implement the appropriate policies and procedures governing the use of funds received from the sale of surplus property.

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

Stacey Winter, Director of Purchasing

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: Presented to PCC 12/08/10 and carried over for language clarification in Section 2; language clarified and routed for information 1/26/11;

Faculty

Senate: 01/31/2011 routed for info

Staff Senate: 01/31/11 routed for info

President's 01/31/11 routed for info

Council:

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NDSU

SECTION 406: SURPLUS PROPERTY

SOURCE: NDSU President

1. All property that becomes "excess" or "surplus" to the needs of a department shall be reported to the Purchasing Department. Except for surplus property where there are federal funds involved and federal regulations prohibit, this policy will be followed.
 - Neither University employees, nor anyone else, will be allowed to obtain personal possession of scrap, even if discarded, unless such property is handled as surplus property.
 - Non-University property, for example, property of students that is scrapped or discarded by students, while not technically surplus property will be handled pursuant to the surplus property rules if an NDSU employee wants to obtain such property.
2. Reporting of surplus property is done through the completion of a Facilities Management "Work Request" form (obtained from Facilities Management) submitted to the Purchasing Department. Appropriate inventory documents are to be submitted with the "Work Request" form.
 - Upon receipt of notification, the item will be catalogued for inclusion in a surplus property bulletin which will be distributed periodically to all the departments.
 - The distribution of University surplus property will be at the discretion of the Purchasing Department. Generally distribution is based on budgetary considerations and need.
 - The surplus item may be transferred to another department of the University without cost or at fair market value to that department.
 - If not disposed of under above procedures, the item will be disposed of under N.D.C.C. 54-44-04.6 and N.D. Office of Management and Budget requirements.
 - Surplus property items will be sold on a regular basis on campus pursuant to Purchasing Department procedures. Items sold at surplus property sales are sold as is and without warranty of any kind, express or implied, including warranties of merchantability or fitness for a particular purpose. Items may have a minimum bid price. Bid forms will be available at time of inspection. Terms of sale are cash/check upon pickup of items.

- The funds obtained from the NDSU Surplus Sales will be used for the following types of payments/costs:
 - **Electronic waste disposal:**
Discarded, surplus, obsolete or broken NDSU electronic devices
 - **Mail sorting and delivery and annual post office box fees for NDSU:**
Service previously provided by USPS prior to the closing of the University Station Post Office; service is now provided by a contracted NDSU vendor
 - **Monthly surplus sales:**
Sale advertisements, office supplies, etc. associated with coordination of monthly surplus sales
 - **NDSU vendor contract implementation and maintenance:**
Costs associated with implementing and maintaining vendor contracts available for use by all NDSU departments. Contracts are made available from sources such as buying groups, ND State Procurement Office and the Office of Management and Budget (OMB). Vendors include, but are not limited to, VWR (lab supplies), Steelcase (furniture), Grainger (industrial supplies), OfficeMax (office supplies), Dell (computers), and Fed Ex (shipping.)
 - Disposal of NDSU's Electronic Waste
 - Payment for Sorting and delivery serve from the contracted NDSU vendor and Payment for annual USPS Post Office Box fees for NDSU.
 - Payment for cost associated with the surplus sales.
 - Payment for costs associated with the implementation and maintenance of the vendor contracts for all NDSU departments.
 - Normal operating and overhead cost associated with activities that fall under Purchasing oversight to include but not limited to contract coordination, and purchase of supplies and small equipment.
 - —

~~2.~~ 3. Purchasing will coordinate and request approval to trade-in, dispose of, or sell excess and surplus property from appropriate OMB personnel in accordance with Century Code requirements.

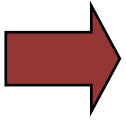
~~3.~~ 4. Refer to the Grant and Contract Accounting section for procedures on property purchased with federal funds.

~~4.~~ 5. It is the policy of the State of North Dakota that disposition of state surplus property be accomplished in such a manner as to prevent material benefit to any employee by virtue of their employment.

HISTORY: July 1990; Amended April 1992; January 1997; November 1999, 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: **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).

Implements State Board Policy and State law for the appointment of outside attorneys representing NDSU, as delineated by SBHE 607.1.

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; 09/22/10 presented to PCC as carryover; 10/13/10
Committee: presented to PCC as carryover; 11/10/10 PCC to as CO; 01/26/11 V4 presented to PCC; 01/26/2011 GC made revisions to the cover sheet – resaved as Version 5 and will route to FS for info.

Faculty Senate: Routed V2 04/28/10; routed V3; 01/12/11 Faculty Senate will review V4; 01/31/2011 V5 routed for info

Staff Senate: Routed V2 04/28/10; routed V3 06/02/10 approved; 01/31/2011 V5 routed for info

President's Council: Routed V2 04/28/10; routed V3; 01/31/2011 V5 routed for info

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 712.1: Legal Representation

SOURCE: SBHE Policy Manual Sections: 607.1

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.

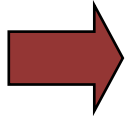
Request for SAAG appointments come from the General Counsel and go through the President, SBHE Chancellor's office, and then to the Attorney General. Most appointments are for specific cases or situations, but some are for general topic areas, like contracts or personnel issues. Attorneys are selected based on their experience, expertise, past performance, among other factors, and after discussion with appropriate University officials.

Further information on legal representation can be found at:
[N.D.C.C. § 32-12.2-03](#), regarding the personal liability and defense of employees;
[N.D.C.C. § 54-12-08](#), regarding assistant and special assistant attorneys general; and
North Dakota Attorney General brochure: "[Liability of State Employees](#)."

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: SECTION 813: FACILITIES and ADMINISTRATIVE COSTS

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).

1.2 Section added.....change numbering down the line.

Rates and dates changed in the indirect cost table

Large section added after the indirect cost table

Changes in wording in paragraphs 4 and 6

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

Grant and Contract Accounting, 12/17/2010

Joann.swanson@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

Committee: Presented 01/26/2011

Faculty

Senate: 01/31/2011 routed v1 for info

Staff Senate:

01/31/2011 routed v1 for info

President's

Council: 01/31/2011 routed v1 for info

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 813: FACILITIES and ADMINISTRATIVE COSTS

SOURCE: NDSU President

1. The University has established indirect cost rates with the cognizant federal audit agency. The rate charged to a sponsored agreement depends upon the function of the work performed. Before deciding which rate applies to each program, carefully review the definitions of research, instruction, and other sponsored activity as defined below.

1.1

ORGANIZED RESEARCH. Organized Research means the critical and exhaustive investigation or experimentation having for its aim the discovery of new facts and their correct interpretation; the revision of accepted conclusions, theories, or laws, in light of newly discovered facts; or the practical applications of such new or revised conclusions. This category includes all activities specifically organized to produce research outcomes, whether commissioned by an external agency or separately budgeted by the institution. It also includes activities involving the training of individuals in research techniques.

1.2

ORGANIZED RESEARCH-CNSE. This category is for organized research to be carried out at the NDSU Center for Nanoscale Science and Engineering.

1.23

INSTRUCTION. Instruction means the teaching and training activities of an institution. Except for research training, this term includes all teaching and training activities, whether they are offered for credits toward a degree or certificate or on a non-credit basis, and whether they are offered through a regular academic session, summer school division, an extension division, or a continuing education division.

1.34

OTHER SPONSORED ACTIVITY. Other sponsored activities means programs and projects financed by federal and non-federal agencies and organizations which involve the performance of work other than instruction and organized research. Examples of such programs and projects are health service projects, and community service programs.

2. The current approved indirect cost rates are as follows:

FROM	TO	RATE	LOCATIONS	APPLICABLE TO
~~7/1/04~~ 7/1/10	~~66/30~~ 30/0511	~~41.5%~~ 43.50%	On-campus	Organized Research
~~7/1/04~~ 7/1/11	~~6/30/05~~ 6/30/13	~~26.0%~~ 44.50%	~~Off~~ On-campus	Organized Research
~~7/1/05~~ 7/1/13	~~6/30/07~~ 6/30/14	~~42.5%~~ 45.00%	On-campus	Organized Research
~~7/1/05~~ 7/1/10	~~6/30/07~~ 6/30/14	26.0%	Off-campus	Organized Research

<u>7/1/04</u> <u>7/1/10</u>	<u>6/30/07</u> <u>6/30/14</u>	<u>49.4%</u> <u>35.00%</u>	On-campus	~~Instruction~~ <u>OR - CNSE</u>
<u>7/1/04</u> <u>7/1/10</u>	<u>6/30/07</u> <u>6/30/14</u>	<u>26.0%</u> <u>19.30%</u>	Off-campus	~~Instruction~~ <u>OR - CNSE</u>
<u>7/1/04</u> <u>7/1/10</u>	<u>6/30/07</u> <u>6/30/14</u>	<u>20.3%</u> <u>53.20%</u>	On-campus	~~Other Sponsored Activity~~ <u>Instruction</u>
<u>7/1/04</u> <u>7/1/10</u>	<u>6/30/07</u> <u>6/30/14</u>	<u>16.4%</u> <u>26.00%</u>	Off-campus	~~Other Sponsored Activity~~ <u>Instruction</u>
<u>7/1/10</u>	<u>6/30/14</u>	<u>38.10%</u>	<u>On-campus</u>	<u>Other Spon.Activ.</u>
<u>7/1/10</u>	<u>6/30/14</u>	<u>20.30%</u>	<u>Off-campus</u>	<u>Other Spon.Activ.</u>

3. Indirect cost is calculated as follows:

~~Indirect Cost = (Total Direct Cost minus Equipment in excess of \$5,000 minus Subcontract Payments Exceeding \$25,000.) x Rate above.~~ Indirect Cost = Modified Total Direct Cost x Rate from the above table.

Modified Total Direct Cost consists of all salaries and wages, fringe benefits, materials, supplies, services, travel and subgrants and subcontracts up to the first \$25,000 of each subgrant or subcontract (regardless of the period covered by the subgrant or subcontract).

Modified Total Direct Costs shall exclude equipment, capital expenditures, charges for patient care, student tuition remission, rental costs of off-site facilities, scholarships, and fellowships as well as the portion of each subgrant and subcontract in excess of \$25,000.

4.

5.3. In most cases the activities of the University will be considered to be on-campus activities. Off-campus rates for indirect cost will be used only if the project will be conducted in a remote location for an extended period of time. A project that would qualify for off-campus rates would be one that would not be using University facilities for any of the work performed, ~~including the administration of the project.~~

6.4. If the indirect cost rate assigned to a particular project is scheduled to change during the life of the project, the ~~budget indirect cost rate~~ should ~~include that change in rate when the proposal is submitted.~~ The base should be split in proportion to the number of months that each rate is in effect. This applies to all agencies allowing for indirect cost remain at the rate of the initially funded budget period.

7.5. Unless specifically prohibited by the Sponsoring Agency, the inclusion of indirect costs is required in every grant and contract budget. If a proposal is submitted without the inclusion of indirect cost, the Office of Sponsored Programs Administration reserves the right to renegotiate the agreement for the inclusion of indirect cost, either by an increase

in the award amount or by reallocating the award amount to cover both direct and indirect costs.

8.6. ~~INDIRECT COST ALLOCATIONS.~~ In order to provide an additional incentive for faculty and staff participation in sponsored activities at NDSU, it ~~shall be~~ the University's policy to directly support such activity with a portion of the indirect cost payments received by the University under all sponsored agreements.

~~Allocation of the indirect cost collected by the University will be completed at the end of each fiscal year. Final calculations and allocations should be received no later than August 31st of any given year.~~

~~6.1~~

Of the indirect costs drawn, 42.0% will be allocated back to the generating colleges or units; 16% will be allocated back to ~~Research Administration~~the Vice-President for Research, Creative Activities and Technology Transfer; and 42.0% to the Office of the President.

NORTH DAKOTA STATE UNIVERSITY

Fall 2010 Graduates

Degree Conferral Date: December 17, 2010

Attachment 8

College of Agriculture, Food Systems, and Natural Resources

Certificate

Ariel Lewin

Bachelor of Arts

Justin David Landeis

Bachelor of Science

Adam P. Aakre

Meliza Stephnie Abeyratne

Mona Amatya

Carol Ann Anderson

David Timothy Anderson

Eric Carl Anderson

Pratisara Bajracharya

Amber Nicole Bannor

Nicholas P. Bartels

Zachary James Bothun

Jerry E. Buckley

Troy Alan Carter

Candice Marie Chisholm

Jarrett Walter Daly

Randy Darel Degreeff

Karen Nicole Dickey

Nels A. Enerson

Patrick T. Estvold

Steffen Alexander Falde

Danielle Mary Fiebelkorn

Amber Noel Fitzgerald

Ryan James Forward

Ryan James Foster

Natsuki Fujiwara

Stephanie Joan Gosiak

Matthew John Gratzek

Brian Grossman

Joseph M. Guziel

Nathan Scott Hayes

Richard Lee Heinrich

Kyla Louise Hieb

Brandon Marshall Hokana

Jordan Walter Kampmeier

Daren James Koeppe

Ashlee Nicole Kong

Matthew Ryan Konickson

Mandy Jo Kvale

Matthew B. Larson

Lacey Rae Leddige

Can Li

Egan John Lundgren

Justin William Mack

Robert James Mahar

Amanda Beth Martin

Lucas Mayfield

Matthew Steven McCann

Evan Scott Merkel

Christopher John Minnick

Darrin David Mueller

Bernt Louis Nelson

Jason Jeffrey Nelson

Alex T. Nesemeier

Rhett Parker Nostdahl

Andrew Oliver

Ryan I. Olson

Tracy Marie Olson

Ryan Joseph Piatz

Benjamin Daniel Posey

Lucas Presser

Mark Justin Ressler

Joseph William Rolstad

Lauren Paige Sager

Devon T. Schmitz

Kirsten Rose Schrader

Hope Alexis Sickler

Lenci Taylor Sickler

Danielle Darby Skatter

Ethan Ronn Stangeland

Sheri Ann Steckler

Deven Styczynski

Qing Sun

Benjamin James Tufte

Cody Troy Turner

Lucas Samuel Vangsness

Troy Eugene Vanray

Michelle Lynn Vetter

Jeffrey Charles Wallgren

Lauren Elise Wibben

Camille Martha Wienhold

Cody Ray Wientjes

Matthew James Winters

Adam John Wolter

Matthew Donald Zinter

Master of Science

Lee Galen Bries

Kristina A. Fox

Ashley Goldade

Erin Kay Harris

Ryan Leigh Hunt

Theresa Mae Jeske

Alberto Cesar Jimenez Diaz

Andrew H. Kurth

Anais Liogier

Nathan Och

Somwattie nil Pooran-DeSouza

Thomas Arthur Ritteman

Chelsey Brie Saevre

Yichun Wang

Todd Joseph Weinmann

Doctor of Philosophy

Kornelija Matkovic

Bryan Neville

Mehmet Tulbek

College of Arts,

Humanities and Social Sciences

Bachelor of Arts

Isaac Wai Akon

Santino Garang Ashen

Brandi Marie Bubach

Clayton D. Knudson

Erika Joy Olsen

Jade William Sandbulte

Erica K. Scherr

Ruoxu Wang

Bachelor of Fine Arts

Blaine Michael Edwards

Anna Rose Johnson

Brianna Elizabeth Niebaum

Bachelor of Music

Nathan J. Berg

Jill Renae Dalzell

Tabetha Joy Dawkins

James Ronald Landman

Anthony James Peterson

Bachelor of Science

Ronny Albert

Nadine Marie Aljets

Dustin Mark Aman

Neil Aaron Anderson

Michael Lloyd Arndt

Blake Bennett

David Richard Benson

Shelby Ann Bohnenkamp

Kasey Corinne Brown

Calli M. Cebulski

Nimisha Chandra

Nicole Jo Cleek

Jacob D. Cobb

Patrick Kenneth Coghlan

Justin Clarence Deegan

Ryan Michael Eberle

Joel R. Fischer

Patrick Garcia

Macy Alexandria Gregory

Nathaniel James Gronseth

Jakob J. Gruber

Heidi Marie Guggenberger

Laura Lynn Hall

Leila Hamzagic
Trey Jon Hausmann
Sarah Jean Hendrickson
Chelsie Jean Hvidsten
Justin Blake Jerdee
Elizabeth Ann Johnson
Gregory Erik Johnson
Paula K. Johnson
Rebecca Marie Johnson
Lisa Christina Kellner
Gretchen Rose Kluck
Amanda Kathrina Knapp
Casey Nicole Kraft
Tricia Marie Kriel
Emily Kathleen Krier
Samuel David Lackie
Jenell Eileen Lammers
Nicholas Howard Larson
Tina Marie Lemieux
Tina Marie Lemieux
Brent Richard Malone
Vanessa Constance Mardaus
Vivek C. Mathew
Jamie Lynn May
Jennifer Lynn Naaden
Samantha Rae Nies
Jacob Tyler Olson
Samantha Olson
Rebecca Leigh Parker
Keith Joseph Pic
Laurel Pipkin
Shawna M. Robertson
Shelby Lynn Sayre
Zachary John Schwartz
Emily Sue Stengrim
Chelsey Rae Stoa
Yuen Taufete'e
Patrick Steven Thomas
Mitchell Scott Tommerdahl
Hoa Tran
Amber Triebold
Mark Adam Vanderlinde
Royce Lyle Wenner
Heather Marie Wicker

Cassi A. Wika
Dana J. Yokom
Margaret Therese Zazverskey
Cassandra Jade Zimmerman

Master of Arts

Chris John Carlson
Natalie Rae Smith Carlson
Thomas Lachlan Carter
Blair Ann Foy
Kyle Rasmussen Garey
Angela Yvonne Hatton
Tamar Kvaratskhelia
Kara M. Smith
Denise Brown Swain
Kristina Anne Wenzel
Kole W. Zimmerman

Master of Music

Renee L. O'Connor

Master of Science

Kendra Nicole Erickson
Carmen Caitlin Gonzales
Angela Marie Mathers
Jessica Lynn Rau

Doctor of Musical Arts

Scott Muntefering

Doctor of Philosophy

Kathleen Joy Bergseth

College of Business

Bachelor of Accountancy

Rhonda J. Nilles

Bachelor of Science

Michael James Allen
Jennifer Louise Anderson
Ryan Paul Bauer
Teresa Beach
Joseph Michael Bichler
Brady Jerome Braaten
Christopher D. Buchholz
Lori Ann Burns
Noah B. Carlson
Taylor Thompson Cavanagh
Jesse Christopher Chaffee
Kyle Cruickshank

Ashley Marie Dhuyvetter
Kelsey Jacquelin Emil
Shane Raymond Erdmann
RaeLynn Erhardt
Justin Felix
Holly Marie Finken
Kevin Daniel Fitterer
Brinn Elizabeth Fosse
Ryan Karl Fromm
Monte James Gehrtz
Tanner Lee Goldade
Thomas Stephen Gonser
Matthew Wyatt Goulet
Alison Joy Green
Jaden Benjamin Grossman
Christopher Warren Haglund
Lance Alan Haman
Nicholas Mark Hansen
Tonya Elizabeth Highness
Di Huang
Di Huang
Paul Allen Huhn, II.
John Aaron Jackson
Brian Jotham Jansen
Carlie Chrystine Johnson
Jessica Marie Johnson
Marshall Ray Johnson
Seth Christopher Kelly
Jammie Ann King
Bret Myles Kinzler
Miles J. Krebs
Lindy Jean Kutzer
Bria L. Lanners
Nicholas Peter Lee
Andrew Thomas Lerud
Sarah Ludwig
Christopher Thomas Meium
Omran Mohamed
Omran Mohamed
Amy Elizabeth Nelson
Jeremy Wade Nere
Ashton Marie Olson
William Francis Owens
Michelle Marie Parish

Dexter John Peters
Matthew David Petznick
Austin Porter
Shinil Ra
Tyler Richter
Kelly Glen Roshau
Eric Alan Rostvedt
Joshua P. Sands
Jordan Sinclair Sayler
John Schepers
Abbie Diane Schmitz
Alicia Kay Schmitz
Bradley Charles Schoenrock
Alissa Irene Schwieger
Dipshikha Sharma
Siddharth Shukla
Danielle Lynn Stoll
Stephani Kay Thykeson
Erica Christan Uhlmann
Joshua C. Vader
Amanda Lee Vander Heyden
Bryan Steven Voss
Jodee Marie Wald
Ashley Marie Walker
Michele Marie Wandersee
Justin Allen Welk
Alex James White

Master of Accountancy

Christina S. Gordon
Derek Paul Melicher
Ryan Michael Ottis
Aaron Matthew Tritz

Master of Business

Administration

Kyle Andrew Belmont
Justin Reed Fraase
Anisha Gupta
Parul Kapoor
Todd Lyle Knain
Zaytuna Nasirova
David J. O'Neill
Nancy JoAnn Rossland
Muthu Kumar VC
Neha Wadhwa

Amandeep Singh Wahla
Ajay Singh Yadav

***College of Engineering and
Architecture***

**Bachelor of Landscape
Architecture**

Brent Thomas Dusek
David John Gregory Prom

Bachelor of Science

Brent Thomas Dusek
David John Gregory Prom

**Bachelor of Science in
Agricultural and Biosystems
Engineering**

Rohit Agrawal
Harjot Kaur Sidhu

**Bachelor of Science in
Civil Engineering**

Daniel Jay Berthe
Cameron Lee Fenrich
Joshua Gosiak
Andrew Charles Gottsman
Eric Brandon Hodgson
Jared Anthony Langley
Andrew Michael Larson
David Matthew Lein
Christofer Steven Lovas
Kristopher Loren Marsh
Kathryn Ann Mol
Christopher James Myers
Joshua Steven Olson
Nicholas John Peterka
Eric L. Schuler
Robert Shirey
Justin Cole Sirjord

**Bachelor of Science in Computer
Engineering**

Dustin Scott Johnson
Mitchell M. Johnson

**Bachelor of Science in
Construction Engineering**

Griffin Ross Kunz

**Bachelor of Science in
Construction Management**

Tyler Edward Arvidson
Jacob M. Cook
Cassie Ann Foster
Daniel Christopher Gerdes
Nicholas William Hofer
Eric W. Hynes
Nathan John Kennedy
Samir Abbas Lafta
Nathan Adam Norton
Gabriel Nybakken
Zachary Thomas O'Grady
Luke James Rygg
Adam Jacob Schlosser
Jarod Charles Stradinger
Tyrel Martin Thorson
Michael Roger Tidd
Girish Raj Uprety
Zachary Carl Verke
Jason John Wettels

**Bachelor of Science in
Electrical Engineering**

Mustafa A. Alnass
Joshua Thomas Anderson
Thomas Jon Anderson
Christopher Anthony Danzl
Zachary Bennett Dotson
Brett Ehresmann
Perry Allen Hopper
Nathan R. Jensen
Nitin Kumar Lal
Walter Ian Lassonde
Matthew Raymond Lommen
Christopher Lee Marohl
Justin Marusak
Marco Murillo
Daniel Raymond Peterson
Christopher Alan Pickett
Michael James Riewer
Ashish Kumar Roy
Nicholas Sauer
Zachary Lynn Skalsky
Lyle J. Stramer

**Bachelor of Science in Industrial
Engineering and Management**

Kevin S. Black
Jay B. Kothman
Peter James Larsen
Michael J. Mathers
Aaron K. Robinson
Jason B. Thomas
Audra Ann Weigel
Tyler Paul Zaharia

**Bachelor of Science in
Manufacturing Engineering**

Joshua Alan Mehrhoff
Eric Benjamin Nies

**Bachelor of Science in
Mechanical Engineering**

Chad Nicholas Biegler
Andy L. Dawkins
Michael Denow
Amanda Beth Fedje
David Lawrence Glasser
Spencer Colin Hart
Aaron C. Helland
Justin Daniel Howland
Jamison Jared Huber
Thomas Allen Jangula
Cole Wyatt Jensen
Ramen Dale Julin
Kyle D. Lush
Erik Paul Mathiason
Garrett Mitchell Maurer
Jason David Meier
Benjamin Louis Montag
Laura A. Murphy
Lucas Joseph Niess
Andrew David Paskewitz
Justin Dean Plummer
Derek R. Rice
Mitchell Patrick Rice
Cody Lee Sailer
Jacob Michael Schantz
Mark Allen Simon
Kyle B. Solstad
Todd Stamschror

Zachary Lee Staples
Carl L. Tegtmeier
Joel N. Thieschafer
Benjamin Thuesen
Brad Traeger
Joshua William Warmbold
Justin Lee Windels

Master of Science

Ankush Agrawal
Muhammad Niamul Baqui
Amol Anil Bedarkar
Michael H. Bittner
Venkata Surendra Reddy Dirisala
Omar El Khoury
Aron M. Fisk
Nikhil Gupta
Md. Arif Hasan
Md. Mozahid Hossain
Poyraz Kayabas
Mohammad Ahsanuzzaman Khan
Hongjian Lin
Kimberly Nicole Meyer
Adam Preston Pauly
Rachel Elizabeth Rorick
Yulong Shi
Dan Song
Heidi E. Wagner
Xiaomin Yang

Doctor of Philosophy

Mohamed Ibrahim El-Sharkawi
Junyi Zhou

***College of Graduate and
Interdisciplinary Studies***
Master of Managerial Logistics

Erika Leigh Hedger
Master of Science
Racheal Aye
Vijaya Jyoti
Erin Louise Koval
Carl A. Pedersen
Joseph J. Super
Krista Marie Vogel
Jamison Winter

Doctor of Philosophy

Xianzhe Chen
Rohit Khanna
Sujan Mamidi
David Mushet
Meera Singh
Guojie Wang

***College of Human
Development and Education
Certificate***

Nikki Richelle Demers

Bachelor of Arts

Pamela Dawn Johnson

Bachelor of Science

Rachel Nicole Alme
Jessica Elaine Anderson
Tyler James Anderson
Kali Marie Anzaldi
Rachel Elise Bach
Jesse Wayne Barlow
Heather Marie Bemis
Amy Marie Bestland
Erich Joseph Bittle
Adam Francis Blumhardt
Jared Michael Bourquin
Jenna Lynn Brakke
Sara Brotherston
Kayla Ann Bryan
Melissa Ann Chmielewski
Jamie Lynn Christianson
David Robert Collins
Leigh M. Conklin
Allison Danielle Cyr
Robin Kristopher Detjen
Benjamin Drexler
Jennifer Lee Ellefson
Joseph David Gerding
Jacob Gilbertson
Heidi Jill Grade
Emma L. Gruber
Chelsea Renea Hageman
Kylee K. Hambek
Dustin John Hasbrouck

Chad Andrew Haugen
Korey Ryan Haugland
Jeremy Lynn Hjelseth
Christopher S. Hoffarth
Lyndsey Michelle Hoffer
Megan Linea Holle
Kayla Nicole Huso
Allyson Marie Ishaug
Jenna Maree Janshen
Heather Brooke Johnson
Leah Lynn Johnson
Mikia Shae Kalina
Andrea Jean Kapanke
Brittany Nicole Kasper
Adrienne M. Kenneweg
Jeremy Kes
Sammantha J. Kouba
Brianna Lynn Kruger
Bryan Frank Kuntz
Tressa Kurtz
Ashley Renae Kvamme
Alexa Ashton Lund
Katie Laura Massmann
Mandy Lee Melby
Megan Denise Mellick
Chelsey Fay Miller
Cassie Beth Nelson
Lacey B. Nenow
Jennifer Anne Niklaus
Kendria Lou Orvik
Kristin Joy Pahl
Jason V. Palm
Brian Scott Panning
Rianna Shawn Perttu
Justina Lee Pietruszewski
Krysta Joy Potter
John Douglas Prelvitz
Blake Jeffrey Reinholt
John Earl Richardson
Julia Ann Rucinski
Sara Marie Ruff
Katherine Eve Rust
Emily Ann Sackreiter
Stephanie Noel Sevigny

Brenda Nicole Slyt
Luke G. Sturn
Brita Rae Thomas
Whitney Jo Thomas
Eric John Thovson
Colby Tognetti
Rachel Ann Ulven
Jacob Michael Varriano
Christine Allyn Venette
Kendra Kay Weber
Kimberly Weelborg
Spencer Allen Wynia

Master of Education

Jared Michael Blikre
Dana Lee Davis
Sarah Marie Jegela
Elizabeth Billiar Torguson
Angie Lynn Vicha

Master of Science

Michael James Bogenreif
Alyssa Marie Campion
Amanda Rae Haire
Colette Kim Iseminger
Ashley Ann Kasson
Jana Kekic
Jessica L. Lemer
Christina Marie Rittenbach
Courtney Lynn Rust
Heather Marie Soleim
Camie Johanna Stokesbary

Doctor of Philosophy

Kara Nadine Gange
Donna J. Gutschmidt
William A. Metcalfe
Erin Nancy Mowers
Manjusha Saraswathiamma
Lori A. Thompson

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

Rachel Kristine Holte
Whitney Kathryn Hylden
Alicia Kerr

Danielle Dayle Pitzl
Lindsay Jean Schmitz
Jamie L. Theisen
Marissa Unhjem
John Christopher Westphal

Bachelor of Science in Nursing

Emily Anne Buckingham
Megan Elizabeth Gieschen
Maria Gotta
Megan S. Hall
Lisa Kathryn Hamre
Gwen M. Koehl
Sara Kate Kressin
Rose Lee Lindsey
Jennifer Sue Moomjian
Nick Allen Mueller
Amanda M. Steiner
Jeff Henry Stromswold
Evelyn Jane Telford
Ryan Lee Telford
Melanie Sarah Wahl

Master of Science

Sandra J. Berreth
Kathy Leigh Edwards
Karin Lynn Halverson

Doctor of Nursing Practice

Elisha Dawn Anderson
Alison Jo Edin
Bonnie L. Kihne
Arian Lorene Klose
Heidi Lynn Saarinen
Amber Jean Sandness
Jana Elen Sundeen
Julie Ann Tobkin
Marisa Lea Zutter

Doctor of Pharmacy

Ishan Jamnadas Gajera
Nazih Nore Mergoum

***College of
Science and Mathematics
Certificate***

Kholoud M. Alananbeh

Paul Sidney Fisk
Gretchen Kost
Amy Nicole Miller
Tala Hussam Qtaishat
Nadene Vevea

Bachelor of Arts

Christopher Jahn Albee
Sarah Elizabeth Armstrong
Amanda Joy Glocke
Casey Ray Johnson
Yong-Sheng Lin

Bachelor of Science

Ayodeji Agbetola
Nolan Ryan Anderson
Benjamin Joseph Bartle
Beau Monte Billadeau
Thomas Patrick Borowicz
Frances Pearl Bouret
Katrin Brianne Brucker
Henry Michael Bruns
Steven C. Burdick
Koral Fawn Burich
Wyet Christensen
Jeremy Joseph Dobler
Dillon Murray Dolezal
Sara A. Doom
Jonathan David Ekerholm
Stephanie Lee Feist
Kyle W. Fetzek
Zachary T. Finley
Stephen James Fried
Cheyenne Rose Giere
Andrew James Gorz
Kaitlin M. Griffin
Kelsey Nicol Hoium
Nicholas Lee Holzer
Drew James Hushka
Kathryn Ann Jackson
Supra Keli Jayawardena
Supra Keli Jayawardena
Emily M. Jeske
Han Jin
Aaron Scott Johnson
Kristin M. Johnson

Whitney Ann Lau
Rikki Michelle Lee
Liisa L. Locker
Amanda M. Maas
Christopher Joachim Mahoo
Samir G. Maleki
Jessica Ann Malikowski
Sarah Elisabeth McIntyre
Joshua Trevor Meske
Douglas Randall Naze
Keisha Simone Newman
Keisha Simone Newman
Keisha Simone Newman
Brenda P. Nielsen
Jessica Lia Nymark
Joseph Nils Omlid
Treshure Ann Orvedal
Krysta Ann Oyos
Jared Gary Plutowski
Tyler Quinlan
Chase Elliott Raymond
Brandi Lynn Roshau
Melissa Ann Schank
Victor Schuring
Nicholas Daniel Sharp
Brett Lynn Stage
Krista Louise Steichen
Jason Blackwood Stone
Kyle Richard Walker
Alex Hach Yellick
Yoko Yoshida
Shanna Lea Zubke

Master of Science

Srikanth Goud Aakula
Pavan Kumar Bapanpally
Benjamin John Bengfort
Manu Kishore Bhogadi
Dibakar Bhowmick
Ryan Carlson
Daniel George Debilt
Divya Gupta
Thomas Alan Hanson
Joel Michael Hensley
Guy Eric Hokanson

Anshuman Manori
Harika Mattaparthi
Amber Elise Moberg
Yaswanth Potla
Venkata Narasimha Manoj
Shaminda Asela Samaraweera
Mridula Sarker
Vijay Anand Suravarapu
Pramodh Kumar Thalloji
Prasanth Vanguru
Siva Venkata Vanteru
Yan Wang
Arvin Yu

Doctor of Philosophy

William H. Clark
Kirsten Bakke Diederich
Umesh Harkal
Christopher L. Heth
Jared Lee Ladbury
Sumathra Manokaran
Jun Nie
Hsin-Mei Sun

College of University Studies

Bachelor of University Studies

Stephen J. Baird
Justin Campbell
Lee William Cavanagh
Torrea Ehlis
Audra Justine Fisher
Andrew Peter Gregoire
Cristina Ann Johnson
Maggie Loraine Jordahl
Krystle Marie Nelson
Amy Kim Neubauer
Matthew William Piram
Christopher J. Reyerson
Gary Gene Rossow
Sarah Anne Scheel
Morgan Lucille Schuck
Sangita Shrestha
Jason Ellsworth Sire
Eliza Subedi
Sarah Ann Volk

Bylaws

Article I: Faculty Senate Membership

Section 1.

Each representation unit shall have one elected senator for every fifteen eligible faculty (see Constitution Article 3, Section 1), or major fraction thereof, assigned to the Fargo Campus as of October 1 of each year. Faculty members in the Agriculture Experimental Station and the NDSU Extension Service shall be counted in and vote with their assigned representation unit.

Section 2.

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

Section 3.

The following are considered representation units for the purposes of determining Faculty Senate seats:

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

Section 4.

The Faculty Senate President with the assistance of the Secretary of the Senate will stagger Senate terms so that approximately 1/3 of the senators from each representation unit are elected each year. Each unit shall hold a meeting to elect the necessary senators by April 15 of each year.

Section 5.

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

Section 6.

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

Section 7.

A senator may be removed from office by way of a two-thirds majority vote at a regular Faculty Senate meeting, followed by a 2/3 majority vote at the next meeting. . This action may never be part of a consent agenda.

Section 8.

All senators are expected to:

1. Attend all Faculty Senate meetings. If unable to attend the meeting the senator must find a competent substitute (who is not already a senator) to act as her or his proxy at the meeting. Said proxy will have all rights and privileges accorded a regular senator. The senator must provide signed notification of the substitution to the Secretary of the Faculty Senate prior to start of the meeting.
2. Prepare for Faculty Senate meetings including reading the agenda and all attachments prior to the meeting.
3. Participate in meetings as long as doing so advances the business of the Faculty Senate.
4. Disseminate Faculty Senate information to their individual representation units.
5. Gather opinions and other information from their representation units concerning Faculty Senate activity.
6. Show proper decorum during meetings.

Article II: Organization and Faculty Senate Operation

Section 1.

Administrative officers of the Faculty Senate consist of the President and the President-Elect.

Section 2.

The President-Elect shall be elected for a one-year term by the Faculty Senate at the April or May meeting of the Faculty Senate. The President-Elect will be elected from the roster of current or former Senators.

Section 3.

At the end of the term, the President-Elect will succeed the President for a one-year term of office.

Section 4.

During their respective terms the President-Elect and the President will not represent her or his representation unit.

Section 5.

Removal of the President or President-Elect requires a 2/3 majority vote at a regular Senate meeting, followed by a 2/3 majority vote at a special meeting of the Senate not more than 2 weeks after the first meeting. In the event that the President is removed, the President-Elect will assume the role of President and will continue as President until the President-Elect's original term is concluded. In the event that the President-Elect is removed, the Senate will vote to replace the President-Elect at the next regular meeting of the Senate. These actions may never be part of a consent agenda. The removed officer shall not complete her or his term as a Senator.

Section 6.

Duties of the President shall include the following:

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

Section 7.

Duties of the President-Elect shall include the following:

1. Assist the President in executing the duties of the office.
2. Serve as President during any absence by the President.
3. Serve on the Senate Executive Committee.
4. Serve on the Coordinating Council.
5. Represent the Faculty Senate to the Staff Senate and the Student Senate.

Section 8.

The University Registrar shall be the Secretary of the Senate; the Secretary of the Senate is not a voting member of the Senate. The duties of the Secretary shall include:

1. Acquire the agenda and related attachments, if any, from the President, then prepare and disseminate the agenda in accordance with Section 13
2. Maintain a current roster of senators and record attendance to confirm a quorum.
3. Collect and read the member substitution authorizations at the meeting.
4. Record, prepare and disseminate meeting minutes according to Section 15
5. Schedule a room for all Faculty Senate meetings.
6. Maintain a permanent record of Faculty Senate minutes.
7. Maintain a permanent record of annual reports submitted by the President and chairs of Faculty Senate committees.
8. Maintain records of standing committee membership.
9. Prepare updated versions of the Constitution for distribution.
10. Archive all past versions of Constitutions and Bylaws.

Section 9.

Regular meetings of the Senate shall be held at 3:30 pm on the second Monday of each month of the academic year. The meetings will be held the third Monday of the month if the second

Monday is a University or state holiday, or if University classes are not yet in session at least one week prior to the second Monday of the month.

Section 10.

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

Section 11.

Meetings of the Faculty Senate shall be open to the public. At each Senate meeting the President of the University, the Provost/Vice President for Academic Affairs, the Student Body President, and the Staff Senate President will be invited to make announcements. The Faculty Senate President may allow other non-senators to speak and/or provide reports. However, only senators may make motions and only senators may vote on motions before the Senate.

Section 12.

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

Section 13.

The primary business of the Faculty Senate is to review, propose, and approve 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

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

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

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

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

The President, in consultation with the Executive Committee, may add an urgent piece of new or committee business to this meeting if the timing is critical.

Section 14.

A quorum of at least 55 percent of the total voting membership of the Senate shall be present in order to conduct Senate business.

Section 15.

The minutes of the meeting shall be posted to the Senate website by the Secretary within one week after the meeting.

Article III: Senate Committees

Section 1.

Duties of standing committees include:

1. Selecting a chair who will serve as a liaison to the Faculty Senate
2. Initiating and reviewing policy and policy changes in their areas of responsibility.
3. Providing their recommendations to the Faculty Senate for action.
4. Consulting with and providing advice to the administration, students, and staff when requested to do so.
5. Promptly and responsively discharging their duties.

Section 2.

The Faculty Senate shall confirm the membership of all standing committees, except the Standing Committee on Faculty Rights.

Section 3.

Committees shall determine their own procedural rules. However, no committee shall conduct business without a majority of members present. Each committee will keep such records as necessary to conduct business. In addition, every Faculty Senate Committee (except Academic Integrity, Conflict of Interest Advisory, Executive, Faculty Rights, and Grade Appeals) will make an oral report of progress (5 minutes) at the May meeting of the Faculty Senate or, at the President of the Faculty Senate's request, submit a written report at the end of the academic year.

Section 4.

Individual representation units will determine their own methods for selecting members of standing committees consistent with Articles IV and V. Such membership shall be presented to

the Faculty Senate at the first meeting of each academic year. Committee members will serve two-year terms for at most four consecutive years, unless otherwise specified under the committee description.

Section 5.

After the Faculty Senate has approved membership in the Standing Committees, each committee will meet and elect a chair, who will communicate all committee business to the Senate.

Section 6.

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

Section 7.

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

Article IV: Faculty Senate Standing Committees

Section 1. Academic Affairs

1. Voting members shall consist of one faculty member, with the rank of full or associate professor, from each of the representation units, a representative of the Dean of Graduate and Interdisciplinary Studies, and two students.
2. Non-voting members shall consist of the Provost/Vice President of Academic Affairs and the University Registrar.
3. Committee responsibilities include:
 - a. Coordinating and recommending actions on proposals for curriculum and course changes that have been received from the colleges
 - b. Recommending policies for the evaluation of transfer credit
 - c. Recommending policies for graduation
 - d. Recommending candidates for graduation
 - e. Recommending the scheduling of policies for the efficient utilization of classrooms and laboratories

Section 2. Academic Integrity

1. Membership shall consist of one tenured faculty member with the rank of professor from each representation unit. If a full professor is not available, an associate professor may be appointed.
2. Committee responsibilities include:
 - a. Providing investigative assistance on cases involving academic misconduct.
 - b. Selecting panels of three persons competent to investigate allegations; such panels may include members from outside the University.
 - c. Reviewing and recommending policies on academic integrity.

Section 3. Conflict of Interest Advisory

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

Section 4. Council of College Faculties

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

Section 5. Equity and Diversity

1. Voting membership shall consist of five faculty members recommended by the Faculty Senate Executive Committee and appointed by the Faculty Senate President and a representative from the Commission on the Status of Women Faculty. The Executive Committee shall strive for representation from diverse groups.
2. Non-voting membership shall consist of a representative from the office of the Vice President for Equity, Diversity, and Global Outreach.
3. Committee responsibilities include:
 - a. Reviewing, revising and proposing policies to ensure that rights and considerations of diverse groups or faculty are included in NDSU policy, practices, and procedures.
 - b. In particular, the committee will explore and identify ways that NDSU can be more inclusive for diverse faculty including women, people of color, and sexual minorities (e.g., lesbian, gay, bisexual, or transgendered).

Section 6: Executive Committee of the Faculty Senate

1. Voting membership shall consist of one senator from each representation unit, the President, the immediate Past President, and the President-Elect.
2. Non-voting membership shall consist of the Dean of Graduate and Interdisciplinary Studies, the Provost/Vice President for Academic Affairs, and the Faculty Senate Secretary. In the event the immediate Past President is unable or unwilling to serve, the President will appoint another past President as a replacement for the immediate Past President on the committee. The term of office shall be for one year following the regular May meeting.

3. During the first week of the new Senate term, the Executive Committee shall meet and organize for the following year.
4. Committee responsibilities are the following:
 - a. Delegating tasks to Faculty Senate committees.
 - b. Reviewing the progress of Faculty Senate committees.
 - c. Setting the agenda for upcoming Faculty Senate meetings.
 - d. Interpreting, when necessary, provisions of the Faculty Senate Constitution and Bylaws.

Section 7. Faculty Affairs

1. Membership shall consist of one faculty member from each representation unit and a representative of the Dean of Graduate and Interdisciplinary Studies.
2. Committee responsibilities include:
 - a. Reviewing policies and procedures relating to faculty affairs such as academic freedom, promotion, tenure, and evaluation, teaching and service.
 - b. Reviewing and recommending revisions to the personnel sections of the Faculty Handbook concerning faculty affairs.

Section 8. Faculty Rights

1. Membership, responsibilities, and procedures are determined by directives of the North Dakota State Board of Higher Education.
2. Membership consists of five members, from different representation units, elected for five-year terms by the faculty. Membership is restricted to tenured full professors.
3. Each spring the faculty shall elect by secure electronic ballot a faculty member to serve on the Standing Committee on Faculty Rights.
4. In the event that a member of the committee recuses himself/herself from the committee for a particular case or is recused by committee vote, the committee will appoint a replacement to serve the remainder of the term after considering those who have previously served on the committee.

Section 9. General Education

1. Voting membership shall consist of one tenured faculty member from each representation unit, a representative from the Assessment Committee, and two students selected by the Student Senate.
2. Non-voting members shall consist one representative from each of the following: the NDSU Library, Registration and Records, and the Provost/Vice President for Academic Affairs.
3. Committee responsibilities include:
 - a. Ensuring that existing courses and experiences meet general education requirements
 - b. Developing criteria and procedures for submitting, evaluating, and approving courses and experiences that meet general education requirements of NDSU and the North Central Accreditation Association
 - c. Developing criteria and procedures for submitting, evaluating, and approving courses or experiences that meet the general education requirements for integration into students' curricula
 - d. Coordinating and recommending actions to the Faculty Senate on proposals for approving general education courses

- e. Providing periodic assessment of students' attainment of intended student outcomes in general education
- f. Studying, coordinating, and recommending to the Faculty Senate policies and procedures for continuing improvement in general education

Section 10. Grade Appeals Board

Membership shall consist of one faculty member and one alternate from each representation unit, a representative of the Dean of Graduate and Interdisciplinary Studies, three students and three student alternates selected by the Student Senate. Policy 337 governs who will chair the committee, as well as process.

1. Faculty shall be elected for three-year terms by their representation unit.
2. Students should be full-time students with a minimum 2.00 cumulative grade point average and junior standing.
3. Committee responsibilities include:
 - a. Hearing charges of inequitable or prejudiced academic evaluations and to provide redress for improper evaluation.
 - b. Acting in accordance with procedures approved by the Faculty Senate, specifically Policy 337.

Section 11. Program Review

1. Membership shall consist of one tenured faculty member from each representation unit, the immediate past president of the Faculty Senate, the Dean of the College of Graduate and Interdisciplinary Studies, the Provost/Vice President of Academic Affairs, and two students selected by the Student Senate. Each representation unit shall also select an alternate faculty member to serve in case of recusal.
2. Committee responsibilities include:
 - a. Developing criteria and procedures for review of academic programs.
 - b. Performing a continuing review of graduate and undergraduate academic programs with regard to such factors as mission, need, quality, cost, and contribution to other programs.
 - c. Addressing concerns and making recommendation to the Faculty Senate regarding duplication of programs and courses.
 - d. Recommending policies for University support to individual programs.
 - e. Coordinating the time of and use of external program reviews by accrediting agencies and/or other expert evaluators in its review of specific academic programs.

Section 12. Research & Consulting

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

Section 13. Technology and Instructional Services Committee

1. Voting membership shall include one faculty member from each of the representation units and a representative of the Dean of Graduate and Interdisciplinary Studies.
2. Non-voting membership shall include one representative from ITS.
3. Committee responsibilities shall include:
 - a. an annual review of ITS support services to the NDSU teaching and research communities.
 - b. making recommendations for Faculty Senate approval of any changes proposed by ITS regarding policy, implementation procedures, or classroom and instructional technologies.
 - c. formulating recommendations regarding needs of the faculty that are unmet by IT
 - d. serving as the liaison between the Faculty Senate and ITS administration.

Section 14. University Assessment

1. Voting membership shall consist of one faculty member from each representation unit, a representative from the General Education Committee, a representative of the Dean of Graduate and Interdisciplinary Studies, the Provost/Vice President of Academic Affairs, one undergraduate student, and one graduate student.
2. Non-voting membership shall consist of a representative from the Division of Student Affairs, a representative from the NDSU Extension Service, a representative from the Office of Institutional Research and Analysis, a representative from Distance and Continuing Education, and the Director of the Office of Accreditation and Assessment.
3. Committee responsibilities include:
 - a. Periodically reviewing the assessment of student learning in undergraduate and graduate programs.
 - b. Developing procedures for annual reporting of assessment activities by departments and other academic units.
 - c. Providing feedback and assistance to departments and other academic units on their assessment activities.
 - d. Providing a yearly summary of assessment activities to the Vice President of Academic Affairs, the Office of Institutional Research and Analysis, the Office of Accreditation and Assessment.

Article V: Joint Standing Committees

Section 1. Senate Coordinating Council

1. Voting membership shall consist of the two representatives each from the Faculty, Student, and Staff Senates, the Faculty Senate President, the Staff Senate President, and the Student Body President.
2. Non-voting membership shall consist of the Provost/Vice President for Academic Affairs, the Vice President for Student Affairs, the Vice President for Finance and Administration, and representatives of one of these Vice President's offices, one of whom will facilitate meetings and one of whom will maintain records. The Vice President's offices will rotate

responsibility for calling meetings and maintaining records every three to five years. The coordinating council may decide to invite policy initiators to the meetings as nonvoting members to explain policy changes.

3. Committee responsibilities include:
 - a. Encouraging the development of clear, thorough, and consistent policies by stimulating collegial discussion and analysis of policy proposals having campus-wide effects.
 - b. Coordinating the distribution of policies to the appropriate senate body consistent with the Faculty Senate Constitution.
 - c. Sending policies that have been voted on to appropriate channels at NDSU for final approval.
 - d. Serving in a liaison capacity regarding the Faculty Senate, administration, Staff Senate, and Student Senate.

Section 2. Campus Space & Facilities

1. Voting members shall consist of one faculty member from each representation unit, three staff members appointed by the Staff Senate, two student members appointed by the Student Senate, a representative of the College of Graduate and Interdisciplinary Studies, the Provost/Vice President of Academic Affairs, the Registrar, and the Vice President for Finance and Administration.
2. Non-voting members shall consist of the Director of Facilities Management, the Chair of the Department of Architecture, the Assistant to the Director of the North Dakota Agricultural Experiment Station, and a representative of the Dean of Libraries.
3. Committee responsibilities include:
 - a. Provide for the systematic development and review of the “Campus Master Plan” and Guidelines for Campus Development.
 - b. Recommending policies and procedures to meet the current and future needs for all physical facilities and reviewing changes in University space allocation including classrooms and laboratories.
 - c. Reviewing proposed building projects and major building renovations prior to presentation to the State Board of Higher Education and the Legislature.
 - d. Recommending policies for site location for new buildings and for overall landscaping.
 - e. Recommending traffic and parking regulations, to include cars, buses, bicycles, and pedestrians.
 - f. Recommending plans for sidewalks, streets, and parking lots.

Section 3. Library

1. Membership shall consist of one faculty member from each representation unit, one undergraduate and one graduate student appointed by the Student Senate, a staff member appointed by the Staff Senate, a representative from Information Technology Services, a representative of the Dean of Graduate and Interdisciplinary Studies and the Dean of Libraries.
2. Committee responsibilities include:
 - a. Formulating policy recommendations for the NDSU Libraries.

Section 4. University Athletics

1. Membership consists of one faculty member from each representation unit, two students, the Student Body Vice-President, the President of the Student-Athletes Advisory Council, two representatives of the Staff Senate, the Director of Intercollegiate Athletics, the Director of Intercollegiate Women's Athletics, the Vice President for Equity, Diversity, and Global Affairs, and the Faculty Athletic Representative.
2. The University Athletics Committee serves as the NDSU Athletics Advisory Board as described in the constitution of the National Collegiate Athletics Association (NCAA).
3. Committee responsibilities include:
 - a. Promoting compliance with principles of conduct as defined by the NCAA.
 - b. Acting as the Board of Appeals for athletic grievances.
 - c. Initiating and reviewing policies concerning University Athletics and making recommendations for consideration of said policy to the Faculty Senate. Such areas of concern include Guidelines for athletic schedules, guidelines for participation in postseason activities, awards for excellence in athletics, eligibility of athletes.
 - d. Reviewing upcoming issues at intercollegiate conference meetings and recommending institutional positions.
 - e. Reviewing the budget of the athletic programs prior to its approval by the University President.
 - f. Stimulating interest in athletic events throughout the University community.

Section 5. Equal Opportunity Hearing Panel

1. Membership shall consist of six faculty members appointed by the Faculty Senate President in consultation with the Senate Executive Committee, six students appointed by the Student Senate President, and six Staff members appointed by the Staff Senate President.
2. Each President shall strive for diverse representation (gender, ethnicity, etc) in her/his group of appointees.
3. Committee responsibilities include:
 - a. Acting in accordance with procedures and policy approved by the Senate, specifically Policy 156.

Article VI: Amending the Bylaws

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

When approved by the University President the changes shall become effective immediately.

Resolution for NDSU Faculty Senate 24 Jan 2011

Whereas many buildings on the NDSU campus do not have bicycle racks, and

Whereas many of the bicycle racks on the NDSU campus are covered with snow by snow removal teams during the winter, and

Whereas NDSU is a pedestrian campus that is committed to sustainability,

Let it be resolved that the faculty senate urges the NDSU administration, in consultation with NDSU faculty, staff, and students, to take concrete steps to make NDSU a bicycle-friendly campus.

Ad Hoc Committee to revise Grade Appeals Policy: 337

Because the grade appeals process is so central to academic affairs and critical to students' academic careers, the Senate would like to establish a small committee to revise Policy 337: Grade Appeals, to create a new process with a continuous moderator rather than faculty rotating through terms. They will also review the entire policy.

Proposed committee membership

JoAnn Miller

Jim Council

Dennis Cooley

Agenda

Faculty Senate Meeting

Meeting place and time: 3:30 pm, Monday, March 21, 2011
Memorial Union, Plains Room

I. Substitutions - K. Wold-McCormick

II. Approval of February 14, 2011, Minutes

III. Consent Agenda

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

B. General Education ([Attachment 2](#))

C. Policy Coordination Committee

For Information only:

1. Policy 151: Code of Conduct ([Attachment 3](#))

2. Policy 155: Alcohol and Other Drugs ([Attachment 4](#))

3. Policy 703: Bison Card ([Attachment 5](#))

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

IV. General Announcements

A. President Bresciani

B. Provost/VPAA Schnell

C. A. Rupiper Taggart, President of Faculty Senate

D. G. Totten, President Elect of Faculty Senate

E. K. Mickelson, President of Staff Senate

F. S. Affolter, Vice President of Student Body

V. Committee Reports

A. Academic Affairs - A. Brunt

1. Addendum ([Attachment 6](#))

2. Discussion on Proposed Revision to NDSU Policy 331.1: Course Syllabus
([Attachment 7](#))

B. General Education - L. Peterson

• Undergraduate Curriculum Review

C. Council of College Faculties Update and Elections - J. Glower

D. University Senate Special Committee on the Formation of a Faculty Senate – T. Stone
Carlson

1. Draft Faculty Senate Bylaws – second vote ([Attachment 8](#))

Bylaws updates are maintained at <http://www.ndsu.edu/facultysenate/>

2. Effective Date and Implementation Process ([Attachment 9](#))

E. Policy Coordinating Committee - G. Totten/A. Rupiper Taggart

For Discussion and Vote:

• Policy 608: Suicide Threat ([Attachment 10](#))

For Discussion:

• Overturned Policy 700: Services and Facilities Usage

VI. Unfinished Business

VII. New Business

A. Resolution on Shared Governance ([Attachment 11](#))

B. Strategic Planning Committee Response

VIII. Adjournment

Academic Affairs Committee Report For Faculty Senate –March 21, 2011

Curricular Recommendations

Program Title Change							
From: Journalism, Broadcasting, and Mass Communication Technology				To: Journalism			
From: Equine Studies				To: Equine Science			
New Courses							
Subject	No.	Title				Crs.	
ANSC	444/644	Livestock Muscle Physiology				3	
ANSC	455/655	Animal Biotechnology				3	
ANSC	477/677	Animal Preventive Medicine				3	
ANSC	487/687	Growing and Finishing Cattle Management				3	
CNED	735	Clinical Mental Health Counseling				3	
ECE	670	Digital Design II				3	
H&CE	467/667	Advising Family, Career, and Community Leaders of America				3	
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
EDUC	486/686	Classroom Management for Diverse Learners	2	EDUC	486/686	Classroom Management for Diverse Learners	3
EDUC	702	Statistics in Educational Research	2	EDUC	702	Statistics in Educational Research	3
EDUC	716	Comparative Education	2	EDUC	716	International & Comparative Education	3
Change in Prerequisites/Corequisites and Change in Bulletin Descriptions – for information only							
Subject	No.	Title	Prerequisite/Corequisite Change				
BIOC	487	Molecular Biology of Gene Expression	Change in Bulletin Description Prereq: BIOC 460 and BIOC 461				
EDUC	451/651	Instructional Practices, Methods and Assessment	Change in Bulletin Description				
MATH	445/645	Differential Geometry	Prereq: MATH 265 and MATH 270				
MATH	452/652	Complex Analysis	Prereq: MATH 265 and MATH 270				
MATH	473/673	Cryptology	Change in Bulletin Description Prereq: MATH 420 or MATH 472				
MATH	480/680	Applied Differential Equations	Change in Bulletin Description				
MATH	483/683	Partial Differential Equations	Change in Bulletin Description Prereq: MATH 266				
New Special Topics – for information only							
EMGT	199	Issues in Homeland Security and Emergency Management					3

For Faculty Senate: Approved General Education Recommendations

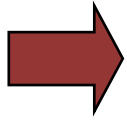
For University Senate Meeting on (month/year): March 21, 2011

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	
PHIL 111	Professional Responsibility and Ethics	A	3, 6	
Continued Approval (5-Year Renewal) for General Education with No Changes in Outcomes				
Course No.	Course Title	Categories	Outcomes	
COMM 112*	Understanding Media and Social Change	B	3, 6	
CSCI 159*	Computer Science Program Solving	R	2, 5, 6	
Continued Approval (5-Year Renewal) for General Education with Changes in Outcomes & Category				
Course No.	Course Title	Recommended Category	Previous Outcomes	Recommended Outcomes
HNES 250	Nutrition Science	S (p)	2, 5, 6	5, 6
Returned to Department/Instructor for Revision/Further Information/Clarification				
Course No.	Course Title	Reason for Return		
POLS 120	Terrorism	Needs to revise syllabus and complete rubrics		

*Pending minor syllabus revision.

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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: SECTION 151.2: CODE OF 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).

- ~~NDUS campuses had six months from the date of SBHE approval to get policy language modified so it was specific to each campus. We are up against the 6 month deadline~~ Renumbers current policy 151.2 as Policy 151. Makes current Policy 151 (Conflict of Interest) subsection 3.1 of new Policy 151 (Code of Conduct), and deletes current Policy 151.2. Purpose is to make the State Board's Code of Conduct Policy the parent policy in 151.

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

- Office of Human Resources/Payroll
- Colette.erickson@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

Committee: 1/26/11 presented to the PCC; [02/23/2011 GC renumbered the policy, PCC reviewed 151 V1, this will be routed to ALL FOR INFO.](#)

University [02/24/2011 V5 routed for INFO](#)

Faculty

Senate:

Staff Senate: [02/24/2011 V5 routed for INFO](#)

President's [02/24/2011 V5 routed for INFO](#)

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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NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

SECTION 151.2: CODE OF CONDUCT

SOURCE:

SBHE Policy Manual, Section 308.1

SBHE Policy Manual, Section 611.4

NDSU President

1. Introduction and Application.

This Code of Conduct governs the State Board of Higher Education and its members and establishes minimum standards for all NDUS officers and employees. The Board and entire NDUS are committed to uphold the highest ethical and professional standards. All Board members and NDUS officers and employees must, at all times, comply with all applicable laws, regulations, policies and procedures. Activities that achieve results unlawfully or in violation of applicable policies or procedures or by unethical behavior - including, but not limited to, payments for illegal acts, indirect contributions, rebates, or bribery - are not tolerated and must be reported. All conduct must meet or exceed minimum standards established by law.

2. General Conduct.

The Board supports an environment that is free of discrimination or harassment. All Board members, officers and employees are expected to conduct themselves in a businesslike manner. Unlawful consumption of alcoholic beverages or use of illegal drugs, being at work while under the influence of alcohol or drugs, disruptive behavior, gambling, unauthorized use of public property or resources and other unauthorized activities that disrupt the efficient and economical administration of the NDUS, are prohibited. Violation of applicable laws or policies governing possession and use of alcoholic beverages or drugs, including the Drug Free Workplace Act, SBHE Policy 615 or applicable system office or institution policies, are prohibited. Likewise, sexual or other harassment (including actions contributing to a hostile work environment) in violation of federal or state law or SBHE Policy 603.1, is prohibited.

3. Conflicts of Interest.

All Board members, officers and employees are expected to perform their duties conscientiously, honestly, and in accordance with the best interests of the NDUS. All Board members, officers and employees must comply with applicable federal and state laws. Board members, officers and employees may not unlawfully use their position or the knowledge gained as a result of their position for private or personal advantage. All Board members, officers and employees are responsible for their own actions. Any individual who has concerns or questions regarding a perceived or potential conflict or

regarding application or interpretation of federal or state law or SBHE policy is encouraged to communicate with a superior or with legal counsel.

3.1 Conflict of Interest – Contracts.

An officer of the North Dakota State Board of Higher Education authorized to sell or lease any property or make any contract in the officer's official capacity is subject to the provisions of N.D.C.C. Section 12.1-13-03 and may not be interested in any such sale, lease or contract.

Pursuant to N.D.C.C. Section 48-02-12, employees of the Board may not have any interest in a public construction or repair contract.

An employee of the Board may not have an interest in any contract involving the expenditure of public or institutional funds entered into by the institution that the employee serves or by the Board unless:

a. N.D.C.C. Sections 12.1-13-03 and 48-02-12 do not apply; and

b. The contract is approved by the institution's chief financial officer or, if the employee in question is the chief financial officer or president of an institution or an officer of the Board, by the Board, following full disclosure of the employee's interest.

All employees involved in projects receiving federal funds shall consult applicable federal laws and regulations and comply with conflict of interest rules which may govern federal grants or other sponsored agreements.

An officer or other employee who violates this policy is subject to dismissal or other disciplinary action.

Employees of NDSU authorized (including delegated authority) by Policy 712 to enter into contracts on behalf of the University must sign the North Dakota State University Conflict of Interest Disclosure Statement. All other employees will be provided notice about this Policy but need only sign the statement if they have a conflict. Notices and collection of statements shall be administered by the Purchasing Office.

Employees have an obligation to act in the best interests of NDSU. Any direct or indirect personal or financial interest which could create a conflict of interest or the appearance of a conflict of interest in any agreement, transaction or relationship must be disclosed by the employee by completing and signing the North Dakota State University Conflict of Interest Disclosure Statement and submitting it to the employee's supervisor. This includes but is not limited to the disclosure of privately owned assets being used or otherwise commingled with state assets and participation in any foundation, business or public entity which may create a conflict with an employee's obligations to NDSU. See also NDSU Policy 152: External Professional Activities.

4. Outside Activities and Employment.

Board members, officers and employees share responsibility for good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the NDUS and is encouraged. However, officers and employees must comply with applicable federal and state laws, policies in Section 611 of the SBHE Manual and related system office and institution policies. At all times, employees must avoid outside activities that create an excessive demand upon their time and attention, thus depriving the NDUS of their best efforts in fulfilling their job duties or that create a conflict of interest, or an obligation, interest, or distraction that interferes with the independent exercise of judgment in the NDUS' best interest.

5. Relationships With Clients and Suppliers; Conflicts of Interest.

Board members are not NDUS employees and may have other full or part-time employment and other professional, civic and personal responsibilities and activities, in addition to their part-time service as Board members. Nevertheless, Board members must be familiar with and comply with applicable laws governing conflict of interest that apply to Board members and should strive to avoid other activities that create an obligation, interest or distraction that interferes with the independent exercise of judgment in the best interest of the NDUS. They should avoid investing in or acquiring a financial interest for their own accounts in any business organization that has a contractual relationship with the NDUS or NDUS institution, or that provides goods or services to the NDUS, if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties.

6. Gifts, Entertainment and Favors; Kickbacks and Secret Commissions.

Excluding on *de minimus* contributions, such as purchase of a meal at reasonable value as part of a conference or other event with no conditions attached to such purchase and as permitted under applicable federal and state laws, Board members, officers and employees may not accept favor of any person or organization with whom or with which the NDUS or NDUS institution has, or is likely to have, business dealings. Similarly, Board members officers and employees may not accept any other preferential treatment under circumstances that because of their position with the NDUS, the preferential treatment may influence or be perceived as influencing their official conduct. Board members, officers and employees may not receive payment or compensation of any kind from any source for NDUS duties and responsibilities, except as authorized under applicable law or NDUS pay policies. Specifically, the acceptance of "kickbacks" or commissions in any form from vendors, suppliers or others is prohibited.

7. NDUS Funds and Other Assets

Board members, officers and employees who have access to NDUS fund and other assets in any form must follow the prescribed procedures for recording, handling, and protecting money and other assets as detailed in applicable NDUS procedure manuals or other explanatory materials. Any person who has information concerning possible fraud or dishonesty shall immediately report such information to a superior or to legal counsel.

Board members, officers and employees responsible for spending or approving expenditure of NDUS funds or incurring any reimbursable expenses must comply with all applicable laws and policies and use good judgment on behalf of the NDUS to ensure that

good value is received for every expenditure. NDUS funds and all other assets are for NDUS purposes only and not for personal use or benefit. NDUS or other public equipment, supplies and other property or assets may not be used for private or personal use, except as authorized under SBHE Policy 611.5 or other applicable law or policy.

8. NDUS Records and Communications

Accurate and reliable records of many kinds are necessary to meet NDUS legal and financial obligations and to manage the affairs of the NDUS. NDUS books and records must reflect in an accurate and timely manner all business transactions. Board members, officers and employees responsible for accounting and recordkeeping must fully disclose and record all assets and liabilities and exercise diligence in enforcing these requirements. Board members, officers and employees must not make or engage in any false record or communication of any kind, whether internal or external, including, but not limited to, false expense, attendance, enrollment, financial, or similar reports and statements, or false advertising, deceptive marketing practices, or other misleading representations.

9. Dealing with Outside People and Organizations.

Board members, officers and employees must take care to separate their personal roles from their NDUS positions when communicating on matters not involving NDUS business. They may not use NDUS identification, stationery, supplies, and equipment for personal or political matters. When communicating publicly on matters that involve NDUS business, Board members, officers and employees may not represent that they speak for the NDUS, unless that is one of their duties or they are otherwise authorized to do so. When dealing with anyone outside the NDUS, including public officials, Board members, officers and employees must take care not to compromise the integrity or damage the reputation of the NDUS or any institution.

10. Prompt Communications.

In all matters involving communication with NDUS students, customers, suppliers, government authorities, the public and others, Board members, officers and employees must endeavor to make complete, accurate, and timely communications and respond promptly and courteously to all proper requests for information and complaints.

11. Privacy, Confidentiality and Open Records.

Board members, officers and employees must at all times comply with applicable laws, regulations and SBHE policies concerning privacy, confidential records, access to open records and records retention.

12. Reporting Suspected Violations; Procedures for Investigating Reports.

Officers and employees shall report suspected violations of this Code to their superior, some other senior manager or administrator or legal counsel. In addition, the NDUS shall maintain a [fraud hotline](#) and suspected violations may be reported by use of that hotline. Any officer or employee who makes a report in good faith shall be protected against retaliation of any kind; any officer or employee who retaliates or attempts retaliation in response to a good faith report shall be subject to dismissal or other discipline. Failure to report known or suspected violations is in itself a violation and may lead to dismissal or other disciplinary action.

Board members who have information concerning a possible violation of this Code or are uncertain about application or interpretation of any legal requirement should report the matter to the chancellor, legal counsel or the attorney general.

Alleged violations of this Code involving NDUS officers or employees shall be investigated by the appropriate NDUS officer. All officers and employees shall cooperate in investigations of alleged violations. A violation of this Code is cause for dismissal or other appropriate disciplinary action, in addition to any criminal or other civil sanctions that apply.

13. Institution Codes.

The NDUS office and each NDUS institution shall adopt and implement a Code of Conduct consistent with this Code and Committee of Sponsoring Organization of the Treadway Commission (COSO) Standards. NDUS office and institution codes shall include:

- a. A Statement of the organization's values;
- b. The people or groups of people affected;
- c. A brief description or list of key behaviors that are accepted and not accepted;
- d. How to identify and resolve conflicts of interest;
- e. How to report violations and to whom;
- f. Consequences of violating the Code;
- g. Consequences of failure to report known or suspected violations; and
- h. How reports will be investigated.

The NDUS office and each institution shall require that each new employee review the Code of Conduct and sign a statement certifying the employee has read and agrees to comply with the Code. Further, all benefited employees are required to annually certify in writing that they have read and are in compliance with the Code of Conduct.

Resources and Related Policies:

[NDSU Policy 100: Equal Opportunity and Nondiscrimination Policy](#)

[NDSU Policy 110: Employment of Relatives](#)

[NDSU Policy 100.1: Nondiscrimination on the basis of Disabilities and Reasonable Accommodation](#)

[NDSU Policy 112: Pre-employment and Current Employee Criminal Record Disclosure](#)

[NDSU Policy 151: Conflict of Interest](#)

[NDSU Policy 151.1: External Activities and Conflicts of Interest](#)

[NDSU Policy 152: External Professional Activities](#)

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

[NDSU Policy 160: Political Activities of University Employees](#)

[NDSU Policy 161: Fitness for Duty](#)

[NDSU Policy 162: Sexual Harassment Policy](#)

[NDSU Policy 162.1: Consensual Relationships](#)

[NDSU Policy 169: Employee Responsibility and Activities: Theft and Fraud](#)

[NDSU Policy 169.1: Employee Misuse of Property Reports - - Protections](#)

[*NDSU Policy 190: Employee Responsibility and Activities: Intellectual Responsibility*](#)[*NDSU Policy 323: Selection of Textbooks and other Curricular Materials*](#)[*NDSU Policy 326: Academic Misconduct*](#)[*NDSU Policy 345: Research Involving Human Subjects*](#)[*NDSU Policy 340.1: Coursepacks*](#)[*NDSU Policy 400: Purchasing - General Policies*](#)[*NDSU Policy 406: Surplus Property*](#)[*NDSU Policy 505: Property, Plant and Equipment*](#)[*NDSU Policy 700: Services and Facilities Usage*](#)[*NDSU Policy 700.1: Use of University Name*](#)[*NDSU Policy 700.2: Taking Equipment Off-Campus*](#)[*NDSU Policy 700.3: Personal Use of State Property*](#)[*NDSU Policy 710.1: Web Advisory Board*](#)[*NDSU Policy 712: Contract Review*](#)[*NDSU Policy 718: Public/Open/Restricted Records*](#)[*NDSU Policy 823: Financial Disclosure - sponsored Projects*](#)[*NDUS Policy 603.3: Nepotism*](#)[*NDUS Policy 611.2: Employee Responsibility and Activities: Intellectual Responsibility*](#)[*NDUS Policy 611.4: Employee Responsibility and Activities: Conflict of Interest*](#)[*NDUS Policy 611.9: Selection of Textbooks and Other Curricular Materials*](#)[*NDUS Policy 803.1: Purchasing Procedures*](#)[*Conflict of Interest Form*](#)[*NDSU Consulting Authorization Request Form*](#)[*NDSU Fraud Hotline*](#)[*AAUP Statement of Professional Ethics*](#)[*NDSU Research Foundation*](#)[*N.D.C.C. Ch. 12.1-13 \(See section 12.1-13-03: Public servant's interest in public contracts.\)*](#)[*N.D.C.C. Ch.48-01.2: \(See section 48-01.2-08: Officers must not be interested in contract.\)*](#)[*N.D.C.C. Ch. 44-04: \(See section 44-04-09: Nepotism.\)*](#)

HISTORY: June 2010 New Policy, July 2010hk

- POLICY MANUAL HOME PAGE :

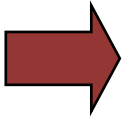
- SEARCH POLICY :

- NDSU HOME PAGE

[*NDSU PolicyManual*](#)*Last Updated: Monday July 26, 2010**Published by North Dakota State University*

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SECTION: **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).

This policy has been updated in response to an objective of the President's Council on Alcohol and Other Drugs Strategic Plan to Address High Risk Alcohol and Other Drug Use. The plan calls for a review of the university alcohol policy every three years. Updates were made regarding implementation of the policy to further clarify actions taken in response to violations and expand on situations where the policy is enforced. These changes were made under the advisement of NDSU's General Counsel and campus judicial officials. Additional changes were made for ease of reading and to correct grammatical errors.
~~*This policy has been updated in response to an objective of the President's Council on Alcohol and Other Drugs Strategic Plan to Address High Risk Alcohol and Other Drug Use. The plan calls for a review of the university alcohol policy every three years. Updates were made regarding implementation of the policy to further clarify actions taken in response to violations and expand on situations where the policy is enforced. These changes were made under the advisement of NDSU's General Counsel and campus judicial officials. Additional changes were made for ease of reading and to correct grammatical errors.*~~

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

President's Council on Alcohol and Other Drugs – Campus Policy & Law Subcommittee
Primary Contact: Erika Beseler Thompson, Assistant Director/Alcohol and Other Drug Abuse Prevention, Erika.Beseler@ndsu.edu, 701-231-5478
Date Submitted: November 26, 2010
~~*President's Council on Alcohol and Other Drugs – Campus Policy & Law Subcommittee*~~
~~*Primary Contact: Erika Beseler Thompson, Assistant Director/Alcohol and Other Drug Abuse Prevention, Erika.Beseler@ndsu.edu, 701-231-5478*~~
~~*Date Submitted: October 29, 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: 11/10/10 presented to PCC; 12/08/2010 presented V2 112610: 01/26/2011 brought back to PCC ; 02-23-2011 GC made further updates, V3 022311 will be routed to all for INPUT

**University
FACULTY** 02/24/2011 – Routed for INPUT

Senate:

Staff Senate: 02/24/2011 – Routed for INPUT

President's

Council: 02/24/2011 – Routed for INPUT

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Thank you for your understanding!

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

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 [SBHE Policy 918: Alcoholic Beverages](#).

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, 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~~ and campus organizations, which include, but are not limited to registered student organizations under the ~~Commission~~ Congress 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 or associated permits.

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 University sponsored events that are held at locations off campus, and in which alcohol may be present, need are required to adhere to NDSU Policy 155 this policy. In addition, if alcohol will be served at the event, the sponsor(s) of the event should ensure compliance with N.D.C.C. § 5-02-06(4) regarding individuals under twenty-one years of age at events where alcohol is served. Sponsors need to be aware of both potential civil and criminal and should especially become familiar with liability issues for knowingly serving alcohol to minors or obviously intoxicated persons (N.D.C.C. § 5-01-06.1, § 5-01-09). Oversight of the distribution and consumption of alcohol is required at such events in order to manage risk. If the event is to be held on public grounds, e.g., Fargo parks, where alcohol will be served, the sponsor(s) of the event is/are required to obtain the appropriate permit for the event per N.D.C.C. § 5-02-01.1(2) (event permits). See, for example, the Park District of the City of Fargo Alcoholic Beverage Policy.

4.5 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.

4.6 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.)

4.7 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.

4.8 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".

4.98 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 and terms and conditions see the Code of Student Behavior.)

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.~~ Emergency suspension.

e. Expulsion.

5.1.3

~~In addition to the above mentioned sanctions~~ With each sanction, other restorative or educational actions may also be imposed or other terms and conditions may be assigned. In addition, notification may be given to other university officials as necessary. Terms and conditions include, but are not limited to:

a. Restitution.

b. Confiscation.

c. Restricted access to University facilities ~~and grounds~~ /removal from Residence Halls.

d. Loss of privileges (including status as a registered student organization).

e. Required ~~P~~participation in a specific program (i.e., counseling, drug and /or alcohol education).

f. Educational sanction/projects (i.e., reflection paper or research)

g. ~~Alcohol or other drug testing and/or evaluation.~~ Registration/Graduation Hold

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

Individual student behavioral actions 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://www.ndsu.edu/student_life/ for the full policy and rationale.

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

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:

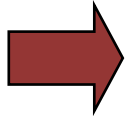
- a. Warning, reprimand, or probationary status;
- b. Ineligibility to receive the next available annual salary increase;
- c. Suspension without pay for up to 5 days;
- d. Termination of employment; or
- e. Any combination of the above sanctions.

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

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.

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: **703: BISON CARD TERMS AND CONDITIONS**

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

Adds language regarding the proper disposition of credit balances on Bison Bucks accounts after the student leaves the University, either by graduating or withdrawing.

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: 11/10/10 – presented to PCC; 01/26/2011 V3 presented to PCC; 02/23/2011 PCC reviewed V5 – will be routed to ALL FOR INFO

Faculty Senate: 01/31/2011 V3 routed for info; Will review V4 –changes were made per Wendy Clarin; 02/24/2011 V5 routed for INFO

Staff Senate: 01/31/2011 V3 routed for info; approved V3 02/02/2011; 02/24/2011 V5 routed for INFO

President's Council: 01/31/2011 V3 routed for info; 02/24/2011 V5 routed for INFO

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!

NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

SECTION 703: BISON CARD TERMS AND CONDITIONS

SOURCE: NDSU President

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

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

1. To obtain a Bison Card, an individual must first be assigned a university generated identification number.
2. The Bison Card is intended for campus use only and must be returned upon request.
3. The Bison Card is non-transferable and will be confiscated and returned to the Bison Card Center if found in the possession of another person.
4. The Bison Card must be presented upon any request for campus services.
5. The cardholder will not damage or alter the card in any manner. This includes, but is not limited to, punching holes in or affixing unapproved stickers to the card.
6. The Bison Card, transactions and activities related to the use of the card, and any account balances are the sole responsibility of the individual cardholder.
7. IMMEDIATELY report lost, found, or stolen cards to the NDSU University Police (701-231-8998).
8. A replacement Bison Card can be obtained at the Bison Card Center (Memorial Union). A photo ID is required at the time of replacement.
9. The Bison Card is valid for as long as the person retains their student, faculty or staff status at NDSU.

10. A fee is charged for all new cards and a replacement fee is charged for any lost, stolen or invalid card. The first card for all faculty and staff will be charged to his/her department. Billing information is required at the time of the card production. Lost, stolen or invalid cards will be the responsibility of the employee.

~~10.~~11. Cardholders may only possess one valid ID card. Any card that has been replaced after the previous was lost or stolen is no longer valid. Cards cannot be reactivated.

~~11.~~12. Associate Status for any individual/group must have prior approval by the NDSU President or Vice President for Student Affairs. Associate Status is granted to groups or individuals who may work on campus, but are not students or staff or the University.

~~11.~~12.1 Associate Status does not guarantee access to all NDSU activities, events, and facilities.

~~12.~~13. The Card Department Director, Campus Police or Facilities Management may revoke a Bison Card if it is determined that abuse of the privileges associated with the Bison Card has occurred. Students who misuse their Bison Cards may also be referred to the Dean of Student Life Office for possible disciplinary actions. Faculty or staff misuse will be reported to the faculty or staff members' supervisor.

B. BISON BUCKS ACCOUNT. Bison Bucks is a debit card service that is linked to the NDSU Bison Card. This benefit is free to ALL students, faculty and staff. There are NO hidden charges, expenses or interest.

1. A \$5 minimum is required for opening a Bison Buck account and for additional deposits.
2. No minimum balance must be maintained.
3. Cash refunds are not given for any Bison Bucks purchases at any participating merchants. Credit is returned to the Bison Bucks account.

4. Bison Bucks balances carry over from semester to semester. Refunds on any balance above \$15 at the end of the academic year are available by submitting a Dining Services Refund Form, on or before June 30th. Refunds on any balance above \$15 during the academic year will be given upon graduation or official withdrawal from the University if requested by the customer. For balances below \$15, the customer is required to spend out this amount.

~~4.~~5. For those students who are graduating, or withdrawing, or cancelling enrollment from the University, and who also have a balance of \$15 or more on their Bison Bucks accounts, the University will first apply the balance to the student's university account. If there is no money owed to the student's NDSU account, the a refund will be generated. forward the balance to the student's last known address in the form of a check.

5.1 If the check or direct deposit funds are is returned, the University shall hold on to retain it for safekeeping for three years. Attempts are periodically made to

contact the student until the time the check is written off and the money is turned over to the state abandoned property office.

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

5.3 Uncashed NDSU checks are accounted for as outstanding checks until they are written off.

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

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

~~5.6.~~ A \$15 fee, or the account balance if it is under \$15, will be imposed for accounts that are inactive for more than one year from the date of the last transaction.

~~6.7.~~ Customers with checks returned for insufficient funds will have accounts frozen until payment is received.

~~7.8.~~ Funds are non-transferable.

~~8.9.~~ IMMEDIATELY report lost or stolen cards to the NDSU University Police (701-231-8998). Once the card has been reported lost, the cardholder is not responsible for any additional purchases. Per federal regulations, the cardholder is responsible for up to \$50 if the lost or stolen card is reported within two business days. If the lost or stolen card is not reported within two business days, the cardholder can be liable up to \$500 or the total account balance, whichever is lower.

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

HISTORY: April 1998; May 2005, October 2007

Addendum
Academic Affairs Committee Report
For Faculty Senate –March 21, 2011

Curricular Recommendations

New Courses							
Subject	No.	Title					Crs.
COMM	347	Television On-Air Performance					3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
MICR	350L	General Microbiology Laboratory	1	MICR	350L	General Microbiology Laboratory	2
PHRM	351	Introduction to Pharmacy Practice	2	PHRM	351	<i>Pharmaceutical Care I</i>	1
Change in Prerequisites/Corequisites and Change in Bulletin Descriptions – for information only							
Subject	No.	Title	Prerequisite/Corequisite Change				
EDUC	489/ 689	Native American/Multicultural Instructional Practices	Change in Bulletin Description Requisite: Admission to the School of Education				
PSYC	350	Research Methods I	Change in Bulletin Description Prerequisites: PSYC 111, MATH 103				

SECTION 331.1: COURSE SYLLABUS

SOURCE: NDSU Faculty Senate

Each course taught at NDSU shall have a syllabus to provide ~~course-specific class~~ information for students and to fulfill federal and other legal requirements.

The following categories of information shall be included on all syllabi:

- Course prefix, number, credits, and title
- Instructor and contact information
 - Include campus address, phone number, email address, office hours
- Course Bulletin description
 - Description on syllabus must be consistent with the description listed in the current course catalog. Additional information may be included after the bulletin description in a syllabus.
- Course objectives
 - List objectives, goals, aims and outcomes for the course.
 - All General Education course syllabi and course web sites must identify the course as having been approved for General Education and include the General Education category and outcomes. See General Education Course Syllabi Requirements (web link).
- Evaluation procedures and criteria
 - Indicate how students are evaluated, including tests, quizzes, papers, assignments, weight of the assignments, etc.
 - Clearly identify how course grades are determined.
 - If a course is offered for both undergraduate and graduate credit, the additional requirements for graduate students must be clearly described on the syllabus.
- Attendance
 - If class attendance is a component of the course grade, the course instructor must clearly communicate this in the syllabus (see NDSU Policy, Section 333).
- Course schedule/outline/calendar of events
 - Provide students with a projected outline of significant events that occur throughout the semester, including assignments, projects, examinations, field trips, guest speakers, etc.
 - Note the NDSU Dead Week policy, which limits the amount and type of exams/quizzes that may be given during the last two weeks of the semester and identifies exceptions. See NDSU Policy Section 336: Examination and Grading (web link)
- Required student resources
 - List books, lab manuals, technology, supplies, calculators, and any other materials required or recommended for the student to complete the course requirements.
- American with Disabilities Act statement ~~about students with special needs~~
 - The following statement, or something similar, must appear on all syllabi:
 - Any students with disabilities or other special needs, who need special accommodations in this course are invited to share these concerns or requests

with the instructor and contact the Disability Services Office as soon as possible.

- ~~Approved academic honesty statement. This may be a statement of a college honor code or a statement such as the following:~~
 - ~~The academic community is operated on the basis of honesty, integrity, and fair play. NDSU Policy 335: Code of Academic Responsibility and Conduct (<http://www.ndsu.edu/policy/335.htm>) applies to cases in which cheating, plagiarism, or other academic misconduct have occurred in an instructional context. Students found guilty of academic misconduct are subject to penalties, up to and possibly including suspension and/or expulsion. Informational resources about academic honesty for students and instructional staff members can be found at (<http://www.ndsu.edu/facultysenate/honesty/>).~~
 - ~~All work in this course must be completed in a manner consistent with NDSU Faculty Senate Policy, Section 335: Code of Academic Responsibility and Conduct (<http://www.ndsu.nodak.edu/policy/335.htm>).~~

Syllabi with updated schedules or information shall contain the date of last update.

- ~~Syllabi presented on web pages shall contain the date of last update.~~

A template to facilitate preparation of a syllabus is available on the Academic Affairs Committee web site.

Faculty are encouraged to provide the following statement on syllabi:
"Veterans and student soldiers with special circumstances or who are activated are encouraged to notify the instructor in advance."

- ~~Suggestions for preparation of the syllabus are listed at:~~

<http://www.ndsu.edu/facultysenate/acadaffairs/>

HISTORY: September 28, 2000, February 2009, December 2010hk, February 14, 2011hk.

Bylaws

Article I: Faculty Senate Membership

Section 1.

Each representation unit shall have one elected senator for every fifteen eligible faculty (see Constitution Article 3, Section 1), or major fraction thereof, assigned to the Fargo Campus as of October 1 of each year. Faculty members in the Agriculture Experimental Station and the NDSU Extension Service shall be counted in and vote with their assigned representation unit.

Section 2.

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

Section 3.

The following are considered representation units for the purposes of determining Faculty Senate seats:

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

Section 4.

The Faculty Senate President with the assistance of the Secretary of the Senate will stagger Senate terms so that approximately 1/3 of the senators from each representation unit are elected each year. Each unit shall hold a meeting to elect the necessary senators by April 15 of each year.

Section 5.

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

Section 6.

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

Section 7.

A senator may be removed from office by way of a two-thirds majority vote at a regular Faculty Senate meeting, followed by a 2/3 majority vote at the next meeting. This action may never be part of a consent agenda.

Section 8.

All senators are expected to:

1. Attend all Faculty Senate meetings. If unable to attend the meeting the senator must find a competent substitute (who is not already a senator) to act as her or his proxy at the meeting. Said proxy will have all rights and privileges accorded a regular senator. The senator must provide signed notification of the substitution to the Secretary of the Faculty Senate prior to start of the meeting.
2. Prepare for Faculty Senate meetings including reading the agenda and all attachments prior to the meeting.
3. Participate in meetings as long as doing so advances the business of the Faculty Senate.
4. Disseminate Faculty Senate information to their individual representation units.
5. Gather opinions and other information from their representation units concerning Faculty Senate activity.
6. Show proper decorum during meetings.

Article II: Organization and Faculty Senate Operation

Section 1.

Administrative officers of the Faculty Senate consist of the President and the President-Elect.

Section 2.

The President-Elect shall be elected for a one-year term by the Faculty Senate at the April or May meeting of the Faculty Senate. The President-Elect will be elected from the roster of current or former Senators.

Section 3.

At the end of the term, the President-Elect will succeed the President for a one-year term of office.

Section 4.

During their respective terms the President-Elect and the President will not represent her or his representation unit.

Section 5.

Removal of the President or President-Elect requires a 2/3 majority vote at a regular Senate meeting, followed by a 2/3 majority vote at a special meeting of the Senate not more than 2 weeks after the first meeting. In the event that the President is removed, the President-Elect will assume the role of President and will continue as President until the President-Elect's original term is concluded. In the event that the President-Elect is removed, the Senate will vote to replace the President-Elect at the next regular meeting of the Senate. These actions may never be part of a consent agenda. The removed officer shall not complete her or his term as a Senator.

Section 6.

Duties of the President shall include the following:

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

Section 7.

Duties of the President-Elect shall include the following:

1. Assist the President in executing the duties of the office.
2. Serve as President during any absence by the President.
3. Serve on the Senate Executive Committee.
4. Serve on the Coordinating Council.
5. Represent the Faculty Senate to the Staff Senate and the Student Government.

Section 8.

The University Registrar shall be the Secretary of the Senate; the Secretary of the Senate is not a voting member of the Senate. The duties of the Secretary shall include:

1. Acquire the agenda and related attachments, if any, from the President, then prepare and disseminate the agenda in accordance with Section 13.
2. Maintain a current roster of senators and record attendance to confirm a quorum.
3. Collect and read the member substitution authorizations at the meeting.
4. Record, prepare and disseminate meeting minutes according to Section 15.
5. Schedule a room for all Faculty Senate meetings.
6. Maintain a permanent record of Faculty Senate minutes.
7. Maintain a permanent record of annual reports submitted by the President and chairs of Faculty Senate committees.
8. Maintain records of standing committee membership.
9. Prepare updated versions of the Constitution for distribution.
10. Archive all past versions of Constitutions and Bylaws.
11. Verify the eligibility of senators and committee members.

Section 9.

Regular meetings of the Senate shall be held at 3:30 pm on the second Monday of each month of the academic year. The meetings will be held the third Monday of the month if the second Monday is a University or state holiday, or if University classes are not yet in session at least one week prior to the second Monday of the month.

Section 10.

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

Section 11.

Meetings of the Faculty Senate shall be open to the public. At each Senate meeting the President of the University, the Provost/Vice President for Academic Affairs, the Student Body President, and the Staff Senate President will be invited to make announcements. The Faculty Senate President may allow other non-senators to speak and/or provide reports. However, only senators may make motions and only senators may vote on motions before the Senate.

Section 12.

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

Section 13.

The primary business of the Faculty Senate is to review, propose, and approve 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

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

1. Approval of the minutes of the previous meeting
2. Announcements
3. Consent agenda
4. Committee and other reports

5. Unfinished business
6. New business
7. Adjournment

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

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

The President, in consultation with the Executive Committee, may add an urgent piece of new or committee business to this meeting if the timing is critical.

Section 14.

A quorum of at least 55 percent of the total voting membership of the Senate shall be present in order to conduct Senate business.

Section 15.

The minutes of the meeting shall be posted to the Senate website by the Secretary within one week after the meeting.

Article III: Senate Committees

Section 1.

Duties of standing committees include:

1. Selecting a chair who will serve as a liaison to the Faculty Senate.
2. Initiating and reviewing policy and policy changes in their areas of responsibility.
3. Providing their recommendations to the Faculty Senate for action.
4. Consulting with and providing advice to the administration, students, and staff when requested to do so.
5. Promptly and responsively discharging their duties.

Section 2.

The Faculty Senate shall confirm the membership of all standing committees, except the Standing Committee on Faculty Rights.

Section 3.

Committees shall determine their own procedural rules. However, no committee shall conduct business without a majority of members present. Each committee will keep such records as necessary to conduct business. In addition, every Faculty Senate Committee (except Academic Integrity, Conflict of Interest Advisory, Executive, Faculty Rights, and Grade Appeals) will make an oral report of progress (5 minutes) at the May meeting of the Faculty Senate or, at the President of the Faculty Senate's request, submit a written report at the end of the academic year.

Section 4.

Individual representation units will determine their own methods for selecting members of standing committees consistent with Articles IV and V. Such membership shall be presented to the Faculty Senate at the first meeting of each academic year. Committee members will serve two-year terms for at most four consecutive years, unless otherwise specified under the committee description.

Section 5.

After the Faculty Senate has approved membership in the Standing Committees, each committee will meet and elect a chair, who will communicate all committee business to the Senate.

Section 6.

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

Section 7.

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

Article IV: Faculty Senate Standing Committees

Section 1. Academic Affairs

1. Voting members shall consist of one faculty member, with the rank of full or associate professor, from each of the representation units, a representative of the Dean of Graduate and Interdisciplinary Studies, and two students.
2. Non-voting members shall consist of the Provost/Vice President for Academic Affairs and the University Registrar.
3. Committee responsibilities include:
 - a. Coordinating and recommending actions on proposals for curriculum and course changes that have been received from the colleges
 - b. Recommending policies for the evaluation of transfer credit
 - c. Recommending policies for graduation
 - d. Recommending candidates for graduation
 - e. Recommending the scheduling of policies for the efficient utilization of classrooms and laboratories

Section 2. Academic Integrity

1. Membership shall consist of one tenured faculty member with the rank of professor from each representation unit. If a full professor is not available, an associate professor may be appointed.
2. Committee responsibilities include:
 - a. Providing investigative assistance on cases involving academic misconduct as described in Policy 326.

- b. Selecting panels of three persons competent to investigate allegations; such panels may include members from outside the University.
- c. Reviewing and recommending policies on academic integrity.

Section 3. Conflict of Interest Advisory

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

Section 4. Council of College Faculties

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

Section 5. Equity and Diversity

1. Voting membership shall consist of five faculty members recommended by the Faculty Senate Executive Committee and appointed by the Faculty Senate President and a representative from the Commission on the Status of Women Faculty. The Executive Committee shall strive for representation from diverse groups.
2. Non-voting membership shall consist of a representative from the office of the Vice President for Equity, Diversity, and Global Outreach.
3. Committee responsibilities include:
 - a. Reviewing, revising and proposing policies to ensure that rights and considerations of diverse groups of faculty are included in NDSU policy, practices, and procedures.
 - b. In particular, the committee will explore and identify ways that NDSU can be more inclusive for diverse faculty including women, people of color, and sexual minorities (e.g., lesbian, gay, bisexual, or transgendered).

Section 6: Executive Committee of the Faculty Senate

1. Voting membership shall consist of one senator from each representation unit, the President, the immediate Past President, and the President-Elect. In the event the immediate Past President is unable or unwilling to serve, the President will appoint another past President as

a replacement for the immediate Past President on the committee. The term of office shall be for one year following the regular May meeting.

2. Non-voting membership shall consist of the Dean of Graduate and Interdisciplinary Studies, the Provost/Vice President for Academic Affairs, the Faculty Senate Secretary, and the parliamentarian. The term of office of all members of Executive Committee shall be for one year following the regular May meeting.
3. During the first week of the fall semester, the Executive Committee shall meet and organize for the academic year.
4. Committee responsibilities are the following:
 - a. Delegating tasks to Faculty Senate committees.
 - b. Reviewing the progress of Faculty Senate committees.
 - c. Setting the agenda for upcoming Faculty Senate meetings.
 - d. Interpreting, when necessary, provisions of the Faculty Senate Constitution and Bylaws.

Section 7. Faculty Affairs

1. Membership shall consist of one faculty member from each representation unit and a representative of the Dean of Graduate and Interdisciplinary Studies.
2. Committee responsibilities include:
 - a. Reviewing policies and procedures relating to faculty affairs such as academic freedom, promotion, tenure, and evaluation, teaching and service.
 - b. Reviewing and recommending revisions to the personnel sections of the Faculty Handbook concerning faculty affairs.

Section 8. Faculty Rights

1. Membership, responsibilities, and procedures are determined by directives of the North Dakota State Board of Higher Education.
2. Membership consists of five members, from different representation units, elected for five-year terms by the faculty. Membership is restricted to tenured full professors.
3. Each spring the faculty shall elect by secure electronic ballot a faculty member to serve on the Standing Committee on Faculty Rights.
4. In the event that a member of the committee recuses himself/herself from the committee for a particular case or is recused by committee vote, the committee will appoint a replacement to serve the remainder of the term after considering those who have previously served on the committee.

Section 9. General Education

1. Voting membership shall consist of one tenured faculty member from each representation unit, a representative from the Assessment Committee, and two students selected by the Student Government.
2. Non-voting members shall consist one representative from each of the following: the NDSU Library, Registration and Records, and the Provost/Vice President for Academic Affairs.
3. Committee responsibilities include:
 - a. Ensuring that existing courses and experiences meet general education requirements.

- b. Developing criteria and procedures for submitting, evaluating, and approving courses and experiences that meet general education requirements of NDSU and the Higher Learning Commission of the North Central Association of Colleges and Schools.
- c. Developing criteria and procedures for submitting, evaluating, and approving courses or experiences that meet the general education requirements for integration into students' curricula.
- d. Coordinating and recommending actions to the Faculty Senate on proposals for approving general education courses.
- e. Providing periodic assessment of students' attainment of intended student outcomes in general education.
- f. Studying, coordinating, and recommending to the Faculty Senate policies and procedures for continuing improvement in general education.

Section 10. Grade Appeals Board

Membership shall consist of one faculty member and one alternate from each representation unit, a representative of the Dean of Graduate and Interdisciplinary Studies, three students and three student alternates selected by the Student Government. Policy 337 governs who will chair the committee, as well as process.

- 1. Faculty shall be elected for three-year terms by their representation unit.
- 2. Students should be full-time students with a minimum 2.00 cumulative grade point average and junior standing.
- 3. Committee responsibilities include:
 - a. Hearing charges of inequitable or prejudiced academic evaluations and to provide redress for improper evaluation.
 - b. Acting in accordance with procedures approved by the Faculty Senate, specifically Policy 337.

Section 11. Program Review

- 1. Membership shall consist of one tenured faculty member from each representation unit, the immediate past president of the Faculty Senate, the Dean of the College of Graduate and Interdisciplinary Studies, the Provost/Vice President for Academic Affairs, and two students selected by the Student Government. Each representation unit shall also select an alternate faculty member to serve in case of recusal.
- 2. Committee responsibilities include:
 - a. Developing criteria and procedures for review of academic programs.
 - b. Performing a continuing review of graduate and undergraduate academic programs with regard to such factors as mission, need, quality, cost, and contribution to other programs.
 - c. Addressing concerns and making recommendation to the Faculty Senate regarding duplication of programs and courses.
 - d. Recommending policies for University support to individual programs.
 - e. Coordinating the time of and use of external program reviews by accrediting agencies and/or other expert evaluators in its review of specific academic programs.

Section 12. Research & Consulting

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

Section 13. Technology and Instructional Services Committee

1. Voting membership shall include one faculty member from each of the representation units and a representative of the Dean of Graduate and Interdisciplinary Studies.
2. Non-voting membership shall include one representative from Information Technology Services (ITS).
3. Committee responsibilities shall include:
 - a. an annual review of ITS support services to the NDSU teaching and research communities.
 - b. making recommendations for Faculty Senate approval of any changes proposed by ITS regarding policy, implementation procedures, or classroom and instructional technologies.
 - c. formulating recommendations regarding needs of the faculty that are unmet by ITS.
 - d. serving as the liaison between the Faculty Senate and ITS administration.

Article V: Joint Standing Committees

Section 1. Senate Coordinating Council

1. Voting membership shall consist of the two representatives each from the Faculty, Student, and Staff Senates, the Faculty Senate President, the Staff Senate President, and the Student Body President.
2. Non-voting membership shall consist of the Provost/Vice President for Academic Affairs, the Vice President for Student Affairs, the Vice President for Finance and Administration, and representatives of one of these Vice President's offices, one of whom will facilitate meetings and one of whom will maintain records. The Vice President's offices will rotate responsibility for calling meetings and maintaining records every three to five years. The coordinating council may decide to invite policy initiators to the meetings as nonvoting members to explain policy changes.
3. Committee responsibilities include:
 - a. Encouraging the development of clear, thorough, and consistent policies by stimulating collegial discussion and analysis of policy proposals having campus-wide effects.
 - b. Coordinating the distribution of policies to the appropriate senate body consistent with the Faculty Senate Constitution.
 - c. Sending policies that have been voted on to appropriate channels at NDSU for final approval.

- d. Serving in a liaison capacity regarding the Faculty Senate, administration, Staff Senate, and Student Government.

Section 2. Campus Space & Facilities

1. Voting members shall consist of one faculty member from each representation unit, three staff members appointed by the Staff Senate, three student members (graduate, undergraduate, and on-campus) appointed by the Student Government, a representative of the College of Graduate and Interdisciplinary Studies, the Provost/Vice President of Academic Affairs, the Registrar, and the Vice President for Finance and Administration.
2. Non-voting members shall consist of the Director of Facilities Management, the Chair of the Department of Architecture and Landscape Architecture, the Assistant to the Director of the North Dakota Agricultural Experiment Station, and a representative of the Dean of Libraries.
3. Committee responsibilities include:
 - a. Provide for the systematic development and review of the “Campus Master Plan” and Guidelines for Campus Development.
 - b. Recommending policies and procedures to meet the current and future needs for all physical facilities and reviewing changes in University space allocation including classrooms and laboratories.
 - c. Reviewing proposed building projects and major building renovations prior to presentation to the State Board of Higher Education and the Legislature.
 - d. Recommending policies for site location for new buildings and for overall landscaping.
 - e. Recommending traffic and parking regulations, to include cars, buses, bicycles, and pedestrians.
 - f. Recommending plans for sidewalks, streets, and parking lots.

Section 3. Library

1. Membership shall consist of one faculty member from each representation unit, one undergraduate and one graduate student appointed by the Student Government, a staff member appointed by the Staff Senate, a representative from Information Technology Services, a representative of the Dean of Graduate and Interdisciplinary Studies and the Dean of Libraries.
2. Committee responsibilities include:
 - a. Formulating policy recommendations for the NDSU Libraries.

Section 4. University Athletics

1. Membership consists of one faculty member from each representation unit, two students, the Student Body Vice President, the President of the Student-Athletes Advisory Council, two representatives of the Staff Senate, the Director of Intercollegiate Athletics, the Director of Intercollegiate Women’s Athletics, the Vice President for Equity, Diversity, and Global Outreach, and the Faculty Athletic Representative.
2. The University Athletics Committee serves as the NDSU Athletics Advisory Board as described in the constitution of the National Collegiate Athletics Association (NCAA).
3. Committee responsibilities include:
 - a. Promoting compliance with principles of conduct as defined by the NCAA.
 - b. Acting as the Board of Appeals for athletic grievances.

- c. Initiating and reviewing policies concerning University Athletics and making recommendations for consideration of said policy to the Faculty Senate. Such areas of concern include Guidelines for athletic schedules, guidelines for participation in postseason activities, awards for excellence in athletics, eligibility of athletes.
- d. Reviewing upcoming issues at intercollegiate conference meetings and recommending institutional positions.
- e. Reviewing the budget of the athletic programs prior to its approval by the University President.
- f. Stimulating interest in athletic events throughout the University community.

Section 5. Equal Opportunity Hearing Panel

- 1. Membership shall consist of six faculty members appointed by the Faculty Senate President in consultation with the Senate Executive Committee, six students appointed by the Student Government President, and six Staff members appointed by the Staff Senate President.
- 2. Each President shall strive for diverse representation (gender, ethnicity, etc) in her/his group of appointees.
- 3. Committee responsibilities include:
 - a. Acting in accordance with procedures and policy approved by the Senate, specifically Policy 156.

Section 6. University Assessment

- 1. Membership shall consist of one faculty member from each representation unit, a representative from the General Education Committee, a representative of the Dean of Graduate and Interdisciplinary Studies, the Provost/Vice President for Academic Affairs, one undergraduate student, and one graduate student appointed by the Student Senate, a representative from the Division of Student Affairs, a representative from the NDSU Extension Service, a representative from the Office of Institutional, Research and Analysis, a representative from Distance and Continuing Education, and the Director of the Office of Accreditation and Assessment.
- 2. Committee responsibilities include:
 - a. Periodically reviewing the assessment of student learning in undergraduate and graduate academic programs, within the units in the Division of Student Affairs and in the NDSU Extension Service.
 - b. Developing procedures for annual reporting of assessment activities by departments and other academic units, units in the Division of Student Affairs, and the NDSU Extension Service on their assessment activities.
 - c. Providing feedback and assistance to departments and other academic units on their assessment activities.
 - d. Providing a yearly summary of assessment activities to the Faculty Senate, The Provost/Vice President for Academic Affairs, the Vice President for Agriculture and University Extension, and the Director of the NDSU Extension Service.

Article VI: Amending the Bylaws

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

When approved by the University President the changes shall become effective immediately.

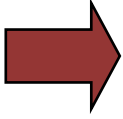
Bylaws Effective Date and Implementation Plan

Because the changes to the Senate bylaws are so substantial, and because the academic year is so near an end, the Faculty Senate would like to institute the following effective date and implementation plan for putting the new changes into place, rather than having everything go into full effect when the bylaws are signed by the President.

1. The overall bylaws effective date will be May 30, 2011.
2. Elections and appointments for Senate representatives and committees for 2011-12 shall occur before the official effective date based on the changed document. Senate membership will be rebalanced in accordance with the new bylaws for 2011-12 but not during the spring 2011 semester.
3. Policies will continue to be routed through the Policy Coordinating Committee through the summer and until policy 714 is altered.
4. Committees will continue to run through the summer as before. New and transformed committees will begin their work in Fall 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: *Section 608: Suicide Threat Response 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).

This policy has been updated to more accurately reflect current practice regarding suicidal threats. The Behavior Intervention Team (Policy Section 601.1) replaces the Emotional Emergencies Team, and references to establishing behavior contracts as a means to address concerns has been removed, to reflect current practice and national trends.

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

*Source: Division of Student Affairs, Student Life Unit
NDSU President*

Revisions have been prepared by the Behavior Intervention Team and reviewed by the Vice President for Student Affairs.

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: 10/13/10 presented to PCC; 11/10/10 – CO TO PCC

Faculty 01/31/2011 Route for Info v2

Senate:

Staff Senate: 01/31/2011 Route for Info v2; 02/02/11 approved v2

President's 01/31/2011 Route for Info v2

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

SECTION 608: SUICIDE THREAT RESPONSE POLICY

SOURCE:

**Division of Student Affairs, Student Life Unit
NDSU President**

1. **INTRODUCTION:** Suicide is known to be a leading cause of death for college and university students. In addition, suicide, attempted suicide, and suicidal gestures have a significant detrimental effect, not only on the involved student, but on others in the campus community.

North Dakota State University (NDSU) seeks to foster a campus community free from all personal abuse, whether that abuse is directed at oneself or others. NDSU commits its resources to the following twofold process: 1) to provide crisis intervention and 2) to educate and promote discussion about self abuse and violence.
2. **DEFINITION:** For the purpose of this policy, suicide is the purposeful act of causing one's own death. Attempted suicide is the act, threat, or gesture in which a person engages in life threatening behavior(s) with the intent of jeopardizing his/her life.
3. **PREVENTION:** The goal of educational programming offered by various units in the [Division of Student Affairs](#) is to promote understanding concerning the dynamics of suicide and to recognize behaviors that may signal suicidal intent. Periodic programming will address issues of depression, general principles of mental health, stress, and other topics related to student concerns. These collaborative educational efforts will involve staff from the Department of Residence Life, Counseling Center, and other staff who work with students from across campus.
4. [PARENTAL NOTIFICATION](#)- **EMERGENCY EXCEPTION TO CONFIDENTIALITY:** Suicidal situations are highly individual. The primary goal of this policy is student's safety. To achieve this, appropriate family members will be contacted as necessary, under the direction of the Dean of Student Life, to promote the safety of the student and others whose health, life, or safety may be endangered. The Family Education Rights and Privacy Act (FERPA, 34 CFR 99.36) provides for the release of normally protected student data when it is believed that the student represents a health or safety risk to self or others.

5. INTERVENTION: The University's intervention efforts begin with ~~an Emotional Emergencies Response~~ the Behavior Intervention Team ~~(link to 601.1 http://www.ndsu.edu/policy/6011.htm)~~ of individuals who will rely, in part, on the expertise of the staff of the Counseling Center. Other University professional staff members will collaborate as needed to help individuals experiencing difficulties to remain in the University community ~~as safely as possible~~.

5.a. ~~Emotional Emergencies Response~~ Behavior Intervention Team ~~consists of representation from:~~ The Dean of Student Life may choose to seek advice from a team of individuals that includes:

Dean of Student Life Office
The Director of the
University Police and Safety Office
Counseling Center;
The Associate Director of
Department of Residence Life;
The Greek Life Advisor; and
The Associate Director of
Student Rights and Responsibilities Program;
Division of Academic Affairs

The Dean of Student Life may choose to seek advice from other individuals, as appropriate. ~~depending on the student's place of residence.~~ In addition, the University's General Counsel ~~and the Chief of the NDSU University Police~~ may be consulted when circumstances indicate a need.

This team will follow ~~procedures as established in this policy, and when safety may be compromised,~~ established procedures. ~~This group/team~~ may also participate in decision making that could lead to separation from the community for any individual whose presence may pose a safety risk to self or others.

[Note: When the individual needing intervention is a faculty or staff member, not a student, the emotional emergencies response team may include, but is not limited to, the following persons: The Director of Human Resources/Payroll; The Director of the Counseling Center; and a Dean, Director, or Chair; and the University's General Counsel and the Chief of the NDSU University Police may be consulted when necessary. Additional information on faculty/staff interventions may be requested from the Counseling Center and/or Human Resources/Payroll.]

5.b. Counseling Center: Staff from the Counseling Center will follow professional ethical guidelines when suicidal or potentially suicidal students seek help directly from that office. The general requirement that counselors keep information confidential does not apply when disclosure

is required to prevent clear and imminent danger to the client or others or when legal requirements demand that confidential information be revealed. Counselors consult with other professionals when in doubt as to the validity of an exception.

Counseling Center staff will also provide consulting services to University personnel upon request to assist staff in working with students on issues related to suicide. University faculty and/or staff members who are concerned about questions relating to suicide may call the office at any time. There is emergency service 24 hours a day all week during the academic year.

5.c. Other University Personnel: All other University personnel are expected to observe these procedures.

6. **REPORTING**: Because suicidal attempts may result in death, the early identification of persons at risk for suicide is essential. Help should be sought when individuals are talking about suicide or have taken any actions that could be construed as leading to a possible suicide attempt. In emergencies contact:

On Campus	NDSU University Police	231-8998 (available 24 hours)
Off Campus	Fargo Police Department	911 (available 24 hours)

[Note: Fraternities and Sororities are considered off-campus, but residents may also call NDSU University Police for assistance in emergencies.]

7. **CONSULTATION**: For consultation, advice can be sought from the following:

Counseling Center	231-7671 (available 24 hours)
Residence Life Facilities	In any on-campus living facilities, help may be sought from staff including Complex Managers, Hall Directors, <u>Peer Mentors</u> , Resident Assistants, or any other Residence Life administrators.
Dean of Student Life	231-8240

8. ASSESSING SUICIDE ATTEMPTS AND THREATS: Once an individual has been identified as at risk for suicide, the individual is expected to cooperate with University personnel and/or medical personnel in taking any necessary measures to reduce the likelihood that a suicide attempt will be made.

- ~~8.9~~ **POST-EVENT PROCEDURES**: Once a suicide or attempted suicide has been reported, the following procedures will be followed by faculty or staff members:

98.1 Once the immediate emergency has ~~past~~ended, contact the Dean of Student Life Office (231-6537) for assistance in notifying instructors, advisers, and conducting other necessary University business. The following services may be offered as needed:

- 98.1.a. academic schedule adjustments
- 98.1.b. university withdrawal
- 98.1.c. notice to faculty and advisers concerning class absences
- 98.1.d. other appropriate University services

~~8.2 Once an individual has been identified as at risk for suicide, the individual is expected to cooperate with University personnel and/or medical personnel in taking any necessary measures to reduce the likelihood that a suicide attempt will be made. The student may be required to enter into a behavioral contract with University personnel to establish conditions under which that student may continue enrollment at NDSU.~~

98.23 Class enrollment. ~~Whenever possible, the student will be assisted to continue enrollment at NDSU.~~ The decision concerning continuing at NDSU will be made by the student in consultation with medical personnel, counseling personnel, academic advisors, or others necessary to make a decision that is in the best interests of the student.

9.10. OTHER BEHAVIORAL ACTIONS: When behaviors of students interfere with the rights of other students or disrupt the normal functioning of University, complaints about these behaviors will be processed as described in [*Rights and Responsibilities of Community: A Code of Student Behavior*](#).

109.a Campus residents. When the rights of other students are infringed upon by the behavior of a resident, the student may be refused further ~~campus~~ University living accommodations or may be required to comply with conditions established by the Department of Residence Life ~~to continue living on campus~~. Such conditions may be developed in consultation with the Counseling Center staff. Other actions may be taken as outlined in the Residence Life License Contract or as a result of a disciplinary proceeding under *Rights and Responsibilities of Community: A Code of Student Behavior*.

109.b Involuntary Psychiatric Withdrawal. In very rare instances, when all other measures prove ineffective, the University may invoke the policy on Involuntary ~~Psychiatric~~ Withdrawal as outlined in Section 9 of the [*Code of Student Behavior*](#).

HISTORY: September 1995, September 2003, October 2007, July 2009 hk

• POLICY MANUAL HOME PAGE :
○ SEARCH POLICY :
• NDSU HOME PAGE

[NDSU Policy Manual](#)

Last Updated: Thursday, May 09, 2008

Published by North Dakota State University

A Faculty Senate Resolution Regarding Shared Governance

WHEREAS the Constitution of the NDSU Faculty Senate states, "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 (h) Other matters of interest to the faculty."

WHEREAS the NDSU Core Values Statement states, "We promote excellence through individuals participating in decisions and value cooperation for the common good."

WHEREAS the recent decision about the Center for Child Development was made with little discussion with the faculty about the wide-reaching consequences of the closure.

THEREFORE, LET IT BE RESOLVED that the NDSU Faculty Senate strongly urges President Bresciani to adhere to the principle of shared governance by working closely with faculty members before making decisions that will potentially have such detrimental consequences for the faculty.

Agenda **Faculty Senate Meeting**

Meeting place and time: 3:30 pm, Monday, April 11, 2011
Memorial Union, Plains Room

- I. Substitutions - K. Wold-McCormick
- II. Approval of March 21, 2011, Minutes
- III. Consent Agenda
 - A. Academic Affairs ([Attachment 1](#))
 - B. Policy Coordination Committee
 - For Information only:
 - Policy 100: Equal Opportunity and Non-Discrimination Policy ([Attachment 2](#))

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

- IV. General Announcements
 - A. President Bresciani
 - B. Provost/VPAA Schnell
 - C. A. Rupiper Taggart, President of Faculty Senate
 - Resolution on Shared Governance ([Attachment 3](#))
 - D. G. Totten, President Elect of Faculty Senate
 - E. K. Mickelson, President of Staff Senate
 - F. S. Affolter, Vice President of Student Body
- 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 - G. Totten/A. Rupiper Taggart
 - For Discussion and Vote:
 - Policy 331.1: Course Syllabus ([Attachment 4](#))
 - For Discussion:
 - Policy 601: Code of Student Behavior ([Attachment 5](#))

VI. Unfinished Business

VII. New Business

VIII. Adjournment

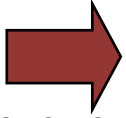
Academic Affairs Committee Report For Faculty Senate –April 11, 2011

Curricular Recommendations

New Transcriptable Options in B.S. Animal Science							
Meat Science							
Livestock Media							
Animal Biomedical Sciences							
Animal Production, Management, and Husbandry							
Animal Agribusiness							
Termination of Degree Program							
Bachelor of Arts Degree for Clinical Laboratory Science							
Bachelor of Arts Degree for Radiological Science							
Bachelor of Arts Degree for Respiratory Care							
Program Title Change							
From: Clinical Laboratory Science				To: Medical Laboratory Science			
Change in Prefix							
From: CLS (Clinical Laboratory Science)				To: MLS (Medical Laboratory Science)			
New Courses							
Subject	No.	Title					Crs.
ARCH	341	Site Design for Architects					4
COMM	348	Documentary & Commercial Production					3
PLSC	312	Expanding the Boundaries of Learning with Service					1
PHRM	350	Introduction to Pharmacy Practice					2
H&CE	482	Science, Technology, Engineering, & Mathematics Teaching Methods in Agricultural Education					3
Course Deletions							
(Uniform)	797R	Paper Continued Registration					1-3
(Uniform)	798R	Thesis Continued Registration					1-3
(Uniform)	799R	Dissertation Continued Registration					1-3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
CM&E	320	Soils and Foundations	4	CM&E	260	Soils and Foundations	4
PHRM	552L	Pharmaceutical Care Laboratory IV	1	PHRM	552L	Pharmaceutical Care Laboratory IV/Introductory Pharmacy Practice Experience IV	1
CHEM	728	Physical Methods in Inorganic Chemistry	2	CHEM	728	Physical Methods for Chemical and Biomolecular Research	2
(Uniform)	792	Case Studies	1-3	(Uniform)	792	Specialized Studies for K-12 Teachers	1-5
Change in Prerequisites/Corequisites and Change in Bulletin Descriptions – for information only							
Subject	No.	Title	Prerequisite/Corequisite Change				
CM&E	250	Construction Statics and Mechanics	Prereq: Math 146				
CM&E	301	Construction Technology & Equipment	Prereq: CM&E 240 and CM&E 260				
CM&E	453	Concrete Design and Construction	Prereq: CM&E 260				
ENVD	130	Drawing for Environmental Designers	Change in Bulletin Description Delete all existing course prerequisite/s				
ME	442	Machine Design I	Change ME 331 from prerequisite to corequisite Requisites: Admission to professional program				

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: **Section 100: Equal Opportunity and Non-Discrimination Policy**

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

Adding two protected classes to provide equal opportunity and freedom from discrimination based on gender expression and genetic information.

Under the Genetic Information Nondiscrimination Act (GINA), employers are barred from using genetic information when making a hiring decision.

Gender expression is being added as this represents individuals choosing to express themselves as masculine or feminine through clothing, haircut, voice or body characteristics but does not necessarily identify as the other gender.

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

Vice President for Equity, Diversity and Global Outreach

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:

Faculty 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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Thank you for your understanding!

SECTION 100: EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY**SOURCE:****NDSU President****SBHE Policy Manual, Section 603.2**

North Dakota State University is fully committed to equal opportunity in employment decisions and educational programs and activities, in compliance with all applicable federal and state laws and including appropriate affirmative action efforts, for all individuals without regard to age, color, disability, gender expression/identity, genetic information, marital status, national origin, public assistance status, sex, sexual orientation, status as a U.S. veteran, race, religion, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.

The following notice must be included in all departmental publication such as bulletins, announcements, manuals, publications, guidebooks, brochures, pamphlets, catalogs, application forms or recruitment materials describing or inviting participation in programs at North Dakota State University. (This notice is not required on departmental homepages.):

Non-Discrimination Policy:

North Dakota State University does not discriminate on the basis of age, color, disability, gender identity, marital status, national origin, public assistance status, sex, sexual orientation, status as a U.S. veteran, race or religion. Direct inquiries to the Vice President for Equity, Diversity and Global Outreach, 205 Old Main, (701)231-7708.

HISTORY: May 1972; Amended April 2, 1991; April 1992; August 1993; August 1999; February 2005; December 2007; June 12 2009; July 8, 2009; September 2009hk

A Faculty Senate Resolution Regarding Shared Governance

WHEREAS the Constitution of the NDSU Faculty Senate states, "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 (h) Other matters of interest to the faculty."

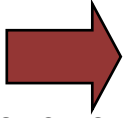
WHEREAS the NDSU Core Values Statement states, "We promote excellence through individuals participating in decisions and value cooperation for the common good."

WHEREAS the recent decision about the Center for Child Development was made with little discussion with the faculty about the wide-reaching consequences of the closure.

THEREFORE, LET IT BE RESOLVED that the NDSU Faculty Senate strongly urges President Bresciani to adhere to the principle of shared governance by working closely with faculty members before making decisions that will potentially have such detrimental consequences for the faculty.

Policy Change Cover Sheet

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SECTION: **331.1 Course Syllabus**

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

Changes provide expanded information and examples of syllabi requirements and a few items were added, including:

- ***Revised academic honesty statement***
- ***Mention of Dead Week policy in schedule/outline***
- ***Suggested language for military/veterans who are called to active duty***
- ***Added bullet about recording and distributing class audio and/or video***

2. This policy was originated by (individual, office or committee/organization):
Registration and Records, on behalf of Academic Affairs and Academic Dishonesty committees

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 03/31/2011 presented to the PCC

Committee:

Faculty 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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Thank you for your understanding!

SECTION 331.1: COURSE SYLLABUS

SOURCE: NDSU Faculty Senate

Each course taught at NDSU shall have a syllabus to provide course-specific class information for students and to fulfill federal and other legal requirements.

The following categories of information shall be included on all syllabi:

- Course prefix, number, credits, and title
- Instructor and contact information
 - 1-Include campus address, phone number, email address, office hours
- Course-Bulletin description
 - 2-Description on syllabus must be consistent with the description listed in the current course catalog. Additional information may be included after the bulletin description in a syllabus.
- Course objectives
 - o List objectives, goals, aims and outcomes for the course.
 - 3-All General Education course syllabi and course web sites must identify the course as having been approved for General Education and include the General Education category and outcomes. See General Education Course Syllabi Requirements (web link).
- Evaluation procedures and criteria
 - o Indicate how students are evaluated, including tests, quizzes, papers, assignments, weight of the assignments, etc.
 - o Clearly identify how course grades are determined.
 - 4-If a course is offered for both undergraduate and graduate credit, the additional requirements for graduate students must be clearly described on the syllabus.
- Attendance
 - o If class attendance is a component of the course grade, the course instructor must clearly communicate this in the syllabus (see NDSU Policy, Section 333).
- Notification of class audio/video recording and distribution (if applicable)
 - o If audio and/or video recording and/or distribution of the class will be done, notify ~~the~~ students and explain how the information will be used.
- Course schedule/outline/calendar of events
 - o Provide students with a projected outline of significant events that occur throughout the semester, including assignments, projects, examinations, field trips, guest speakers, etc.
 - 5-Note the NDSU Dead Week policy, which limits the amount and type of exams/quizzes that may be given during the last two weeks of the semester and identifies exceptions. See NDSU Policy Section 336: Examination and Grading (web link)
- Required student resources
 - 6-List books, lab manuals, technology, supplies, calculators, and any other materials required or recommended for the student to complete the course requirements.
- American with Disabilities Act statement ~~about students with special needs~~
 - o The following statement, or something similar, must appear on all syllabi:
 - 7-Any students with disabilities or other special needs, who need special accommodations in this course are invited to share these concerns or requests with the instructor and contact the Disability Services Office as soon as possible.
- Approved academic honesty statement. This may be a statement of a college honor code or a statement such as the following:

- The academic community is operated on the basis of honesty, integrity, and fair play. NDSU Policy 335: Code of Academic Responsibility and Conduct (<http://www.ndsu.edu/policy/335.htm>) applies to cases in which cheating, plagiarism, or other academic misconduct have occurred in an instructional context. Students found guilty of academic misconduct are subject to penalties, up to and possibly including suspension and/or expulsion. Informational resources about academic honesty for students and instructional staff members can be found at (www.ndsu.edu/academichonesty).
- ~~All work in this course must be completed in a manner consistent with NDSU Faculty Senate Policy, Section 335: Code of Academic Responsibility and Conduct (<http://www.ndsu.nodak.edu/policy/335.htm>).~~

Syllabi with updated schedules or information shall contain the date of last update.

- ~~Syllabi presented on web pages shall contain the date of last update.~~

A template to facilitate preparation of a syllabus is available on the Academic Affairs Committee web site.

Faculty are encouraged to provide the following statement on syllabi:

"Veterans and student soldiers with special circumstances or who are activated are encouraged to notify the instructor in advance."

- ~~Suggestions for preparation of the syllabus are listed at:~~

<http://www.ndsu.edu/facultysenate/acadaffairs/>

HISTORY: September 28, 2000, February 2009, December 2010hk, February 14, 2011hk.

Policy Change Cover Sheet

--BEFORE PRINTING THIS! Please Note!

*******It is over 80 pages.*******

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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: *601 Rights and Responsibilities of Community: A Code of Student Behavior*

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 document was reordered, in some sections, to make it flow in the order that better approximates the Code process.*
 - *In addition, members of the committee extensively reviewed the wording of the Code for clarity, and where deemed necessary, made adjustments to make the wording of the Code as clear as possible for student readers.*
 - *Some changes to the Code were made to reflect best practices in the field of student conduct. For example, changes were made to help students better understand their responsibilities as student hosts when alcohol is present and over consumption may ensue, while at the same time encouraging students to assist students in distress and anticipate that some leniency in sanctioning would be afforded in the Code process when acting as a Good Samaritan.*

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

Student Life Code Revision Committee:

Nona Wood, chair & Assoc. Director of Student Rights and Responsibilities

Janna Stoskopf, Dean of Student Life

Emily Frazier, Assistant Director of Student Rights and Responsibilities

Dennis Cooley, Assoc. Professor, History, Philosophy, & Religious Studies

Kyle Haiman, Hall Director, Residence Life

Lisa Hauck, Director of International Programs

Kate Haugen, Assoc. Vice President of Student Affairs & PCC

Moga Kareem, Student/Multicultural Programs

Cathy Marks, Student Services Associate, Graduate School

Audrey Olson, Administrative Assistant, Student Life

Karla Thoennes, Sr. Assoc. Director of Residence Life

Courtney Waid, Assistant Professor, Criminal Justice

Steve Winfrey, Director of Memorial Union

Michael Paolini, Student Court

The committee began reviewing the Code on Jun 18, 2010, and ended on December 17, 2010.

- *Student Life and the date submitted*

- *Janna.Stoskopf@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 Committee: Presented to PCC 03/31/2011

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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Thank you for your understanding!

RIGHTS AND RESPONSIBILITIES OF COMMUNITY: A CODE OF STUDENT BEHAVIOR

August ~~2008~~2011

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Revision in Progress

North Dakota State University
Rights and Responsibilities of Community:
A Code of Student Behavior
August 2011
Introduction

Higher education plays a vital role in educating future leaders by providing students with educational opportunities in and out of the classroom. The more time and energy students invest in educationally purposeful activities, the more they gain from their education. Learning is as much a social activity as a solitary endeavor.

To ensure NDSU students have an opportunity to gain the most from their education, they are encouraged to participate as committed citizens of the community by acting in a civil and responsible manner, accepting responsibility for actions and serving as a positive role model for others. Citizenship includes knowing and following local, state and federal laws and the University's Code of Student Behavior. Every NDSU student has the responsibility to observe and help maintain a code of personal behavior that contributes to the educational effectiveness of the university.

The Code of Student Behavior identifies core values important to an educationally purposeful environment. These values are Respect for the NDSU Community and Respect for the Protection and Rights of Others. Our goal with this code is educational and developmental as we work with students.

Respect for the NDSU Community

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

Respect for the Protection and Rights of Others

A community respecting the protection and rights of others is necessary to provide a positive and enriching educational environment. Behaviors that inhibit the educational process are of concern, whether they occur on or off university premises. This value communicates The importance the university places on respect for the protection and rights of others. Behaviors that inhibit the educational process are of concern, whether they occur on or off university premises. A community respecting the protection and rights of others is necessary to provide a positive and enriching educational environment.

Participation in Conflict Resolution Process

~~The university's relationship is with students. Our~~The university's goal is to work with students in an educational and developmental manner, and to assist them to reflect on and grow from their personal experiences. For this reason, other persons may not participate in the conflict resolution process; however, a person may be present as an advisor for the student.

General Complaint Procedures

The Vice President for Student Affairs Office has established a procedure for students to file complaints regarding student concerns or other issues, and provide for orderly collection of information, address students' complaints in a timely manner by appropriate university personnel, and help students learn effective conflict resolution skills. Complaints regarding student behaviors covered in this code will be resolved according to procedures described in this document. Complaints regarding non-students or student organization constitutional/procedural issues may be resolved by other means, including, but not limited to, student court, organizational standards boards, mediation, and honor commissions.

~~To assist students in stating the problem and desired resolution, a~~A form is available in the Vice President for Student Affairs Office, Old Main 100, the Dean of Student Life Office, Memorial Union 250, or online at <http://www.ndsu.edu/fileadmin/vpsa.ndsu.edu/ProblemsProcedure1.pdf>~~www.ndsu.edu/vpsa/forms/ProblemForms.xls~~ to assist students in stating the problem and desired resolution. Students also may arrange a meeting with the associate director of student rights and responsibilities, Memorial Union 250, any time during the process for advice and direction in resolving the problem.

1.Preamble

The president of NDSU is charged with the responsibility for development and administration of institutional policies and rules governing the role of students and their behavior. The president also has the responsibility of establishing guidelines for student behavior that set forth behavioral standards and provide for appropriate procedures and sanctions for violation of those standards, consistent with procedural fairness (North Dakota State Board of Higher Education Policy Manual, 305.1). The president has delegated student behavior responsibilities to the vice president for student affairs, while retaining the role as final arbiter in selected cases. The vice president has assigned the dean of student life to carry out these functions.

A Code of Student Behavior contains statements of university policies relevant to student life. Development and enforcement of these standards of behavior are an educational endeavor designed to foster students' personal, social, ~~moral~~ and ethical development. This document forms the basis for student behavioral expectations as a member of the NDSU community. The enforcement of these standards serves to promote the protection of the rights, responsibilities, and health and safety of members of the NDSU community so its members may

pursue their educational goals without undue interference and the personal growth of students in conflict with the code.

The content of this code was developed by the Dean of Student Life Office with input from a committee of individuals that included various members of the Division of Student Affairs, and student, faculty, and staff representatives, NDSU police captain, and Office of General Counsel, in consultation with the vice president for student affairs and the Office of General Counsel.

Contents of the code may be subject to change prior to the reprinting of this document. If changes are made, documents relating to the changes will be available from the Vice President for Student Affairs Office or the Dean of Student Life Office, printed in the *Spectrum* or other appropriate university publications, and/or communicated to students through official university electronic media. These changes will be included in future code revisions. An attempt also has been made to reference local, state or federal laws that complement university policies.

Questions should be referred to the Dean of Student Life Office, 250 Memorial Union.

2. General Behavior Code

2.1 General Student Responsibilities

Every NDSU student has the responsibility to observe and help maintain a code of personal behavior and social relationships, at all times, on and off campus, that will positively contribute to the educational effectiveness of the university and the student's own personal growth. To this end, all students are expected to observe the university standards published in this code and those outlined in any other university policies, procedures, contracts or license contracts published elsewhere. In addition, students are expected to observe the laws of the community, the state, the nation, and relevant jurisdictions when touring and/or studying abroad, at all times, on and off campus.

2.2 Persons Covered Under This Code

For the purpose of this document, "student" ~~refers to all~~ is defined as any individuals who have been admitted to the university, was previously enrolled in the university, uses university resources for purposes related to the university's educational mission, including, but not limited to, performing research and taking classes, or is a visitor attending an on-campus event may also be covered under this Code. ~~individuals~~ students ~~for any act committed while they were enrolled students or between all periods of enrollment, students and others similarly associated with the university, and all campus visitors. Students no longer enrolled in the university may be held accountable under this Code for those offenses committed after they were admitted and before they left the~~

university, with no expectation of return. Student organizations are held to the same behavioral standards that apply to individual students.

2.3 On Campus Living Requirement

All first-year students are required to live on campus. For more information, contact the Department of Residence Life.

2.4 Official University Communication

To facilitate correspondence between the student and the university, NDSU will first use the student's NDSU email address on records as provided by the university. ~~NDSU e-mail accounts are the official form of communication. This address is considered the official form of communication for all purposes~~ (see NDSU Policy 609. —<http://www.ndsu.edu/policy/609.htm>). ~~Students are expected to activate and frequently monitor their accounts. If unavailable, NDSU will use the student's most recent U.S. mailing address maintained by the student via Campus Connection. Students are responsible for maintaining current contact information, including, but not limited to, phone, email, and US mailing addresses, on Campus Connection. If correspondence is unsuccessful, NDSU will attempt to use alternate email addresses in University records, and as a last resort, will use local and other U.S. mail addresses on file with NDSU. It is the student's responsibility to maintain the accuracy of all personal data. Failure to receive important University communications due to out-of-date personal information will not relieve the student of any University obligations. It is recommended that students forward U.S. mail during extended University breaks and requires that students continue to monitor the University provided email account at all times and it recommended that students forward U.S. mail during extended University breaks.~~

2.5 Personal Inappropriate Behavior Not on University Property

General Information. The university may discipline a student for acts of personal inappropriate behavior committed outside of university property if the acts:

- a) Occur during the course of or in conjunction with university activities that are being conducted off the university campus;
- b) Relate to the safety and security of the university community and its members, integrity of the educational process, or interests of the university; or
- c) Relate to previous conflicts between the student and university behavioral standards.

For example, the university routinely processes all police reports provided to the university when the subject of such reports involves illegal or abusive use of alcohol and/or other drugs, loud/noisy party disturbances, violence or other serious crimes. When law enforcement agencies report such activities to NDSU that involve students, the university may pursue charges under this code against all NDSU students identified on such reports.

Other off campus behaviors addressed may include, but are not limited to, the following: altering academic transcripts; assault; arson; battery; drug trafficking;

forgery; fraud; harassment as defined in this code; hazing; rape; sexual assault and/or sexual misconduct; trafficking in term papers; unauthorized use of a computer off campus to obtain access to information on campus; possession or consumption of an alcoholic beverage by any student who has not reached 21 years of age; furnishing false identification or otherwise making a false representation about one's age for the purpose of buying, receiving, or otherwise obtaining alcoholic beverages; and selling, giving away, or otherwise distributing an alcoholic beverage to any student who has not reached 21 years of age.

Tri-College Policies

NDSU students who are charged with a violation of institutional policy at Concordia College or Minnesota State University Moorhead will be referred to NDSU and may be subject to action under this code.

2.6 NDSU Student Employees

When students commit acts that potentially violate this code while in their capacities as student employees of NDSU, the university reserves the right to review those potential conflicts when provided sufficient information to proceed with action under this code. When viewed as appropriate, NDSU may pursue resolution of those conflicts under this code in addition to any other personnel actions that may be taken against the students as employees.

2.7 Inappropriate Behavior by Student Athletes

Because of their special relationship with the university, student athletes are responsible for observing the content of this code as well as the Student Athlete Code of Conduct and their specific team rules. For this reason, student athletes may face hearings under both codes with different findings and/or sanctions imposed. If civil and/or criminal charges are pending, the student athlete may answer separately to three different jurisdictions for the same set of circumstances. The university may proceed before, during or after the proceedings of the other two jurisdictions. Because the university's and the Athletic Department's procedures are educational and not criminal in nature, such separate procedures do not constitute double/triple jeopardy.

2.8 Inappropriate Behavior by Other Student Leaders

Because of their special relationship with the university and roles within student organizations, student leaders are held to a higher level of personal accountability than other students. Each organization is responsible for reporting to the Student Activities Office those office holders who are considered organizational executives. These leaders may be held accountable under the code both in their leadership capacity and their individual capacity as NDSU students. If legal charges are pending, student leaders also may answer to civil and/or criminal courts for the same set of circumstances. Because the university's procedures are educational (administrative) and not criminal in nature, such separate proceedings do not constitute double/triple jeopardy. The

university may proceed before, during, or after legal proceedings, and does not typically wait for a court finding.

2.9 Inappropriate Behavior by Students in Specialized/Professional Programs
Some NDSU academic programs have established professional standards of behavior in addition to those required of all other students. Students in such programs that have established higher behavioral standards will be held accountable under the Code of Student Behavior, and at the same time, may face additional behavioral action related to their respective academic programs. As noted in 2.8, for the same reasons, these educational proceedings do not constitute double/~~or~~ triple jeopardy, even when criminal or civil actions may be pending from the same set of circumstances. The university may proceed before, during, or after legal proceedings, and does not typically wait for a court finding.

2.109 Unlawful Behavior/Violations of Law by Students

When students commit acts that are also violations of community, state or federal laws, on or off campus, those students will be subject to the same civil and/or criminal penalties as any other citizen in addition to campus resolution. Campus resolution of such acts may proceed before, during or after the civil or criminal proceedings have concluded. Because the university uses a lower standard of proof in code proceedings than used in criminal courts, differing judgments may result. In upholding university conduct standards, university conclusions also may vary from those resulting in civil courts over the same fact patterns. Since ~~the~~ campus actions are educational, and taking the university's ~~educational~~ interests into account, and not criminal proceedings, such simultaneous actions do not constitute double jeopardy ~~and differing judgments may result.~~

2.4011 Attempts

Individuals who attempt to commit acts prohibited by the standards of this Code of Student Behavior may be charged, found responsible, and sanctioned to the same extent as if they had committed the prohibited acts.

2.124 Bias-Motivated Violations

Any code violation ~~from this section, or any other section of the code~~, that is determined to have been motivated by hate based on age, ~~race~~, color, disability, ~~religion~~, gender identity, marital status national origin, public assistance status, race, religion, sex ~~or~~ sexual orientation, or status as a U.S. veteran may result in enhanced sanctions above those typically assigned for the same violations when not motivated by hate. North Dakota State University does not discriminate on the basis of age, race, color, disability, gender identity, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran. national origin, religion, sex, gender identity, disability, age, status as a U.S. veteran, sexual orientation, marital status, or public assistance

~~status.~~ Direct inquiries to the Vice President for Equity, Diversity, and Global Outreach, 205 Old Main, (701) 231-7708.

2.1³² Repeated Code Violations

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

2.1⁴³ Designees

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

2.1⁵⁴ Final Code Authority

Behaviors described in this code are illustrative rather than exhaustive ~~and are offered for educational purposes.~~ In the event there arises some ambiguity, inconsistency or need for clarification of these statements, such definition, interpretation or clarification will be determined at the ~~sole~~ discretion of ~~the vice president for student affairs or~~ the dean of student life ~~and that determination will be final, from whom Any~~ student, staff or faculty member may request written clarification ~~from the vice president for student affairs or the dean of student life.~~ Final authority for interpretation of this code lies with the vice president for student affairs.

3. Behavior Expectations and Responsibilities

The following sections outline forms of behavior that are inappropriate in a university community. ~~These forms of inappropriate behavior and~~ have been organized into two groups: ~~to help students understand the standards of behavior that are not appropriate. These are~~ Respect for the NDSU Community and Respect for the Protection and Rights of Others. Inappropriate behaviors outlined here are not intended to be exhaustive. Instead, they are intended to assist students to avoid conflicts with university policies and other members of the university community. ~~Most s~~Students will find that ~~avoiding these inappropriate behaviors following these will not restrict their activities unnecessarily and will policies will~~ protect the rights and freedoms of everyone in the university community.

4. Respect for the NDSU Community

~~The purpose of this section is to communicate~~ the importance of conducting oneself in a manner that ~~does not negatively affects~~ supports the educational mission of the university ~~or and does not~~ adversely affect the rights and welfare of oneself ~~and/or~~ others. Respect for the NDSU community includes promoting an environment ~~that is~~ conducive to learning and nurturing a sense of shared community responsibility.

4.1 Violations of Law

The university reserves the right to address any behaviors occurring on or off campus that may be construed as potential or alleged violations of local, state or federal laws. ~~Campus proceedings may ensue before, during or following the pendency of civil and/or criminal proceedings. Because the university uses a lower standard of proof in code proceedings than used in criminal courts, differing judgments may result. In upholding university conduct standards, university conclusions also may vary from those resulting in civil courts over the same fact patterns.~~

4.2 Complicity in Prohibited Acts

There are two types of complicity. The first ~~Complicity~~ is knowingly, recklessly or willfully encouraging or assisting others to commit acts prohibited by this code. The second type is, when in the presence of a potential code violation, students fail to do one or more of the following:

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

Complicit students ~~and~~ may be sanctioned to the same extent as if they ~~one~~ had committed the prohibited act. Students are accountable for their guests' behavior ~~of their guests~~ and may be sanctioned under this provision as if they had committed the violations themselves. ~~When in the presence of a potential code violation, students are expected to do one or more of the following:~~

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

4.3 Alcohol/Drug Use

~~(see Section 155 of the NDSU Policy Manual: Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees at www.ndsu.edu/policy/155.htm).~~ NDSU maintains an alcohol/drug free campus, subject to minor exceptions noted below. Section 155 of the NDSU Policy Manual: Alcohol and Other Drugs applies to students, campus organizations and employees, regardless of the individual's age. (see Section 155: Unlawful and Unauthorized Use by Students and Employees at www.ndsu.edu/policy/155.htm).

4.3.1 Alcohol on NDSU Property

Manufacture, sale, transfer, purchase, transportation, possession, use or consumption of an alcoholic beverage anywhere on NDSU property (including university vehicles, regardless of location), are all prohibited. Exceptions may include lawful possession of alcohol in ~~family student residences, when permitted,~~ on-campus professional staff residences, fraternity ~~housesies and~~ sororities

(in certain circumstances), president's residence, and other special exceptions as granted in writing by the president. Special exceptions must be educational in nature and comply with requirements outlined in section 4.3.8 of this document.

4.3.2 Behaviors While Under the Influence of Alcohol or Other Drugs

Being under the influence of alcohol or other drugs is a violation of this code while a person is on university owned or controlled property, or at an NDSU sponsored or supervised function, and the person:

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

4.3.3 Minors in Possession/Consumption/Under the Influence of Alcohol While on Campus

~~As a~~ As students under the age of 21 ~~minor~~, being under the influence of, possessing, manufacturing, exchanging, distributing, purchasing, using, or selling alcohol on NDSU owned or controlled property, or at NDSU sponsored or supervised events is ~~are~~ prohibited.

4.3.4 Driving While Under the Influence of Alcohol or Other Drugs

Driving while under the influence of alcohol or other drugs, regardless of location, is prohibited.

4.3.5 Possession of Alcohol ~~and/or Alcohol~~ Beverage Container

Possession or display of empty alcohol beverage containers, including but not limited to cans, bottles and kegs, on the NDSU campus, including those held by unauthorized individuals for the purpose of recycling is prohibited.

4.3.6 Alcohol at Student Organization Events

Recognized NDSU student organizations planning off campus events at which alcohol may be available (within the premises where the event takes place) must complete and file with the Student Activities Office, Memorial Union 120, an Event Risk Management Planning Notification Form, available in the Student Activities Office and online at http://mu.ndsu.edu/reservations/event_risk_management. http://www.ndsu.edu/mu/about_mu/forms/. Events involving alcohol must be closed events, intended only for organization membership and invited guests, and alcohol must be sold/served by a licensed third party vendor. Policies for event planning include:

4.3.6.1 Open Events/Parties at which Alcohol May be Present

Open events/parties, at which alcohol may be present, are prohibited by the university. Open events/parties are defined as those events with unrestricted access by nonmembers of the organization ~~without specific invitations~~.

4.3.6.2

Closed events/parties, at which alcohol may be present, are defined as those requiring restricted access by members of the organization and identified guests. These events/parties require guest lists which must be submitted to the Student Activities Office, Memorial Union 120, during normal business hours at least 24 hours prior to the event.

4.3.6.3 Use of Student Organization or Public Funds

Student organization or public funds may not be used for the purchase of alcoholic beverages.

4.3.6.4 Sale of Alcoholic Beverages

Sale of alcoholic beverages by students and student organizations is strictly forbidden. This includes any action that can be remotely construed as an alcohol sale, such as charging admission to parties, passing the hat, selling empty cups,

and selling drink tickets, ~~etc.~~ Alcohol sales may be conducted only by licensed third party vendors and made available only in individual serving containers.

4.3.6.54 Common sources of alcohol

Common sources of alcohol, such as party balls or kegs, are not permitted.

4.3.6.654 Activities and Promotions

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

4.3.6.765 Alcoholic Beverages as Prizes

Alcoholic beverages (such as kegs or cases of beer) may not be used as awards or prizes in connection with events or activities. Prize coupons and/or gift cards used for establishments with a liquor license must include the statement, "Not valid for purchase of alcohol."

4.3.7 Advertising Related to Alcohol

Alcohol promotional activities, including advertising, shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off campus. This includes, but is not limited to, such items as: cups, frisbees, T-shirts, backpacks, beverage can/bottle coolers and any other items carrying alcohol/beer -advertising. Advertising of establishments that sell alcohol may appear

and must adhere to the following guidelines:

4.3.7.1 Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse or promote alcohol specials such as two for ones, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.

4.3.7.2 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.

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

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

For additional policy details, consult Section 155, the Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students, Faculty and Staff/Employees, the Event Risk Management guidelines and the Greek Life Initiatives and Action Plan (policies are available in the Student Activities Office, Memorial Union 120, and online at www.ndsu.edu/MU).

4.3.8 Exceptions to Alcohol/Drug Use

Full or empty alcohol containers and/or drugs may be used in educational programs with educational purposes when officially requested by and conducted under the direction of university administrators with prior written approval from

the president. Exceptions may be made as expressly permitted by law or as required for scientific research or teaching under the direction of faculty supervision. Programs that serve as fundraisers or at which admission is charged will not be eligible for exceptions to the alcohol policies.

4.3.9 Good Samaritan Responsibilities

~~A student host has a responsibility to ensure the well being of their guests wherever events occur. If a guest needs emergency medical attention, the host is required to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. If the host fails to carry out this responsibility, the host may be subject to severe university sanctions and may potentially be subject to additional civil and/or criminal liability. If the host acts properly and seeks medical attention or police assistance, this will be noted and brought forth prior to the sanctioning phase of any hearing related to the event in which the medical emergency arose.~~

4.3.9.1 Student Hosts

Student hosts have the responsibility to ensure the well being of their guests wherever events occur. If a guest needs emergency medical attention, student hosts are required to call an ambulance or other appropriate emergency personnel (ambulance, police, fire, etc.) to gain that assistance. Student hosts who fail to carry out this responsibility may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability.

Student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.

4.3.9.2 Students

All students are expected to protect the well being of fellow students and others wherever events occur. If a person needs emergency medical attention, students are expected to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. Students who fail to respond appropriately may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability. Student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.

4.3.10 Drugs Other Than Alcohol

Drugs other than alcohol may include, but are not limited to, marijuana, K2, hashish, hash oil, cocaine, crack, Khat, LSD, inhalants, salvia divinorum, stimulants, depressants, hallucinogens, narcotics, designer drugs, anabolic steroids, and other substances that alter one's mental state.

4.3.10.1 Possession, Consumption, Being Under the Influence of Drugs Other than Alcohol

Possession, consumption, and being under the influence of drugs other than alcohol are prohibited, except pursuant to a physician's, ~~or dentist's~~, or other authorized medical personnel's prescriptions.

4.3.10.2 Transport, Manufacture, Exchange, Distribution, Purchase, Use, Sale of Illegal Drugs

Transport, manufacture, exchange, distribution, purchase, use, sale of illegal drugs, or any other controlled substances is prohibited except pursuant to a physician's, ~~or dentist's, or other authorized personnel's~~ prescriptions.

4.3.11 Possession of Drug Paraphernalia

Possession of drug paraphernalia for illegal drug use is prohibited.

4.3.12 Off Campus Alcohol and/or Other Drugs

Students may face campus charges for alcohol and/or drug-related behaviors occurring off campus. Such reports generally come to the university in the form of a summons to court and/or police reports for loud party, noisy party/gathering, minor in possession/minor consuming/minor under the influence of alcohol, failure to disperse (from a loud party), consuming alcohol in public, driving under the influence of alcohol or other drugs, urinating in public, or other similar violations of law. Covered in this section are any other alcohol and/or other drug violations of law reported to NDSU by any law enforcement or other agencies.

4.3.13 Noisy (Loud) Parties/Public Disturbances

Students may face campus charges for participation in or hosting of noisy or loud parties or other public disturbances on or off campus. Loud parties consist of two or more individuals whose behaviors lead to noise complaints.

4.3.14 Smoking

Smoking is prohibited on the North Dakota State University grounds and in University buildings, residence halls, apartments and enclosed structures. (<http://www.ndsu.edu/policy/153.htm>) ~~inside all facilities at NDSU. This includes all residence halls and university apartments. Smoking is permitted outdoors only in university designated areas.~~

4.4 Animals

Privately held Aanimals are prohibited in campus buildings, with the exception of fish. Outdoors, animals must be on a leash, must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on university properties and at NDSU sponsored or supervised events. Questions may be directed to the facilities management director, Thorson Maintenance Center.

4.4.1 Service Animals

Service animals that assist persons with disabilities are welcomed as provided under federal law ~~permissible~~. "Service Animal," as defined by the Americans with Disabilities Act, means a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Service animals perform some of the functions and tasks an individual with a disability cannot perform for him/herself in activities of normal living. Service animals must be on a leash, must be under control of the owners' or their designees at all times, and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on university properties and at NDSU sponsored or supervised events. Students with a disability who regularly utilize a service

animal are ~~request~~required to register with the Disability Services Office, and, if necessary to establish that an animal meets the service animal definition above, and to provide documentation of the disability within a reasonable period of time. Service animals may not reside in university housing without expressed approval from Residence Life. Such requests will be processed as follows: A requesting individual should provide appropriate documentation to the Disability Services Office at least 60 days before housing is needed for the service animal. The Disability Services Office staff will review the documentation and arrange for conversations between the assistant director for residence life operations ~~associate director of operations~~ for residence life, person making the request, and a disability services staff person to facilitate the accommodation. See University Policy 100.2 for further information about service animals.

4.5 Bad Debts/Financial Responsibility

4.5.1 Payment

All students must pay in full any debts to NDSU, including, but not limited to, tuition/fees, room/apartment and meal plan charges, long distance telephone bills, and library fines. Any failure to meet these obligations may result in a denial of registration ~~or graduation privileges~~, denial of occupancy and/or continued occupancy of any university residence life accommodation, refusal to release a diploma upon graduation, or ~~a~~ refusal to forward an official transcript, unless the student has filed for bankruptcy or the debt has been discharged under federal bankruptcy laws. For the complete text of the NDSU Collection Policy, please consult the Customer Account Services staff or www.ndsu.edu/policy/513.htm.

4.5.2 Financial Aid Misuse/Abuse

Misusing financial aid through fraud or abuse is prohibited.

4.5.3 Student Organization/Individual Debt

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

4.5.4 Creditors

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

4.6 Copyright ([For additional information, please see www.ndsu.edu/its/intellectual-property-copyright/](http://www.ndsu.edu/its/intellectual-property-copyright/))

4.6.1 Intellectual Property Infringement

Reproduction of any copyrighted materials without authorization is prohibited. When reproducing or distributing information, users are responsible for observation of copyrights ~~s-rights~~ and other intellectual property rights of others

and all state and federal laws, institutional and North Dakota University System (NDUS) policies. Generally, materials owned by others cannot be used without the owner's permission. Written consent from the copyright owner is normally necessary to reproduce or distribute copyrighted material. There are some exceptions, such as fair use in teaching and in research. Documentation of consent to use copyrighted materials must be kept on record and made available to institution officials upon request. NDUS assumes no obligation to monitor users for infringing activities, but will, when such activities are called to the appropriate official's attention, investigate to determine if there is likely infringement and take appropriate action.

4.6.2 Trademarks

Users also should be careful of unauthorized use of trademarks. Trademarks are words, names or symbols that serve as source identifiers of a company's or institution's products. Certain uses of such marks online, in Websites, or in domain names can constitute trademark infringement. Unauthorized use of an institution's name in these situations also can constitute trademark infringement (see NDSU Policy 700.1: Use of University Name: www.ndsu.edu/policy/7001.htm).

4.6.3 Use of NDSU's Name

Use of NDSU's name without prior authorization is prohibited. For additional information and guidance, please see NDSU Policy Manual 700.1, Use of UNIVERSITY Name.

4.6.4 Sale of Class Lecture Notes/Materials

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

4.7 Computer Related Inappropriate Behavior

(Please see NDSU Policy Manual Section 158: Acceptable Use of Electronic Communications Devices: www.ndsu.edu/policy/158.htm and the State Board of Higher Education (SBHE) Policy Manual Section 1901.2, Computing Facilities:

<http://www.ndus.edu/makers/procedures/sbha/default.asp?PID=126&SID=11>

If additional questions remain, contact the Information Technology Services Help Desk in IACC for additional guidance. <http://its.ndsu.edu>

Following are common violations found in the two policies noted above. For a complete listing, please view both documents above.

4.7.1 Unauthorized use, sharing, lending or borrowing of an account is prohibited.

4.7.2 Using computer services or facilities for purposes other than those for which the account was issued is prohibited. Please see NDSU Policy Manual Section 158, Acceptable Use of Electronic Communications Devices, <http://www.ndsu.edu/policy/158.htm>.

4.7.3 Using university network resources and services to play or store game programs, ~~except when authorized in writing by the information technology security officer,~~ is prohibited.

4.7.4 Using the university's computer systems for commercial purposes without written authorization of the Information Technology Security Officer is prohibited.

4.7.5 Copying, altering or destroying the files or output of another individual without the express permission of that individual ~~is~~ prohibited.

4.7.6 Altering system software or hardware configurations, ~~or~~ disrupting or interfering with the delivery or administration of computer resources ~~is~~ prohibited.

4.7.7 Misrepresenting oneself as another individual or entity in electronic communication is prohibited.

4.7.8 Downloading

a) Using the university's network system to download copyright protected media including, but not limited to, books, music, movies, television programs, games, and software without proof of purchase or permission is prohibited.

b) The university establishes bandwidth limits for students, faculty and staff. When an individual exceeds that limit, cooperation with Information Technology Services (ITS) staff is mandatory to remedy excess use.

4.7.9 Sharing Without Written Permission

Using the university's network systems to share or distribute copyright protected media, including but not limited to books, music, movies, television programs, games, and software without written permission is prohibited.

4.7.10 Abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other persons is prohibited.

4.7.11 Using the University's network system to eEntering obscene ~~or offensive~~ material into university owned computers or sending obscene ~~or offensive~~ material through the Internet or any other electronic system ~~is~~ prohibited.

4.7.12 Any other violation of university or NDUS policies governing electronic communications, as referenced above, is prohibited.

4.8 Deception/Falsification/Misrepresentation

4.8.1 Withholding or providing false information ~~for the purpose of gaining benefit for oneself or others~~ is prohibited.

4.8.2 Falsely representing an entity and/or committing or using the resources of an entity without proper authorization ~~are~~ prohibited.

4.8.3 False Accusations

Knowingly, intentionally or recklessly making false accusations of inappropriate behavior against another individual; providing false information or falsified evidence with the intent of harming another person; or attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution are prohibited.

~~4.8.4 Failing to keep NDSU notified of current local, permanent and e-mail addresses, or providing a false or fictitious address(es), are prohibited. Changes may be made at Bison Connection, Memorial Union, or via Campus Connection.~~

4.9 Disruption of University Business

4.9.1 Disruption or obstruction of university business, such that the function or service is materially or substantially disrupted or obstructed is prohibited.

~~This University business includes (but is not limited to): teaching, research, administration, public service functions, meetings of university committees or boards, or of any other authorized university activity or organization on or off university premises, (including but not limited to classes; social, cultural and athletic events; computing services; registration; residence life and dining services; governance meetings; and conflict resolution hearings), such that the function or service is materially or substantially disrupted or obstructed are prohibited.~~

4.9.2 Obstruction of ingress or egress to any university facility, or intentional obstruction that unreasonably interferes with freedom of movement, both pedestrian and vehicular, on campus isare prohibited.

4.9.3 Unauthorized entry upon the performance area or spectator areas of any university event, including, but not limited to, athletic contests, exhibitions, musical or theatrical events, or any other events is prohibited.

4.10 Gambling

Illegal gambling at any time and in any form is prohibited. Internet gambling is illegal in North Dakota. Individuals may not gamble on university athletics. (Raffles or lotteries require a permit from the City of Fargo. Permit applications may be obtained from the City Auditor's Office. See Section 8.1.4.)

4.11 Failure to Comply

4.11.1

Failure to comply with the instructions or directions of all university personnel officials in the performance of their duties is prohibited. Such acts may include, but are not limited to, intentionally, knowingly or recklessly obstructing or delaying any university proceedings, failing to cooperate with an investigation, resisting or fleeing a police officer, and/or failing to comply with assigned university behavior sanctions, or:
✓ engaging in verbal and/or physical abuse directed toward any university personnel ~~will not be tolerated and shall constitute a violation of this code.~~

4.11.2

Failure to comply with the instructions or directions of all emergency response personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, obstructing or delaying emergency response personnel, and resisting or fleeing a police officer, or engaging in ✓verbal and/or physical abuse directed toward any emergency personnel. will not be tolerated and shall constitute a violation of this code.

4.12 Identification

Students are expected to carry university identification at all times. Failure to produce either a university identification card or a driver's license upon request by any university personnel in the performance of their duties~~official, including, but not limited to, NDSU police officers, hall directors, and other residence life staff and Memorial Union staff in the performance of their duties~~ is prohibited.

4.13 Bribery

Offering, giving, receiving, or soliciting ~~of~~ anything of value to influence the official decision or action of ~~a university~~ personnel~~employee or official~~, or a person in a position of trust or influence, is ~~are~~ prohibited.

Students are expected to complete their own academic assignments and responsibilities including, but not limited to, the taking of exams, completion of assignments/projects, and writing papers. Bribing others to fulfill or otherwise attempt to evade these academic responsibilities is prohibited.

4.14 Misuse of Proprietary Information

Unauthorized use or misuse of proprietary information, in whatever form, is ~~are~~ prohibited. "Proprietary" means property in which the university or its employees and/or students have a legal interest or responsibility to maintain confidentiality (see NDSU Policy 343, Confidential Proprietary Information).

4.15 Property Violations

~~4.15.1~~ Property violations are prohibited and include, but are not limited to, behaviors that would commonly constitute criminal violations, such as burglary, robbery, theft, possession of stolen property, ~~trespassing,~~ and ~~or~~ vandalism.

4.15.1 Arson

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

4.15.2 Burglary

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

4.15.3 Robbery

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

4.15.4 Motor Vehicle Theft

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

4.15.5 Theft of Property

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

~~4.15.2 Theft or removal of university property and/or furnishings including, but not limited to, furniture, artwork, plants, electronics, window screens, and signs from their designated locations is prohibited.~~

4.15.6 Theft of Services

Using university services to which one is not entitled ~~constitutes theft of services and~~ is prohibited. ~~Examples~~ This includes, but ~~is~~~~are~~ not limited to, using campus laundry services intended only for campus residents, using parking services not purchased, using parking lots other than those assigned by campus personnel, ~~and/or~~ unauthorized use of university printing services.

4.15.7 Vandalism

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

4.16 Sales

Unauthorized sales or solicitations at any time in residence halls, university apartments, or in any other campus buildings ~~is~~~~are~~ prohibited. For questions regarding sales in the Memorial Union, see the Memorial Union ~~d~~Director, Room 246. For questions regarding sales in residence life facilities, see the senior associate director of residence life, West Bison Court ~~106~~. For questions concerning

sales in any other areas, begin the inquiry at the Dean of Student Life Office, Memorial Union, Room 250.

~~4.17 Telephone and Related Equipment Abuse~~

~~4.17.1 Intentionally making telephone calls to or from the university for the purpose of abusing, threatening, annoying or harassing another person is prohibited.~~

~~4.17.2 Charging or causing to be charged, any long distance or other toll telephone calls to university telephone accounts and/or Bison Lines accounts without proper authorization is prohibited.~~

~~4.17.3 Damage or destruction to the university's telephone system and any of its telephone instruments or equipment is prohibited.~~

~~4.17.4 Using or abusing telephone equipment, lines or accounts belonging to the university or to university employees, students, and/or faculty without authorization, or for purposes other than those originally granted authorization, is prohibited.~~

4.178 Traffic Safety and Parking Enforcement

University traffic and parking regulations are approved by the University Senate upon recommendation of the Campus Space and Facilities Committee. The complete current rules are published in a separate pamphlet titled "NDSU Parking Regulations" which may be obtained from the NDSU Parking Office, Thorson Maintenance Center or online at <http://www.ndsu.edu/parking/dox/parking/ParkingBrochure.pdf> ~~add correct web address here. Some of those regulations are listed here~~ Following are common violations found in the NDSU Parking Regulations" brochure:

Traffic Regulations, as Governed by NDSU Police:

4.178.1 Improper operation of motor vehicles on campus including, but not limited to, driving on sidewalks, or grass, etc., is prohibited.

4.178.2 Failure to cooperate with the lawful direction of traffic enforcement personnel in the performance of their duties is prohibited.

4.178.3 Failure to report an accident that occurs on the NDSU campus, or involves an NDSU official vehicle, in the manner and time limit required by law or by university regulations, is prohibited.

4.178.4 Failure of persons in motorized vehicles or on bicycles, skateboards, roller blades, and/or scooters to yield the right of way to pedestrians or abide by any traffic laws is prohibited.

Parking Regulations, as Governed by the Parking Enforcement Office:

~~University traffic and parking regulations are approved by the University Senate upon recommendation of the Campus Space and Facilities Committee. The complete current rules are published in a separate pamphlet titled "NDSU Parking Regulations" which may be obtained from the NDSU Parking Office, Thorson Maintenance Center or online at http://facilities-mgmt.ndsu.nodak.edu/parking/07-08_Parking_Bro.pdf. Some of those regulations are listed here:~~

4.178.5 Falsifying registration information, reproducing, defacing, forging, altering, obscuring or transferring a permit is prohibited. Retaining and using a found permit is also prohibited. Parking permit theft may be processed under this code in place of or in addition to filing of criminal charges for theft of services. Upon completion of investigations by university police and the NDSU Parking

Office, sanctions and/or fines may be administered. Reselling of permits is permitted only by the NDSU Parking Office. ~~Falsifying registration information, reproducing, defacing, forging, altering, obscuring, transferring or retaining and using a found permit are prohibited. Reselling of permits is permitted only by the NDSU Parking Office and stolen parking permits may be processed under this code in place of or in addition to filing of criminal charges for theft of services. Upon completion of investigations by university police and the NDSU Parking Office, sanctions and/or fines may be administered.~~

~~4.18.6 Parking on the NDSU campus without the required permit as well as the common offenses of parking in designated "no parking" zones, over parking in time zones, parking in fire lanes, parking in handicapped spaces without permit(s), and parking in designated reserved spaces, etc., are prohibited. Campus streets are considered "no parking" zones unless otherwise designated as a time zone or a permit required zone. Parking personal vehicles in agricultural plot areas is prohibited.~~

~~4.18.7 Failure to park bicycles or motorcycles in designated parking areas or to use designated parking structures is prohibited. Unless specifically provided for that purpose, attaching bicycles or motorcycles to light poles, railings, fencing, trees, or other university exterior or interior structures is forbidden.~~ prohibited.

~~4.18.8 Bicycles or motorcycles may not be stored in any university building or structure unless specifically provided for by regulation. Any questions may be directed to the parking and transportation manager, Thorson Maintenance Center.~~

4.189 Unauthorized Entry/Use of Facilities

4.189.1 Unauthorized entry upon the property of the university or into a university facility or any portion thereof that has been reserved, restricted in use, or placed off limits; unauthorized presence in any university facility after closing hours; and unauthorized possession or use of a key/access card to any university facility are prohibited. Unauthorized activities shall include, but are not limited to, entry, use or occupancy to which students are not permitted by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender. University areas that are restricted include, but are not limited to, all building roofs, fire escapes, steam tunnels, elevator shafts, equipment and mechanical storage rooms, and construction sites. The use of fire escapes is strictly limited to emergency purposes.

4.189.2 Reproduction, duplication, manufacture or possession of any key or unlocking device for use on university facilities, locks, or other property on university premises without proper authorization are prohibited.

4.189.3 Procuring, altering, damaging, removing, manufacturing or using any university key card, lock, password or other security device without proper authorization are prohibited.

4.189.4 Refusal to vacate a university facility when directed to do so by an authorized official of the university is prohibited.

4.189.53 Use of any university facility, equipment, ~~or materials, or services,~~ except for their authorized purposes, including, but not limited to, ~~the~~ telephone, mail and computer systems, is prohibited. Only currently enrolled NDSU students and currently employed NDSU faculty and staff are authorized users. No university facilities, equipment, materials or services may be used to commit any illegal act.

4.19.4 University computing clusters are provided for use of currently enrolled NDSU students and currently employed NDSU faculty and staff members. Use by all others is prohibited.

4.19.5 Procuring, altering, damaging, removing, manufacturing or using any university key card, lock, password or other security device without proper authorization are prohibited.

4.19.6 Refusal to vacate a university facility when directed to do so by an authorized official of the university is prohibited.

5. **Respect for the Protection and Rights of Others**

The purpose of this section is to communicate the value the university places on respect for the protection and rights of others.

5.1 Physical Abuse

~~Physical abuse, including use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person or to endanger the health or safety of another person, is prohibited.~~

5.12 Intimidation Verbal and/or Physical Behavior

~~Verbal and/or physical b~~Behavior in any form that involves an expressed or implied threat to interfere or that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, safety of property, academic efforts, employment or participation in university sponsored activities, and causes the person to have a reasonable apprehension that such harm is about to occur, is prohibited. ~~Such behavior may include any form of electronic communications.~~

5.2 Physical Abuse

Physical abuse, including the use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person or to endanger the health or safety of another person, is prohibited.

5.3 Assault

Assault, an un~~wanted~~lawful physical touching by one person upon another in which does not involve the display or use of a ~~neither the offender displays a weapon, nor and does not result in the victim suffers~~ obvious or -aggravated ~~bodily~~physical injury, involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness, is prohibited.

5.4 Aggravated Assault

Aggravated assault, an ~~unwanted~~lawful touching by one person upon another ~~wherein which~~ the offender uses a form of weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury, ~~involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness,~~ is prohibited.

5.5 "Fighting Words"

The face-to-face use of "fighting words" is prohibited. Fighting words are personally abusive epithets that, when addressed to any person, are, ~~as a matter of public knowledge,~~ inherently likely to provoke immediate violent reaction whether or not the reaction occurs. ~~Terms/words include but are not limited to recognized derogatory references to race, ethnicity, religion, sex, gender, sexual orientation, disability or other personal characteristics.~~

5.6 Intimidation

~~Intimidating or threatening others is prohibited.~~

5.6.7 Unauthorized Surveillance

Making unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy including, but not limited to, shower/locker rooms, residence hall rooms, bedrooms, and ~~men's or women's~~ restrooms, is prohibited.

5.6.1

~~Also prohibited are s~~Storing, sharing and/or other distribution of such unauthorized video and photographic images, by any means, is prohibited.

5.78 Discrimination/Harassment and Discrimination/Intimidation

5.8.1 Discrimination

~~NDSU is fully committed to equal opportunity in employment decisions, educational programs and activities, in compliance with all applicable federal and state laws and including appropriate affirmative action efforts, for all individuals without regard to race, color, national origin, religion, sex, disability, age, Vietnam Era Veterans status, sexual orientation, marital status or public assistance status, or participation in lawful activity off the employer's premises during non-business hours that is not in direct conflict with the essential business-related interests of the employer (see NDSU Policy 100 www.ndsu.edu/policy/100.htm). Direct inquiries to the Executive Director and Chief Diversity Officer, 202 Old Main, (701), 231-7708.~~

5.78.1 Harassment

NDSU is committed to providing a climate that fosters respect for students, staff, and faculty as well as others who participate in programs and activities at the university. As part of that commitment, NDSU prohibits harassment based on gender, race, color, religion, national origin, age, disability, sexual orientation, or protected activity (such as reporting alleged harassment or providing information related to a grievance). This policy is in compliance with federal civil rights laws

and agency regulations and guidance implementing these laws. Harassment (based on an individual's membership in one or more of the groups identified above) is defined, for purposes of this policy, as any unwelcome behavior which that has the intent or effect of unreasonably interfering with the individual's employment or academic endeavors or creating a hostile, intimidating or offensive environment.

5.78.2 Sexual Harassment (North Dakota State University Policy Manual, Section 162 www.ndsu.edu/policy/162.htm)

As part of its commitment to equal opportunity, NDSU 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 isare used as the basis for employment decisions or academic decisions affecting such individual, or
3. Such conduct 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 also is prohibited under NDSU Policy 710 – Computer Facilities, www.ndsu.edu/policy/710.htm.

Individuals concerned about violations of this policy should request assistance from the university's [vice president for equity, diversity and global outreach](#) ~~executive director and chief diversity officer~~, university's general counsel, Counseling Center, Disability Services Office, 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 executive director and chief diversity officer. In addition, the university's equal opportunity grievance procedure shall be available for any person who wants to file a complaint alleging a violation of this policy.

See related policy, "Consensual Relationships," (www.ndsu.edu/policy/1621.htm) Section 162.1 of the NDSU Policy Manual. A copy of this policy may be requested from the Dean of Student Life Office, Memorial Union 250.

5.8.3 Harassment

~~NDSU is committed to providing a climate that fosters respect for students, staff and faculty as well as others who participate in programs and activities at the university. As part of that commitment, NDSU prohibits harassment based on gender, race, color, religion, national origin, age, disability, sexual orientation, or protected activity (such as reporting alleged harassment or providing information related to a grievance). This policy is in compliance with federal civil rights laws and agency regulations and guidance implementing these laws. Harassment~~

(based on an individual's membership in one or more of the groups identified above) is defined, for purposes of this policy, as unwelcome verbal or physical behavior which has the intent or effect of unreasonably interfering with the individual's employment or academic endeavors or creating a hostile, intimidating or offensive environment. Harassment may include (but is not limited to) jokes, derogatory comments, pictures, and/or direct physical advances. Note that harassment in electronic forms also is prohibited under NDSU Policy 710, Computer Facilities (www.ndsu.edu/policy/710.htm).

5.78.4 Other Prohibited Acts

Any ~~harassing, discriminating and/or intentional actions~~ or any series of ~~these~~ actions that interfere with individuals' academic efforts, employment, personal safety or participation in university sponsored co-curricular activities ~~is~~are prohibited.

5.89 Disorderly Conduct

Disorderly conduct is behavior that intentionally ~~causes~~ or recklessly creates a risk of public inconvenience, annoyance or alarm without proper authority. These behaviors are prohibited and include, but are not limited to, fighting, engaging in violent behavior, making unreasonable noise, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

5.940 Lewd or Obscene Behavior

Lewd or obscene behavior that flagrantly flaunts community standards with respect to sexuality is prohibited. Lewd behavior ~~is conduct that is wanton, lustful or lacking of morals with respect to sexual relations~~ includes, but is not limited to, sexual acts in public places, public urination, and exposing genitalia.

5.10 Sexual Misconduct/Sexual Acts

An NDSU goal is to create a campus community free from interpersonal abuse, including sexual assault. NDSU commits its resources to the following twofold process:

- a) To provide crisis intervention and a judicial/disciplinary response for persons and alleged offenders, and
- b) To educate and promote discussion on interpersonal abuse and violence.

5.10.1 Sexual Assault and Sexual Misconduct Policy

- a) Sexual assault or sexual misconduct, in any form, is prohibited.
- b) The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others. The university encourages individuals to report sexual offenses even though they may have voluntarily been under the influence of alcohol and/or other substances at the time.

For purpose of this policy, the following definitions apply:

1. Sexual assault is any sexual behavior 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:

- a) Compelling a person to submit to sexual acts or contacts by force or threat of force,
- b) Using intoxicants to impair substantially the person's power to give consent,
- c) 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, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated or confined,
- d) When the person is under 15 years of age, or
- e) When one person is between the ages of 15 and 17, and the other party is 18 or older.

2. Sexual misconduct occurs when a sexual act is committed without intent to harm another and when, by failing to assess the circumstances correctly, 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.

3. Sexual acts include, but are not limited to:

- a) Sexual intercourse,
- b) Sodomy,
- c) Sexual penetration with an inanimate object,
- d) Touching of a person's intimate parts (genitalia, groin, breast, or buttocks, or clothing covering them), or
- e) Compelling a person to touch his or her own or another person's intimate parts without consent.

4. 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 issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and verbally clarifies, 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.

5.10.2 Non-contact Sexual Offenses

Non-contact sexual offenses include, but are not limited to, peeping and indecent exposure, and are prohibited.

5.11 Endangerment of Individuals or Safety of Individuals

5.11.1 Initiating or circulating a report or warning concerning an impending bombing, a fire, or other emergency or catastrophe knowing that the report is false, or knowingly transmitting such a false report to an official or an official agency ~~is~~are prohibited.

5.11.2 Willful failure to comply with orders issued by any emergency personnel during any real or perceived emergency condition is prohibited. Examples include, but are not limited to, tornado, fire, fire drill, bomb threat, or situations requiring shelter in place, ~~or any other real or perceived emergency condition is prohibited.~~

5.11.3 Tampering with any fire protection sign or device or any other emergency equipment, ~~(including, but not limited to, fire extinguishers, fire hoses, smoke/heat detectors, sprinkler systems and other alarm systems),~~ for reasons other than an actual or perceived emergency, is prohibited, ~~except when done with the reasonable belief that such an emergency exists, is prohibited.~~

5.11.4 Tampering with elevator controls, elevator shaft access, and/or other elevator equipment by ~~such~~ acts including, but not limited to, jumping, elevator surfing, falsely sounding alarms, and stopping between floors, is prohibited.

5.11.5 Willful failure to follow safety standards is prohibited.

5.11.6 Creating a risk of bodily harm or falsely creating the impression of risk of bodily harm to ~~others~~any NDSU faculty, staff, students or guests ~~is~~are prohibited.

5.11.7 Sporting Activity Restrictions

~~Due to safety and facility concerns,~~ Riding skateboards or scooters and using in-line skates, roller skates, and bicycles are prohibited inside all university facilities. Use of water guns, water balloons, and throwing of flying discs ~~(Frisbees™),~~ balls, or other objects also are prohibited indoors, except when authorized.

Use of projectile launchers is prohibited on campus without documented-express advance permission by an appropriate university official. Launchers may include those intended for water balloons, potatoes, pumpkins, and other items ~~projected at great velocities.~~ For guidance, contact the director of University Police and Safety Office.

5.12 Firearms/Explosives/Other Weapons

Unauthorized possession, display or use of firearms, explosives, or other weapons on university owned or controlled property, including in personal vehicles, ~~is~~are prohibited, unless permission for possession and/or use has been granted by an appropriate university official.

5.12.1 Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, stun gun or similar device designed to deliver an electric shock, daggers, knives, sabers, swords, and bows and arrows.

5.12.2 Explosives include, but are not limited to, bombs, explosives, fireworks and other incendiary devices. Incendiary devices are defined as any flammable

liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

5.12.3 Other weapons include, but are not limited to, martial arts implements, dangerous fuels and chemicals, such as mace or pepper spray, or fuels. Any objects may be considered a weapons when used to inflict or threaten infliction of bodily injury or property damage.

5.12.4 Projectiles

~~Throwing, or casting, or encouraging, aiding, or assisting others in throwing, or casting of~~ any object into, upon, or against any building, structure, motor vehicle, or at any person isare prohibited.

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

5.13 Hazing

Hazing is prohibited regardless of location, intent, or consent of participants. is a broad term encompassing any action or activity that inflicts or intends to cause physical or mental harm or anxieties that may demean, degrade or disgrace any person, regardless of location, intent or consent of participants. Hazing ~~also iscan~~ be defined as any action or situation, ~~on or off campus premises,~~ that intentionally or unintentionally endangers a student for admission into or affiliation with a student organization or group. Such activities and situations include, but are not limited to, paddling in any form; creating excessive fatigue; forced consumption of any substance; forced road trips; morally degrading, demeaning, unsanitary, humiliating games or stunts; and harassment, ridicule or other activities prohibited by law or university policy.

5.13.1 ~~Hazing in any form is prohibited by NDSU and state law.~~ It is the responsibility of the organization and its leadership in conjunction with the (inter)national organization, if anywhere appropriate, to protect its newpotential members, ~~associate members,~~ members or other persons associated with the organization from any hazing ~~ceremony,~~ activity or practice conducted, condoned, or encouraged by the current members of the organization, alumni or other associates.

5.13.2 The university or ~~individualsprospective group members~~ may file a complaint of hazing with the Dean of Student Life Officeagainst all parties as individuals and/or against the group or organization. Individuals and/or groups ~~also~~ also be subject to criminal and/or civil liability ~~outside beyond~~ the jurisdiction of the university.

5.14 Sexual Misconduct/Sexual Acts

~~An NDSU goal is to create a campus community free from interpersonal abuse, including sexual assault. NDSU commits its resources to the following twofold process:~~

- a) To provide crisis intervention and a judicial/disciplinary response for persons and alleged offenders, and
- b) To educate and promote discussion on interpersonal abuse and violence.

5.14.1 Sexual Assault and Sexual Misconduct Policy

- a) Sexual assault or sexual misconduct, in any form, is prohibited.
- b) The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others. The university encourages individuals to report sexual offenses even though they may have voluntarily been under the influence of alcohol and/or other substances at the time.

For purpose of this policy, the following definitions apply:

1. Sexual assault is any sexual behavior 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:

- a) Compelling a person to submit to sexual acts or contacts by force or threat of force;
- b) Using intoxicants to substantially impair the person's power to give consent;
- c) 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, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated or confined;
- d) When the person is under 15 years of age, or
- e) When one person is between the ages of 15 and 17, and the other party is 18 or older.

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.

3. Sexual act includes, but is not limited to:

- a) Sexual intercourse;
- b) Sodomy;
- c) Sexual penetration with an inanimate object;
- d) Touching of a person's intimate parts (genitalia, groin, breast, or buttocks, or clothing covering them), or
- e) Compelling a person to touch his or her own or another person's intimate parts without consent.

4. 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 issue 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.~~

~~5.14.2 Non-contact Sexual Offenses~~

~~Non-contact sexual offenses include, but are not limited to, peeping and indecent exposure, and are prohibited.~~

5.1~~45~~ Stalking

~~Stalking is prohibited. No person may intentionally stalk another person.~~ As used in this code, “stalk” means to engage in an intentional course of behavior directed at a specific person that frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of behavior, involving two or more acts, may be directed toward that person or a member of that person’s immediate family. “Immediate family” means a spouse, parent, child or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months resided in the household.

Stalking generally causes a reasonable person to experience fear, intimidation, harassment, or to be the object of unwanted attention. Stalking behaviors may include, but are not limited to:

- a) Approaching, following, loitering, pursuing or restraining behaviors;
- b) Repeated unwanted electronic communications ~~usingsuch~~ as e-mail, telephone calls, social media, and text messages;
- c) Sending unwanted gifts;
- d) Trespassing; and
- e) Vandalism.

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5.1~~45~~.1 ~~Stalking Defenses~~No Notice/No Intent

In any proceeding under this section, it is not a defense that no actual notice was given that the person did not want to be contacted or followed; nor is it a defense that there was no intention to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want

to be contacted or followed is evidence of intention to stalk the person.

5.1~~45~~.2 ~~Stalking Exceptions~~ Legal Exclusions

a) Excluded are constitutionally protected behaviors. If a person claims to have been engaged in a constitutionally protected activity, the hearing officer or body shall determine the validity of the claim and, if found valid, shall exclude evidence of the activity.

b) In any proceeding under this code, it is a defense that a licensed private investigator or a peace officer licensed under law was acting within his/her scope of employment.

5.1~~56~~ On-Campus Housing ~~Safety and~~ Security Efforts

~~Due to the nature of on-campus living, environmental safety and security standards have been established.~~ All students will be held accountable for their behaviors in residence halls and university apartments. Off-campus students will be referred to the Dean of Student Life Office ~~associate director of student~~

~~rights and responsibilities for action~~for action. All students and their guests need to cooperate with efforts to establish a secure campus by complying with policies and cooperating with residence ~~hall~~life staff.

5.1~~56~~.1 Keys/Access

5.1~~56~~.1.1 Keys/Access Cards

Students are not permitted to duplicate keys/access cards ~~issued by residence life~~. Students also are not allowed to loan keys/access cards to other individuals. Students are expected to be responsible for their keys/access cards and security of their rooms and apartments. Students who repeatedly find themselves locked out of their rooms or apartments are subject to sanctions under this code.

5.1~~56~~.1.2 Escorting of Guests

Entrance doors for the residence halls and university apartment buildings are locked 24 hours a day. Guests must meet their resident-host at an entrance door to gain entry into the building. Non-residents must be escorted by a resident at all times ~~when in the residence halls~~.

Students are not allowed to prop open doors or allow unauthorized persons into on-campus housing facilities.

5.1~~65~~.2 Guests and Visitation

Residents are responsible for knowing the identity of their guests and are responsible for guest behaviors.

Residents are held liable for loss or damages to property caused by their guests.

5.156.3 Overnight ~~Residence Hall~~ Guests

Guests of the same sex are permitted to stay overnight ~~in the residence halls~~ with approval from residence life staff. Residents must register their overnight guests prior to the stay ~~before 2 a.m.~~ Guests may not stay more than three consecutive nights. Overnight guests of the opposite sex are not permitted.

5.156.4 Quiet Hours/Noise

Residents and guests must respect quiet hours in each of the on-campus housing facilities. Specific quiet hours are posted ~~in each hall and apartment building~~. Courtesy hours are in effect 24 hours a day to allow students to pursue their academic studies and promote a comfortable living environment.

5.156.5 Candles and Incense

Candles and incense are not allowed in on-campus housing facilities. Open flames also are prohibited.

6. Respect for Community and Protection of the Rights of Others by Student Organizations and Affiliated University Groups

~~The purpose of this section is to~~ communicate the importance of conducting organizational business and activities in a manner that does not negatively affect the educational mission of the university, ~~and adversely affect~~ the welfare of others, or infringe upon the rights of others. Student organizations are recognized by the Student Government Executive Commission of the Congress of Student Organizations and are independent of NDSU. Because of their relationship with the university, ~~student~~ organizations are expected to uphold and comply with university policies and the Code of Student Behavior.

6.1 Responsibilities of Student Organizations and Affiliated University Groups

6.1.1 A student organization or a group affiliated with the university shall be deemed responsible for acts of inappropriate behavior committed by individuals where such acts:

- a) Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly; and/or
- b) Take place in the context of a tradition, custom, or past practice of the group or organization; and/or
- c) Are reasonably foreseeable as a result of an activity carried on

by the student organization or affiliated university group.
6.1.2 Students residing in properties owned by organizations or groups affiliated with the university will be held responsible for their behavior, behaviors of their guests, and controlling access to their premises.

6.2 ~~Conflicts by~~ Student Organizations and Affiliated University Groups Compliance with University Policy
Student organizations and affiliated university groups must be in compliance with university policies, procedures, and regulations. Behavior that conflicts with policies established by the university for student organizations and/or affiliated groups is prohibited. Such Prohibited behaviors include, but are not limited to, misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, or abuse of student election regulations, or failure to abide by university policies, procedures and regulations.

6.3 Conflict Resolution and Enforcement Procedures for Conflicts by Student Organizations and Affiliated University Groups
For information concerning the conflict resolution procedure(s) to be utilized, refer to Section 15, Code of Student Behavior Complaint Resolution Procedures.

6.3.1 When a student organization or an affiliated university group is charged with inappropriate behavior, the presiding officer or individuals affiliated with the group shall be required to participate as representatives of the group in proceedings conducted

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under this code ~~as representatives of the group.~~

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

~~6.3.2 For information concerning the conflict resolution pathway(s) to be utilized, refer to Section 15, Code of Student Behavior Complaint Resolution Procedures.~~

6.3.3 Because behavioral records of student organizations are not protected by the Family Educational Rights and Privacy Act (FERPA), complainants are entitled to learn the results of behavioral actions taken against student organizations as long as those disclosures do not compromise the privacy of any individual student's education

record. In such situations, federally protected individual names will~~may~~
~~have to~~ be removed.

7. Student Organizations/Fraternities and Sororities/Activities

Recognition requirements and procedures (for guidance, consult with staff in the Memorial Union Student Activities Office):

7.1 Membership

7.1.1 Membership in Student Organizations with NDSU Recognition

Membership must be limited to current students, faculty, and staff of NDSU. Students who transfer to another Tri-College institution who want to retain membership in an NDSU registered student organization may be eligible for on-going membership, contingent upon approval from the dean of student life.

7.1.2 Membership in Student Organizations with Tri-College/ Dual-College Recognition

Organizations that want to recruit and maintain membership of students from other Tri-College institutions must obtain Tri-College or Dual-College recognition. Membership in Tri-College organizations is open to full-time or part-time currently enrolled NDSU and Minnesota State University Moorhead (MSUM) students, full-time Concordia College students, and faculty/staff from Concordia College, MSUM or NDSU. Membership in Dual-College organizations must be consistent with membership guidelines at the respective institutions (see Tri-College/ Dual-College Organization Recognition Guidelines and Procedures. www.ndsu.edu/memorial_union/thundarbolls/).

7.1.3 Membership in Social Fraternities and Sororities

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

7.2 Officers

Students holding elected or appointed leadership positions in recognized student organizations must meet the academic and conduct eligibility standards identified in Eligibility/Participation in Co-Curricular Activities Policy.

7.3 Recognition

Recognition of student organizations is granted by the Student Government Executive Commission of the Congress of Student Organizations and registered in the

Student Activities Office in the Memorial Union. Although student organizations are independent organizations from NDSU, they are expected to uphold and comply with university policies, the Code of Student Behavior, and local, state, and federal laws.

7.3.1 Student organization purposes must be compatible with the educational mission and purpose of the university.

7.3.2 Students and student organizations are free to examine and to express opinions publicly and privately.

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

7.4 Registration Requirements

The following information must be electronically -filed with the Student Activities Office: through org sync.

1. Registration form with the following:

- a) Name of the organization;
- b) List of officers and their signatures (obtained electronically);
- c) Name and signature of an adviser, selected from the faculty or staff, or another designee as approved by the Student Activities Office staff; and
- d) Tri-College/Dual-College Organization Registration Form (applies only to groups that want to obtain or maintain Tri-College/Dual-College recognition).

2. ~~Statement signed by~~ Signed agreement by local student organization officers giving assurance an agreement to the statement that there will be no illegal discrimination

on the basis of race, color, national origin, religion, sex, disability, age, Vietnam Era Veterans' status, national origin, sexual orientation, marital status, public assistance status, or any form of discrimination in the selection of members or officers on a local level.

3. ~~Statement signed by~~ Signed agreement by local student organization officer(s) giving assurance agreement that there will be no participation in any activities that could be considered hazing.

4. Request to check Eligibility for Participation Form.

5. Copy of the constitution. Constitutions shall be submitted for record every three years, even if no changes are made.

7.4.1 Registration information will be renewed annually and a list of officers must be submitted to the Student Activities Office at the time of election or appointment of officers.

7.4.2 Membership, policies, and actions of recognized student organizations will be determined by currently enrolled student group members.
~~who are enrolled as students.~~

~~7.5 Code Violations by Student Organizations and Affiliated University Groups~~

~~7.5.1 Organizations violating university rules are subject to revocation of recognition or other disciplinary action by Student Government or the administrative hearing officer designated by the dean of student life.~~

~~7.5.2 University organizations are prohibited from engaging as a group in activities that constitute individual violations of university policies by the members involved.~~

7.56 National/International Affiliated Organizations

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

7.67 On ~~Campus~~ and Off Campus Activities/Events

Responsibilities of officers of the organization include:

1. Reserve facilities for organization meetings and functions;
2. Prepare and file with the Memorial Union Student Activities Office an Event Risk Management Planning Notification Form, no later than two weeks prior to an off campus event;
3. Take initiative to ensure compliance with policies;
4. Seek assistance from staff in the Memorial Union Student Activities Office, as necessary;
5. Communicate policies to the organization's membership;
6. Encourage the organizational adviser(s) to be present;

And,

7. Take responsibility for group functions.

Refer to section 4.3.6 for off-campus events at which alcohol may be available.

7.78 Fraternities and Sororities

7.78.1 Membership

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

7.78.2 Residents of Greek Chapter Houses

~~No one other than a~~ Only current or new initiated member(s) of that chapter currently enrolled at NDSU, or a house employee, may reside in the house during the fall and spring semesters without authorization from the dean of student life and by chapter leadership.

7.78.3 Summer Rules

Fraternity and sorority presidents are to furnish names of the summer house managers to the coordinator for Greek life, Memorial Union. Chapter leadership is required to inform summer residents of university and Greek life policies.

7.78.4 Alcohol and Other Drugs

Fraternity Houses. ~~No~~ No alcoholic beverages or drugs are permitted in common areas of chapter property at any time. Members who are 21 years of age may consume alcohol in the privacy of their rooms/suites with no more than three ~~guests~~ non-room/suite residents who are also ~~are~~ 21 years of age or older. Illegal drugs are not permitted on chapter property at any time.

Sorority Houses – no alcohol permitted due to National Panhellenic Conference rules prohibit alcohol and illegal drugs on chapter property at any time.

7.78.5 Code Violations

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

8. Commercial Solicitations and Distribution Issues

NDSU reserves the right to control the time, manner, and place of commercial solicitation, distribution of literature, and demonstrations occurring in public on the NDSU campus. Advance registration of such activities and events is required. ~~(see procedural guidelines listed in Section 8.1).~~

Failure to register an activity or event or failure to comply with NDSU time, manner, and place restrictions may result in administrative, civil, and/or criminal proceedings for any participants engaging in disruptive activities. Such activities may result in university conflict resolution proceedings, issuing a no trespass warning and removal from campus, and/or arrest by law enforcement personnel.

8.1 Commercial and Fundraising Activities

See NDSU Policy 150: www.ndsu.edu/policy/150.htm.

8.1.1 Recognized Student Organizations

Recognized student organizations must register fundraising

activities with the associate director of Memorial Union/Student Activities Office at least two (2) weeks prior to advertising or initiating fundraising efforts. In some instances, using the Event Risk Management Planning Notification Form may be required. Activities or items associated with fundraisers must be consistent with university policies and local, state, and federal laws.

Student organizations may use university facilities for sponsoring events at which admission is charged or donations are solicited, provided the group has worked with appropriate departments in reserving facilities and coordinating activities. Facility rental fees may be assessed for events at which admission is charged.

8.1.2 Organizations Not Affiliated with NDSU and Individuals

Organizations not affiliated with NDSU and individuals (regardless of affiliation with NDSU) may not advertise, sell, conduct a business, or raise funds on campus or in a university residence without first registering and receiving written permission from the following:

In ~~all~~ university apartments, from the assistant director for university apartments and residence services residence life apartments.

Commercial activities in public areas of university apartments will not be allowed.

In residence halls, from the senior associate director of residence life. Commercial activities in public areas of residence halls will not be allowed.

In fraternity or sorority houses, from the president of the individual fraternity or sorority; permission will be limited to allowing commercial activities in public areas, ~~not including~~ bedrooms, or corridors, or suites.

In the Memorial Union, from the Memorial Union director.

Approval requires a confirmed reservation of space in the Memorial Union. Rental fees (if applicable) will be assessed for space utilized for these purposes.

In the Wallman Wellness Center, from the director of the center.

In all other areas, including exterior spaces, consult the Dean of Student Life Office for referral to the appropriate university official.

8.1.3 Parking Areas (Leaflets)

Placing flyers or other leaflets on vehicles on the NDSU campus, including those in NDSU parking lots, is prohibited.

Information left on vehicles will be removed and destroyed. If litter results from such activities, the sponsoring individual/group may be required to pick up discarded flyers or may be billed by the university for

providing that service.

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8.1.4 Raffles or Lotteries

Raffles or lotteries require a permit ~~from the City of Fargo.~~
~~Obtained permit applications~~ from the City Auditor's Office. The permit must also be signed by the associate director of the Memorial Union-Student Activities. Student Organizations are required to get the permit signed by the Student Activity Office.

8.2 Solicitations/Distribution of Literature

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

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

8.2.3 Distribution by means involving shouting, pursuing, Hawking, or accosting individuals is prohibited, as is any interference with normal university functions or interruption of free flow of traffic, inside or outside any building.

8.2.4 Commercial literature may not be sold or distributed on campus unless rules governing advertising in the section "Commercial and Fundraising Activities" have been followed (see Section 8.1).

8.2.5 Any person or groups of persons who want to distribute literature to the public in the Memorial Union may use the following methods:

- a) Literature racks located on the main level;
- b) Contact tables in the main concourse area, available for reservation for up to two-week periods (a rental fee will be charged for off-campus entities that want to utilize the contact tables);
- c) Exterior locations as designated by the university. Exterior location distributions are limited to one location for no more than two consecutive weeks per group, with at least five class days between multiple registrations. In times when a large number of requests have been received, the Memorial Union director reserves the right to reduce the two-week time limit to accommodate as many users as possible. Distributor(s) must register in advance in the Memorial Union Administrative Office, at which time the following information will be required:

1. Type, location, date(s), and time of distribution;
2. Copy of the literature;
3. Name of the organization represented, if any; and

4. Name, address, and signature of the person or a group representative.

8.2.6 Literature may not be distributed in classrooms except by permission of the instructor or by registered student organizations at their scheduled meetings or events.

8.2.7 Posters may be distributed on campus in designated locations only. A list of all on campus posting locations is available in the Student Activities Office, Memorial Union 120. It is prohibited to place posters, signs, or handbills on areas not provided for that purpose by the university. To place flyers on bulletin boards in campus buildings, permission must first be obtained by contacting the appropriate administrative representative as designated on the distribution list (for additional information, see NDSU Policy 154: www.ndsu.edu/policy/154.htm).

~~A poster distribution list of on-campus locations where notices may be posted is available in the Student Activities Office, Memorial Union 120. It is prohibited to place posters, signs or handbills on areas not provided for that purpose by the university, unless it is one's own personal property. Bulletin boards in buildings on campus are restricted unless a notice on the board states otherwise. In general, individuals should seek permission to post from the individual(s) who has (have) administrative control of that location. For guidance where this person is unknown, contact the Dean of Student Life Office (see NDSU Policy 154: www.ndsu.edu/policy/154.htm).~~

8.2.8 Literature to be distributed within the residence halls or university apartments must be approved by the senior associate director of residence life.

8.3 Demonstrations/Parades

8.3.1 The university community is one of inquiry and persuasion. An individual or group may protest, rally, or demonstrate provided such protest or demonstration does not disrupt university operations or obstruct physical movement to, from, or within any place on campus, including university property located off the main campus.

While the campus must be open to the free exchange of ideas, the university may limit the time, place, and manner of demonstrations. All members of the community are expected to conduct dialogs with civility, dignity and courtesy.

Organizers and participants must allow other community members freedom of movement on campus and freedom to engage in performance of their duties or pursuit of their educational and co-curricular activities.

8.3.2 A protest, rally, or demonstration must not interfere with the missions, processes, procedures, or functions of the university. Therefore, organizers and participants must recognize and allow staff and faculty of the university

to engage in performance of their duties, and for students to pursue their educational and co-curricular activities. Impeding or restricting these activities by making excessive noise, blocking entrances or exits from university facilities, or by using coercion, intimidation, or threats, or use of violence is unacceptable.

8.3.3 Organizers and participants are expected and required to vacate an area or university facility when directed to do so by an authorized official of the university or law enforcement personnel.

8.3.4 Any on-campus protest, rally, or demonstration must be registered with the director of the Memorial Union and University Police at least 24 hours prior to the event. The registration process will enable university officials to:

- Outline and discuss with organizers the guidelines necessary to keep the demonstration non-violent and non-disruptive,

- Plan for the control of possible counter-demonstrations that would infringe upon the rights of participants or result in violent or abusive action, and

- If demonstration/parade will involve a public street, applicants must also obtain ~~must get~~ a City of Fargo special event permit. Parades through campus buildings are not permitted.

8.4 Chalking

~~Those~~ Individuals who want to chalk on sidewalks near the Memorial Union should seek permission from the director of the Memorial Union. Contact the director of facilities management to seek permission to chalk in any other area. Chalking on any other surfaces is prohibited.

~~The~~ Content of messages is limited to the promotion of a specific event.

8.5 Posters, Signs, ~~Leaflets~~ Handbills

Placing posters, signs, or ~~handbill~~ leaflets except on one's own personal property or in areas authorized and provided for that purpose by the university is prohibited. ~~In general,~~ individuals should seek permission ~~to post~~ from ~~those~~ persons ~~individual(s)~~ who ~~has~~ have administrative control of that location. For guidance where this person is unknown, contact the Dean of Student Life Office.

~~9. Code of Student Behavior Sanctions, Terms and Conditions~~

~~A sanction is a consequence placed upon any student for conflicts with specified university policies. Sanctions help define the student relationship with the university in the context of current and potential future behavior, including a notice that further conflicts may lead to more~~

severe behavioral sanctions. In assigning one or more sanctions for inappropriate student behavior, the hearing officer or board will consider:

- a) Facts of the case as presented from all relevant sources, including the accused student,
- b) Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses,
- c) Type and severity of the offense, and/or
- d) Previous incidents of inappropriate behavior committed by the student accused.

If a student is found not responsible for the alleged code violation(s), no action will be taken against the accused student. In cases in which the student is found responsible for violating one or more policies, one of the following terms and conditions may be imposed:

- 1. Warning,
 - 2. Behavioral probation (with or without supervision),
 - 3. Suspension,
 - 4. Voluntary withdrawal,
 - 5. Expulsion, or
 - 6. Recommendation to the provost to rescind a degree.
- With each sanction, other educational or restorative actions or other terms and conditions may be assigned. In addition, notification may be given to other university officials as necessary. Sanctions include, but are not limited to:

- 1. Restitution,
- 2. Confiscation,
- 3. Restricted access to university facilities and grounds,
- 4. Loss of privileges,
- 5. Participation in a specific program,
- 6. Educational projects, and/or
- 7. Alcohol or other drug testing and/or evaluation.

9.1 Sanctions

9.1.1 Written Warning

A warning is a written notification that subsequent code violations will normally result in more severe sanctions. This action results in no notation on the student's academic transcript.

9.1.2 Behavioral Probation

Behavioral probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with university policies and any other terms or conditions that have been imposed in writing. The specific terms of the

~~probation will be determined on a case-by-case basis. Behavioral probation may be supervised or unsupervised. Further inappropriate behavior may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion. This action results in no notation on the student's academic transcript. Supervised probations generally require meetings with a member of the Division of Student Affairs at regularly established intervals to monitor progress in academic, social, vocational and other areas of the student's life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth.~~

~~9.1.3 Suspension~~

~~Suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not less than one academic semester and not to exceed two academic years. An individual student may not re-enroll during the period of suspension.~~

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

~~b) The notice will include the conditions for readmission that must be met prior to application for readmission. Students may obtain a reactivation of student status (after absence) form from Registration and Records, Ceres Hall, also online at <http://bisonconnection.ndsu.edu/forms/reactivate/>. An interview with the dean of student life also will be required prior to acceptance of the student's application for readmission.~~

~~c) While a student is under suspension from NDSU, no academic credit earned during the suspension period will be accepted for transfer from any other higher education institution. The student's transcript will carry a notation "may not register for nonacademic reasons" without further explanation. If the student is subsequently readmitted, the original notation will remain on the transcript and a new notation will be added, "eligible for registration effective ..."~~

~~d) The student's eligibility for any refund of tuition/fees will be subject to the university's normal withdrawal policy.~~

~~e) There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student~~

also may be required to obtain prior written permission from the dean of student life before being on any portion of the NDSU campus during the period of suspension. Usually a student with restricted access to the campus will be allowed on campus to conduct business related to the university, but only through prior written approval by the dean of student life.

f) Suspension is a matter of permanent record. A permanent record indicates that student behavior files may be obtained indefinitely at the discretion of the dean of student life, but not less than seven (7) years.

9.1.4 Voluntary Withdrawal

In some circumstances, based on mutual agreement, the student may be allowed to withdraw on a voluntary basis. Conditions may be imposed concerning the period of time after which the student may petition for reenrollment and/or for other conditions to be met prior to application for re-enrollment. A meeting will be required with the dean of student life prior to approval of the student's petition for readmission. This action results in no notation on the student's academic transcript.

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9.1.5 Expulsion

Expulsion is a written notification that the student is permanently ineligible to return to the university. The student must leave university residences and cease all use of university owned or controlled buildings, properties and services within the time frame established in the written notice of the expulsion. Requests for readmission will not be approved. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a matter of permanent record.

9.1.6 Rescind Degree

If a student has been awarded a degree and it is subsequently discovered that the student committed a serious breach of this code while attending the university, the university may, upon separate proceedings, elect to rescind the degree.

9.2 Terms and Conditions of Sanctions

9.2.1 Restitution

A student may be required to repair, pay the cost for repair, or pay for cost of replacement of any property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of

~~the hearing officer or board, taking into consideration the fair market value or cost to repair the damaged item(s). When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. In the case of personal injury, the responsible party may be required to cover cost of medical care for others harmed as a result of the student's actions.~~

~~Failure to make timely arrangements for restitution may result in cancellation of the student's registration, prevention of the student's re-registration, or more severe sanctions including, but not limited to, suspension or expulsion.~~

~~When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.~~

~~9.2.2 Confiscation~~

~~In addition to items already seized as evidence, goods used or possessed in conflict with university policies and/or local, state or federal laws including, but not limited to, falsified information or identification, may be confiscated and not be returned to the student.~~

~~9.2.3 Loss of Privileges~~

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

- ~~a) Participating in or attending events sponsored by the university or by students,~~
- ~~b) Holding office in any Congress of Student Organizations (CSO) recognized student organizations,~~
- ~~c) Receiving guests in residence life facilities during regular visitation periods,~~
- ~~d) Visiting residence life facilities or dining centers,~~
- ~~e) Receiving financial aid,~~
- ~~f) Being employed by the university,~~
- ~~g) Representing the university,~~
- ~~h) Sponsoring or hosting organization or campus-wide functions,~~
- ~~i) Using network services, and~~
- ~~j) Maintaining recognized status with the CSO.~~

~~9.2.4 Participation in a Specific Program~~

~~A student may be required to participate in a specific program, such as counseling, public service, an alcohol and/or other drug education program, an educational~~

~~class, or other program as assigned.~~

~~9.2.5 Educational Projects~~

~~A student may be assigned an educational project including, but not limited to, writing a reflection or research paper, preparing a bulletin board, or sponsoring a program.~~

~~9.2.6 Alcohol/Drug Testing and/or Screening~~

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

- ~~a) A student's behavior has been injurious to self or others while under the influence of alcohol/drugs, or~~
- ~~b) When the student has had three or more separate violations involving alcohol/drugs.~~

~~All such testing and/or evaluation shall be at the student's expense. The student will be expected to sign appropriate releases to demonstrate to the university that the student is complying with any recommendations resulting from such testing and/or evaluation.~~

~~9.3 Special Circumstances and Conditions~~

~~9.3.1 Registration/Graduation Hold~~

~~a) If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code or if the student fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's ability to register or the student's current registration may be canceled. If canceled, the student's eligibility for any refund of tuition/fees will be subject to the university's withdrawal policy.~~

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

~~9.3.1 Temporary Emergency Suspension~~

~~A student may be temporarily suspended, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property. No hearing will be required before temporary suspension is imposed; however, one will be convened within five business days following suspension. If the suspension is upheld, the suspension remains subject to the rules outlined in suspension (see Section~~

~~9.1.3) and remains a matter of permanent record.~~

~~Conditions under which emergency suspension may be imposed:~~

- ~~a) To ensure the health, safety, or well-being of members of the university community,~~
- ~~b) To preserve university property,~~
- ~~c) To ensure the suspended student's own physical and emotional safety and well-being, or~~
- ~~d) To ensure against the disruption of, or interference with, the normal operations of the university.~~

~~9.3.2 Returning and/or New Students~~

~~If an act that violates this code is committed by a student during a period of nonenrollment, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about these holds at the time the university is first notified about the incident or notice may be provided when the student subsequently requests enrollment. In addition, an administrative hearing officer, in consultation with the dean of student life, may place a registration hold to deny a student the right to register. Reasons may include, but are not limited to, the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the~~

~~26-27 students or others in the university community, and/or as otherwise provided by NDSU Policy 607 Admission & Reenrollment Safety Risks,.~~

~~9.3.3 Registration/Graduation Hold~~

~~a) If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code or if the student fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's ability to register or the student's current registration may be canceled. If canceled, the student's eligibility for any refund of tuition/fees will be subject to the university's withdrawal policy.~~

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

~~9.3.4 Involuntary Withdrawal for Psychiatric Reasons~~

~~A student may be subject to involuntary withdrawal, if it is determined by clear and convincing evidence, that~~

the student:

a) Suffers from a mental disorder as defined by the current American Psychiatric Association Diagnostic Manual or its equivalent, and as a result of such a disorder engages, or

b) Threatens to engage in behavior that:

1. Poses a significant danger of causing imminent harm to the student or others, or

2. Directly and substantially impedes the lawful activities of other members of the campus community.

These standards do not preclude North Dakota laws.

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

Disciplinary Violations

A student accused of violating this code may not be subject to the disciplinary process if the student, as a result of a mental disorder:

a) Lacks the capacity to respond to pending disciplinary charges, or

b) Did not know the nature or wrongfulness of the conduct at the time of the offense.

Students subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the dean of student life in writing at least two business days prior to any disciplinary hearing. The dean of student life may elect to appoint a designee to act in administering this policy. If the dean of student life determines that the evidence may have merit, the case will then be resolved in accordance with these standards and procedures. If it is determined the student does not meet the criteria mentioned above, the case will be returned to the disciplinary process.

Evaluation Referral

The dean of student life may refer a student for an evaluation by an independent, licensed psychiatrist or psychologist chosen by the institution if the dean of student life reasonably believes the student may meet the criteria in Section 9.3.4, or if a student subject to disciplinary charges wants to introduce relevant evidence of any mental disorder. A student referred for evaluation will be informed in writing and the evaluation must be scheduled no later than five days from the date of the referral letter. The evaluation will be at the student's expense. If a student fails to complete an independent evaluation, he or she may be subject to the disciplinary process or an

~~immediate interim withdrawal.~~

~~Interim Withdrawal~~

~~As stated above, an interim withdrawal may be implemented if a student fails to complete an evaluation with a licensed psychologist or psychiatrist. Also, an interim withdrawal may be undertaken immediately if the dean of student life determines a student may be suffering from a mental disorder, and the student's behavior poses an imminent danger.~~

~~A student subject to interim withdrawal shall be given written notice and may be assisted throughout this process by an individual of his or her choice. The student, whether or not an evaluation has been completed, shall be given the opportunity to appear personally before the dean of student life within 72 hours of the effective date of the interim withdrawal to review:~~

- ~~a) Reliability of the information concerning the student's behavior, and~~
- ~~b) Whether the student's behavior poses an imminent danger.~~

~~During an interim withdrawal, the dean of student life may place restrictions including, but not limited to, class attendance and use of campus services and facilities.~~

~~Involuntary Withdrawal~~
~~A student under consideration for involuntary withdrawal will be accorded an informal hearing with the dean of student life. The informal hearing will be held within seven business days after an evaluation by a licensed psychologist or psychiatrist has been completed. Prior to the informal hearing, the dean of student life and the student will have an opportunity to review independently the psychological or psychiatric evaluation.~~

- ~~a) Informal hearing proceedings are conducted by the dean of student life. The student may be assisted in the informal hearing by an individual of his or her choice. The student will remain withdrawn on an interim basis pending completion of the informal hearing.~~
- ~~b) A written decision shall be rendered by the dean of student life containing a statement of reasons for any determination leading to involuntary withdrawal. The student also should be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The student may appeal the decision to the president.~~

910. Reporting, Investigating, and Resolving Complaints
~~The eComplaint resolution procedures in this code are~~

used to determine whether a student is responsible for alleged violations of the Code of Student Behavior, ~~and The purposes of the complaint resolution procedures~~ include the following purposes:

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

910.1 Reporting Alleged Violations

Complaints should be reported as soon as possible following the discovery of ~~the~~ alleged inappropriate behavior.

~~The complaint~~ and may be initiated by law enforcement or any member of the NDSU community, including students, faculty, staff members, and guests of the campus.

An alleged violation should be reported to the:

- a) Dean of Student Life Office, 250 Memorial Union, and/or
- b) Department of Residence Life, West Bison Court, and/or
- c) Memorial Union Administrative Office, 246 Memorial Union.

910.2 Investigating Reports of Alleged Violations

910.2.1 No form of harassment may be used by institutional representatives to coerce admissions of guilt or information about one's behavior or that of other suspected persons.

910.2.2 Search and Seizure

University ~~P~~policy on the privacy of student rooms stipulates that entry and search of university residences by university officials will be permitted only in one or more of the following instances: ~~when~~:

- a) ~~The~~ A student consents to the search;
- b) The officials responsible fear an imminent danger to health, safety, life or property;
- c) The vice president for student affairs or designee provides A written administrative authorization specifying reasons

for the search, objects of information sought, and area to be searched; ~~or has been given by the vice president for student affairs, dean of student life, or director of residence life, or a person acting in their capacities during their absences from the campus;~~

d) University officials fear imminent destruction of evidence relevant to a suspected violation of university regulations; ~~or~~
e)

When ~~S~~students ~~are~~ suspected of violating ~~the~~ NDUS or NDSU Acceptable Use Policies, student computers, associated peripheral devices, and media storage devices may be taken into temporary custody on authority of the Information Technology Services Officer, ITSO, to collect and preserve evidence of possible violations of local, state or federal laws (see NDSU Policy 158: Acceptable Use of Electronic Communications Devices: www.ndsu.edu/policy/158.htm and State Board of Higher Education (SBHE) Policy 1901.2, Computing Facilities: www.ndsu.edu/policies/ndus-policies/subpolicy.asp?ref=2551). If additional questions remain, contact the Information Technology Services Officer ITSO.

The university requires that the dean of student life be notified of searches by university officials. The university will not intervene between students and searches authorized under law by any law enforcement agencies. At the conclusion of those actions, and when provided information by law enforcement agencies, the university reserves the right to initiate action under this code when alleged violations of the code are believed to have occurred.

The ~~R~~right to ~~i~~inspect residence hall rooms and university apartments without notice is reserved by the university for purposes of maintenance, cleaning, fire, personal safety, and ~~for purpose of~~ administering provisions of the license contract. The university will provide reasonable notice, when possible. Such entry by the university shall not be regarded as a search, but is separately agreed to and authorized by the student through ~~the~~ provisions in the residence life license contract.

940.3 Resolution of Conflicts

The conflict resolution process generally includes the following steps:

a) Receipt of an incident report ~~received~~,

- b) Creation of a conduct file,
- c) Implementation of interim actions, if necessary
- d) Investigation of incident, if necessary
- ee) Notice of alleged violations,
- fd) Prehearing conference,
- ge) Hearing (administrative or complaint resolution board),
- hf) Notification of findings, including sanctions, and terms and conditions, as assigned,
- ig) Appeal (if student chooses),
- jh) Notification of appeal decision (if applicable).

A detailed description of these steps may be found in Section 11, Guaranteed Student Rights and Complaint Resolution Process.

9.34 Special Circumstances and Conditions

9.43.1 Registration/Graduation Hold

- a) If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code, or fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the university's withdrawal policy.
- b) Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending. If the student withdraws before NDSU becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.

9.43.2 Returning and/or New Students

If an act that violates this code is committed by a student during a period of nonenrollment, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about these holds at the time the university is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, an administrative hearing officer, in consultation with the dean of student life, may place a registration hold to deny a student the eligibility to register. Reasons may include, but are not limited to, the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the student or others in the university community, and/or as

otherwise provided by NDSU Policy 607-Admission & Reenrollment Safety Risk; [Background Checks](http://www.ndsu.edu/policy/607.htm) www.ndsu.edu/policy/607.htm.

9.43.3 Temporary Emergency Suspension

A student may be temporarily suspended, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five business days following the suspension. If the suspension is upheld, the suspension remains subject to the rules outlined in suspension (see Section [9.1.310.1.4](#)) and remains a matter of permanent record. Conditions under which emergency suspension may be imposed:

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

9.43.4 Administrative Withdrawal for Psychiatric Reasons

A student may be subject to administrative withdrawal, if it is determined by clear and convincing evidence, that the student:

- a) Suffers from a mental disorder as defined by the current American Psychiatric Association Diagnostic Manual or its equivalent, and as a result of such a disorder engages, or
- b) Threatens to engage in behavior that:
 - 1. Poses a significant danger of causing imminent harm to the student or others, or
 - 2. Directly and substantially impedes the lawful activities of other members of the campus community.

These standards do not preclude North Dakota laws. Consideration will be given first to use of normal disciplinary processes of counseling, voluntary withdrawal, use of state commitment laws (NDCC 25.03.1), or use of other alternatives whenever appropriate.

9.4.4.1 Disciplinary Violations

A student accused of violating this code may not be subject to the disciplinary process if the student, as a result of a mental disorder:

- a) Lacks the capacity to respond to pending disciplinary

charges, or

b) Lacks the capacity to know the nature or wrongfulness of the conduct at the time of the offense.

Students subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the dean of student life in writing at least two business days prior to any disciplinary hearing. The dean of student life may elect to appoint a designee to act in administering this policy. If the dean of student life determines that the evidence may have merit, the case will then be resolved in accordance with these standards and procedures. If it is determined the student does not meet the criteria mentioned above, the case will be returned to the disciplinary process.

9.4.4.2 Evaluation Referral

The dean of student life may refer a student for an evaluation by an independent, licensed psychiatrist or psychologist chosen by the institution if the dean of student life reasonably believes the student may meet the criteria in Section 9.34.4, or if a student subject to disciplinary charges wants to introduce relevant evidence of any mental disorder. A student referred for evaluation will be informed in writing and the evaluation must be scheduled no later than five days from the date of the referral letter. The evaluation will be at the student's expense. If a student fails to complete an independent evaluation, he or she may be subject to the disciplinary process or an immediate interim withdrawal.

9.4.4.3 Interim Withdrawal

As stated above, an interim withdrawal may be implemented if a student fails to complete an evaluation with a licensed psychologist or psychiatrist. Also, an interim withdrawal may be undertaken immediately if the dean of student life determines a student may be suffering from a mental disorder, and the student's behavior poses an imminent danger.

A student subject to interim withdrawal shall be given written notice and may be assisted throughout this process by an individual of his or her choice. The student, whether or not an evaluation has been completed, shall be given the opportunity to appear personally before the dean of student life within 72 hours of the effective date of the interim withdrawal to review:

a) Reliability of the information concerning the student's

behavior, and

b) Whether the student's behavior poses an imminent danger.

During an interim withdrawal, the dean of student life may place restrictions including, but not limited to, class attendance and use of campus services and facilities.

9.4.4.4 Involuntary Withdrawal

A student under consideration for involuntary withdrawal will be accorded an informal hearing with the dean of student life. The informal hearing will be held within seven business days after an evaluation by a licensed psychologist or psychiatrist has been completed. Prior to the informal hearing, the dean of student life and the student will have an opportunity to review independently the psychological or psychiatric evaluation.

a) Informal hearing proceedings are conducted by the dean of student life. The student may be assisted in the informal hearing by an individual of his or her choice. The student will remain withdrawn on an interim basis pending completion of the informal hearing.

b) A written decision shall be rendered by the dean of student life containing a statement of reasons for any determination leading to involuntary withdrawal. The student also should be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The student may appeal the decision to the president.

9.510.4 Interim Actions

In the interest of safety and security, interim actions may include the issuance of a No Contact Order and/or loss of privileges as defined in Section 10.2.6)????

9.610.4 Crimes of Violence

In cases of crimes of violence, the dean of student life may increase but not decrease timelines stated in the code and may determine by whom the case is heard.

The term "crime of violence" means:

a) An offense that has an element of use, attempted use, or threatened use of physical violence against the person or property of another, or

b) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

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

In cases of crimes of violence, the dean of student life may increase, but not decrease, timelines stated in the code and may determine by whom the case is heard.

9.6.110.4.1 Notification of Hearing Outcomes for Crimes of Violence

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

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

9.710.5 Conditions Under Which Emergency Suspension May Be Imposed:

- a) To ensure the health, safety, or well-being of members of the university community;
- b) To preserve university property;
- c) To ensure the suspended student's own physical and emotional safety and well-being, or
- d) To ensure against disruption of, or interference with, normal operations of the university.

No hearing will be required before ~~temporary~~ emergency suspension is imposed; however, one will normally be convened within five business days following the suspension. In unique circumstances, any alteration to this timeframe will be at the discretion of the dean of student life.
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If the suspension is upheld following the hearing, the suspension remains subject to the rules outlined in suspension (Section ~~9.1.310.1.4~~) and remains a matter of permanent record (see 17.1.32 for a definition of permanent record).

9.810.6 Incarcerated Students

In cases involving incarceration, a hearing will be held when the student is available for a hearing. Under these

circumstances, the dean of student life may ~~choose to determine that~~
~~hold~~ an administrative hearing be held rather than a Code of Student
Behavior Complaint Resolution Board hearing.

9.910.7 Default Proceedings for Current Students

A student who fails to appear for a hearing ~~on the date~~
~~set appointment to answer or contest the alleged charges of a violation~~
~~of university policies~~ will be considered in default.

The case may be decided based on information available
at that time. Default decisions may be reexamined
only when the student shows ~~that~~ the absence was for ~~a~~
good-reasonable cause.

9.1010.8 Student/Organization Leaves the University with Unresolved Charges

When a student/organization leaves the university with
unresolved charges, the administrative hearing officer or
a complaint resolution board may make a decision in the
student/organization's absence, providing the student/
organization was issued an advance written notice of the
date, time, and place of the scheduled hearing.

In certain cases, the administrative hearing officer reserves
the option to place a registration hold on the
student's records and archive the case until such time
the student requests re-registration or a resolution of the
pending matter. The administrative hearing officer also
may place a notation, "may not register for non-academic
reasons," after recommendation to and approval from the
dean of student life.

9.1110.9 Student Organizations in Default

In the event a student organization becomes inactive
rather than appear for a hearing, the default decision
will typically be withdrawal of recognition granted by the
Congress of Student Organizations. In addition, officers
of the organization at the time of the incident may face
conduct proceedings individually for failure to comply
(see Section 4.112) and also may be charged with one or
more of the original alleged violations of the code arising
from the alleged misconduct by the organization. If
found responsible for this violation, the original incident
that led to allegations against the student organization
will be considered in the determination of sanctions for
the organizational officers.

If the organization requests registration at a later date,

the dean of student life will assign a hearing officer to ~~will~~ meet with the student organization leadership to determine responsibility for the original charges, determine or recommend the appropriate sanction, and if that sanction is less than suspension or expulsion, will assess the need for any current remedial actions.

109. Code of Student Behavior Sanctions, Terms and Conditions

A sanction is a consequence placed upon any student for conflicts with specified university policies. Sanctions help define the student's relationship with the university in the context of current and potential future behavior, including a notice that further conflicts may lead to more severe behavioral sanctions.

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

In cases in which the student is found responsible for violating one or more policies, a sanction may be imposed. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

1. Warning.
2. Behavioral probation.
3. Supervised behavioral probation.
4. Behavioral suspension.
5. Voluntary withdrawal.
6. Expulsion, or
7. Recommendation to the provost to withhold or rescind a degree.

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

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

1. Restitution.
2. Confiscation.
3. Restricted access to university facilities and grounds.

- 4. Loss of privileges.
- 5. Participation in a specific activity or project.
- 6. Alcohol or other drug testing and/or evaluation, and/or.
- 7. No contact orders.

In assigning a sanction and/or terms and conditions for inappropriate student behavior, the hearing officer or board will consider:

- a) Facts of the case as presented from all relevant sources, including the accused student.
- b) Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses.
- c) Type and severity of the offense.
- d) Previous incidents of inappropriate behavior committed by the accused student, and
- e) the ability and/or willingness of the student to accept responsibility.

109.1 Sanctions

109.1.1 Written Warning

A warning is a written notification that subsequent code violations will normally result in more severe sanctions. This action results in no notation on the student's academic transcript.

109.1.2 Behavioral Probation

Behavioral probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with university policies and local, state, and federal laws, and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Behavioral probation may be supervised or unsupervised. Further inappropriate behavior may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion. This action results in no notation on the student's academic transcript.

10.1.3 Supervised Behavioral Probation

109.1.3 Supervised behavioral probations generally require meetings with a member of the Division of Student Affairs at regularly established intervals to monitor progress in behavioral, academic, social, vocational and other areas of the student's life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth.

109.1.4 Behavioral Suspension

Behavioral suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not less than two academic semesters and not to exceed two academic years.

a) A student may not re-enroll during the period of behavioral suspension.

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

c) The notice of behavioral suspension will include the conditions for readmission that must be met prior to application for readmission.

Students may obtain a reactivation of student status (after absence) form from Registration and Records, Ceres Hall, also online at <http://bisonconnection.ndsu.edu/forms/reactivate/>. An interview with a member of the dean of student life staff also will be required prior to acceptance of the student's application for readmission.

d) While a student is under behavioral suspension from NDSU, no academic credit earned during the suspension period will be accepted for transfer from any other higher education institution at any time. The student's transcript will carry a notation "may not register for nonacademic reasons" without further explanation. If the student is subsequently readmitted, the original notation will remain on the transcript and a new notation will be added, "eligible for registration effective ..."

e) The student's eligibility for any refund of tuition/fees will be subject to the university's normal withdrawal policy.

f) There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student also may be required to obtain prior written permission from a member of the dean of student life staff before being on any portion of the NDSU campus during the period of suspension. Usually a student with restricted access to the campus will be allowed on campus to conduct business related to the university, but only through prior written approval by a member of the dean of student life staff.

g) Behavioral suspension is a matter of permanent record. A permanent record indicates that student behavior files may be retained indefinitely at the discretion of the dean of student life, but not less than seven (7) years.

h) Student organizations placed on suspension may have all rights and privileges provided by CSO revoked for the duration of their suspension. In order to regain

all rights and privileges, the student organization is required to comply with and complete any and all sanctions and terms and conditions.

109.1.5 Voluntary Withdrawal

In rare circumstances, based on mutual agreement, the student may be allowed to withdraw on a voluntary basis. Conditions may be imposed concerning the period of time after which the student may petition for reenrollment and/or for other conditions to be met prior to application for re-enrollment. A meeting will be required with a member of the dean of student life staff prior to approval of the student's petition for readmission. This action results in no notation on the student's academic transcript.

109.1.6 Expulsion

Expulsion is a written notification that the student is permanently ineligible to return to the university. The student must leave university residences and cease all use of university owned or controlled buildings, properties and services within the time frame established in the written notice of the expulsion. Requests for readmission will not be approved. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a matter of permanent record.

109.1.7 Degree Withhold/Rescission

If a person has been awarded an NDSU degree and it is subsequently discovered that the person committed a serious breach of this code while attending the university, the university may, upon separate proceedings, elect to rescind the degree. See section 9.4.1 regarding graduation holds for similar reasons.

109.2 Conditions Associated with Behavioral Sanctions

109.2.1 Restitution

A student may be required to repair, pay the cost for repair, or pay for cost of replacement of any property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer or board, taking into consideration the fair market value or cost to repair the damaged item(s). When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. In the case of personal injury, the responsible party may be required to cover the

cost of medical care for others harmed as a result of the student's actions.

Failure to make timely arrangements for restitution may result in the cancellation of the student's registration, prevention of the student's re-registration, or more severe sanctions including, but not limited to, behavioral suspension or expulsion.

When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

109.2.2 Confiscation

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

109.2.3 Loss of Privileges

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

- a) Participating in or attending events sponsored by the university or by students,
- b) Holding office in any Congress of Student Organizations (CSO) recognized student organizations,
- c) Receiving guests in residence life facilities,
- d) Access to parts of or all university property, including eligibility to reside in university facilities,
- e) Receiving financial aid,
- f) Being employed by the university,
- g) Representing the university,
- h) Sponsoring or hosting organization or campus-wide functions,
- i) Using network services, and
- j) Maintaining recognized status with the CSO.

109.2.4 Participation in a Specific Activity or Project

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

109.2.5 Alcohol or Other Drug Testing and/or Evaluation

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

a) A student's behavior endangers or may endanger the safety of others, property, or themselves

while under the influence of alcohol/drugs, or

b) When the student has had three or more separate violations involving alcohol/drugs.

All such testing and/or evaluation shall be at the student's expense. The student will be expected to sign appropriate releases to demonstrate to the university that the student is complying with any recommendations resulting from such testing and/or evaluation.

109.2.6 No Contact Order

Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include, but are not limited, to any and all forms of communications, access to university owned or controlled locations, and specified minimum distances.

11. Student Rights Guaranteed in the Complaint Resolution Procedures

11.1 Burden of Proof

The burden of proof will rest upon the complainant. The complainant is usually a university staff member who is presenting the complaint on behalf of the university.

11.2 Standard of Proof

A student is ~~considered~~found to have violated this code when the student:

- a) Admits to the violation; or
- b) The evidence available at the time of the hearing supports a finding of responsibility under this code.

The standard of proof will be that it is "more likely than not" that the Code of Student Behavior has been violated.

11.3 Notice of Charges

Within a reasonable number of business days (generally 15) of receipt of the complaint, ~~the designee of the dean of student life will send~~ a written notice will be sent, usually via authorized university email, to the accused student to arrange a prehearing conference.

The notice of charges will include:

- a) Nature of the alleged inappropriate behavior;
- b) Date, time, and place of the alleged inappropriate behavior;
- c) Source of the complaint;
- d) Summary of the evidence to be presented;
- e) Maximum sanction applicable if found in violation of the Code of Student Behavior;
- f) Notice that a decision may be made in the student's

absence, if the student chooses not to appear at the hearing and that the failure to appear will be considered in reaching a decision whether or not the behavior code has been violated; and
g) URL directing the student to the online copy of the code or a printed copy of the code.

The student and the complainant must be given notice in writing of a summary of the charges and evidence to be presented in sufficient time to ensure an adequate opportunity to prepare for the hearing. The university will do all it reasonably can to provide the student and complainant oral or written notification of the hearing 48 hours prior to the hearing date.

11.3.1 Verbal Notice

In some cases a verbal request for a pre-hearing conference may be made (followed by a written request if the student so chooses), particularly in minor cases or cases in which an expedited hearing is appropriate. Examples include, but are not limited to, Verbal notice of expedited hearings may be used the two weeks prior to any university break of more than one week or when the student has indicated a decision not to return the following semester.

11.4 Prehearing Conference

During the prehearing conference, the administrative hearing officer ~~or designated official~~ will discuss the:

- a) Student's rights and responsibilities and
- b) Nature of the complaint and how the Code of Student Behavior may have been violated.

The student has a right to make a written and/or oral statement describing the event(s) that led to the charges.

~~and~~ The student may also request to proceed with an immediate hearing ~~take place~~ with the administrative hearing officer.

The administrative hearing officer may refuse to hear the case and refer it to another administrative hearing officer or complaint resolution board.

~~Cases involving student organizations will be forwarded to an administrative hearing officer for investigation.~~

11.5 Administrative Hearing and Complaint Resolution Board

The Code of Student Behavior complaint resolutions procedures at NDSU include:

- a) An administrative hearing officer designated by the dean of student life or
- b) A complaint resolution board.

11.6 Conflicts of Interest

~~Any~~No administrative hearing officer or board member who has a conflicting interest in the particular case may not sit in judgment during that proceeding. Each party has the right to challenge the appointment of an administrative hearing officer or board member. Challenges must be submitted in writing to the dean of student life at least two business days~~48 hours~~ prior to the hearing. If an charged-accused student or a complainant fails to raise a perceived conflict by objecting to that person two business days in advance, any objection is deemed to be waived. An individual may not be disqualified solely on the basis of his or her position in the university community.

11.7 Witnesses and Evidence

The accused student and the complainant shall be given reasonable opportunity to present their cases, including presentation of other evidence beyond written and verbal testimony by themselves and their witnesses. Witnesses will remain only for the duration of their own testimonies.

~~If both parties agree, the hearing may be limited to a consideration of written statements.~~ All testimony and other evidence upon which the decision will be based must be introduced into evidence at the hearing. Determination as to whether the accused student is or is not responsible for the alleged code violations will be based on the information provided prior to or during the hearing. Hearing officials have the discretion to verify accuracy of information and are required to notify the accused prior to issuing a decision if discrepancies are noted. ~~proceeding or must~~ have been provided in writing to the administrative hearing officer or chair of a complaint resolution board 48 hours prior to the hearing for distribution to the board members. The decision must be based solely upon such information presented in the proceeding. Any evidence acquired in violation of the university rules concerning investigation of student behavior shall not be admissible (see Section 912.1 Evidence). ~~The focus of the complaint resolution proceedings shall be to determine whether the accused student is responsible or not responsible for the alleged code violations.~~ Formal rules of evidence shall not be

applicable, ~~nor shall~~ Deviations from prescribed procedures shall not necessarily invalidate a decision or proceeding, unless significant prejudice to a student or the university may result.

If both parties agree, the hearing may be limited to a consideration of written statements. If the accused student is going before a complaint resolution board, the written statements must be presented to the chair of the complaint resolution board two business days prior to the hearing for distribution to the board members. For administrative hearings, the written statements may be provided ahead of time or at the hearing.

11.8 Hearsay Evidence

Hearsay evidence is permitted and will be given any consideration weight deemed appropriate by individual decision makers. A term applied to testimony given by a witness who speaks about information received from others, rather than information directly given by that witness. The value of such evidence rests with the discretion of hearing officials and their individual judgment of the witnesses' credibility.

11.9 General Character Witnesses

Character witnesses are ~~usually~~ not permitted to appear before the hearing officer/board, but the accused student may submit up to three written documents to the hearing officer/chair of the board two business days ~~48 hours~~ prior to the hearing. Each statement must be dated and signed, with the name of the individual signing printed below to ensure legibility. If the accused student is found responsible for violating this code, ~~the~~ the hearing officer/chair of the board may consider the ~~sem statements~~ during sanctioning, ~~if the accused student is found responsible for violating this code.~~

11.10 Questioning Witnesses

The student and the complainant have the right to address questions through the hearing officer/board to other witnesses at the hearing. If both parties agree, however, the hearing may be limited to a consideration of written statements. A witness may testify in the absence of the accused student with prior approval of the administrative hearing officer or the complaint resolution board chair.

An absolute right of cross-examination is not granted under this code. All questions will be addressed to the administrative hearing officer or complaint resolution board chair. The administrative hearing officer or complaint resolution board chair will then rephrase relevant

and reasonable questions, if necessary, and will retain the right to exclude questions that are redundant or irrelevant to determining responsibility. Persons answering questions will be given reasonable latitude to respond fully to questions ~~fully~~.

11.11 Hearing Advisor

The student and complainant each have the right to have a person present who may act in an advisory capacity.

This person is not an advocate for the accused and cannot address the Code of Student Behavior complaint resolution board, the hearing officer, or ask questions of witnesses.

11.12 Attorneys

If the student chooses to have an attorney present as his or her hearing advisor, the NDSU general counsel may be present to observe the proceedings. The complainant, if not a university staff member, also may choose to have an attorney present during his/her presentation.

The role of the attorneys shall not be to participate in the hearing other than to advise their own clients. Attorneys who do not respect this provision may be cautioned by the hearing officer/chair of the board and if they persist, may be asked to leave.

11.13 Self Incrimination

Accused students and witnesses shall not be compelled to incriminate themselves by being ~~forced~~ obligated to testify that they engaged in behavior constituting a violation of this code and/or local, state, or federal law.

11.14 Closed Hearings

All hearings are normally open only to those persons who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the charged student and the dean of student life. Witness(es) will remain only for the duration of his/her (their) own testimony. The dean of student life may permit a limited number of NDSU personnel to be present as observers for the purpose of training. ~~Other~~ ~~E~~xceptions may also be made as deemed necessary by the dean of student life.

11.15 Appeals

Students sanctioned for violations of any part of this ~~C~~ode of Student Behavior or related university policies may appeal.

~~Students Appeals~~ are limited to one appeal and that decision is final level (see Section 16).

12. Hearings

Cases are normally heard through administrative hearings.

In certain situations, a student may request a complaint resolution board hearing (see Section 14, Complaint Resolution Board Jurisdiction). The university also reserves the right to submit the case to a complaint resolution board either initially or at any point in an administrative hearing if:

- a) It becomes apparent the case may warrant suspension or expulsion, or
- b) The hearing officer is unable to hear the case due to a conflict of interest or any other reason.

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

The student's rights remain the same whether or not the student receives an administrative hearing or a complaint resolution board hearing.

~~Complaint resolution hearings are normally open to those individuals who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the charged student and the hearing officer or board chair. The dean of student life may permit a limited number of NDSU personnel to be present as observers for the purpose of training.~~

12.1 Evidence

Because this is an educational hearing, formal rules of evidence do not apply. Every effort will be made to allow all pertinent information to be presented for ~~the board's~~ consideration during the hearing (see section 11.7 Witnesses and Evidence).

12.2 Written Documents and Other Items

Parties planning to bring items to a hearing must generally provide copies of those items to the hearing officer or board chair 2 business days~~48 hours~~ prior to the hearing to allow for a review of the items and development of any pertinent

questions. The hearing officer or board chair may permit deviations to this time restriction as long as all parties~~the student~~ haves sufficient time to prepare for the hearing. Either party or their witnesses will be permitted to elaborate on written documents previously submitted.

12.3 Standard of Proof

In reaching a decision, only information produced at the hearing will be considered and evaluated using the “more likely than not” standard of proof.

12.4 Recommendation and Approval of Sanctions

In Cases of code~~in which violations of the code are~~ serious enough to warrant suspension or expulsion, the hearing officer or board chair will make a recommendation to the vice president of student affairs. When approval of the recommended sanction is received, the hearing officer or board chair will issue the written decision.

12.5 Decisions

Written decisions are generally rendered within 10 business days from the date of the hearing.

13. Administrative Hearings

(In addition to the information provided in Section 12, the following statements specifically apply to administrative hearings.)

An administrative hearing can result in a more timely resolution of the conflict and the involvement of fewer individuals.

13.1 An administrative hearing involves the accused~~alleged~~ student ~~(alleged to have violated the code)~~, hearing officer, and any other individuals necessary to determine whether or not there has been a violation of university policies. The administrative hearing officer is the NDSU representative assigned to process an alleged violation of university policies.

13.2 Sanctions imposed following an administrative hearing may not include suspension or expulsion unless the student receives prior written notice that the ~~student's~~ case was serious enough to warrant suspension or expulsion, and the student voluntarily waived the right to a hearing by a complaint resolution board.

14. Complaint Resolution Board Hearings

(In addition to information provided in Section 12, the following

statements specifically apply to board hearings.)

14.1 Jurisdiction

A student shall be granted a hearing before a complaint resolution board to determine whether or not a specific behavior has violated the Code of Student Behavior or related policies identified in the code, if the:

- a) Sanction normally administered for such behavior might include suspension or expulsion from NDSU, or
- b) Student's prior behavior record, plus a finding of responsibility for the current alleged violation, might result in a recommendation for suspension or expulsion from NDSU.

14.2 Pool Composition and Board Selection

The pool of potential members of a complaint resolution board may include students, faculty, and staff. The dean of student life may draw upon this pool to constitute a board of at least three members.

The dean of student life may draw from the hearing pool to make substitutions as needed to avoid the delay of a hearing.

14.3 Board Chair

A complaint resolution board chair will be appointed by the dean of student life. The chair's role is to conduct the hearing in an orderly fashion, determine whether evidence presented or questions asked are relevant to the proceeding, and assign appropriate sanctions if the accused student is found responsible for violating the code. Normally the chair does not ask questions during the hearing; however, if the chair believes that questions have not been asked that would help the board determine whether the accused student is responsible for violating the code, the chair may ask those questions.

14.4 Recording of Proceedings

All hearings of a complaint resolution board will be recorded up to the point of the board's deliberations necessary to render a decision, and will be retained as part of the student's file. In some situations, the chair of the board may recommend to the dean of student life that a video recording may be more appropriate than an audio recording. Notice will be provided to the student no less than 48 hours before the hearing. Access to the recording will be made available for the purpose of preparing an appeal. Requests for access should be directed to

the Dean of Student Life Office.

14.5 Board Decisions

The board will determine, by a majority vote, whether or not the student violated one or more sections of this code. Following a finding of responsibility, the chair of the complaint resolution board may choose to meet with the student to request additional information so that an appropriate sanction can be determined. The chair of the board will take into consideration any prior code violations ~~when~~ determining or recommending an appropriate sanction.

15. Complaint Resolution Board Procedures

15.1 With all parties present, the chair will call the meeting to order and will introduce members of the complaint resolution board and their function within the university. (The chair also will ask all other parties participating in the hearing to introduce themselves and identify their role in the proceedings.)

15.2 The chair will describe the general outline of the hearing to the board and will read the following honesty statement:

The university expects that all information presented in this hearing will be true and correct to the best of each person's knowledge. If students willfully provide false information, they will be in violation~~s~~ of NDSU's Code of Student Behavior. As a result, they also may be subject to additional disciplinary action.

Dishonest behavior by any faculty or staff member~~s~~ will be reported to ~~that person's~~ supervisor~~s~~ for any necessary disciplinary action.

15.3 The chair will dismiss witnesses until they are called to speak before the board.

15.4 The chair will introduce the complainant who will present the case on behalf of the university, making additional comments necessary to ensure the complaint has been presented accurately and clearly. The complainant is an NDSU representative appointed by the dean of student life.

15.5 The chair will introduce the accused student who will be permitted to present information to the board that is relevant in determining whether the student violated

one or more sections of the code. ~~This statement may include accepting responsibility for the violations outlined by the complainant.~~

15.6 At the chair's discretion, questions may be placed directly between parties. Permission to address parties directly may be withdrawn at any time.

15.7 The complainant will be allowed to present witnesses who may be asked questions by the complainant, accused student, members of the board, and dean of student life. Questions may be directed to the chair who will determine relevancy to the proceeding, request clarification if necessary, ask if the respondent understands the question, and request a response.

15.8 The accused student will be allowed to present witnesses who may be asked questions by the accused student, complainant, members of the board, and dean of student life. Questions may be directed to the chair who will determine relevancy to the proceeding, request clarification if necessary, ask if the respondent understands the question, and request a response.

15.9 The complainant and accused student will be permitted to ask questions of each other.

15.10 Questions will be permitted by board members and dean of student life, who may question either party. ~~and/or their witnesses.~~

15.11 At the discretion of the board chair, the complainant and accused student may be permitted to ask additional questions of each other.

15.12 Both parties will have an opportunity for closing statements. The complainant will present first, followed by the accused student.

15.13 All parties will be dismissed for deliberations by the board. Only board members and the chair may be present during deliberation and recording will stop at this point. The board chair may request consultation with the dean of student life for interpretation of the code.

15.14 A complaint resolution board may suggest one or more sanctions and related terms and conditions from

those listed in the code. Suggested sanctions are not binding upon the chair of the complaint resolution board who issues the final decision for the board and selects appropriate sanctions.

15.15 If the chair believes that suspension or expulsion is warranted, the chair will make this recommendation to the vice president of student affairs. When approval of the recommendation is received, the board chair will issue the written decision as outlined in section 14.5.

15.16 The chair of the complaint resolution board will send written notice of the board's findings to the student stating whether or not the Code of Student Behavior was violated. The written notice will include sanctions, if necessary, issued by the chair of a complaint resolution board. The notice will generally be sent within 10 business days following the hearing. Time extensions may be granted by the dean of student life.

16. Appeal Procedures

Students sanctioned for violations of this code may make one appeal. Cases resulting in suspension or expulsion are appealed to the president of NDSU. All other appeals are addressed to the dean of student life, or an administrator of residence life, depending upon who served as the complainant.

16.1 Deadline for Appeals

An appeal ~~off from~~ any decision must be made in writing by the student within five business days following the date the sanction ~~is assigned and~~ notice is ~~received by~~ sent to the student via the NDSU email account. ~~The date of the letter shall be the date the letter is sent. When necessary to utilize if sent by U.S. mail, students will be afforded tenfour business days from the date of letter to submit an appeal. will be added to the date the letter was mailed and that date will be used in starting the five business days.~~ If hand-delivered, a notation of that date will be made in the student's behavioral file.

In extraordinary circumstances, time extensions may be granted by the dean of student life. ~~The person to whom to appeal will be specified in the decision letter.~~ The university reserves the right, however, to reduce the time allowed for a student appeal in cases which may have the potential to result in harm to persons and/or property. The reduced time for appeal will be specified in the letter

of disciplinary sanction along with the rationale for allowing reduced time for an appeal. An appeal shall be written and contain the student's name, date of the decision or action, and reason(s) for the appeal.

32-33

16.2 Appeal letters

Appeals must be submitted to the person specified in the decision letter and must specify in detail one or more of the following bases of appeal:

- a) The severity of the sanction was not consistent with the severity of the offense ~~for the offense~~,
- b) The decision for nonaction/action/sanction was made in an arbitrary or capricious manner,
- c) The finding of the code having been violated was not substantiated by the evidence, and/or
- d) The student's rights were violated (specify those rights believed to have been violated).

16.3 Emergency Provisions

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

16.4 Appeal Advisory Board

The president and the dean of student life reserve the right to appoint an appeal advisory board to review appeals. In such instances the appointed advisory board will make a recommendation that the president and dean of student life may accept or reject. The decision of the administrator will generally be issued within 10 business days of receiving the recommendation from the advisory board and that decision will be final.

16.5 Review

The appeals person/body will review the written letter of appeal from the student and materials from the original hearing. After reviewing these materials, the appeals person/body may decide to do one of the following:

- a) Issue a decision based solely on the written materials,
- b) Issue a decision based on a review of written materials and discussion with the involved principals,

- c) Recall one or more witnesses,
- d) Return the case to the body conducting the original hearing for presentation of new evidence and reconsideration of the decision and/or sanctions.

16.6 Decision/Sanction

When the appeal is made by the accused student, the appeals person/body may uphold or lessen the original decision/sanction but not increase the sanctions/actions imposed by other persons or bodies. The decision on the appeal will generally be made within 10 business days of receipt of the appeal, but may take longer during university recesses or in the event of complex cases, or when an advisory board has been appointed to make an appeal recommendation.

16.7 Appeals by Accuser/Complainants

Appeals by the accuser/complainants may only be allowed when it is alleged that the accuser/complainant was the subject of a crime of violence, including forcible and non-forcible sexual assaults, as defined in this code. In some cases, an accuser's complainant's appeal could result in a different decision and/or stronger sanctions than originally imposed.

16.8 Rehearings

Rehearings will only be granted if there is substantial:

- a) Evidence to determine that the student was not afforded appropriate due process, or
- b) New evidence that has been discovered about the alleged violation and that was not available at the time of the earlier hearing.

17. Behavior Conflict Records

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

The disciplinary record shall be separate from the student's academic record, but shall be considered a part of the student's educational record. All disciplinary records shall be retained in the Dean of Student Life Office or other offices as authorized by the dean.

As provided under FERPA, information concerning code violations for alcohol and/or drugs may be shared with parents in accordance with the Parental Notification Policy. In addition, code violations may also be shared with some

academic departments upon request and as necessary to fulfill their professional obligations. A memorandum of understanding exists that provides for full exchange of information concerning code violations by student athletes with the pertinent coaches and the athletic director.

Suspension and expulsion are the only completed behavior actions reflected on the official academic transcript of the student (see section 10.81.4 & 10.1.6). At the direction of the dean of student life, the registrar shall place on the student's permanent academic record the words "may not register for nonacademic reasons." When the student is determined eligible to return to NDSU following a suspension, the original transcript notation will remain and a new transcript notation will be added: "eligible to return to NDSU for the ### term."

17.1 Behavior Conflict Records Retention and Destruction

17.1.1 Sanctions Less than Suspension or Expulsion

In cases in which students are found in violation and receive a sanction less than Suspension or Expulsion, with or without additional terms and conditions, all records related to that students' cumulative behavioral history will be retained for seven years from the date of the student's last behavioral incident. Student disciplinary records may be retained indefinitely at the discretion of the dean of student life.

17.1.1 Not Responsible

Records of not responsible will be retained in the office from which these findings were issued. These records will be kept for a period of two years and will then be destroyed if no further inappropriate behavior occurs.

17.1.2 Behavioral Probation and Written Warnings

In cases in which students are found in violation and receive a written warning or a sanction of behavioral probation, with or without additional terms and conditions, records related to the hearing will be retained for seven years from the date of the student's last behavioral incident, regardless of whether or not the student has graduated. Student disciplinary records may be retained indefinitely at the discretion of the dean of student life.

17.1.23 Suspension or Expulsion

In cases in which students are found in violation and receive a sanction of suspension or expulsion, disciplinary records will be considered retained on a permanent basis.

17.1.34 Student Organization Records

Student organizations are considered to have a continuing relationship with NDSU as long as the organization maintains its official recognition status with NDSU. Records of behavioral conflicts involving student organizations will be retained for seven (7) years following the

date of the incident. Student organization disciplinary records may be retained indefinitely at the discretion of the dean of student life.

FINAL NOTE Occasionally there are changes of staff titles mentioned in this document. The vice president for student affairs may make editorial changes relating to this document, ~~in relation to titles of individuals,~~ as long as the substance of the document is not affected.

Name, President

~~effective date~~ 8/122/2011

Part A: Appeal Chart

Part B: Related University Policy Statements

Revision in Progress

Index

Academic dishonesty
Academic freedom
Alcohol and other drugs
Animals
Appeal
Assault
Attempts
Behavior Sanctions
Bribery
Class lecture notes/materials
Commercial solicitation
Complicity
Computer related inappropriate behavior
Copyright infringement
Co-curricular activities
Crisis management
Deception
Decisions
Demonstrations
Discrimination
Dishonest Behavior
Disorderly conduct
Disruption
Distribution of literature
Emergency suspension
Endangerment
Equal opportunity grievance procedures
Equipment abuse
Evaluation
Evidence
Expulsion
Failure to appear
Failure to comply
False accusations
Financial responsibility
Firearms/explosives/other weapons
Free speech
Freedoms
Fundraising
Gambling/raffles
Grade appeals
Guests and visitation
Harassment
Hazing
Health related policies
Identification
Incarcerated students
Intellectual property infringement
Intimidation
Involuntary psychiatric withdrawal
Leadership
Misrepresentation
Offensive material
Participation
Permanent record
Physical abuse
Physical behavior
Political activities
Probation
Prohibited acts
Property violations
Proprietary information
Protection
Psychiatric withdrawal
Raffles²²
Rape
Records
Registration/graduation hold
Residence halls
Residency
Sales
Sanctions
Security
Service animals
Sexual assault
Sexual harassment
Smoking
Solicitation²
Sporting activity
Stalking
Student organizations
Suspension
Telephone
Traffic safety
Tri-College
Unauthorized surveillance
Voluntary withdrawal
Warning
Weapons
Written warning

Revision in Progress

Agenda Faculty Senate Meeting

*Meeting place and time: 3:30 pm, Monday, May 2, 2011
Memorial Union, Great Room*

I. Substitutions - K. Wold-McCormick

II. Approval of April 11, 2011, Minutes

III. Consent Agenda

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

B. General Education ([Attachment 2](#))

C. Policy Coordination Committee

For Information only:

1. Policy 171: Staff and Faculty Recruitment ([Attachment 3](#))

2. Removal of Policy 202: Procedures for Filling Broadbanded Positions, from Policy Manual ([Attachment 4](#))

3. Policy 601: Rights and Responsibilities of Community: A Code of Student Behavior ([Attachment 5](#))

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

IV. General Announcements

A. President Bresciani

B. Provost/VPAA Schnell

C. A. Rupiper Taggart, President of Faculty Senate

D. G. Totten, President Elect of Faculty Senate

E. L. Dallman, President of Staff Senate

F. C. Knutson, Vice President of Student Body

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 - G. Totten/A. Rupiper Taggart

For Discussion and Vote:

1. Policy 337: Grade Appeals ([Attachment 6](#))

2. Policy 353: Grievances - Faculty ([Attachment 7](#))

3. Policy 700: Services and Facilities Usage ([Attachment 8](#))

E. PTE Committee

VI. Unfinished Business

VII. New Business

A. Election of President-Elect ([Attachment 9](#))

B. Passing of the Gavel

C. Provost Schnell

VIII. Adjournment – President of the Faculty Senate - G. Totten

Academic Affairs Committee Report

Curricular Recommendations

Undergraduate Option Title Change: Human Development and Family Science Major							
From: Child Development				To: <i>Child and Adolescent Development</i>			
Option Title Change: Graduate Certificate in Family Financial Planning							
From: Family Financial Planning				To: <i>Financial Planning</i>			
New Option: Graduate Certificate in Family Financial Planning							
Financial and Housing Counseling							
New Courses							
Subject	No.	Title					Crs.
ANSC	457/657	Genetic Improvement of Livestock					3
ANSC	458/658	Evaluation and Use of Breeds of Livestock					3
ADHM	153	Sketching for Creativity					1
ADHM	461	Building Information Modeling					3
HNES	742	Nutrition: A Focus on Life Stages					3
ME	729	Advanced Vibrations					3
Course Changes							
From:				To:			
Subject	No.	Title	Crs.	Dept	No.	Title	Crs.
ADHM	161	Interior Graphics I: Residential	3	ADHM	161	<i>Introduction to Manual Drafting</i>	3
ADHM	162	Interior Graphics II: Commercial	3	ADHM	162	<i>Intermediate Manual Drafting</i>	3
ADHM	261	Interior Graphics III	3	ADHM	261	<i>Visual Communications</i>	3
ME	471/ 671	Stress Analysis	3	ME	471/ 671	<i>Experimental Stress Analysis</i>	3
ME	480/ 680	Advanced Fluid Dynamics	3	ME	480/ 680	<i>Biofluid Mechanics</i>	3
ME	721	Advanced Dynamics and Vibrations	3	ME	721	<i>Advanced Dynamics</i>	3
ME	755	Multiscale Fluid Dynamics	3	ME	755	<i>Fluid Mechanics for Bio/Nanotechnoloqies</i>	3

For Information Only

Change in Prerequisites/Corequisites and Change in Bulletin Descriptions			
Subject	No.	Title	Prerequisite/Corequisite Change
ADHM	365	CADD for Interiors	Change in Bulletin Description Prereq: ADHM 250 & ADHM 251 with grade of C or higher; Coreq: ADHM 253 and ADHM 254 Other requisites: Interior Design Major
ADHM	368	Interior Materials and Maintenance	Delete all existing course prerequisite/s or corequisite/s
Suspension of Undergraduate Programs			
Humanities (BA, BS, Minor)			
Classical Languages (BA, BS, Minor)			
New Special Topics			
ECE	796	Renewable Energy for Smart Grid	3
ECE	796	Cryptographic Protocol Theory	3
WS	199	Basic Self-Defense for Women	1
Course Number Correction			
H&CE 482 approved at the April Faculty Senate Meeting should be H&CE 480			

**For Faculty Senate:
Approved General Education Recommendations**

For Faculty Senate Meeting on May 2, 2011

Outcomes Key:

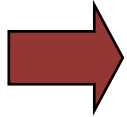
1. Communicate effectively in a variety of contexts and formats.
2. Locate and use information for making appropriate personal and professional decisions.
3. Comprehend the concepts and perspectives needed to function in national and international societies.
4. Comprehend intrapersonal and interpersonal 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
INTL 110	Introduction to International Studies	B, G	3, 6

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: SECTION 171: STAFF AND FACULTY RECRUITMENT AND MOVING EXPENSES

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 addition to section 4 to read: "Personal travel as described below in 4.1 and 4.2 are part of moving expenses and included in the allowable reimbursement for moving expenses." Language added for clarification based on feedback from a department reimbursing for moving expenses.
2. This policy was originated by (individual, office or committee/organization):
 - *Office of Human Resources/Payroll*
 - Colette.erickson@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 12/8/10: PCC suggested clarification and further housekeeping. Changes were done by the Accounting office; PCC would like to review these changes at January meeting before routing. 04/13/2011 V3 brought to the PCC; 04/27/2011, in 4.2 'spouse' was changed to "one other person' and AP Voucher was changed to Accounts Payable Voucher. Both changes were done to be consistent throughout the policy. V5 will be routed to replace v4 with these minor updates. 4/27/2011 UNDO the change in section 4.2.... USE VERSION 6!!!!!!

University Senate: 04/18/2011 V4 routed for input; 04/27/2011 routed v5 to replace v4; 4/27/2011 UNDO the change in section 4.2.... USE VERSION 6!!!!!!

Staff Senate: 04/18/2011 V4 routed for input; 04/27/2011 routed v5 to replace v4; 4/27/2011 UNDO the change in section 4.2.... USE VERSION 6!!!!!!

President's Council: 04/18/2011 V4 routed for input; 04/27/2011 routed v5 to replace v4; 4/27/2011 UNDO the change in section 4.2.... USE VERSION 6!!!!!!

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.
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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 171: STAFF AND FACULTY RECRUITMENT AND MOVING EXPENSES

SOURCE:

SBHE Policy Manual, Sections 806.2 and 806.3
NDSU Policy Manual

1. Stipends or consultant fees may be issued to potential candidates for positions when such persons give on-campus lectures, colloquies, seminars, demonstrations or formal consultations in a manner not significantly different from that of visitors who are not candidates for positions. Such stipends or consultant fees may be authorized from a lecturers' budget or from a consultant budget. *(NDSU Guidelines: Reimbursement is made by an [Account Payable Voucher Request for Payment](#) form, using account 515005, 511002, or 623025.)*
2. When approved by the President, the prospective candidate's travel expense may be authorized, not to exceed the receipted amount for transportation, room and board. *(NDSU Guidelines: This authority may be delegated at North Dakota State University in certain instances. Such delegation will be in writing.)*
3. For senior administrative and faculty positions, upon authorization of the President, travel expenses for ~~the~~ [one other person](#) ~~spouse~~ may be authorized for a prospective candidate.
4. Upon approval of the president or designee, moving expenses may be reimbursed when [employees](#) staff are initially hired from outside the University system, and when regular [employees](#) staff employed for one year are transferred to a new work location within the system at the direction of the employer. [Personal travel as described below in 4.1 and 4.2 are part of moving expenses and included in the allowable reimbursement for moving expenses.](#)
 - 4.1
Personal travel for the employee and immediate family while in transit, and while in temporary living quarters (both not to exceed 10 days total) may be reimbursed at the actual per diem rates and mileage rates applicable under the employee travel reimbursement policies.
 - 4.2
Personal travel may also be reimbursed for one round trip to the new work location for the employee and ~~spouse~~ [spouse](#) for up to three days to arrange for living accommodations.

4.3

Transportation expenses for personal items and household goods may be reimbursed at the actual expenses incurred.

4.4

The total reimbursement for transporting personal items, household goods, and personal travel shall be limited to the invoice costs plus the current per diem and mileage limits. In addition, the total reimbursement limit for regular employees transferred within the system is limited to \$5,000. NDCC Section 44-08-04-3

5. No other staff moving expense may be paid without approval of the Board.

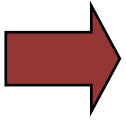
The following items are NDSU Guidelines:

6. Moving expenses are reimbursed to the employee by a ~~Request for Payment~~ an Accounts Payable Voucher form coded either account 521055 or 521050. The use of these codes depends on whether Internal Revenue Service regulations indicate whether the expenses are taxable or nontaxable to the employee. Moving expenses coded taxable (account 521055) will be transferred to the payroll system and included in the employee's taxable income for purposes of calculating employment taxes and W-2 reporting. Moving expenses coded nontaxable (account 521050) will be transferred to the payroll system for inclusion as a memo on the employee's W-2 form. A **Moving Expense Documentation** form must be used to document which expenses are taxable and nontaxable. The **Request to Reimburse Moving Expense** form, **Moving Expense Documentation** form, and appropriate receipts must be attached to the ~~Request for Payment~~ Accounts Payable Voucher form.
7. ~~If moving expenses are to be paid from salary savings, a notation should be made on the Request for Payment form to request a journal entry transfer of the expense from account 521055 and/or account 521050 to account 515005. Expenditures may be made for reimbursement of moving expenses only if the department concerned has sufficient funding available. No central budget is maintained for these expenditures.~~

HISTORY: July 1990; Amended April 1992; January 1995, April 2005, August 2006.

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SECTION: *Policy 202: Procedures for Filling Broadbanded Positions*

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).
 - ~~*Because of the recent PeopleAdmin upgrade, procedures need to be updated for accuracy. It was determined in the last PCC meeting that since this is a procedure and not a policy, it would be taken out of the policy manual. The updated procedure will be put on the HR/Payroll website in the Manager's Toolbox and the Administrative Toolbox under Recruitment.*~~
2. This policy was originated by (individual, office or committee/organization):
 - *Office of Human Resources/Payroll*
 - colette.erickson@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

Committee: 1/26/11: [04/13/2011 PCC was presented with the motion to remove this from the policy manual and move the information to the HR Website as a procedure.](#)

University

Senate: [04/18/2011 routed for information](#)

Staff Senate: [04/18/2011 routed for information](#)

President's Council: [04/18/2011 routed for information](#)

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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Thank you for your understanding!



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

~~SECTION 202: PROCEDURE FOR FILLING BROADBANDED POSITIONS~~

SOURCE:

NDSU President

NDUS Human Resources Policy Manual, Section 5.1.1

1. ~~Procedures for filling staff positions are distinguished by whether the position is a professional position (1000 or 3000 job bands; see number 2 below) or a technical/paraprofessional, office support, crafts/trades, services position (4000, 5000, 6000, or 7000 job bands, respectively; see number 3 below). All benefited positions, however, for which a regular monthly salary is paid (including fringe benefits), must be filled according to the relevant following procedures. These positions include part time and temporary positions unless paid by timeslip. General policies and recruitment areas and methods are found elsewhere in this manual.~~

2. ~~Prior to opening a position, the department head or designee should meet with a representative from the Office of Human Resources/Payroll to discuss the job description, qualifications, salary, veteran's preference and the weighting of qualifications.~~

~~2.1~~

~~Employees are hired relative to the market level for the job family. Consideration may be given to substantial, directly related experience and internal equity, which may include factors such as job performance and level of responsibility.~~

3. ~~Procedures for Filling a Professional Position. (1000 and all 3000 job families)~~

~~3.1~~

~~Complete Create a Posting in the Online Employment System and forward through the Approval Process up to Office of Human Resources/Payroll (Recruiting Office). Indicate search committee members, where to advertise, and attach the updated position description.~~

~~3.2~~

~~After position opening is posted on the website, distribute recruitment information as indicated and retain documentation for the transaction file. **Please note:** only advertisements in regional newspapers, HigherEdJobs.com, Job Service North Dakota and notices to the NDSU Career Center Office, other agencies for affirmative action purposes, and placement on the Campus Wide Information System are handled by the Office of Human Resources/Payroll.~~

3.3

Applicant materials are submitted online and acknowledged by the Online Employment System. Following the closing date, all applicant materials are released to the employing department on the Online Employment System. The search committee (which includes a representative from the Office of Human Resources/Payroll as an ex officio member) evaluates and scores each applicant using the approved Screening Action Form.

3.3.1

Reference checks are conducted, preferably from at least the past two employers. (This step can also be done later as part of the final selection process.)

3.4

The search committee, in consultation with the department/unit head, determines the cut off point for interviews, and interviews all applicants with scores above the cut off. The department changes the status for those applicants that they want to interview on the Online Employment System to Request for an Interview. The department should also submit a screening sheet at that time. The Office of Equity, Diversity, and Global Outreach will view the search, follow up with any questions, and change the Online Employment System to Interview Approved, if appropriate. The search chair will be notified via email once the approval has occurred. For those applicants that do not meet the advertised minimum qualifications or who are ranked lower in the applicant pool, the department will send the screening sheet to the HR recruiter to will notify applicants them of their non-selection. In some situations, a Recruitment/Employment Checklist may need to be completed.

3.5

Following interviews complete the Interview Reports for each interviewed candidate. Include reasons for selection or non-selection for each based on the position description and advertised qualifications and rank order the interviewed candidates.

3.6

Complete the Request to Offer for the applicant selected on the Online Employment System and route with application attach materials, completed Recruitment/Employment Check Lists when applicable, Interview Reports, Screening Sheet, Interview Questions, Reference Questions and who were contacted for approval signatures from the department chair and dean/director. Submit the signed Request to Offer and other materials through the Online Employment System to the Office of Human Resources/Payroll.

3.7

The Office of Human Resources/Payroll will review materials for completeness including reasons for selection and non-selection, will route forward for final approval signatures, and will notify the employing official of approval to offer the position.

3.8

Contact selected applicant and offer position. If the first choice does not accept, contact the Office of Human Resources/Payroll and explore the possibility of an offer to the second ranking applicant.

3.9

~~When an applicant has accepted the position, complete the Hiring Form 100 (or the 101 in the case of an on-campus transfer) for the applicant selected. Change the applicants' status on the Online Employment System. contact the recruiter to complete the online hiring form. Include information regarding hire date and contract dates (if appropriate). For internal benefited candidates, submit a Form 101.~~

3.10

~~The hiring department shall notify all other interviewed applicants that the position has been filled. The Office of Human Resources/Payroll will notify applicants who were not interviewed.~~

3.11

~~The Office of Human Resources/Payroll will complete and close the PeopleAdmin search on the Online Employment System or electronic transaction file on the position and store it for three years.~~

~~4. **Procedures for Filling a Technical/Paraprofessional, Office Support, Crafts/Trades, Services.** (All 4000, 5000, 6000, and 7000 job bands)~~

4.1

~~Complete Create a Posting in the Online Employment System and forward through the Approval Process up to the Office of Human Resources/Payroll Recruiting Office. Indicate where to advertise and attach the updated position description.~~

4.1.1

~~The Office of Human Resources/Payroll will review the Create the Posting online including the position description for completeness and will post/advertise according to appropriate recruiting procedures and any special instructions from the department.~~

4.1.2

~~After the posting period, the Office of Human Resources/Payroll staff will screen applications and at close of the recruitment period will release the employing official/department the applicant materials of applicants who best meet the criteria for selection (minimum and preferred qualifications).~~

4.2

~~Employing official/department will review received applicant materials and change the status for those applicants to Request for an Interview on the Online Employment System. The Office for Equity, Diversity and Global Outreach will review the applicant pool and follow-up if there are any questions. Interviews should be scheduled by the hiring department for all of the referred candidates.~~

4.2.1

~~Reference checks are conducted, preferably from at least the past two employers. (This step can also be done later as part of the final selection process.)~~

4.3

Following interviews, complete the Interview Reports for each referred candidate. Include reasons for selection or non-selection for each based on the position description and qualifications and rank order the interviewed candidates. In some situations, a Recruitment/Employment Checklist may need to be completed. Submit the materials to the Office of Human Resources/Payroll: Interview Questions, Reference Questions and who were contacted.

4.4

The Office of Human Resources/Payroll will review materials for completeness including reasons for selection and non-selection and will notify the employing official of approval to offer the position if additional information is needed.

4.5

Complete the Request to Offer for the applicant selected and submit on the Online Employment System to the Office of Human Resources/Payroll. The Office of Human Resources/Payroll will contact the employing official once it has been approved.

4.5 4.6

Contact selected applicant and offer position. If the first choice does not accept, contact the Office of Human Resources/Payroll and explore the possibility of an offer to the second ranking applicant.

4.6 4.7

When an applicant has accepted the position, complete the Hiring Form 100 (or the 101 in the case of an on-campus transfer) for the applicant selected.

4.7 4.8

The hiring department shall notify all other interviewed applicants that the position has been filled. The Office of Human Resources/Payroll will notify applicants who were not interviewed.

4.8 4.9

The Office of Human Resources/Payroll will complete and close the PeopleAdmin Online Employment System or electronic transaction file on the position and store it for three years.

HISTORY: July 1990; Amended April 1996; January 2000, October 2002, October 2007, October 2009.

• POLICY MANUAL HOME PAGE :

• SEARCH POLICY :

• NDSU HOME PAGE

[NDSU Policy Manual](#)

Last Updated: Wednesday, October 28, 2009

Published by North Dakota State University

Policy Change Cover Sheet

--BEFORE PRINTING THIS! Please Note!

*******It is over 80 pages.*******

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: *601 Rights and Responsibilities of Community: A Code of Student Behavior*

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 document was reordered, in some sections, to make it flow in the order that better approximates the Code process.*
- *In addition, members of the committee extensively reviewed the wording of the Code for clarity, and where deemed necessary, made adjustments to make the wording of the Code as clear as possible for student readers.*
- *Some changes to the Code were made to reflect best practices in the field of student conduct. For example, changes were made to help students better understand their responsibilities as student hosts when alcohol is present and over consumption may ensue, while at the same time encouraging students to assist students in distress and anticipate that some leniency in sanctioning would be afforded in the Code process when acting as a Good Samaritan.*

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

Student Life Code Revision Committee:

Nona Wood, chair & Assoc. Director of Student Rights and Responsibilities
Janna Stoskopf, Dean of Student Life
Emily Frazier, Assistant Director of Student Rights and Responsibilities
Dennis Cooley, Assoc. Professor, History, Philosophy, & Religious Studies
Kyle Haiman, Hall Director, Residence Life
Lisa Hauck, Director of International Programs
Kate Haugen, Assoc. Vice President of Student Affairs & PCC
Moga Kareem, Student/Multicultural Programs
Cathy Marks, Student Services Associate, Graduate School

Audrey Olson, Administrative Assistant, Student Life
Karla Thoennes, Sr. Assoc. Director of Residence Life
Courtney Waid, Assistant Professor, Criminal Justice
Steve Winfrey, Director of Memorial Union
Michael Paolini, Student Court

The committee began reviewing the Code on Jun 18, 2010, and ended on December 17, 2010.

- *Student Life and the date submitted*

- *Janna.Stoskopf@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 Committee: *Presented to PCC 03/31/2011: Janna provided PCC with an updated version (V2) and the suggestions from the Faculty Senate Exec.*

University Senate: *03/31/11 – routed for input; provided feedback directly to Janna S.*

Staff Senate: *03/31/11 – routed for input*

President's Council: *03/31/11 – 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

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!

RIGHTS AND RESPONSIBILITIES OF COMMUNITY: A CODE OF STUDENT BEHAVIOR

August ~~2008~~2011

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Revision in Progress

**North Dakota State University
Rights and Responsibilities of Community:
A Code of Student Behavior**

August 2011

Introduction

Higher education plays a vital role in educating future leaders by providing students with educational opportunities in and out of the classroom. The more time and energy students invest in educationally purposeful activities, the more they gain from their education. Learning is as much a social activity as a solitary endeavor.

To ensure NDSU students have an opportunity to gain the most from their education, they are encouraged to participate as committed citizens of the community by acting in a civil and responsible manner, accepting responsibility for actions and serving as a positive role model for others. Citizenship includes knowing and following local, state and federal laws and the University's Code of Student Behavior. Every NDSU student has the responsibility to observe and help maintain a code of personal behavior that contributes to the educational effectiveness of the university.

The Code of Student Behavior identifies core values important to an educationally purposeful environment. These values are Respect for the NDSU Community and Respect for the Protection and Rights of Others. Our goal with this code is educational and developmental as we work with students.

Respect for the NDSU Community

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

Respect for the Protection and Rights of Others

A community respecting the protection and rights of others is necessary to provide a positive and enriching educational environment. Behaviors that inhibit the educational process are of concern, whether they occur on or off university premises. This value communicates the importance the university places on respect for the protection and rights of others. Behaviors that inhibit the educational process are of concern, whether they occur on or off university premises. A community respecting the protection and rights of others is necessary to provide a positive and enriching educational environment.

Participation in Conflict Resolution Process

~~The university's relationship is with students. Our~~The university's goal is to work with students in an educational and developmental manner, and to assist them to reflect on and grow from their personal experiences. For this reason, other persons may not participate in the conflict resolution process; however, a person may be present as an advisor for the student.

General Complaint Procedures

The Vice President for Student Affairs Office has established a procedure for students to file complaints regarding student concerns or other issues, and provide for orderly collection of information, address students' complaints in a timely manner by appropriate university personnel, and help students learn effective conflict resolution skills. Complaints regarding student behaviors covered in this code will be resolved according to procedures described in this document. Complaints regarding non-students or student organization constitutional/procedural issues may be resolved by other means, including, but not limited to, student court, organizational standards boards, mediation, and honor commissions.

~~To assist students in stating the problem and desired resolution, a~~A form is available in the Vice President for Student Affairs Office, Old Main 100, the Dean of Student Life Office, Memorial Union 250, or online at <http://www.ndsu.edu/fileadmin/vpsa.ndsu.edu/ProblemsProcedure1.pdf>~~www.ndsu.edu/vpsa/forms/ProblemForms.xls to assist students in stating the problem and desired resolution.~~ Students also may arrange a meeting with the associate director of student rights and responsibilities, Memorial Union 250, any time during the process for advice and direction in resolving the problem.

1.Preamble

The president of NDSU is charged with the responsibility for development and administration of institutional policies and rules governing the role of students and their behavior. The president also has the responsibility of establishing guidelines for student behavior that set forth behavioral standards and provide for appropriate procedures and sanctions for violation of those standards, consistent with procedural fairness (North Dakota State Board of Higher Education Policy Manual, 305.1). The president has delegated student behavior responsibilities to the vice president for student affairs, while retaining the role as final arbiter in selected cases. The vice president has assigned the dean of student life to carry out these functions.

A Code of Student Behavior contains statements of university policies relevant to student life. Development and enforcement of these standards of behavior are an educational endeavor designed to foster students' personal, social, ~~moral~~ and ethical development. This document forms the basis for student behavioral expectations as a member of the NDSU community. The enforcement of these

standards serves to promote the protection of the rights, responsibilities, and health and safety of members of the NDSU community so its members may pursue their educational goals without undue interference and the personal growth of students in conflict with the code.

The content of this code was developed by the Dean of Student Life Office with input from a committee of individuals that included various members of the Division of Student Affairs, and student, faculty, and staff representatives, NDSU police captain, and Office of General Counsel, in consultation with the vice president for student affairs and the Office of General Counsel.

Contents of the code may be subject to change prior to the reprinting of this document. If changes are made, documents relating to the changes will be available from the Vice President for Student Affairs Office or the Dean of Student Life Office, printed in the *Spectrum* or other appropriate university publications, and/or communicated to students through official university electronic media. These changes will be included in future code revisions. An attempt also has been made to reference local, state or federal laws that complement university policies.

Questions should be referred to the Dean of Student Life Office, 250 Memorial Union.

2. General Behavior Code

2.1 General Student Responsibilities

Every NDSU student has the responsibility to observe and help maintain a code of personal behavior and social relationships, at all times, on and off campus, that will positively contribute to the educational effectiveness of the university and the student's own personal growth. To this end, all students are expected to observe the university standards published in this code and those outlined in any other university policies, procedures, contracts or license contracts published elsewhere. In addition, students are expected to observe the laws of the community, the state, the nation, and relevant jurisdictions when touring and/or studying abroad, at all times, on and off campus.

2.2 Persons Covered Under This Code

For the purpose of this document, "student" refers to all is defined as any individuals who have been admitted to the university, was previously enrolled in the university, uses university resources for purposes related to the university's educational mission, including, but not limited to, performing research and taking classes, or is a visitor attending an on-campus event may also be covered under this Code. individuals students for any act committed while they were

~~enrolled students or between all periods of enrollment, students and others similarly associated with the university, and all campus visitors. Students no longer enrolled in the university may be held accountable under this Code for those offenses committed after they were admitted and before they left the university, with no expectation of return.~~ Student organizations are held to the same behavioral standards that apply to individual students.

2.3 On Campus Living Requirement

All first-year students are required to live on campus. For more information, contact the Department of Residence Life.

2.4 Official University Communication

To facilitate correspondence between the student and the university, NDSU will first use the student's ~~NDSU~~ email address ~~on records as provided by the university. NDSU e-mail accounts are the official form of communication. This address is considered the official form of communication for all purposes~~ (see NDSU Policy 609). — <http://www.ndsu.edu/policy/609.htm>). ~~Students are expected to activate and frequently monitor their accounts. If unavailable, NDSU will use the student's most recent U.S. mailing address maintained by the student via Campus Connection. Students are responsible for maintaining current contact information, including, but not limited to, phone, email, and US mailing addresses, on Campus Connection. If correspondence is unsuccessful, NDSU will attempt to use alternate email addresses in University records, and as a last resort, will use local and other U.S. mail addresses on file with NDSU. It is the student's responsibility to maintain the accuracy of all personal data. Failure to receive important University communications due to out-of-date personal information will not relieve the student of any University obligations. It is recommended that students forward U.S. mail during extended University breaks and requireds that students continue to monitor the University provided email account at all times and it is recommended that students forward U.S. mail during extended University breaks.~~

2.5 Personal Inappropriate Behavior Not on University Property

General Information. The university may discipline a student for acts of personal inappropriate behavior committed outside of university property if the acts:

- a) Occur during the course of or in conjunction with university activities that are being conducted off the university campus;
- b) Relate to the safety and security of the university community and its members, integrity of the educational process, or interests of the university; or
- c) Relate to previous conflicts between the student and university behavioral standards.

For example, the university routinely processes ~~all~~ police reports provided to the university when the subject of such reports involves illegal or abusive use of alcohol and/or other drugs, loud/noisy party disturbances, violence or other

serious crimes. When law enforcement agencies report such activities to NDSU that involve students, the university may pursue charges under this code against all NDSU students identified on such reports.

Other off campus behaviors addressed may include, but are not limited to, the following: altering academic transcripts; assault; arson; battery; drug trafficking; forgery; fraud; harassment as defined in this code; hazing; rape; sexual assault and/or sexual misconduct; trafficking in term papers; unauthorized use of a computer off campus to obtain access to information on campus; possession or consumption of an alcoholic beverage by any student who has not reached 21 years of age; furnishing false identification or otherwise making a false representation about one's age for the purpose of buying, receiving, or otherwise obtaining alcoholic beverages; and selling, giving away, or otherwise distributing an alcoholic beverage to any student who has not reached 21 years of age.

Tri-College Policies

NDSU students who are charged with a violation of institutional policy at Concordia College or Minnesota State University Moorhead will be referred to NDSU and may be subject to action under this code.

2.6 NDSU Student Employees

When students commit acts that potentially violate this code while in their capacities as student employees of NDSU, the university reserves the right to review those potential conflicts when provided sufficient information to proceed with action under this code. When viewed as appropriate, NDSU may pursue resolution of those conflicts under this code in addition to any other personnel actions that may be taken against the students as employees.

2.7 Inappropriate Behavior by Student Athletes

Because of their special relationship with the university, student athletes are responsible for observing the content of this code as well as the Student Athlete Code of Conduct and their specific team rules. For this reason, student athletes may face hearings under both codes with different findings and/or sanctions imposed. If civil and/or criminal charges are pending, the student athlete may answer separately to three different jurisdictions for the same set of circumstances. The university may proceed before, during or after the proceedings of the other two jurisdictions. Because the university's and the Athletic Department's procedures are educational and not criminal in nature, such separate procedures do not constitute double/triple jeopardy.

2.8 Inappropriate Behavior by Other Student Leaders

Because of their special relationship with the university and roles within student organizations, student leaders are held to a higher level of personal accountability than other students. Each organization is responsible for reporting

to the Student Activities Office those office holders who are considered organizational executives. These leaders may be held accountable under the code both in their leadership capacity and their individual capacity as NDSU students. If legal charges are pending, student leaders also may answer to civil and/or criminal courts for the same set of circumstances. Because the university's procedures are educational (administrative) and not criminal in nature, such separate proceedings do not constitute double/triple jeopardy. The university may proceed before, during, or after legal proceedings, and does not typically wait for a court finding.

2.9 Inappropriate Behavior by Students in Specialized/Professional Programs
Some NDSU academic programs have established professional standards of behavior in addition to those required of all other students. Students in such programs that have established higher behavioral standards will be held accountable under the Code of Student Behavior, and at the same time, may face additional behavioral action related to their respective academic programs. As noted in 2.8, for the same reasons, these educational proceedings do not constitute double/-or triple jeopardy, even when criminal or civil actions may be pending from the same set of circumstances. The university may proceed before, during, or after legal proceedings, and does not typically wait for a court finding.

2.109 Unlawful Behavior/Violations of Law by Students

When students commit acts that are also violations of community, state or federal laws, on or off campus, those students will be subject to the same civil and/or criminal penalties as any other citizen in addition to campus resolution. Campus resolution of such acts may proceed before, during or after the civil or criminal proceedings have concluded. Because the university uses a lower standard of proof in code proceedings than used in criminal courts, differing judgments may result. In upholding university conduct standards, university conclusions also may vary from those resulting in civil courts over the same fact patterns. Since the campus actions are educational, and taking the university's educational interests into account, and not criminal proceedings, such simultaneous actions do not constitute double jeopardy and differing judgments may result.

2.1011 Attempts

Individuals who attempt to commit acts prohibited by the standards of this Code of Student Behavior may be charged, found responsible, and sanctioned to the same extent as if they had committed the prohibited acts.

2.124 Bias-Motivated Violations

Any code violation from this section, or any other section of the code, that is determined to have been motivated by hate based on age, race, color, disability, religion, gender identity, marital status national origin, public assistance status,

race, religion, sex, or sexual orientation, or status as a U.S. veteran may result in enhanced sanctions above those typically assigned for the same violations when not motivated by hate. North Dakota State University does not discriminate on the basis of age, race, color, disability, gender identity, marital status, national origin, public assistance status, race, religion, sex, sexual orientation, or status as a U.S. veteran. national origin, religion, sex, gender identity, disability, age, status as a U.S. veteran, sexual orientation, marital status, or public assistance status. Direct inquiries to the Vice President for Equity, Diversity, and Global Outreach, 205 Old Main, (701) 231-7708.

2.1³² Repeated Code Violations

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

2.1⁴³ Designees

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

2.1⁵⁴ Final Code Authority

Behaviors described in this code are illustrative rather than exhaustive ~~and are offered for educational purposes~~. In the event there arises some ambiguity, inconsistency or need for clarification of these statements, such definition, interpretation or clarification will be determined at the ~~sole discretion of the vice president for student affairs or~~ the dean of student life ~~and that determination will be final, from whom Any~~ student, staff or faculty member may request written clarification. from the vice president for student affairs or the dean of student life. Final authority for interpretation of this code lies with the vice president for student affairs.

3. Behavior Expectations and Responsibilities

The following sections outline forms of behavior that are inappropriate in a university community. ~~These forms of inappropriate behavior and~~ have been organized into two groups: ~~to help students understand the standards of behavior that are not appropriate. These are~~ Respect for the NDSU Community and Respect for the Protection and Rights of Others. Inappropriate behaviors outlined here are not intended to be exhaustive. Instead, they are intended to assist students to avoid conflicts with university policies and other members of the university community. ~~Most s~~Students will find that ~~avoiding these inappropriate behaviors following these will not restrict their activities unnecessarily and will policies will~~ protect the rights and freedoms of everyone in the university community.

4. Respect for the NDSU Community

~~The purpose of this section is to communicate~~ the importance of conducting oneself in a manner that ~~does not negatively affect~~supports the educational mission of the university ~~or and does not~~ adversely affect the rights and welfare of oneself ~~and/or~~ others. Respect for the NDSU community includes promoting an environment ~~that is~~ conducive to learning and nurturing a sense of shared community responsibility.

4.1 Violations of Law

The university reserves the right to address any behaviors occurring on or off campus that may be construed as potential or alleged violations of local, state or federal laws. ~~Campus proceedings may ensue before, during or following the pendency of civil and/or criminal proceedings. Because the university uses a lower standard of proof in code proceedings than used in criminal courts, differing judgments may result. In upholding university conduct standards, university conclusions also may vary from those resulting in civil courts over the same fact patterns.~~

4.2 Complicity in Prohibited Acts

There are two types of complicity. The first Complicity is knowingly, recklessly or willfully encouraging or assisting others to commit acts prohibited by this code. The second type is, when in the presence of a potential code violation, students fail to do one or more of the following:

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

Complicit students~~and~~ may be sanctioned to the same extent as if ~~they~~one had committed the prohibited act. Students are accountable for their guests' behavior ~~of their guests~~ and may be sanctioned under this provision as if they had committed the violations themselves. ~~When in the presence of a potential code violation, students are expected to do one or more of the following:~~

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

4.3 Alcohol/Drug Use

~~(see Section 155 of the NDSU Policy Manual: Alcohol and Other Drugs: Unlawful and Unauthorized Use by Students and Employees at www.ndsu.edu/policy/155.htm).~~ NDSU maintains an alcohol/drug free campus, subject to minor exceptions noted below. Section 155 of the NDSU Policy Manual: Alcohol and Other Drugs applies to students, campus organizations and employees, regardless of the individual's age. (see Section 155: Unlawful and Unauthorized Use by Students and Employees at www.ndsu.edu/policy/155.htm).

4.3.1 Alcohol on NDSU Property

Manufacture, sale, transfer, purchase, transportation, possession, use or consumption of an alcoholic beverage anywhere on NDSU property (including university vehicles, regardless of location), are all prohibited. Exceptions may include lawful possession of alcohol in ~~family student residences, when permitted,~~ on-campus professional staff residences, fraternity ~~housesies and sororities~~

(in certain circumstances), president's residence, and other special exceptions as granted in writing by the president. Special exceptions must be educational in nature and comply with requirements outlined in section 4.3.8 of this document.

4.3.2 Behaviors While Under the Influence of Alcohol or Other Drugs

Being under the influence of alcohol or other drugs is a violation of this code while a person is on university owned or controlled property, or at an NDSU sponsored or supervised function, and the person:

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

4.3.3 Minors in Possession/Consumption/Under the Influence of Alcohol While on Campus

~~As a~~ As students under the age of 21 ~~minor,~~ being under the influence of, possessing, manufacturing, exchanging, distributing, purchasing, using, or selling alcohol on NDSU owned or controlled property, or at NDSU sponsored or supervised events ~~is~~ are prohibited.

4.3.4 Driving While Under the Influence of Alcohol or Other Drugs

Driving while under the influence of alcohol or other drugs, regardless of location, is prohibited.

4.3.5 Possession of Alcohol ~~and/or Alcohol~~ Beverage Container

Possession or display of empty alcohol beverage containers, including but not limited to cans, bottles and kegs, on the NDSU campus, including those held by unauthorized individuals for the purpose of recycling is prohibited.

4.3.6 Alcohol at Student Organization Events

Recognized NDSU student organizations planning off campus events at which alcohol may be available (within the premises where the event takes place) must complete and file with the Student Activities Office, Memorial Union 120, an Event Risk Management Planning Notification Form, available in the Student Activities Office and online at http://mu.ndsu.edu/reservations/event_risk_management, http://www.ndsu.edu/mu/about_mu/forms/. Events involving alcohol must be closed events, intended only for organization membership and invited guests, and alcohol must be sold/served by a licensed third party vendor. Policies for event planning include:

4.3.6.1 Open Events/Parties at which Alcohol May be Present

Open events/parties, at which alcohol may be present, are prohibited by the university. Open events/parties are defined as those events with unrestricted access by nonmembers of the organization ~~without specific invitations~~.

4.3.6.2

Closed events/parties, at which alcohol may be present, are defined as those requiring restricted access by members of the organization and identified guests. These events/parties require guest lists which must be submitted to the Student

Activities Office, Memorial Union 120, during normal business hours at least 24 hours prior to the event.

4.3.6.32 Use of Student Organization or Public Funds

Student organization or public funds may not be used for the purchase of alcoholic beverages.

4.3.6.43 Sale of Alcoholic Beverages

Sale of alcoholic beverages by students and student organizations is strictly forbidden. This includes any action that can be remotely construed as an alcohol sale, such as charging admission to parties, passing the hat, selling empty cups, and selling drink tickets, etc. Alcohol sales may be conducted only by licensed third party vendors and made available only in individual serving containers.

4.3.6.54 Common sources of alcohol

Common sources of alcohol, such as party balls or kegs, are not permitted.

4.3.6.654 Activities and Promotions

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

4.3.6.765 Alcoholic Beverages as Prizes

Alcoholic beverages (such as kegs or cases of beer) may not be used as awards or prizes in connection with events or activities. Prize coupons and/or gift cards used for establishments with a liquor license must include the statement, "Not valid for purchase of alcohol."

4.3.7 Advertising Related to Alcohol

Alcohol promotional activities, including advertising, shall not be associated with otherwise existing campus events, programs, or campus organizational functions on or off campus. This includes, but is not limited to, such items as: cups, frisbees, T-shirts, backpacks, beverage can/bottle coolers and any other items carrying alcohol/beer advertising. Advertising of establishments that sell alcohol may appear

and must adhere to the following guidelines:

4.3.7.1 Advertising of establishments that sell alcohol shall not include brand names, logos, prices, visual images or verbal phrases that refer to consumption of alcoholic beverages. Advertising of establishments that sell alcohol shall not encourage any form of alcohol abuse or promote alcohol specials such as two for ones, happy hour drink specials, or any ads that encourage rapid and extensive consumption of alcohol.

4.3.7.2 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.

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

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

For additional policy details, consult Section 155, the Alcohol and Other Drugs: Unlawful ~~and Unauthorized~~ Use by Students, ~~Faculty~~ and ~~Staff~~ Employees, the Event Risk Management guidelines and the Greek Life Initiatives and Action Plan (policies are available in the Student Activities Office, Memorial Union 120, and online at www.ndsu.edu/MU).

4.3.8 Exceptions to Alcohol/Drug Use

Full or empty alcohol containers and/or drugs may be used in educational programs with educational purposes when officially requested by and conducted under the direction of university administrators with prior written approval from the president. Exceptions may be made as expressly permitted by law or as required for scientific research or teaching under the direction of faculty supervision. Programs that serve as fundraisers or at which admission is charged will not be eligible for exceptions to the alcohol policies.

4.3.9 Good Samaritan Responsibilities

~~A student host has a responsibility to ensure the well being of their guests wherever events occur. If a guest needs emergency medical attention, the host is required to call an ambulance or other appropriate emergency response personnel (ambulance, police, fire, etc.) to gain that assistance. If the host fails to carry out this responsibility, the host may be subject to severe university sanctions and may potentially be subject to additional civil and/or criminal liability. If the host acts properly and seeks medical attention or police assistance, this will be noted and brought forth prior to the sanctioning phase of any hearing related to the event in which the medical emergency arose.~~

4.3.9.1 Student Hosts

Student hosts have the responsibility to ensure the well being of their guests wherever events occur. If a guest needs emergency medical attention, student hosts are required to call an ambulance or other appropriate emergency personnel (ambulance, police, fire, etc.) to gain that assistance. Student hosts who fail to carry out this responsibility may be subject to serious university sanctions and may potentially be subject to additional civil and/or criminal liability.

Student hosts who act properly and seek medical attention or police assistance will experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.

4.3.9.2 Students

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

experience appropriate leniency in university sanctioning related to the event in which the medical emergency arose.

4.3.10 Drugs Other Than Alcohol

Drugs other than alcohol may include, but are not limited to, marijuana, K2, hashish, hash oil, cocaine, crack, Khat, LSD, inhalants, salvia divinorum, stimulants, depressants, hallucinogens, narcotics, designer drugs, anabolic steroids, and other substances that alter one's mental state.

4.3.10.1 Possession, Consumption, Being Under the Influence of Drugs Other than Alcohol

Possession, consumption, and being under the influence of drugs other than alcohol are prohibited, except pursuant to a physician's, ~~or dentist's~~, or other authorized medical personnel's prescriptions.

4.3.10.2 Transport, Manufacture, Exchange, Distribution, Purchase, Use, Sale of Illegal Drugs

Transport, manufacture, exchange, distribution, purchase, use, sale of illegal drugs, or any other controlled substances isare prohibited except pursuant to a physician's, ~~or dentist's~~, or other authorized personnel's prescriptions.

4.3.11 Possession of Drug Paraphernalia

Possession of drug paraphernalia for illegal drug use is prohibited.

4.3.12 Off Campus Alcohol and/or Other Drugs

Students may face campus charges for alcohol and/or drug-related behaviors occurring off campus. Such reports generally come to the university in the form of a summons to court and/or police reports for loud party, noisy party/gathering, minor in possession/minor consuming/minor under the influence of alcohol, failure to disperse (from a loud party), consuming alcohol in public, driving under the influence of alcohol or other drugs, urinating in public, or other similar violations of law. Covered in this section are any other alcohol and/or other drug violations of law reported to NDSU by any law enforcement or other agencies.

4.3.13 Noisy (Loud) Parties/Public Disturbances

Students may face campus charges for participation in or hosting of noisy or loud parties or other public disturbances on or off campus. Loud parties consist of two or more individuals whose behaviors lead to noise complaints.

4.3.14 Smoking

Smoking is prohibited on the North Dakota State University grounds and in University buildings, residence halls, apartments and enclosed structures. (<http://www.ndsu.edu/policy/153.htm>) ~~inside all facilities at NDSU. This includes all residence halls and university apartments. Smoking is permitted outdoors only in university designated areas.~~

4.4 Animals

Privately owned ~~held~~ Aa animals are prohibited in campus buildings, with the exception of fish. Outdoors, animals must be on a leash, must be under control of the owners or their designees at all times, and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on university properties and at NDSU sponsored

or supervised events. Questions may be directed to the facilities management director, Thorson Maintenance Center.

4.4.1 Service Animals

Service animals that assist persons with disabilities are welcomed as provided under federal law ~~permissible~~. "Service Animal," as defined by the Americans with Disabilities Act, means a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Service animals perform some of the functions and tasks an individual with a disability cannot perform for him/herself in activities of normal living. Service animals must be on a leash, must be under control of the owners' or their designees at all times, and should not be left unattended. Owners are responsible for any health or safety issues that may arise concerning the presence of these animals on university properties and at NDSU sponsored or supervised events. Students with a disability who regularly utilize a service animal are request ~~require~~ed to register with the Disability Services Office, and, if necessary to establish that an animal meets the service animal definition above, and to provide documentation of the disability within a reasonable period of time. Service animals may not reside in university housing without expressed approval from Residence Life. Such requests will be processed as follows: A requesting individual should provide appropriate documentation to the Disability Services Office at least 60 days before housing is needed for the service animal. The Disability Services Office staff will review the documentation and arrange for conversations between the assistant director for residence life operations ~~associate director of operations~~ for residence life, person making the request, and a disability services staff person to facilitate the accommodation. See University Policy 100.2 for further information about service animals.

4.5 Bad Debts/Financial Responsibility

4.5.1 Payment

All students must pay in full any debts to NDSU, including, but not limited to, tuition/fees, room/apartment and meal plan charges, long distance telephone bills, and library fines. Any failure to meet these obligations may result in a denial of registration ~~or graduation privileges~~, denial of occupancy and/or continued occupancy of any university residence life accommodation, refusal to release a diploma upon graduation, or ~~a~~ refusal to forward an official transcript, unless the student has filed for bankruptcy or the debt has been discharged under federal bankruptcy laws. For the complete text of the NDSU Collection Policy, please consult the Customer Account Services staff or www.ndsu.edu/policy/513.htm.

4.5.2 Financial Aid Misuse/Abuse

Misusing financial aid through fraud or abuse is prohibited.

4.5.3 Student Organization/Individual Debt

NDSU bears no responsibility for financial obligations of individual students or student organizations. Any debts incurred, either on or off campus, by students or student groups will be the responsibility of the organization and its leadership.

In the event an organization dissolves and is no longer in existence, individuals holding leadership positions at the time the debt was incurred will maintain responsibility for settling outstanding debts.

4.5.4 Creditors

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

4.6 Copyright ([For additional information, please see www.ndsu.edu/its/intellectual-property-copyright/](http://www.ndsu.edu/its/intellectual-property-copyright/))

4.6.1 Intellectual Property Infringement

Reproduction of any copyrighted materials without authorization is prohibited. When reproducing or distributing information, users are responsible for observation of copyrights and other intellectual property rights of others and all state and federal laws, institutional and North Dakota University System (NDUS) policies. Generally, materials owned by others cannot be used without the owner's permission. Written consent from the copyright owner is normally necessary to reproduce or distribute copyrighted material. There are some exceptions, such as fair use in teaching and in research. Documentation of consent to use copyrighted materials must be kept on record and made available to institution officials upon request. NDUS assumes no obligation to monitor users for infringing activities, but will, when such activities are called to the appropriate official's attention, investigate to determine if there is likely infringement and take appropriate action.

4.6.2 Trademarks

Users also should be careful of unauthorized use of trademarks. Trademarks are words, names or symbols that serve as source identifiers of a company's or institution's products. Certain uses of such marks online, in Websites, or in domain names can constitute trademark infringement. Unauthorized use of an institution's name in these situations also can constitute trademark infringement (see NDSU Policy 700.1: Use of University Name: www.ndsu.edu/policy/7001.htm).

4.6.3 Use of NDSU's Name

[Use of NDSU's name without prior authorization is prohibited. For additional information and guidance, please see NDSU Policy Manual 700.1, Use of UNIVERSITY Name.](#)

4.6.4 Sale of Class Lecture Notes/Materials

Students are prohibited from transferring their class lecture notes or instructor provided materials for commercial purposes unless approved by the course instructor. In addition to copyright issues raised by such practices, commercial sales or transfers may interfere with the educational purposes of the instruction and potentially inhibit free discussion of ideas so central to the academic

purposes of instruction at NDSU. Note: This policy does ~~n't~~ not prevent note taking ~~which is~~ provided as part of an ADA accommodation.

4.7 Computer Related Inappropriate Behavior

(Please see NDSU Policy Manual Section 158: Acceptable Use of Electronic Communications Devices: www.ndsu.edu/policy/158.htm and the State Board of Higher Education (SBHE) Policy Manual Section 1901.2, Computing Facilities:

- [asp?ref=2429\)http://www.ndsu.edu/makers/procedures/sbha/default.asp?PID=126&SID=11\)](http://www.ndsu.edu/makers/procedures/sbha/default.asp?PID=126&SID=11)

If additional questions remain, contact the Information Technology Services Help Desk in IACC for additional guidance. <http://its.ndsu.edu>

Following are common violations found in the two policies noted above. For a complete listing, please view both documents above.

4.7.1 Unauthorized use, sharing, lending or borrowing of an account ~~is~~ are prohibited.

4.7.2 Using computer services or facilities for purposes other than those for which the account was issued is prohibited. Please see NDSU Policy Manual Section 158, Acceptable Use of Electronic Communications Devices, <http://www.ndsu.edu/policy/158.htm>.

4.7.3 Using university network resources and services to play or store game programs, ~~except when authorized in writing by the information technology security officer,~~ is prohibited.

4.7.4 Using the university's computer systems for commercial purposes without written authorization of the Information Technology Security Officer is prohibited.

4.7.5 Copying, altering or destroying the files or output of another individual without the express permission of that individual ~~is~~ are prohibited.

4.7.6 Altering system software or hardware configurations, ~~or~~ disrupting or interfering with the delivery or administration of computer resources ~~is~~ are prohibited.

4.7.7 Misrepresenting oneself as another individual or entity in electronic communication is prohibited.

4.7.8 Downloading

a) Using the university's network system to download copyright protected media including, but not limited to, books, music, movies, television programs, games, and software without proof of purchase or permission is prohibited.

b) The university establishes bandwidth limits for students, faculty and staff. When an individual exceeds that limit, cooperation with Information Technology Services (ITS) staff is mandatory to remedy excess use.

4.7.9 Sharing Without Written Permission

Using the university's network systems to share or distribute copyright protected media, including but not limited to books, music, movies, television programs, games, and software without written permission is prohibited.

4.7.10 Abusing or misusing the computer facilities so as to cause damage, program disturbances or harassment to other persons is prohibited.

4.7.11 ~~Using the University's network system to e~~Entering obscene ~~material~~ ~~offensive material~~ into university owned computers or sending obscene ~~or~~ ~~offensive~~ material through the Internet or any other electronic system ~~is~~are prohibited.

4.7.12 Any other violation of university or NDUS policies governing electronic communications, as referenced above, is prohibited.

4.8 Deception/Falsification/Misrepresentation

4.8.1 Withholding or providing false information ~~for the purpose of gaining benefit for oneself or others~~ is prohibited.

4.8.2 Falsely representing an entity and/or committing or using the resources of an entity without proper authorization ~~are~~is prohibited.

4.8.3 False Accusations

Knowingly, intentionally or recklessly making false accusations of inappropriate behavior against another individual; providing false information or falsified evidence with the intent of harming another person; or attempting to intimidate witnesses and/or altering or destroying evidence necessary to conflict resolution are prohibited.

~~4.8.4 Failing to keep NDSU notified of current local, permanent and e-mail addresses, or providing a false or fictitious address(es), are prohibited. Changes may be made at Bison Connection, Memorial Union, or via Campus Connection.~~

4.9 Disruption of University Business

4.9.1 Disruption or obstruction of university business, such that the function or service is materially or substantially disrupted or obstructed is prohibited.

This University business includes (but is not limited to): teaching, research, administration, public service functions, meetings of university committees or boards, or of any other authorized university activity or organization on or off university premises, ~~(including but not limited to classes; social, cultural and athletic events; computing services; registration; residence life and dining services; governance meetings; and conflict resolution hearings), such that the function or service is materially or substantially disrupted or obstructed are prohibited.~~

4.9.2 Obstruction of ingress or egress to any university facility, or intentional obstruction that unreasonably interferes with freedom of movement, both pedestrian and vehicular, on campus ~~is~~are prohibited.

4.9.3 Unauthorized entry upon the performance area or spectator areas of any university event, including, but not limited to, athletic contests, exhibitions, musical or theatrical events, or any other events is prohibited.

4.10 Gambling

Illegal gambling at any time and in any form is prohibited. Internet gambling is illegal in North Dakota. Individuals may not gamble on university athletics. (Raffles or lotteries require a permit from the City of Fargo. Permit applications may be obtained from the City Auditor's Office. See Section 8.1.4.)

4.11 Failure to Comply

4.11.1

Failure to comply with the instructions or directions of all university personnel ~~officials~~ in the performance of their duties is prohibited. Such acts may include, but are not limited to, ~~intentionally, knowingly or~~ recklessly obstructing or delaying any university proceedings, failing to cooperate with an investigation, ~~resisting or~~ fleeing a police officer, ~~and/or~~ failing to comply with assigned university behavior sanctions, ~~or~~ engaging in verbal and/or physical abuse directed toward any university personnel ~~will not be tolerated and shall constitute a violation of this code.~~

4.11.2

Failure to comply with the instructions or directions of all emergency response personnel in the performance of their duties is prohibited. Such acts may include, but are not limited to, obstructing or delaying emergency response personnel, and resisting or fleeing a police officer, or engaging in verbal and/or physical abuse directed toward any emergency personnel. will not be tolerated and shall constitute a violation of this code.

4.12 Identification

Students are expected to carry university identification at all times. Failure to produce either a university identification card or a driver's license upon request by any university ~~personnel in the performance of their duties~~ official, including, but not limited to, NDSU police officers, hall directors, and other residence life staff and Memorial Union staff in the performance of their duties is prohibited.

4.13 Bribery

Offering, giving, receiving, or soliciting ~~of~~ anything of value to influence the official decision or action of ~~a university~~ personnel ~~employee or official~~, or a person in a position of trust or influence, ~~is are~~ prohibited.

Students are expected to complete their own academic assignments and responsibilities including, but not limited to, the taking of exams, completion of assignments/projects, and writing papers. Bribing others to fulfill or otherwise attempt to evade these academic responsibilities is prohibited.

4.14 Misuse of Proprietary Information

Unauthorized use or misuse of proprietary information, in whatever form, ~~is are~~ prohibited. "Proprietary" means property in which the university or its employees and/or students have a legal interest or responsibility to maintain confidentiality (see NDSU Policy 343, Confidential Proprietary Information).

4.15 Property Violations

~~4.15.1~~ Property violations are prohibited and include, but are not limited to, behaviors that would commonly constitute criminal violations, such as burglary, robbery, theft, possession of stolen property, trespassing, ~~and~~ vandalism.

4.15.1 Arson

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

4.15.2 Burglary

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

4.15.3 Robbery

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

4.15.4 Motor Vehicle Theft

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

4.15.5 Theft of Property

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

~~4.15.2 Theft or removal of university property and/or furnishings including, but not limited to, furniture, artwork, plants, electronics, window screens, and signs from their designated locations is prohibited.~~

4.15.6 Theft of Services

Using university services to which one is not entitled ~~constitutes theft of services and is prohibited. Examples This~~ includes, but ~~is~~are not limited to, using campus laundry services intended only for campus residents, using parking services not purchased, using parking lots other than those assigned by campus personnel, ~~and~~ unauthorized use of university printing services.

4.15.7 Vandalism

The willful destruction or defacement of property belonging to the university or another individual is prohibited. This includes, but is not limited to, writing on or

tearing down bulletin boards, spray painting or unauthorized chalking of buildings or sidewalks, and intentionally breaking or damaging property.

4.16 Sales

Unauthorized sales or solicitations at any time in residence halls, university apartments, or in any other campus buildings ~~is~~are prohibited. For questions regarding sales in the Memorial Union, see the Memorial Union ~~d~~Director, Room 246. For questions regarding sales in residence life facilities, see the senior associate director of residence life, West Bison Court ~~106~~. For questions concerning sales in any other areas, begin the inquiry at the Dean of Student Life Office, Memorial Union, Room 250.

~~4.17 Telephone and Related Equipment Abuse~~

~~4.17.1 Intentionally making telephone calls to or from the university for the purpose of abusing, threatening, annoying or harassing another person is prohibited.~~

~~4.17.2 Charging or causing to be charged, any long distance or other toll telephone calls to university telephone accounts and/or Bison Lines accounts without proper authorization is prohibited.~~

~~4.17.3 Damage or destruction to the university's telephone system and any of its telephone instruments or equipment is prohibited.~~

~~4.17.4 Using or abusing telephone equipment, lines or accounts belonging to the university or to university employees, students, and/or faculty without authorization, or for purposes other than those originally granted authorization, is prohibited.~~

4.178 Traffic Safety and Parking Enforcement

University traffic and parking regulations are approved by the University Senate upon recommendation of the Campus Space and Facilities Committee. The complete current rules are published in a separate pamphlet titled "NDSU Parking Regulations" which may be obtained from the NDSU Parking Office, Thorson Maintenance Center or online at <http://www.ndsu.edu/parking/dox/parking/ParkingBrochure.pdf>~~add correct web address here. Some of those regulations are listed here~~Following are common violations found in the NDSU Parking Regulations" brochure:

Traffic Regulations, as Governed by NDSU Police:

4.178.1 Improper operation of motor vehicles on campus including, but not limited to, driving on sidewalks, or grass, ~~etc.~~, is prohibited.

4.178.2 Failure to cooperate with the lawful direction of traffic enforcement personnel in the performance of their duties is prohibited.

4.178.3 Failure to report an accident that occurs on the NDSU campus, or involves an NDSU official vehicle, in the manner and time limit required by law or by university regulations, is prohibited.

4.178.4 Failure of persons in motorized vehicles or on bicycles, skateboards, roller blades, and/or scooters to yield the right of way to pedestrians or abide by any traffic laws is prohibited.

Parking Regulations, as Governed by the Parking Enforcement Office:

~~University traffic and parking regulations are approved by the University Senate upon recommendation of the Campus Space and Facilities Committee. The complete current rules are published in a separate pamphlet titled "NDSU Parking Regulations" which may be obtained from the NDSU Parking Office, Thorson Maintenance Center or online at http://facilities-mgmt.ndsu.nodak.edu/parking/07-08_Parking_Bro.pdf. Some of those regulations are listed here:~~

4.178.5 ~~Falsifying registration information, reproducing, defacing, forging, altering, obscuring or transferring a permit is prohibited. Retaining and using a found permit is also prohibited. Parking permit theft may be processed under this code in place of or in addition to filing of criminal charges for theft of services.~~

~~Upon completion of investigations by university police and the NDSU Parking Office, sanctions and/or fines may be administered. Reselling of permits is permitted only by the NDSU Parking Office. Falsifying registration information, reproducing, defacing, forging, altering, obscuring, transferring or retaining and using a found permit are prohibited. Reselling of permits is permitted only by the NDSU Parking Office and stolen parking permits may be processed under this code in place of or in addition to filing of criminal charges for theft of services. Upon completion of investigations by university police and the NDSU Parking Office, sanctions and/or fines may be administered.~~

4.18.6 ~~Parking on the NDSU campus without the required permit as well as the common offenses of parking in designated "no parking" zones, over parking in time zones, parking in fire lanes, parking in handicapped spaces without permit(s), and parking in designated reserved spaces, etc., are prohibited. Campus streets are considered "no parking" zones unless otherwise designated as a time zone or a permit required zone. Parking personal vehicles in agricultural plot areas is prohibited.~~

4.18.7 ~~Failure to park bicycles or motorcycles in designated parking areas or to use designated parking structures is prohibited. Unless specifically provided for that purpose, attaching bicycles or motorcycles to light poles, railings, fencing, trees, or other university exterior or interior structures is forbidden prohibited.~~

4.18.8 ~~Bicycles or motorcycles may not be stored in any university building or structure unless specifically provided for by regulation. Any questions may be directed to the parking and transportation manager, Thorson Maintenance Center.~~

4.189 Unauthorized Entry/Use of Facilities

4.189.1 Unauthorized entry upon the property of the university or into a university facility or any portion thereof that has been reserved, restricted in use, or placed off limits; unauthorized presence in any university facility after closing hours; and unauthorized possession or use of a key/access card to any university facility are prohibited. Unauthorized activities shall include, but are not limited to, entry, use or occupancy to which students are not permitted by virtue of enrollment, employment, class schedule, and/or gender in facilities restricted by gender. University areas that are restricted include, but are not limited to, all building roofs, fire escapes, steam tunnels, elevator shafts, equipment and mechanical storage rooms, and construction sites. The use of fire escapes is strictly limited to emergency purposes.

4.189.2 Reproduction, duplication, manufacture or possession of any key or unlocking device for use on university facilities, locks, or other property on university premises without proper authorization are prohibited.

4.189.3 Procuring, altering, damaging, removing, manufacturing or using any university key card, lock, password or other security device without proper authorization isare prohibited.

4.189.4 Refusal to vacate a university facility when directed to do so by an authorized official of the university is prohibited.

4.189.53 Use of any university facility, equipment, or materials, or services, except for their authorized purposes, including, but not limited to, the telephone, mail and computer systems, is prohibited. Only currently enrolled NDSU students and currently employed NDSU faculty and staff are authorized users. No university facilities, equipment, materials or services may be used to commit any illegal act.

4.19.4 University computing clusters are provided for use of currently enrolled NDSU students and currently employed NDSU faculty and staff members. Use by all others is prohibited.

4.19.5 Procuring, altering, damaging, removing, manufacturing or using any university key card, lock, password or other security device without proper authorization are prohibited.

4.19.6 Refusal to vacate a university facility when directed to do so by an authorized official of the university is prohibited.

5. Respect for the Protection and Rights of Others

The purpose of this section is to communicate the value the university places on respect for the protection and rights of others.

5.1 Physical Abuse

Physical abuse, including use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person or to endanger the health or safety of another person, is prohibited.

5.12 Intimidation Verbal and/or Physical Behavior

~~Verbal and/or physical behavior~~ Behavior in any form that involves an expressed or implied threat to interfere or that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, safety of property, academic efforts, employment or participation in university sponsored activities, and causes the person to have a reasonable apprehension that such harm is about to occur; ~~is prohibited. Such behavior may include any form of electronic communications.~~

5.2 Physical Abuse

Physical abuse, including the use of physical force, violence, intoxicants or other substances to restrict the freedom of action or movement of another person or to endanger the health or safety of another person, is prohibited.

5.3 Assault

Assault, an ~~unwanted~~lawful physical touching by one person upon another in which does not involve the display or use of a ~~neither the offender displays a~~ weapon, ~~nor and does not result in the victim suffers~~ obvious or ~~aggravated bodily~~physical injury, ~~involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness,~~ is prohibited.

5.4 Aggravated Assault

Aggravated assault, an ~~unwanted~~lawful touching by one person upon another ~~wherein~~ in which the offender uses a form of weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury, ~~involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness,~~ is prohibited.

5.5 "Fighting Words"

The face-to-face use of "fighting words" is prohibited. Fighting words are personally abusive epithets that, when addressed to any person, are, ~~as a matter of public knowledge,~~ inherently likely to provoke immediate violent reaction whether or not the reaction occurs. ~~Terms/words include but are not limited to recognized derogatory references to race, ethnicity, religion, sex, gender, sexual orientation, disability or other personal characteristics.~~

5.6 Intimidation

~~Intimidating or threatening others is prohibited.~~

5.6.7 Unauthorized Surveillance

Making unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy including, but not limited to, shower/locker rooms, residence hall rooms, bedrooms, and ~~men's or women's~~ restrooms, is prohibited.

5.6.1

~~Also prohibited are sStoring, sharing and/or other distribution of such unauthorized video and photographic images, by any means, is prohibited.~~

~~5.78 Discrimination/Harassment and Discrimination/Intimidation~~

~~5.8.1 Discrimination~~

~~NDSU is fully committed to equal opportunity in employment decisions, educational programs and activities, in compliance with all applicable federal and state laws and including appropriate affirmative action efforts, for all individuals without regard to race, color, national origin, religion, sex, disability, age, Vietnam Era Veterans status, sexual orientation, marital status or public assistance status, or participation in lawful activity off the employer's premises during non business hours that is not in direct conflict with the essential business related interests of the employer (see NDSU Policy 100 www.ndsu.edu/policy/100.htm). Direct inquiries to the Executive Director and Chief Diversity Officer, 202 Old Main, (701), 231-7708.~~

~~5.78.1 Harassment~~

~~NDSU is committed to providing a climate that fosters respect for students, staff, and faculty as well as others who participate in programs and activities at the university. As part of that commitment, NDSU prohibits harassment based on gender, race, color, religion, national origin, age, disability, sexual orientation, or protected activity (such as reporting alleged harassment or providing information related to a grievance). This policy is in compliance with federal civil rights laws and agency regulations and guidance implementing these laws. Harassment (based on an individual's membership in one or more of the groups identified above) is defined, for purposes of this policy, as any unwelcome behavior which that has the intent or effect of unreasonably interfering with the individual's employment or academic endeavors or creating a hostile, intimidating or offensive environment.~~

~~5.78.2 Sexual Harassment (North Dakota State University Policy Manual, Section 162 www.ndsu.edu/policy/162.htm)~~

~~As part of its commitment to equal opportunity, NDSU 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 isare used as the basis for employment decisions or academic decisions affecting such individual, or~~
- ~~3. Such conduct 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 also is prohibited under NDSU Policy 710 – Computer Facilities, www.ndsu.edu/policy/710.htm. Individuals concerned about violations of this policy should request assistance from the university's [vice president for equity, diversity and global outreach](#) ~~executive director and chief diversity officer~~, university's general counsel, Counseling Center, Disability Services Office, 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 executive director and chief diversity officer. In addition, the university's equal opportunity grievance procedure shall be available for any person who wants to file a complaint alleging a violation of this policy. See related policy, "Consensual Relationships," (www.ndsu.edu/policy/1621.htm) Section 162.1 of the NDSU Policy Manual. A copy of this policy may be requested from the Dean of Student Life Office, Memorial Union 250.

5.8.3 Harassment

~~NDSU is committed to providing a climate that fosters respect for students, staff and faculty as well as others who participate in programs and activities at the university. As part of that commitment, NDSU prohibits harassment based on gender, race, color, religion, national origin, age, disability, sexual orientation, or protected activity (such as reporting alleged harassment or providing information related to a grievance). This policy is in compliance with federal civil rights laws and agency regulations and guidance implementing these laws. Harassment (based on an individual's membership in one or more of the groups identified above) is defined, for purposes of this policy, as unwelcome verbal or physical behavior which has the intent or effect of unreasonably interfering with the individual's employment or academic endeavors or creating a hostile, intimidating or offensive environment. Harassment may include (but is not limited to) jokes, derogatory comments, pictures, and/or direct physical advances. Note that harassment in electronic forms also is prohibited under NDSU Policy 710, Computer Facilities (www.ndsu.edu/policy/710.htm).~~

5.78.4 Other Prohibited Acts

Any ~~harassing, discriminating and/or intentional actions~~ or any series of ~~these~~ actions that interferes with individuals' academic efforts, employment, personal safety or participation in university sponsored co-curricular activities ~~is~~are prohibited.

5.89 Disorderly Conduct

Disorderly conduct is behavior that intentionally ~~causes~~ or recklessly creates a risk of public inconvenience, annoyance or alarm without proper authority. These behaviors are prohibited and include, but are not limited to, fighting, engaging in violent behavior, making unreasonable noise, obstructing vehicular or pedestrian traffic, disturbing a lawful assembly, and streaking.

5.940 Lewd or Obscene Behavior

Lewd or obscene behavior that flagrantly flaunts community standards with respect to sexuality is prohibited. Lewd behavior is conduct that is wanton, lustful or lacking of morals with respect to sexual relations includes, but is not limited to, sexual acts in public places, public urination, and exposing genitalia.

5.10 Sexual Misconduct/Sexual Acts

An NDSU goal is to create a campus community free from interpersonal abuse, including sexual assault. NDSU commits its resources to the following twofold process:

- a) To provide crisis intervention and a judicial/disciplinary response for persons and alleged offenders, and
- b) To educate and promote discussion on interpersonal abuse and violence.

5.10.1 Sexual Assault and Sexual Misconduct Policy

- a) Sexual assault or sexual misconduct, in any form, is prohibited.
- b) The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others. The university encourages individuals to report sexual offenses even though they may have voluntarily been under the influence of alcohol and/or other substances at the time.

For purpose of this policy, the following definitions apply:

1. Sexual assault is any sexual behavior 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:

- a) Compelling a person to submit to sexual acts or contacts by force or threat of force,
- b) Using intoxicants to impair substantially the person's power to give consent,
- c) 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, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated or confined,
- d) When the person is under 15 years of age, or
- e) When one person is between the ages of 15 and 17, and the other party is 18 or older.

2. Sexual misconduct occurs when a sexual act is committed without intent to harm another and when, by failing to assess the circumstances correctly, 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.

3. Sexual acts include, but are not limited to:

a) Sexual intercourse,

b) Sodomy,

c) Sexual penetration with an inanimate object,

d) Touching of a person's intimate parts (genitalia, groin, breast, or buttocks, or clothing covering them), or

e) Compelling a person to touch his or her own or another person's intimate parts without consent.

4. 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 issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and verbally clarifies, 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.

5.10.2 Non-contact Sexual Offenses

Non-contact sexual offenses include, but are not limited to, peeping and indecent exposure, and are prohibited.

5.11 Endangerment of Individuals or Safety of Individuals

5.11.1 Initiating or circulating a report or warning concerning an impending bombing, a fire, or other emergency or catastrophe knowing that the report is false, or knowingly transmitting such a false report to an official or an official agency ~~is~~^{are} prohibited.

5.11.2 Willful failure to comply with orders issued by any emergency personnel during ~~any real or perceived emergency condition is prohibited. Examples include, but are not limited to, tornado, fire, fire drill, bomb threat, or situations requiring shelter in place, or any other real or perceived emergency condition is prohibited.~~

5.11.3 Tampering with any fire protection sign or device or any other emergency equipment, ~~(including, but not limited to, fire extinguishers, fire hoses, smoke/heat detectors, sprinkler systems and other alarm systems), for reasons other than an actual or perceived emergency, is prohibited, except when done with the reasonable belief that such an emergency exists, is prohibited.~~

5.11.4 Tampering with elevator controls, elevator shaft access, and/or other elevator equipment by ~~such~~ acts including, but not limited to, jumping, elevator surfing, falsely sounding alarms, and stopping between floors, is prohibited.

5.11.5 Willful failure to follow safety standards is prohibited.

5.11.6 Creating a risk of bodily harm or falsely creating the impression of risk of bodily harm to ~~others~~any NDSU faculty, staff, students or guests ~~is~~are prohibited.

5.11.7 Sporting Activity Restrictions

~~Due to safety and facility concerns, r~~Riding skateboards or scooters and using in-line skates, roller skates, and bicycles are prohibited inside all university facilities. Use of water guns, water balloons, and throwing of flying discs ~~(Frisbees™)~~, balls, or other objects also are prohibited indoors, except when authorized.

Use of projectile launchers is prohibited on campus without ~~documented~~express advance permission by an appropriate university official. Launchers may include those intended for water balloons, potatoes, pumpkins, and other items ~~projected at great velocities~~. For guidance, contact the director of University Police and Safety Office.

5.12 Firearms/Explosives/Other Weapons

Unauthorized possession, display or use of ~~firearms, explosives, or other~~ weapons on university owned or controlled property, including in personal vehicles, ~~is~~are prohibited, unless permission for possession and/or use has been granted by an appropriate university official.

5.12.1 Firearms and weapons include, but are not limited to, airsoft guns, BB guns, dart guns, handguns, paint ball guns, pellet guns, rifles, shotguns, stun gun or similar device designed to deliver an electric shock, daggers, knives, sabers, swords, and bows and arrows.

5.12.2 Explosives include, but are not limited to, bombs, explosives, fireworks and other incendiary devices. Incendiary devices are defined as any flammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

5.12.3 Other weapons include, but are not limited to, martial arts implements, dangerous ~~fuels and chemicals, such as mace or pepper spray, or fuels~~. Any objects may be considered ~~a~~ weapons when used to inflict or threaten infliction of bodily injury or property damage.

5.12.4 Projectiles

~~Throwing, or casting, or encouraging, aiding, or assisting others in throwing, or casting of~~ any object into, upon, or against any building, structure, motor vehicle, or at any person ~~is~~are prohibited.

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

5.13 Hazing

Hazing ~~is prohibited regardless of location, intent, or consent of participants. is a broad term encompassing any action or activity that inflicts or intends to cause~~

~~physical or mental harm or anxieties that may demean, degrade or disgrace any person, regardless of location, intent or consent of participants.~~ Hazing ~~also is~~ can be defined as any action or situation, ~~on or off campus premises,~~ that intentionally or unintentionally endangers a student for admission into or affiliation with a student organization or group. Such activities and situations include, but are not limited to, paddling in any form; creating excessive fatigue; forced consumption of any substance; forced road trips; morally degrading, demeaning, unsanitary, humiliating games or stunts; and harassment, ridicule or other activities prohibited by law or university policy.

5.13.1 ~~Hazing in any form is prohibited by NDSU and state law.~~ It is the responsibility of the organization and its leadership in conjunction with the (inter)national organization, ~~if anywhere appropriate,~~ to protect ~~its new potential~~ members, ~~associate members,~~ members or other persons associated with the organization from any hazing ~~ceremony,~~ activity or practice conducted, condoned, or encouraged by the current members of the organization, alumni or other associates.

5.13.2 The university or ~~individuals prospective group members~~ may file a complaint of hazing ~~with the Dean of Student Life Office against all parties as individuals and/or against the group or organization.~~ Individuals and/or groups ~~also may~~ also be subject to criminal and/or civil liability ~~outside beyond~~ the jurisdiction of the university.

5.14 Sexual Misconduct/Sexual Acts

~~An NDSU goal is to create a campus community free from interpersonal abuse, including sexual assault. NDSU commits its resources to the following twofold process:~~

- ~~a) To provide crisis intervention and a judicial/disciplinary response for persons and alleged offenders, and~~
- ~~b) To educate and promote discussion on interpersonal abuse and violence.~~

5.14.1 Sexual Assault and Sexual Misconduct Policy

- ~~a) Sexual assault or sexual misconduct, in any form, is prohibited.~~
- ~~b) The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others. The university encourages individuals to report sexual offenses even though they may have voluntarily been under the influence of alcohol and/or other substances at the time.~~

~~For purpose of this policy, the following definitions apply:~~

~~1. Sexual assault is any sexual behavior 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:~~

- ~~a) Compelling a person to submit to sexual acts or contacts by force or threat of force,~~
- ~~b) Using intoxicants to substantially impair the person's power to give consent,~~

- c) 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, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated or confined;
- d) When the person is under 15 years of age, or
- e) When one person is between the ages of 15 and 17, and the other party is 18 or older.

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.

3. Sexual act includes, but is not limited to:

- a) Sexual intercourse;
- b) Sodomy;
- c) Sexual penetration with an inanimate object;
- d) Touching of a person's intimate parts (genitalia, groin, breast, or buttocks, or clothing covering them), or
- e) Compelling a person to touch his or her own or another person's intimate parts without consent.

4. 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 issue 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.

5.14.2 Non-contact Sexual Offenses

Non-contact sexual offenses include, but are not limited to, peeping and indecent exposure, and are prohibited.

5.145 Stalking

Stalking is prohibited. No person may intentionally stalk another person. As used in this code, "stalk" means to engage in an intentional

course of behavior directed at a specific person that frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of behavior, involving two or more acts, may be directed toward that person or a member of that person's immediate family. "Immediate family" means a spouse, parent, child or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months resided in the household.

Stalking generally causes a reasonable person to experience fear, intimidation, harassment, or to be the object of unwanted attention. Stalking behaviors may include, but are not limited to:

- a) Approaching, following, loitering, pursuing or restraining behaviors;
- b) Repeated unwanted electronic communications using such as e-mail, telephone calls, social media, and text messages;
- c) Sending unwanted gifts;
- d) Trespassing; and
- e) Vandalism.

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~~5.1~~ 45.1 Stalking Defenses ~~No Notice/No Intent~~

In any proceeding under this section, it is not a defense that no actual notice was given that the person did not want to be contacted or followed; nor is it a defense that there was no intention to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is evidence of intention to stalk the person.

~~5.1~~ 45.2 Stalking Exceptions Legal Exclusions

- a) Excluded are constitutionally protected behaviors. If a person claims to have been engaged in a constitutionally protected activity, the hearing officer or body shall determine the validity of the claim and, if found valid, shall exclude evidence of the activity.
- b) In any proceeding under this code, it is a defense that a licensed private investigator or a peace officer licensed under law was acting within his/her scope of employment.

~~5.1~~ 56 On-Campus Housing Safety and Security Efforts

~~Due to the nature of on-campus living, environmental safety and security standards have been established.~~ All students will be held accountable for their behaviors in

residence halls and university apartments. Off-campus students will be referred to the Dean of Student Life Office ~~associate director of student rights and responsibilities for action~~for action. All students and their guests need to cooperate with efforts to establish a secure campus by complying with policies and cooperating with residence ~~hall~~life staff.

5.156.1 Keys/Access

5.156.1.1 Keys/Access Cards

Students are not permitted to duplicate keys/access cards ~~issued by residence life~~. Students also are not allowed to loan keys/access cards to other individuals. Students are expected to be responsible for their keys/access cards and security of their rooms and apartments. Students who repeatedly find themselves locked out of their rooms or apartments are subject to sanctions under this code.

5.156.1.2 Escorting of Guests

Entrance doors for the residence halls and university apartment buildings are locked 24 hours a day. Guests must meet their resident-host at an entrance door to gain entry into the building. Non-residents must be escorted by a resident at all times ~~when in the residence halls~~.

Students are not allowed to prop open doors or allow unauthorized persons into on-campus housing facilities.

5.165.2 Guests and Visitation

Residents are responsible for knowing the identity of their guests and are responsible for guest behaviors. Residents are held liable for loss or damages to property caused by their guests.

5.156.3 Overnight ~~Residence Hall~~ Guests

Guests of the same sex are permitted to stay overnight ~~in the residence halls~~ with approval from residence life staff. Residents must register their overnight guests prior to the stay before 2 a.m. Guests may not stay more than three consecutive nights. Overnight guests of the opposite sex are not permitted.

5.156.4 Quiet Hours/Noise

Residents and guests must respect quiet hours in each of the on-campus housing facilities. Specific quiet hours are posted ~~in each hall and apartment building~~. Courtesy hours are in effect 24 hours a day to allow students to pursue their academic studies and promote a comfortable living environment.

5.156.5 Candles and Incense

Candles and incense are not allowed in on-campus housing facilities. Open flames also are prohibited.

6. Respect for Community and Protection of the Rights of Others by Student Organizations and Affiliated University Groups

~~The purpose of this section is to~~ communicate the importance of conducting organizational business and activities in a manner that does not negatively affect the educational mission of the university, ~~and adversely affect~~ the welfare of others, or infringe upon the rights of others. Student organizations are recognized by the Student Government Executive Commission of the Congress of Student Organizations and are independent of NDSU. Because of their relationship with the university, ~~student~~ organizations are expected to uphold and comply with university policies and the Code of Student Behavior.

6.1 Responsibilities of Student Organizations and Affiliated University Groups

6.1.1 A student organization or a group affiliated with the university shall be deemed responsible for acts of inappropriate behavior committed by individuals where such acts:

- a) Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicitly or implicitly; and/or
- b) Take place in the context of a tradition, custom, or past practice of the group or organization; and/or
- c) Are reasonably foreseeable as a result of an activity carried on by the student organization or affiliated university group.

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

6.2 ~~Conflicts by~~ Student Organizations and Affiliated University Groups Compliance with University Policy

Student organizations and affiliated university groups must be in compliance with university policies, procedures, and regulations. Behavior that conflicts with policies established by the university for student organizations and/or affiliated groups is prohibited. Such Prohibited behaviors include, but are not limited to, misappropriation of funds, misuse of property, improper registration or misrepresentation of an organization or group, or abuse of student election regulations.

~~or failure to abide by university policies, procedures and regulations.~~

6.3 Conflict Resolution and Enforcement Procedures for Conflicts by Student Organizations and Affiliated University Groups

For information concerning the conflict resolution procedure(s) to be utilized, refer to Section 15, Code of Student Behavior Complaint Resolution Procedures.

6.3.1 When a student organization or an affiliated university group is charged with inappropriate behavior, the presiding officer or individuals affiliated with the group shall be required to participate as representatives of the group in proceedings conducted

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under this code ~~as representatives of the group.~~

6.3.2 In some

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

~~6.3.2 For information concerning the conflict resolution pathway(s) to be utilized, refer to Section 15, Code of Student Behavior Complaint Resolution Procedures.~~

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

7. Student Organizations/Fraternities and Sororities/Activities

Recognition requirements and procedures (for guidance, consult with staff in the Memorial Union Student Activities Office):

7.1 Membership

7.1.1 Membership in Student Organizations with NDSU Recognition

Membership must be limited to current students, faculty, and staff of NDSU. Students who transfer to another Tri-College institution who want to retain membership in an NDSU registered student organization may be eligible for on-going membership, contingent upon approval

from the dean of student life.

7.1.2 Membership in Student Organizations with Tri-College/ Dual-College Recognition

Organizations that want to recruit and maintain membership of students from other Tri-College institutions must obtain Tri-College or Dual-College recognition. Membership in Tri-College organizations is open to full-time or part-time currently enrolled NDSU and Minnesota State University Moorhead (MSUM) students, full-time Concordia College students, and faculty/staff from Concordia College, MSUM or NDSU. Membership in Dual-College organizations must be consistent with membership guidelines at the respective institutions (see Tri-College/ Dual-College Organization Recognition Guidelines and Procedures. www.ndsu.edu/memorial_union/thundarbolls/).

7.1.3 Membership in Social Fraternities and Sororities

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

7.2 Officers

Students holding elected or appointed leadership positions in recognized student organizations must meet the academic and conduct eligibility standards identified in Eligibility/Participation in Co-Curricular Activities [Policy](#).

7.3 Recognition

Recognition of student organizations is granted by the Student Government Executive Commission of the Congress of Student Organizations and registered in the Student Activities Office in the Memorial Union. Although student organizations are independent organizations from NDSU, they are expected to uphold and comply with university policies, the Code of Student Behavior, and local, state, and federal laws.

7.3.1 Student organization purposes must be compatible with the educational [mission and](#) purpose of the university.

7.3.2 Students and student organizations are free to examine and to express opinions publicly and privately.

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

7.4 Registration Requirements

The following information must be electronically -filed with the Student Activities Office: ~~through org sync.~~

1. Registration form with the following:

- a) Name of the organization;
- b) List of officers and their signatures (~~obtained electronically~~);
- c) Name and signature of an adviser, selected from the faculty or staff, or another designee as approved by the Student Activities Office staff; and
- d) Tri-College/Dual-College Organization Registration Form (applies only to groups that want to obtain or maintain Tri-College/Dual-College recognition).

2. ~~Statement signed~~ Signed agreement by local student organization officers ~~giving assurance an agreement to the statement that~~ there will be no illegal discrimination

on the basis of race, color, national origin, religion, sex, disability, age, Vietnam Era Veterans' status, national origin, sexual orientation, marital status, public assistance status, or any form of discrimination in the selection of members or officers on a local level.

3. ~~Statement signed by~~ Signed agreement by ~~the~~ local student organization officer(s) ~~giving assurance agreement that~~ there will be no participation in any activities that could be considered hazing.

4. Request to check Eligibility for Participation Form.

5. Copy of the constitution. Constitutions shall be submitted for record every three years, even if no changes are made.

7.4.1 Registration information will be renewed annually and a list of officers must be submitted to the Student Activities Office at the time of election or appointment of officers.

7.4.2 Membership, policies, and actions of recognized student organizations will be determined by currently enrolled student group members. ~~who are enrolled as students.~~

~~7.5 Code Violations by Student Organizations and Affiliated University Groups~~

~~7.5.1 Organizations violating university rules are subject to revocation of recognition or other disciplinary action by Student Government or the administrative hearing officer designated by the dean of student life.~~

~~7.5.2 University organizations are prohibited from engaging as a group in activities that constitute individual violations of university policies by the members involved.~~

7.56 National/International Affiliated Organizations

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

7.67 On ~~Campus~~ and Off Campus Activities/Events

Responsibilities of officers of the organization include:

1. Reserve facilities for organization meetings and functions;
2. Prepare and file with the Memorial Union Student Activities Office an Event Risk Management Planning Notification Form, no later than two weeks prior to an off campus event;
3. Take initiative to ensure compliance with policies;
4. Seek assistance from staff in the Memorial Union Student Activities Office, as necessary;
5. Communicate policies to the organization's membership;
6. Encourage the organizational adviser(s) to be present;

And.

7. Take responsibility for group functions.

Refer to section 4.3.6 for off-campus events at which alcohol may be available.

7.78 Fraternities and Sororities

7.78.1 Membership

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

7.78.2 Residents of Greek Chapter Houses

~~No one other than a~~ Only current or new initiated member(s) of that chapter currently

enrolled at NDSU, or a house employee, may reside in the house during the fall and spring semesters without authorization from the dean of student life and by chapter leadership.

7.78.3 Summer Rules

Fraternity and sorority presidents are to furnish names of the summer house managers to the coordinator for Greek life, Memorial Union. Chapter leadership is required to inform summer residents of university and Greek life policies.

7.78.4 Alcohol and Other Drugs

Fraternity Houses. ~~No~~ No alcoholic beverages or drugs are permitted in common

areas of chapter property at any time. Members who are 21 years of age may consume alcohol in the privacy of their rooms/suites with no more than three guests-non-room/suite residents who are also

are 21 years of age or older. Illegal drugs are not permitted on chapter property at any time.

Sorority Houses – no alcohol permitted due to National Panhellenic Conference rules prohibit alcohol and illegal drugs on chapter property at any time.

7.78.5 Code Violations

As is the case with all university student organizations, fraternities and sororities will be held responsible for any conflicts with university policies occurring in Greek residences or at functions or social events sponsored by the chapterss.

8.Commercial Solicitations and Distribution Issues

NDSU reserves the right to control the time, manner, and place of commercial solicitation, distribution of literature, and demonstrations occurring in public on the NDSU campus. Advance registration of such activities and events is required. (see procedural guidelines listed in Section 8.1).

Failure to register an activity or event or failure to comply with NDSU time, manner, and place restrictions may result in administrative, civil, and/or criminal proceedings for any participants engaging in disruptive activities. Such activities may result in university conflict resolution proceedings, issuing a no trespass warning and removal from campus, and/or arrest by law enforcement personnel.

8.1 Commercial and Fundraising Activities

See NDSU Policy 150: www.ndsu.edu/policy/150.htm.

8.1.1 Recognized Student Organizations

Recognized student organizations must register fundraising activities with the associate director of Memorial Union/Student Activities Office at least two (2) weeks prior to advertising or initiating fundraising efforts. In some instances, using the Event Risk Management Planning Notification Form may be required.

Activities or items associated with fundraisers must be consistent with university policies and local, state, and federal laws.

Student organizations may use university facilities for sponsoring events at which admission is charged or donations are solicited, provided the group has worked with appropriate departments in reserving facilities and coordinating activities. Facility rental fees may be assessed for events at which admission is charged.

8.1.2 Organizations Not Affiliated with NDSU and Individuals

Organizations not affiliated with NDSU and individuals (regardless of affiliation with NDSU) may not advertise, sell, conduct a business, or raise funds on campus or in a university residence without first registering and receiving written permission from the following:

In ~~all~~ university apartments, from the assistant director for ~~university apartments and residence services~~ residence life apartments.

Commercial

activities in public areas of university apartments will not be allowed.

In residence halls, from the senior associate director of residence life. Commercial activities in public areas of residence halls will not be allowed.

In fraternity or sorority houses, from the president of the individual fraternity or sorority; permission will be limited to allowing commercial activities in public areas, ~~not including~~ bedrooms, or corridors, or suites.

In the Memorial Union, from the Memorial Union director.

Approval requires a confirmed reservation of space in the Memorial Union. Rental fees (if applicable) will be assessed for space utilized for these purposes.

In the Wallman Wellness Center, from the director of the center.

In all other areas, including exterior spaces, consult the Dean of Student Life Office for referral to the appropriate university official.

8.1.3 Parking Areas (Leaflets)

Placing flyers or other leaflets on vehicles on the NDSU campus, including those in NDSU parking lots, is prohibited.

Information left on vehicles will be removed and destroyed. If litter results from such activities, the sponsoring individual/group may be required to pick up discarded flyers or may be billed by the university for providing that service.

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8.1.4 Raffles or Lotteries

Raffles or lotteries require a permit ~~from the City of Fargo.~~

~~Obtained permit applications~~ from the City Auditor's Office. The permit must also be signed by the associate director of the Memorial Union-Student Activities. Student Organizations are required to get the permit signed by the Student Activity Office.

8.2 Solicitations/Distribution of Literature

8.2.1 All individuals or organizations responsible for distribution of literature on campus must be identified on

the literature.

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

8.2.3 Distribution by means involving shouting, pursuing, Hawking, or accosting individuals is prohibited, as is any interference with normal university functions or interruption of free flow of traffic, inside or outside any building.

8.2.4 Commercial literature may not be sold or distributed on campus unless rules governing advertising in the section "Commercial and Fundraising Activities" have been followed (see Section 8.1).

8.2.5 Any person or groups of persons who want to distribute literature to the public in the Memorial Union may use the following methods:

- a) Literature racks located on the main level;
- b) Contact tables in the main concourse area, available for reservation for up to two-week periods (a rental fee will be charged for off-campus entities that want to utilize the contact tables);
- c) Exterior locations as designated by the university. Exterior location distributions are limited to one location for no more than two consecutive weeks per group, with at least five class days between multiple registrations. In times when a large number of requests have been received, the Memorial Union director reserves the right to reduce the two-week time limit to accommodate as many users as possible. Distributor(s) must register in advance in the Memorial Union Administrative Office, at which time the following information will be required:
 1. Type, location, date(s), and time of distribution;
 2. Copy of the literature;
 3. Name of the organization represented, if any; and
 4. Name, address, and signature of the person or a group representative.

8.2.6 Literature may not be distributed in classrooms except by permission of the instructor or by registered student organizations at their scheduled meetings or events.

8.2.7 Posters may be distributed on campus in designated locations only. A list of all on campus posting locations is available in the Student Activities Office, Memorial Union 120. It is prohibited to place posters, signs, or handbills on areas not provided for that purpose by the university. To place flyers on bulletin boards in campus buildings, permission must first be obtained by contacting the

appropriate administrative representative as designated on the distribution list (for additional information, see NDSU Policy 154: www.ndsu.edu/policy/154.htm).

A poster distribution list of on-campus locations where notices may be posted is available in the Student Activities Office, Memorial Union 120. It is prohibited to place posters, signs or handbills on areas not provided for that purpose by the university, unless it is one's own personal property. Bulletin boards in buildings on campus are restricted unless a notice on the board states otherwise. In general, individuals should seek permission to post from the individual(s) who has (have) administrative control of that location. For guidance where this person is unknown, contact the Dean of Student Life Office (see NDSU Policy 154: www.ndsu.edu/policy/154.htm).

8.2.8 Literature to be distributed within the residence halls or university apartments must be approved by the senior associate director of residence life.

8.3 Demonstrations/Parades

8.3.1 The university community is one of inquiry and persuasion. An individual or group may protest, rally, or demonstrate provided such protest or demonstration does not disrupt university operations or obstruct physical movement to, from, or within any place on campus, including university property located off the main campus.

While the campus must be open to the free exchange of ideas, the university may limit the time, place, and manner of demonstrations. All members of the community are expected to conduct dialogs with civility, dignity and courtesy.

Organizers and participants must allow other community members freedom of movement on campus and freedom to engage in performance of their duties or pursuit of their educational and co-curricular activities.

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

8.3.3 Organizers and participants are expected and required to vacate an area or university facility when directed to do so by an authorized official of the university or law enforcement personnel.

8.3.4 Any on-campus protest, rally, or demonstration must be registered with the director of the Memorial Union and University Police at least 24 hours prior to the event. The registration process will enable university officials to:

- a) Outline and discuss with organizers the guidelines necessary to keep the demonstration non-violent and non-disruptive,
- b) Plan for the control of possible counter-demonstrations that would infringe upon the rights of participants or result in violent or abusive action, and
- c) If demonstration/parade will involve a public street, applicants must also obtain ~~must get~~ a City of Fargo special event permit. Parades through campus buildings are not permitted.

8.4 Chalking

~~Those~~ individuals who want to chalk on sidewalks near the Memorial Union should seek permission from the director of the Memorial Union. Contact the director of facilities management to seek permission to chalk in any other area. Chalking on any other surfaces is prohibited.

~~The~~ content of messages is limited to the promotion of a specific event.

8.5 Posters, Signs, Leaflets ~~Handbills~~

Placing posters, signs, or ~~handbill~~ leaflets except on one's own personal property or in areas authorized and provided for that purpose by the university is prohibited. ~~In general,~~ individuals should seek permission ~~to post~~ from ~~those~~ see persons ~~individual(s)~~ who ~~has~~ have administrative control of that location. For guidance where this person is unknown, contact the Dean of Student Life Office.

~~9. Code of Student Behavior Sanctions, Terms and Conditions~~

~~A sanction is a consequence placed upon any student for conflicts with specified university policies. Sanctions help define the student relationship with the university in the context of current and potential future behavior, including a notice that further conflicts may lead to more severe behavioral sanctions. In assigning one or more sanctions for inappropriate student behavior, the hearing officer or board will consider:~~

- ~~a) Facts of the case as presented from all relevant sources, including the accused student,~~
- ~~b) Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses,~~

- c) Type and severity of the offense, and/or
- d) Previous incidents of inappropriate behavior committed by the student accused.

If a student is found not responsible for the alleged code violation(s), no action will be taken against the accused student. In cases in which the student is found responsible for violating one or more policies, one of the following terms and conditions may be imposed:

1. Warning,
 2. Behavioral probation (with or without supervision),
 3. Suspension,
 4. Voluntary withdrawal,
 5. Expulsion, or
 6. Recommendation to the provost to rescind a degree.
- With each sanction, other educational or restorative actions or other terms and conditions may be assigned. In addition, notification may be given to other university officials as necessary. Sanctions include, but are not limited to:
1. Restitution,
 2. Confiscation,
 3. Restricted access to university facilities and grounds,
 4. Loss of privileges,
 5. Participation in a specific program,
 6. Educational projects, and/or
 7. Alcohol or other drug testing and/or evaluation.

9.1 Sanctions

9.1.1 Written Warning

A warning is a written notification that subsequent code violations will normally result in more severe sanctions. This action results in no notation on the student's academic transcript.

9.1.2 Behavioral Probation

Behavioral probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with university policies and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Behavioral probation may be supervised or unsupervised. Further inappropriate behavior may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion. This action results in no notation on the student's academic transcript. Supervised probations generally require meetings with

~~a member of the Division of Student Affairs at regularly established intervals to monitor progress in academic, social, vocational and other areas of the student's life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth.~~

~~9.1.3 Suspension~~

~~Suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not less than one academic semester and not to exceed two academic years. An individual student may not re-enroll during the period of suspension.~~

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

~~b) The notice will include the conditions for readmission that must be met prior to application for readmission.~~

~~Students may obtain a reactivation of student status (after absence) form from Registration and Records, Ceres Hall, also online at <http://bisonconnection.ndsu.edu/forms/reactivate/>. An interview with the dean of student life also will be required prior to acceptance of the student's application for readmission.~~

~~c) While a student is under suspension from NDSU, no academic credit earned during the suspension period will be accepted for transfer from any other higher education institution. The student's transcript will carry a notation "may not register for nonacademic reasons" without further explanation. If the student is subsequently readmitted, the original notation will remain on the transcript and a new notation will be added, "eligible for registration effective ..."~~

~~d) The student's eligibility for any refund of tuition/fees will be subject to the university's normal withdrawal policy.~~

~~e) There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities, or portions of specified campus facilities. The student also may be required to obtain prior written permission from the dean of student life before being on any portion of the NDSU campus during the period of suspension. Usually a student with restricted access to the campus will be allowed on campus to conduct business related to the university, but only through prior written approval~~

by the dean of student life.

f) Suspension is a matter of permanent record. A permanent record indicates that student behavior files may be obtained indefinitely at the discretion of the dean of student life, but not less than seven (7) years.

9.1.4 Voluntary Withdrawal

In some circumstances, based on mutual agreement, the student may be allowed to withdraw on a voluntary basis. Conditions may be imposed concerning the period of time after which the student may petition for reenrollment and/or for other conditions to be met prior to application for re-enrollment. A meeting will be required with the dean of student life prior to approval of the student's petition for readmission. This action results in no notation on the student's academic transcript.

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9.1.5 Expulsion

Expulsion is a written notification that the student is permanently ineligible to return to the university. The student must leave university residences and cease all use of university owned or controlled buildings, properties and services within the time frame established in the written notice of the expulsion. Requests for readmission will not be approved. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a matter of permanent record.

9.1.6 Rescind Degree

If a student has been awarded a degree and it is subsequently discovered that the student committed a serious breach of this code while attending the university, the university may, upon separate proceedings, elect to rescind the degree.

9.2 Terms and Conditions of Sanctions

9.2.1 Restitution

A student may be required to repair, pay the cost for repair, or pay for cost of replacement of any property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer or board, taking into consideration the fair market value or cost to repair the damaged item(s). When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to

achieve a fair and just result. In the case of personal injury, the responsible party may be required to cover cost of medical care for others harmed as a result of the student's actions.

Failure to make timely arrangements for restitution may result in cancellation of the student's registration, prevention of the student's re-registration, or more severe sanctions including, but not limited to, suspension or expulsion.

When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

9.2.2 Confiscation

In addition to items already seized as evidence, goods used or possessed in conflict with university policies and/or local, state or federal laws including, but not limited to, falsified information or identification, may be confiscated and not be returned to the student.

9.2.3 Loss of Privileges

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

- a) Participating in or attending events sponsored by the university or by students,
- b) Holding office in any Congress of Student Organizations (CSO) recognized student organizations,
- c) Receiving guests in residence life facilities during regular visitation periods,
- d) Visiting residence life facilities or dining centers,
- e) Receiving financial aid,
- f) Being employed by the university,
- g) Representing the university,
- h) Sponsoring or hosting organization or campus-wide functions,
- i) Using network services, and
- j) Maintaining recognized status with the CSO.

9.2.4 Participation in a Specific Program

A student may be required to participate in a specific program, such as counseling, public service, an alcohol and/or other drug education program, an educational class, or other program as assigned.

9.2.5 Educational Projects

A student may be assigned an educational project including, but not limited to, writing a reflection or research paper,

~~preparing a bulletin board, or sponsoring a program.~~

~~9.2.6 Alcohol/Drug Testing and/or Screening~~

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

- ~~a) A student's behavior has been injurious to self or others while under the influence of alcohol/drugs, or~~
- ~~b) When the student has had three or more separate violations involving alcohol/drugs.~~

~~All such testing and/or evaluation shall be at the student's expense. The student will be expected to sign appropriate releases to demonstrate to the university that the student is complying with any recommendations resulting from such testing and/or evaluation.~~

~~9.3 Special Circumstances and Conditions~~

~~9.3.1 Registration/Graduation Hold~~

- ~~a) If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code or if the student fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's ability to register or the student's current registration may be canceled. If canceled, the student's eligibility for any refund of tuition/fees will be subject to the university's withdrawal policy.~~
- ~~b) Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending. If the student withdraws before NDSU becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.~~

~~9.3.1 Temporary Emergency Suspension~~

~~A student may be temporarily suspended, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property. No hearing will be required before temporary suspension is imposed; however, one will be convened within five business days following suspension. If the suspension is upheld, the suspension remains subject to the rules outlined in suspension (see Section 9.1.3) and remains a matter of permanent record. Conditions under which emergency suspension may be imposed:~~

- a) To ensure the health, safety, or well-being of members of the university community;
- b) To preserve university property;
- c) To ensure the suspended student's own physical and emotional safety and well-being; or
- d) To ensure against the disruption of, or interference with, the normal operations of the university.

9.3.2 Returning and/or New Students

If an act that violates this code is committed by a student during a period of nonenrollment, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about these holds at the time the university is first notified about the incident or notice may be provided when the student subsequently requests enrollment.

In addition, an administrative hearing officer, in consultation with the dean of student life, may place a registration hold to deny a student the right to register. Reasons may include, but are not limited to, the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the

students or others in the university community, and/or as otherwise provided by NDSU Policy 607 Admission & Reenrollment Safety Risks,.

9.3.3 Registration/Graduation Hold

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

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

9.3.4 Involuntary Withdrawal for Psychiatric Reasons

A student may be subject to involuntary withdrawal, if it is determined by clear and convincing evidence, that the student:

- a) Suffers from a mental disorder as defined by the current

~~American Psychiatric Association Diagnostic Manual or its equivalent, and as a result of such a disorder engages, or~~

~~b) Threatens to engage in behavior that:~~

~~1. Poses a significant danger of causing imminent harm to the student or others, or~~

~~2. Directly and substantially impedes the lawful activities of other members of the campus community.~~

~~These standards do not preclude North Dakota laws.~~

~~Consideration will be given first to use of normal disciplinary processes of counseling, voluntary withdrawal,~~

~~use of state commitment laws, or use of other alternatives whenever appropriate.~~

~~Disciplinary Violations~~

~~A student accused of violating this code may not be subject to the disciplinary process if the student, as a result of a mental disorder:~~

~~a) Lacks the capacity to respond to pending disciplinary charges, or~~

~~b) Did not know the nature or wrongfulness of the conduct at the time of the offense.~~

~~Students subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the dean of student life in writing, at least two business days prior to any disciplinary hearing. The dean of student life may elect to appoint a designee to act in administering this policy. If the dean of student life determines that the evidence may have merit, the case will then be resolved in accordance with these standards and procedures. If it is determined the student does not meet the criteria mentioned above, the case will be returned to the disciplinary process.~~

~~Evaluation Referral~~

~~The dean of student life may refer a student for an evaluation by an independent, licensed psychiatrist or psychologist chosen by the institution if the dean of student life reasonably believes the student may meet the criteria in Section 9.3.4, or if a student subject to disciplinary charges wants to introduce relevant evidence of any mental disorder. A student referred for evaluation will be informed in writing and the evaluation must be scheduled no later than five days from the date of the referral letter. The evaluation will be at the student's expense. If a student fails to complete an independent evaluation, he or she may be subject to the disciplinary process or an immediate interim withdrawal.~~

~~Interim Withdrawal~~

~~As stated above, an interim withdrawal may be implemented if a student fails to complete an evaluation with a licensed psychologist or psychiatrist. Also, an interim withdrawal may be undertaken immediately if the dean of student life determines a student may be suffering from a mental disorder, and the student's behavior poses an imminent danger.~~

~~A student subject to interim withdrawal shall be given written notice and may be assisted throughout this process by an individual of his or her choice. The student, whether or not an evaluation has been completed, shall be given the opportunity to appear personally before the dean of student life within 72 hours of the effective date of the interim withdrawal to review:~~

- ~~a) Reliability of the information concerning the student's behavior, and~~
- ~~b) Whether the student's behavior poses an imminent danger.~~

~~During an interim withdrawal, the dean of student life may place restrictions including, but not limited to, class attendance and use of campus services and facilities.~~

~~Involuntary Withdrawal~~

~~A student under consideration for involuntary withdrawal will be accorded an informal hearing with the dean of student life. The informal hearing will be held within seven business days after an evaluation by a licensed psychologist or psychiatrist has been completed. Prior to the informal hearing, the dean of student life and the student will have an opportunity to review independently the psychological or psychiatric evaluation.~~

- ~~a) Informal hearing proceedings are conducted by the dean of student life. The student may be assisted in the informal hearing by an individual of his or her choice. The student will remain withdrawn on an interim basis pending completion of the informal hearing.~~
- ~~b) A written decision shall be rendered by the dean of student life containing a statement of reasons for any determination leading to involuntary withdrawal. The student also should be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The student may appeal the decision to the president.~~

910.Reporting, Investigating, and Resolving Complaints

~~The c~~C~~omplaint resolution procedures in this code are~~

used to determine whether a student is responsible for alleged violations of the Code of Student Behavior, ~~and .The purposes of the complaint resolution procedures~~ include the following purposes:

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

910.1 Reporting Alleged Violations

Complaints should be reported as soon as possible following the discovery of ~~the~~ alleged inappropriate behavior.

~~The complaint~~ and may be initiated by law enforcement or any member of the NDSU community, including students, faculty, staff members, and guests of the campus.

An alleged violation should be reported to the:

- a) Dean of Student Life Office, 250 Memorial Union, and/or
- b) Department of Residence Life, West Bison Court, and/or
- c) Memorial Union Administrative Office, 246 Memorial Union.

910.2 Investigating Reports of Alleged Violations

910.2.1 No form of harassment may be used by institutional representatives to coerce admissions of guilt or information about one's behavior or that of other suspected persons.

910.2.2 Search and Seizure

University ~~P~~policy on the privacy of student rooms stipulates that entry and search of university residences by university officials will be permitted only in one or more of the following instances: ~~when~~:

- a) ~~The~~A student consents to the search;
- b) The officials responsible fear an imminent danger to health, safety, life or property;

- c) ~~The vice president for student affairs or designee provides~~ Aa written administrative authorization specifying reasons for the search, objects of information sought, and area to be searched; ~~or has been given by the vice president for student affairs, dean of student life, or director of residence life, or a person acting in their capacities during their absences from the campus;~~
- d) University officials fear imminent destruction of evidence relevant to a suspected violation of university regulations; ~~or~~
- e)

When ~~Ss~~ students ~~are~~ suspected of violating ~~the~~ NDUS or NDSU Acceptable Use Policies, student computers, associated peripheral devices, and media storage devices may be taken into temporary custody on authority of the Information Technology Services Officer, ITSO, to collect and preserve evidence of possible violations of local, state or federal laws (see NDSU Policy 158: Acceptable Use of Electronic Communications Devices: www.ndsu.edu/policy/158.htm and State Board of Higher Education (SBHE) Policy 1901.2, Computing Facilities: www.ndus.edu/policies/ndus-policies/subpolicy.asp?ref=2551). If additional questions remain, contact the Information Technology Services Officer ITSO.

The university requires that the dean of student life be notified of searches by university officials. The university will not intervene between students and searches authorized under law by any law enforcement agencies. At the conclusion of those actions, and when provided information by law enforcement agencies, the university reserves the right to initiate action under this code when alleged violations of the code are believed to have occurred.

The ~~R~~ight to ~~i~~nspect residence hall rooms and university apartments without notice is reserved by the university for purposes of maintenance, cleaning, fire, personal safety, and ~~for purpose of~~ administering provisions of the license contract. The university will provide reasonable notice, when possible. Such entry by the university shall not be regarded as a search, but is separately agreed to and authorized by the student through ~~the~~ provisions in the residence life license contract.

940.3 Resolution of Conflicts

The conflict resolution process generally includes the following steps:

- a) Receipt of an incident report received,
- b) Creation of a conduct file,
- c) Implementation of interim actions, if necessary
- d) Investigation of incident, if necessary
- ee) Notice of alleged violations,
- fd) Prehearing conference,
- ge) Hearing (administrative or complaint resolution board),
- hf) Notification of findings, including sanctions, and terms and conditions, as assigned,
- ig) Appeal (if student chooses),
- jh) Notification of appeal decision (if applicable).

A detailed description of these steps may be found in Section 11, Guaranteed Student Rights and Complaint Resolution Process.

9.34 Special Circumstances and Conditions

9.43.1 Registration/Graduation Hold

- a) If a student (new, current or returning) fails to respond to a request to meet to discuss an alleged violation of this code, or fails to comply with sanctions or terms and conditions assigned as a result of being found responsible for a violation of this code, a hold may be placed on the student's eligibility to register or the student's current registration may be canceled. If registration is canceled, eligibility for any refund of tuition/fees will be subject to the university's withdrawal policy.
- b) Students may not be permitted to graduate or officially withdraw from NDSU while disciplinary action is pending. If the student withdraws before NDSU becomes aware of the potential violation of this code, the student's academic records may be placed on hold and the allegations must be resolved prior to the student's readmission.

9.43.2 Returning and/or New Students

If an act that violates this code is committed by a student during a period of nonenrollment, a registration hold may be placed to prevent the student's registration until a hearing may be held on that matter. The student may be notified about these holds at the time the university is first notified about the incident, or notice may be provided when the student subsequently requests enrollment. In addition, an administrative hearing officer, in consultation with the dean of student life, may place a registration hold to deny a student the eligibility to register. Reasons

may include, but are not limited to, the student's arrest or when criminal charges are pending against the student, serious concerns arise about the health or safety of the student or others in the university community, and/or as otherwise provided by NDSU Policy 607-Admission & Reenrollment Safety Risk; [Background Checks www.ndsu.edu/policy/607.htm](http://www.ndsu.edu/policy/607.htm).

9.43.3 Temporary Emergency Suspension

A student may be temporarily suspended, pending a hearing, when the student's actions or threats of action indicate a serious threat to the welfare and/or safety of persons or property. No hearing will be required before a temporary suspension is imposed; however, one will be convened within five business days following the suspension. If the suspension is upheld, the suspension remains subject to the rules outlined in suspension (see Section [9.1.310.1.4](#)) and remains a matter of permanent record. Conditions under which emergency suspension may be imposed:

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

9.43.4 Administrative Withdrawal for Psychiatric Reasons

A student may be subject to administrative withdrawal, if it is determined by clear and convincing evidence, that the student:

- ~~a) S~~suffers from a mental disorder as defined by the current American Psychiatric Association Diagnostic Manual or its equivalent, and as a result of such a disorder engages, or
- ~~b) T~~hreatens to engage in behavior that:

~~1-a)~~ Poses a significant danger of causing imminent harm to the student or others, or

~~2-b)~~ Directly and substantially impedes the lawful activities of other members of the campus community.

These standards do not preclude North Dakota laws.

Consideration will be given first to use of normal disciplinary processes of counseling, voluntary withdrawal,

use of state commitment laws (NDCC 25.03.1), or use of other alternatives whenever appropriate.

9.4.4.1 Disciplinary Violations

A student accused of violating this code may not be subject to the disciplinary process if the student, as a result of a mental disorder:

- a) Lacks the capacity to respond to pending disciplinary charges, or
- b) Lacks the capacity to know the nature or wrongfulness of the conduct at the time of the offense.

Students subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the dean of student life in writing at least two business days prior to any disciplinary hearing. The dean of student life may elect to appoint a designee to act in administering this policy. If the dean of student life determines that the evidence may have merit, the case will then be resolved in accordance with these standards and procedures. If it is determined the student does not meet the criteria mentioned above, the case will be returned to the disciplinary process.

9.4.4.2 Evaluation Referral

The dean of student life may refer a student for an evaluation by an independent, licensed psychiatrist or psychologist chosen by the institution if the dean of student life reasonably believes the student may meet the criteria in Section 9.34.4, or if a student subject to disciplinary charges wants to introduce relevant evidence of any mental disorder. A student referred for evaluation will be informed in writing by NDSU email -and the evaluation must be scheduled no later than five days from the date of the referral letter. The evaluation will be at the student's expense. If a student fails to complete an independent evaluation, he or she may be subject to the disciplinary process or an immediate interim withdrawal.

9.4.4.3 Interim Withdrawal

As stated above, an interim withdrawal may be implemented if a student fails to complete an evaluation with a licensed psychologist or psychiatrist. Also, an interim withdrawal may be undertaken immediately if the dean of student life determines a student may be suffering from a mental disorder, and the student's behavior poses an imminent danger.

A student subject to interim withdrawal shall be given written notice and may be assisted throughout this process

by an individual of his or her choice. The student, whether or not an evaluation has been completed, shall be given the opportunity to appear personally before the dean of student life within 72 hours of the effective date of the interim withdrawal to review:

- a) Reliability of the information concerning the student's behavior, and
- b) Whether the student's behavior poses an imminent danger.

During an interim withdrawal, the dean of student life may place restrictions including, but not limited to, class attendance and use of campus services and facilities.

9.4.4.4 Involuntary Withdrawal

A student under consideration for involuntary withdrawal will be accorded an informal hearing with the dean of student life. The informal hearing will be held within seven business days after an evaluation by a licensed psychologist or psychiatrist has been completed. Prior to the informal hearing, the dean of student life and the student will have an opportunity to review independently the psychological or psychiatric evaluation.

- a) Informal hearing proceedings are conducted by the dean of student life. The student may be assisted in the informal hearing by an individual of his or her choice. The student will remain withdrawn on an interim basis pending completion of the informal hearing.
- b) A written decision shall be rendered by the dean of student life containing a statement of reasons for any determination leading to involuntary withdrawal. The student also should be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement. The student may appeal the decision to the president.

9.510.4 Interim Actions

In the interest of safety and security, interim actions may include the issuance of a No Contact Order and/or loss of privileges as defined in Section 10.2.6)????

9.610.4 Crimes of Violence

In cases of crimes of violence, the dean of student life may increase but not decrease timelines stated in the code and may determine by whom the case is heard.

The term "crime of violence" means:

- a) An offense that has an element of use, attempted use,

or threatened use of physical violence against the person or property of another, or

b) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

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

In cases of crimes of violence, the dean of student life may increase, but not decrease, timelines stated in the code and may determine by whom the case is heard.

9.6.110.4.1 Notification of Hearing Outcomes for Crimes of Violence

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

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

9.710.5 Conditions Under Which Emergency Suspension May Be Imposed:

- a) To ensure the health, safety, or well-being of members of the university community,
- b) To preserve university property;
- c) To ensure the suspended student's own physical and emotional safety and well-being, or
- d) To ensure against disruption of, or interference with, normal operations of the university.

No hearing will be required before ~~temporary~~ emergency suspension is imposed; however, one will normally be convened within five business days following the suspension. In unique circumstances, any alteration to this timelineframe will be at the discretion of the dean of student life.
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If the suspension is upheld following the hearing, the suspension remains subject to the rules outlined in suspension (Section 9.4.310.1.4) and remains a matter of permanent record (see 17.1.32 for a definition of permanent record).

9.840.6 Incarcerated Students

In cases involving incarceration, a hearing will be held when the student is available for a hearing. Under these circumstances, the dean of student life may ~~choose to determine that~~ hold an administrative hearing be held rather than a Code of Student Behavior Complaint Resolution Board hearing.

9.940.7 Default Proceedings for Current Students

A student who fails to appear for a hearing ~~on the date~~ set appointment to answer or contest the alleged charges of a violation of university policies will be considered in default.

The case may be decided based on information available at that time. Default decisions may be reexamined only when the student shows ~~that~~ the absence was for ~~a~~ good reasonable cause.

9.1040.8 Student/Organization Leaves the University with Unresolved Charges

When a student/organization leaves the university with unresolved charges, the administrative hearing officer or a complaint resolution board may make a decision in the student/organization's absence, providing the student/organization was issued an advance written notice of the date, time, and place of the scheduled hearing.

In certain cases, the administrative hearing officer reserves the option to place a registration hold on the student's records and archive the case until such time the student requests re-registration or a resolution of the pending matter. The administrative hearing officer also may place a notation, "may not register for non-academic reasons," after recommendation to and approval from the dean of student life.

9.1140.9 Student Organizations in Default

In the event a student organization becomes inactive rather than appear for a hearing, the default decision will typically be withdrawal of recognition granted by the Congress of Student Organizations. In addition, officers of the organization at the time of the incident may face conduct proceedings individually for failure to comply

(see Section 4.1¹²) and also may be charged with one or more of the original alleged violations of the code arising from the alleged misconduct by the organization. If found responsible for this violation, the original incident that led to allegations against the student organization will be considered in the determination of sanctions for the organizational officers.

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

109. Code of Student Behavior Sanctions, Terms and Conditions

A sanction is a consequence placed upon any student for conflicts with specified university policies. Sanctions help define the student's relationship with the university in the context of current and potential future behavior, including a notice that further conflicts may lead to more severe behavioral sanctions.

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

In cases in which the student is found responsible for violating one or more policies, a sanction may be imposed. The sanctions listed below are assigned based on the severity of the incident and/or past conduct history:

1. Warning,
2. Behavioral probation,
3. Supervised **behavioral** probation,
4. Behavioral suspension,
5. Voluntary withdrawal,
6. Expulsion, or
7. Recommendation to the provost to **withhold or** rescind a degree.

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

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

1. Restitution,
2. Confiscation,
3. Restricted access to university facilities and grounds,
4. Loss of privileges,
5. Participation in a specific activity or project,
6. Alcohol or other drug testing and/or evaluation, and/or,
7. No contact orders.

In assigning a sanction and/or terms and conditions for inappropriate student behavior, the hearing

officer or board will consider:

- a) Facts of the case as presented from all relevant sources, including the accused student,
- b) Existence of any physical evidence or written or oral information provided by the accused student and/or witnesses,
- c) Type and severity of the offense,
- d) Previous incidents of inappropriate behavior committed by the accused student, and
- e) the ability and/or willingness of the student to accept responsibility.

109.1 Sanctions

109.1.1 Written Warning

A warning is a written notification that subsequent code violations will normally result in more severe sanctions. This action results in no notation on the student's academic transcript.

109.1.2 Behavioral Probation

Behavioral probation is a written notification of a specified period of review and observation during which the student must demonstrate the ability to comply with university policies and local, state, and federal laws, and any other terms or conditions that have been imposed in writing. The specific terms of the probation will be determined on a case-by-case basis. Behavioral probation may be supervised or unsupervised.

Further inappropriate behavior may result in additional sanctions to be assigned, including, but not limited to, suspension or expulsion. This action results in no notation on the student's academic transcript.

10.1.3 Supervised Behavioral Probation

~~9.1.3~~ Supervised behavioral probation generally requires meetings with a member of the Division of Student Affairs at regularly established intervals to monitor progress in behavioral, academic, social, vocational, and other areas of the student's life necessary to strive for overall success at NDSU. The supervisor may assign educational tasks and/or projects as deemed necessary and appropriate to assist the student in personal growth.

109.1.4 Behavioral Suspension

Behavioral suspension is a written notification of the termination of status as an enrolled student or registered student organization for a specified period of time not less than two academic semesters and not to exceed two academic years.

- a) A student may not re-enroll during the period of behavioral suspension.
- b) A student who has been suspended must vacate residence life facilities within the time frame established in the written notice of the behavioral suspension.
- c) The notice of behavioral suspension will include the conditions for readmission that must be met prior to application for readmission. Students may obtain a reactivation of student status (after absence) form from Registration and Records, Ceres Hall, also online at <http://bisonconnection.ndsu.edu/forms/reactivate/>. An interview with a member of the dean of student life staff also will be required prior to acceptance of the student's application for readmission.
- d) While a student is under behavioral suspension from NDSU, no academic credit earned during the suspension period will be accepted for transfer from any other higher education institution at any time. The student's transcript will carry a notation "may not register for nonacademic reasons" without further explanation. If the student is subsequently readmitted, the original notation will remain on the transcript and a new notation will be added, "eligible for registration effective ..."
- e) The student's eligibility for any refund of tuition/fees will be subject to the university's normal withdrawal policy.
- f) There may be other restrictions placed on the suspended student including, but not limited to, restricted access to the entire campus, specified campus facilities,

or portions of specified campus facilities. The student also may be required to obtain prior written permission from a member of the dean of student life staff before being on any portion of the NDSU campus during the period of suspension. Usually a student with restricted access to the campus will be allowed on campus to conduct business related to the university, but only through prior written approval by a member of the dean of student life staff.

g) Behavioral suspension is a matter of permanent record. A permanent record indicates that student behavior files may be retained indefinitely at the discretion of the dean of student life, but not less than seven (7) years.

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

109.1.5 Voluntary Withdrawal

In rare circumstances, based on mutual agreement, the student may be allowed to withdraw on a voluntary basis. Conditions may be imposed concerning the period of time after which the student may petition for reenrollment and/or for other conditions to be met prior to application for re-enrollment. A meeting will be required with a member of the dean of student life staff prior to approval of the student's petition for readmission. This action results in no notation on the student's academic transcript.

109.1.6 Expulsion

Expulsion is a written notification that the student is permanently ineligible to return to the university. The student must leave university residences and cease all use of university owned or controlled buildings, properties and services within the time frame established in the written notice of the expulsion. Requests for readmission will not be approved. The expulsion will be recorded on the student's transcript as "may not register for nonacademic reasons" and is a matter of permanent record.

109.1.7 Degree ~~Withhold~~/Rescission

If a person has been awarded an NDSU degree and it is subsequently discovered that the person committed a serious breach of this code while attending the university, the university may, upon separate proceedings, elect to rescind the degree. See section 9.4.1 regarding graduation holds for similar reasons.

109.2 Conditions Associated with Behavioral Sanctions

109.2.1 Restitution

A student may be required to repair, pay the cost for repair, or pay for cost of replacement of any property damaged by the student. In each case, the goal will be to return the damaged property to its existing condition at the time of damage. The determination of the method used to calculate restitution shall be the responsibility of the hearing officer or board, taking into consideration the fair market value or cost to repair the damaged item(s). When available and appropriate, secondary markets may be utilized. The decision maker shall consider information and/or evidence provided by both parties to achieve a fair and just result. In the case of personal injury, the responsible party may be required to cover the cost of medical care for others harmed as a result of the student's actions.

Failure to make timely arrangements for restitution may result in the cancellation of the student's registration, prevention of the student's re-registration, or more severe sanctions including, but not limited to, behavioral suspension or expulsion.

When the responsible party is a student organization, additional sanctions or terms and conditions also may be assigned for failure to make timely arrangements for restitution.

109.2.2 Confiscation

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

109.2.3 Loss of Privileges

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

- a) Participating in or attending events sponsored by the university or by students,
- b) Holding office in any Congress of Student Organizations (CSO) recognized student organizations,
- c) Receiving guests in residence life facilities,
- d) Access to parts of or all university property, including eligibility to reside in university facilities,
- e) Receiving financial aid,

- f) Being employed by the university,
- g) Representing the university,
- h) Sponsoring or hosting organization or campus-wide functions,
- i) Using ~~IT network~~ services, and
- j) Maintaining recognized status with the CSO.

109.2.4 Participation in a Specific Activity or Project

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

109.2.5 Alcohol or Other Drug Testing and/or Evaluation

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

- a) A student's behavior endangers or may endanger the safety of others, property, or themselves while under the influence of alcohol/drugs, or
- b) When the student has had three or more separate violations involving alcohol/drugs.

All such testing and/or evaluation shall be at the student's expense. The student will be expected to sign appropriate releases to demonstrate to the university that the student is complying with any recommendations resulting from such testing and/or evaluation.

109.2.6 No Contact Order

Students may be prohibited from direct or indirect physical and/or verbal contact with another individual or group. Reasonable restrictions to protect the safety and welfare of others may also be imposed. These include, but are not limited, to any and all forms of communications, access to university owned or controlled locations, and specified minimum distances.

11. Student Rights Guaranteed in the Complaint Resolution Procedures

11.1 Burden of Proof

The burden of proof will rest upon the complainant. The complainant is usually a university staff member who is presenting the complaint on behalf of the university.

11.2 Standard of Proof

A student is considered found to have violated this code when the student:

- a) Admits to the violation; or
- b) The evidence available at the time of the hearing supports a finding of responsibility under this code.

The standard of proof will be that it is “more likely than not” that the Code of Student Behavior has been violated.

11.3 Notice of Charges

Within a reasonable number of business days (generally 15) of receipt of the complaint, ~~the designee of the dean of student life will send~~ a written notice will be sent, usually via authorized university email, to the accused student to arrange a prehearing conference.

The notice of charges will include:

- a) Nature of the alleged inappropriate behavior;
- b) Date, time, and place of the alleged inappropriate behavior;
- c) Source of the complaint;
- d) Summary of the evidence to be presented;
- e) Maximum sanction applicable if found in violation of the Code of Student Behavior;
- f) Notice that a decision may be made in the student’s absence, if the student chooses not to appear at the hearing and that the failure to appear will be considered in reaching a decision whether or not the behavior code has been violated; and
- g) URL directing the student to the online copy of the code or a printed copy of the code.

The student and the complainant must be given notice in writing of a summary of the charges and evidence to be presented in sufficient time to ensure an adequate opportunity to prepare for the hearing. The university will do all it reasonably can to provide the student and complainant oral or written notification of the hearing 48 hours prior to the hearing date.

11.3.1 Verbal Notice

In some cases a verbal request for a pre-hearing conference may be made (followed by a written request if the student so chooses), particularly in minor cases or cases in which an expedited hearing is appropriate. Examples include, but are not limited to, Verbal notice of expedited hearings may be used the two weeks prior to any university break of more than one week or when the student has indicated a decision not to return the following semester.

11.4 Prehearing Conference

During the prehearing conference, the administrative hearing officer ~~or designated official~~ will discuss the:

- a) Student’s rights and responsibilities and

b) Nature of the complaint and how the Code of Student Behavior may have been violated.

The student has a right to make a written and/or oral statement describing the event(s) that led to the charges.

~~and the student may also request to proceed with an immediate hearing take place with the administrative hearing officer.~~

The administrative hearing officer may refuse to hear the case and refer it to another administrative hearing officer or complaint resolution board.

~~Cases involving student organizations will be forwarded to an administrative hearing officer for investigation.~~

11.5 Administrative Hearing and Complaint Resolution Board

The Code of Student Behavior complaint resolutions procedures at NDSU include:

- a) An administrative hearing officer designated by the dean of student life or
- b) A complaint resolution board.

11.6 Conflicts of Interest

~~Any~~ No administrative hearing officer or board member who has a conflicting interest in the particular case may not sit in judgment during that proceeding. Each party has the right to challenge ~~the appointment of~~ an administrative hearing officer or board member. ~~for good cause in writing~~ Challenges must be submitted in writing to the dean of student life at least ~~two business days~~ 48 hours prior to the hearing. If an ~~charged-accused~~ student or a complainant fails to raise a perceived conflict by objecting to that person two business days in advance, any objection is deemed to be waived. An individual may not be disqualified solely on the basis of his or her position in the university community.

11.7 Witnesses and Evidence

The accused student and the complainant shall be given reasonable opportunity to present their cases, including presentation of other evidence beyond written and verbal testimony by themselves and their witnesses. Witnesses will remain only for the duration of their own testimonies.

~~If both parties agree, the hearing may be limited to a consideration~~

~~of written statements.~~ All testimony and other evidence upon which the decision will be based must be introduced into evidence at the hearing. Determination as to whether the accused student is or is not responsible for the alleged code violations will be based on the information provided prior to or during the hearing. Hearing officials have the discretion to verify accuracy of information and are required to notify the accused prior to issuing a decision if discrepancies are noted. ~~proceeding or must~~
~~have been provided in writing to the administrative hearing officer or chair of a complaint resolution board 48 hours prior to the hearing for distribution to the board members. The decision must be based solely upon such information presented in the proceeding. Any evidence~~ acquired in violation of ~~the university rules concerning an~~ investigation of student behavior shall not be admissible (see Section 912.1 Evidence). ~~The focus of the complaint resolution proceedings shall be to determine whether the accused student is responsible or not responsible for the alleged code violations.~~ Formal rules of evidence shall not be applicable, ~~nor shall deviations from prescribed procedures~~ shall not necessarily invalidate a decision or proceeding, unless significant prejudice to a student or the university may result.

If both parties agree, the hearing may be limited to a consideration of written statements. If the accused student is going before a complaint resolution board, the written statements must be presented to the chair of the complaint resolution board two business days prior to the hearing for distribution to the board members. For administrative hearings, the written statements may be provided ahead of time or at the hearing.

11.8 Hearsay Evidence

Hearsay evidence is permitted and will be given any consideration weight deemed appropriate by individual decision makers. A term applied to testimony given by a witness who speaks about information received from others, rather than information directly given by that witness. The value of such evidence rests with the discretion of hearing officials and their individual judgment of the witnesses' credibility.

11.9 General Character Witnesses

Character witnesses are ~~usually~~ not permitted to appear before the hearing officer/board, but the accused student may submit up to three written documents to the hearing officer/chair of the board two business days~~48 hours~~ prior to the hearing. Each statement must be dated and signed, with the name of the individual signing printed below to ensure

legibility. If the accused student is found responsible for violating this code, the hearing officer/chair of the board may consider the sem statements during sanctioning, ~~if the accused student is found responsible for violating this code.~~

11.10 Questioning Witnesses

The student and the complainant have the right to address questions through the hearing officer/board to other witnesses at the hearing. If both parties agree, however, the hearing may be limited to a consideration of written statements. A witness may testify in the absence of the accused student with prior approval of the administrative hearing officer or the complaint resolution board chair.

An absolute right of cross-examination is not granted under this code. All questions will be addressed to the administrative hearing officer or complaint resolution board chair. The administrative hearing officer or complaint resolution board chair will then rephrase relevant and reasonable questions, if necessary, and will retain the right to exclude questions that are redundant or irrelevant to determining responsibility. Persons answering questions will be given reasonable latitude to respond fully to questions ~~fully~~.

11.11 Hearing Advisor

The student and complainant each have the right to have a person present who may act in an advisory capacity.

This person is not an advocate for the accused and cannot address the Code of Student Behavior complaint resolution board, the hearing officer, or ask questions of witnesses.

11.12 Attorneys

If the student chooses to have an attorney present as his or her hearing advisor, the NDSU general counsel may be present to observe the proceedings. The complainant, if not a university staff member, also may choose to have an attorney present during his/her presentation. The role of the attorneys shall not be to participate in the hearing other than to advise their own clients. Attorneys who do not respect this provision may be cautioned by the hearing officer/chair of the board and if they persist, may be asked to leave.

11.13 Self Incrimination

Accused students and witnesses shall not be compelled to incriminate themselves by being forced-obligated to testify that they engaged in behavior constituting a violation of this code and/or local, state, or federal law.

11.14 Closed Hearings

All hearings are normally open only to those persons who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the charged student and the dean of student life. Witness(es) will remain only for the duration of his/her (their) own testimony. The dean of student life may permit a limited number of NDSU personnel to be present as observers for the purpose of training. Other ~~E~~exceptions may also be made as deemed necessary by the dean of student life.

11.15 Appeals

Students sanctioned for violations of any part of this Code of Student Behavior or related university policies may appeal. Students Appeals are limited to one appeal and that decision is final level (see Section 16).

12. Hearings

Cases are normally heard through administrative hearings. In certain situations, a student may request a complaint resolution board hearing (see Section 14, Complaint Resolution Board Jurisdiction). The university also reserves the right to submit the case to a complaint resolution board either initially or at any point in an administrative hearing if:

- a) It becomes apparent the case may warrant suspension or expulsion, or
- b) The hearing officer is unable to hear the case due to a conflict of interest or any other reason.

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

The student's rights remain the same whether or not the student receives an administrative hearing or a complaint

resolution board hearing.

~~Complaint resolution hearings are normally open to those individuals who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the charged student and the hearing officer or board chair. The dean of student life may permit a limited number of NDSU personnel to be present as observers for the purpose of training.~~

12.1 Evidence

Because this is an educational hearing, formal rules of evidence do not apply. Every effort will be made to allow all pertinent information to be presented for ~~the board's~~ consideration during the hearing (see section 11.7 Witnesses and Evidence).

12.2 Written Documents and Other Items

Parties planning to bring items to a hearing must generally provide copies of those items to the hearing officer or board chair ~~2 business days~~~~48 hours~~ prior to the hearing to allow for a review of the items and development of any pertinent questions. The hearing officer or board chair may permit deviations to this time restriction as long as ~~all parties~~~~the student~~ has~~es~~ sufficient time to prepare for the hearing. Either party or their witnesses will be permitted to elaborate on written documents previously submitted.

12.3 Standard of Proof

In reaching a decision, only information produced at the hearing will be considered and evaluated using the "more likely than not" standard of proof.

12.4 Recommendation and Approval of Sanctions

~~In Cases of code in which~~ violations ~~of the code are~~ serious enough to warrant suspension or expulsion, the hearing officer or board chair will make a recommendation to the vice president of student affairs. When approval of the recommended sanction is received, the hearing officer or board chair will issue the written decision.

12.5 Decisions

Written decisions are generally rendered within 10 business days from the date of the hearing.

13. Administrative Hearings

(In addition to the information provided in Section 12, the following statements specifically apply to administrative hearings.)

An administrative hearing can result in a more timely resolution of the conflict and the involvement of fewer individuals.

13.1 An administrative hearing involves the accused~~alleged~~ student ~~(alleged to have violated the code)~~, hearing officer, and any other individuals necessary to determine whether or not there has been a violation of university policies. The administrative hearing officer is the NDSU representative assigned to process an alleged violation of university policies.

13.2 Sanctions imposed following an administrative hearing may not include suspension or expulsion unless the student receives prior written notice that the ~~student's~~ case was serious enough to warrant suspension or expulsion, and the student voluntarily waived the right to a hearing by a complaint resolution board.

14. Complaint Resolution Board Hearings

(In addition to information provided in Section 12, the following statements specifically apply to board hearings.)

14.1 Jurisdiction

A student shall be granted a hearing before a complaint resolution board to determine whether or not a specific behavior has violated the Code of Student Behavior or related policies identified in the code, if the:

- a) Sanction normally administered for such behavior might include suspension or expulsion from NDSU, or
- b) Student's prior behavior record, plus a finding of responsibility for the current alleged violation, might result in a recommendation for suspension or expulsion from NDSU.

14.2 Pool Composition and Board Selection

The pool of potential members of a complaint resolution board may include students, faculty, and staff. The dean of student life may draw upon this pool to constitute a board of at least three members.

The dean of student life may draw from the hearing pool to make substitutions as needed to avoid the delay of a hearing.

14.3 Board Chair

A complaint resolution board chair will be appointed by the dean of student life. The chair's role is to conduct the hearing in an orderly fashion, determine whether evidence presented or questions asked are relevant to the proceeding, and assign appropriate sanctions if the accused student is found responsible for violating the code. Normally the chair does not ask questions during the hearing; however, if the chair believes that questions have not been asked that would help the board determine whether the accused student is responsible for violating the code, the chair may ask those questions.

14.4 Recording of Proceedings

All hearings of a complaint resolution board will be recorded up to the point of the board's deliberations necessary to render a decision, and will be retained as part of the student's file. In some situations, the chair of the board may recommend to the dean of student life that a video recording may be more appropriate than an audio recording. Notice will be provided to the student no less than 48 hours before the hearing. Access to the recording will be made available for the purpose of preparing an appeal. Requests for access should be directed to the Dean of Student Life Office.

14.5 Board Decisions

The board will determine, by a majority vote, whether or not the student violated one or more sections of this code. Following a finding of responsibility, the chair of the complaint resolution board may choose to meet with the student to request additional information so that an appropriate sanction can be determined. The chair of the board will take into consideration any prior code violations when determining or recommending an appropriate sanction.

15. Complaint Resolution Board Procedures

15.1 With all parties present, the chair will call the meeting to order and will introduce members of the complaint resolution board and their function within the university. (The chair also will ask all other parties participating in the hearing to introduce themselves and identify their role in the proceedings.)

15.2 The chair will describe the general outline of the

hearing to the board and will read the following honesty statement:

The university expects that all information presented in this hearing will be true and correct to the best of each person's knowledge. If students willfully provide false information, they will be in violations of NDSU's Code of Student Behavior. As a result, they also may be subject to additional disciplinary action.

Dishonest behavior by any faculty or staff members will be reported to ~~that person's~~ supervisors for any necessary disciplinary action.

15.3 The chair will dismiss witnesses until they are called to speak before the board.

15.4 The chair will introduce the complainant who will present the case on behalf of the university, making additional comments necessary to ensure the complaint has been presented accurately and clearly. The complainant is an NDSU representative appointed by the dean of student life.

15.5 The chair will introduce the accused student who will be permitted to present information to the board that is relevant in determining whether the student violated one or more sections of the code. ~~This statement may include accepting responsibility for the violations outlined by the complainant.~~

15.6 At the chair's discretion, questions may be placed directly between parties. Permission to address parties directly may be withdrawn at any time.

15.7 The complainant will be allowed to present witnesses who may be asked questions by the complainant, accused student, members of the board, and dean of student life. Questions may be directed to the chair who will determine relevancy to the proceeding, request clarification if necessary, ask if the respondent understands the question, and request a response.

15.8 The accused student will be allowed to present witnesses who may be asked questions by the accused student, complainant, members of the board, and dean of student life. Questions may be directed to the chair who will determine relevancy to the proceeding, request

clarification if necessary, ask if the respondent understands the question, and request a response.

15.9 The complainant and accused student will be permitted to ask questions of each other.

15.10 Questions will be permitted by board members and dean of student life, who may question either party and/or their witnesses.

15.11 At the discretion of the board chair, the complainant and accused student may be permitted to ask additional questions of each other.

15.12 Both parties will have an opportunity for closing statements. The complainant will present first, followed by the accused student.

15.13 All parties will be dismissed for deliberations by the board. Only board members and the chair may be present during deliberation and recording will stop at this point. The board chair may request consultation with the dean of student life for interpretation of the code.

15.14 A complaint resolution board may suggest one or more sanctions and related terms and conditions from those listed in the code. Suggested sanctions are not binding upon the chair of the complaint resolution board who issues the final decision for the board and selects appropriate sanctions.

15.15 If the chair believes that suspension or expulsion is warranted, the chair will make this recommendation to the vice president of student affairs. When approval of the recommended sanction is received, the board chair will issue the written decision as outlined in section 14.5.

15.16 The chair of the complaint resolution board will send written notice of the board's findings to the student stating whether or not the Code of Student Behavior was violated. The written notice will include sanctions, if necessary, issued by the chair of a complaint resolution board. The notice will generally be sent within 10 business days following the hearing. Time extensions may be granted by the dean of student life.

16. Appeal Procedures

Students sanctioned for violations of this code may make one appeal. Cases resulting in suspension or expulsion are appealed to the president of NDSU. All other appeals are addressed to the dean of student life, or an administrator of residence life, depending upon who served as the complainant.

16.1 Deadline for Appeals

An appeal ~~offrom~~ any decision must be made in writing by the student within five business days following the date the sanction ~~is assigned and~~ notice is received by sent to the student via the NDSU email account. ~~The date of the letter shall be the date the letter is sent. When necessary to utilize if sent by U.S. mail, students will be afforded tenfour business days from the date of letter to submit an appeal. will be added to the date the letter was mailed and that date will be used in starting the five business days.~~ If hand-delivered, a notation of that date will be made in the student's behavioral file. In extraordinary circumstances, time extensions may be granted by the dean of student life. ~~The person to whom to appeal will be specified in the decision letter.~~ The university reserves the right, however, to reduce the time allowed for a student appeal in cases which may have the potential to result in harm to persons and/or property. The reduced time for appeal will be specified in the letter of disciplinary sanction along with the rationale for allowing reduced time for an appeal. An appeal shall be written and contain the student's name, date of the decision or action, and reason(s) for the appeal.

~~32-33~~

16.2 Appeal letters

Appeals must be submitted to the person specified in the decision letter and must specify in detail one or more of the following bases of appeal:

- a) The severity of the sanction was not consistent with the severity of too severe for the offense,
- b) The decision for nonaction/action/sanction was made in an arbitrary or capricious manner,
- c) The finding of the code having been violated was not substantiated by the evidence, and/or
- d) The student's rights were violated (specify those rights believed to have been violated).

16.3 Emergency Provisions

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

16.4 Appeal Advisory Board

The president and the dean of student life reserve the right to appoint an appeal advisory board to review appeals. In such instances the appointed advisory board will make a recommendation that the president and dean of student life may accept or reject. The decision of the administrator will generally be issued within 10 business days of receiving the recommendation from the advisory board and that decision will be final.

16.5 Review

The appeals person/body will review the written letter of appeal from the student and materials from the original hearing. After reviewing these materials, the appeals person/body may decide to do one of the following:

- a) Issue a decision based solely on the written materials,
- b) Issue a decision based on a review of written materials and discussion with the involved principals,
- c) Recall one or more witnesses,
- d) Return the case to the body conducting the original hearing for presentation of new evidence and reconsideration of the decision and/or sanctions.

16.6 Decision/Sanction

When the appeal is made by the accused student, the appeals person/body may uphold or lessen the original decision/sanction but not increase the sanctions/actions imposed by other persons or bodies. The decision on the appeal will generally be made within 10 business days of receipt of the appeal, but may take longer during university recesses or in the event of complex cases, or when an advisory board has been appointed to make an appeal recommendation.

16.7 Appeals by Accuser/Complainants

Appeals by the accuser/complainants may only be allowed when it is

alleged that the ~~accuser~~~~complainant~~ was the subject of a crime of violence, including forcible and non-forcible sexual assaults, as defined in this code. In some cases, an ~~accuser's~~ ~~complainant's~~ appeal could result in a different decision and/or stronger sanctions than originally imposed.

16.8 Rehearings

Rehearings will only be granted if there is substantial:

- a) Evidence to determine that the student was not afforded appropriate due process, or
- b) New evidence that has been discovered about the alleged violation and that was not available at the time of the earlier hearing.

17. Behavior Conflict Records

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

The disciplinary record shall be separate from the student's academic record, but shall be considered a part of the student's educational record. All disciplinary records shall be retained in the Dean of Student Life Office or other offices as authorized by the dean.

As provided under FERPA, information concerning code violations for alcohol and/or drugs may be shared with parents in accordance with the Parental Notification Policy. In addition, code violations may also be shared with some academic departments upon request and as necessary to fulfill their professional obligations. A memorandum of understanding exists that provides for full exchange of information concerning code violations by student athletes with the pertinent coaches and the athletic director.

Suspension and expulsion are the only completed behavior actions reflected on the official academic transcript of the student (see section 10.81.4 & 10.1.6). At the direction of the dean of student life, the registrar shall place on the student's permanent academic record the words "may not register for nonacademic reasons." When the student is determined eligible to return to NDSU following a suspension, the original transcript notation will remain and a new transcript notation will be added: "eligible for registration effective... to return to NDSU for the ### term."

17.1 Behavior Conflict Records Retention and Destruction

17.1.1 Sanctions Less than Suspension or Expulsion

In cases in which students are found in violation and receive a sanction less than Suspension or Expulsion, with or without additional terms and conditions, all records related to that students' cumulative behavioral history will be retained for seven years from the date of the student's last behavioral incident. Student disciplinary records may be retained indefinitely at the discretion of the dean of student life.

17.1.1 Not Responsible

Records of not responsible will be retained in the office from which these findings were issued. These records will be kept for a period of two years and will then be destroyed if no further inappropriate behavior occurs.

17.1.2 Behavioral Probation and Written Warnings

In cases in which students are found in violation and receive a written warning or a sanction of behavioral probation, with or without additional terms and conditions, records related to the hearing will be retained for seven years from the date of the student's last behavioral incident, regardless of whether or not the student has graduated. Student disciplinary records may be retained indefinitely at the discretion of the dean of student life.

17.1.23 Suspension or Expulsion

In cases in which students are found in violation and receive a sanction of suspension or expulsion, disciplinary records will be considered retained on a permanent basis.

17.1.34 Student Organization Records

Student organizations are considered to have a continuing relationship with NDSU as long as the organization maintains its official recognition status with NDSU. Records of behavioral conflicts involving student organizations will be retained for seven (7) years following the date of the incident. Student organization disciplinary records may be retained indefinitely at the discretion of the dean of student life.

FINAL NOTE Occasionally there are changes of staff titles mentioned in this document. The vice president for student affairs may make editorial changes relating to this document, in relation to titles of individuals, as long as the substance of the document is not affected.

Name, President

effective date 8/422/2011

Part A: Appeal Chart

Part B: Related University Policy Statements

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Revision in Progress

The ad hoc committee recommends that the following changes be made.

- 1. The university faculty senate bylaws be changed so that the Grade Appeals Board Chair is an Associate Vice-President of Academic Affairs. This would require that membership be altered and a section added stating who the Chair is.**
- 2. The following language be added to the bylaws for this Board that “The purpose of this Board is to provide an avenue for students to challenge any grade they believe to have been unfairly assigned, and which is not a grade assigned through Policy 335.”**
- 3. The editorial changes within the policy be adopted.**

SECTION 337: GRADE APPEALS BOARD

**SOURCE: Faculty Senate
NDSU President**

The Grade Appeals Board purpose and membership are established in Part XI of the [Faculty Senate Bylaws](#).

GRADE APPEALS BOARD PROCEDURES PREREQUISITES FOR APPEAL:

- 1.** The Board may be utilized only after the student has exhausted possible appeal routes within the college offering the course involved. Each individual college will be expected to specify such appeal routes, but the following guidelines should be adhered to as closely as possible and will apply in the absence of any specialized procedures.

Grades assigned as a result of Policy 335 processes may not be appealed using this policy and its processes.

1._____

a.

A student must initiate a request for a change of a grade with the instructor within fifteen (15) instructional days of the first day of the semester immediately following the semester in which the grade was awarded. For Spring Semester courses, the request may be made within fifteen (15) instructional days of the start of Fall Semester, if the student is not enrolled for a Summer term but is enrolled in Fall Semester. An appeal is deemed formally initiated when the student presents the [Grade Appeal Form](#) to the instructor. The instructor must date and initial the form at that point. Within five (5) instructional days, the instructor shall inform the student via NDSU email of his/her decision, record the

steps taken to resolve the appeal and the decision on the [Grade Appeal Form](#), ~~and date~~ and sign the Form, and then return the Form to the student.

b.

If there is an unsatisfactory decision, the student must consult the department head, and the dean or a designated college committee, proceeding from one level to the next only after an unsatisfactory decision of the conflict at that level. In the event that the instructor is also the department head or dean, he or she need only be consulted in the capacity of instructor. The student shall have five (5) instructional days following an unsatisfactory outcome of the appeal to continue with the appeal at the next level. At each stage, the individual considering the appeal shall inform the student of his/her decision, record the steps taken to resolve the appeal and the decision on the [Grade Appeal Form](#), and date and sign the Form.

c.

The instructor must be informed of all proceedings in Section b above by the person in charge at the level.

d.

Both the instructor and the student shall have the right at any time during the proceedings to call a meeting of all persons involved in submitting and considering the appeal and, optionally, to invite the Board to send an observer to that meeting.

e.

In the event that the instructor is no longer employed by North Dakota State University, or is on leave from the University, the instructor may designate another faculty member from within the department to represent his/her interest in the grade appeal. If the instructor is not available to designate a substitute, the department head shall represent the absent faculty. If the department head cannot act impartially, a substitute shall be designated by the dean.

2. In the event of an unsatisfactory decision within the college, the student may submit a formal written appeal to the Board Chair. Such an appeal shall be made within fifteen (15) instructional days after conclusion of the college proceedings as stated above.
3. In extraordinary circumstances (such as avoiding a clear injustice or mistake, e.g., an instructor leaves, refuses to respond to inquiries about the grade, there is a mathematical error or violation of the syllabus), and after the procedures in Subsection 1 above have been completed, a department head, with approval of the dean of the college, can change a grade without the instructor's approval. In such cases, a note of record shall be filed with the Registrar. An instructor can appeal such a grade change to the Grade Appeals Board pursuant to this Policy. Colleges can adopt procedures to implement this subsection. (Note: The purpose of this provision is to avoid compelling the student to go through the formal appeal to the Grade Appeals Board where the outcome is certain and clear in the student's favor.)
4. ~~The Board Chair may designate a Board member as Appeal Chair or process the appeal personally. If the instructor is the Board Chair, the Board members shall designate an Appeal Chair. If the Appeal Chair is not the Board Chair, the Board Chair will forward the appeal document to the Appeal Chair within five (5) instructional days of receiving the appeal. The Appeal Chair should be from a college outside that of the instructor whose grade is being appealed.~~ The Appeals Board Chair will handle appeals.

5. The ~~Appeal Board~~ Chair will send a copy of the appeal document to the instructor within ten (10) instructional days. The instructor will have fifteen (15) instructional days to respond to the student's appeal.
6. The ~~Appeal Board~~ Chair will then distribute copies of the appeal document and the instructor's response to all Board members and the instructor within five (5) instructional days. If a Board member is unable to participate in the proceedings, his or her alternate will act for the member.
7. Each Board member (or alternate) must inform the ~~Appeal Board~~ Chair in writing within five (5) instructional days indicating whether there is a need to hold a meeting to discuss the appeal. If all of the members indicate that the student has not made a case, the appeal is denied and the student is notified, ~~in writing through NDSU email~~, within five (5) instructional days of the Board's decision. Otherwise, the ~~Appeal~~ Chair will call a meeting of the Board within ten (10) instructional days.
8. At this meeting, the Board will raise any questions unanswered by the appeal and instructor's response. The Board will then vote to decide whether to hold a hearing based on the following criteria: the student presented evidence of prejudicial grading or raised questions of the possibility of prejudicial grading. A hearing will be scheduled within fifteen (15) instructional days if a simple majority of members vote to hold a hearing.
9. If the Board decides to hear the appeal, it shall provide the instructor and student with a copy of any written statement provided to the Board by the other party.

HEARING PROCEDURES ~~(APPROVED MAY 12, 1986)~~

1. General Provisions

a.

If the Board decides to hear an appeal, it shall designate from among its total membership a panel of seven members to hear the appeal. Four members of the panel shall be chosen by lot from the faculty membership of the Board, and two additional members of the panel shall be chosen by lot from the student membership of the Board. The seventh member of the panel shall be the Board Chair, who shall serve as a non-voting moderator of the hearing panel. In order to avoid any conflict of interest, a board member who believes that he/she may not be able to hear a case fairly shall recuse him/herself and shall be replaced by his/her alternate. Additionally, the student and the instructor shall each have one preemptory challenge to remove a board member from service on the hearing panel. A challenged board member shall be replaced by his/her alternate. In the event that a challenged board member is an alternate, another member of the board shall be chosen by lot to serve on the hearing panel. The word "Board" shall be used hereafter in these hearing procedures to describe the seven-member hearing panel so elected, or the full Board, in the event it decided to hear an appeal of a hearing panel decision.

b.

All hearings are normally open only to those people who are part of the proceedings, unless otherwise arranged by prior mutual written agreement between the student, instructor, and Board ~~C~~hair.

c.

The student, the instructor, and the Board, each shall have the right to be assisted during Board procedures by an advisor or other counsel who may observe the proceedings and advise his/her party. Unless allowed by the Board Chair, the advisor/counsel will not be permitted to address the Board or witnesses.

2. Evidence. Because this is an educational hearing, formal rules of evidence do not apply. Every effort will be made to allow all reasonable and relevant information to be presented for the Board's consideration.

a.

The Board shall allow an initial presentation by the student and then by the instructor involved, after which it may call on such other witnesses as it deems necessary. In order to be able to accomplish this, the Board shall have the authority to compel the appearance or testimony of essential witnesses from the NDSU academic community.

b.

Hearsay evidence is permitted; the members of the Board may consider such evidence and assign it any weight appropriate by each individual Board member.

~~b.c.~~

An absolute right of cross-examination is not granted under this policy. All questions will be directed through the Board Chair. The ~~Board~~Board-Chair will allow all relevant and reasonable questions to be placed to either party or their witnesses, but retains the right to exclude questions that are redundant or irrelevant to determining responsibility. Persons answering questions will be given reasonable latitude by the Board Chair to respond to those questions fully.

~~d.e.~~

Either party or their witnesses before the board will be permitted to elaborate on written documents previously submitted to the board in their oral presentations to the board.

~~e.d.~~

Parties planning to bring exhibits to a hearing must generally provide copies of those exhibits to the other parties and the members of the board three (3) instructional days prior to the hearing to allow for a review of exhibits and the development of any pertinent questions. The Board Chair may permit deviations to this time restriction so long as the other party has sufficient time to prepare an adequate response.

~~f.e.~~

The Board Chair shall have the right to exclude from the hearing and the record any unreliable, biased or redundant evidence.

~~g.f.~~

On questions requiring academic expertise, the Board shall rely heavily on the testimony of other members of the department involved, or throughout the NDSU academic community.

~~h.g.~~

In reaching a decision the board shall consider only information produced at the hearing and will evaluate the information using the "more likely than not" standard of proof. The burden of proof shall be on the student to establish that his/her grade should be changed.

hi.

~~The voting members of the board will determine, by two-thirds majority vote, if the student's appeal should be granted. A second vote shall then be held to determine by simple majority vote what the student's revised grade should be. All votes shall be conducted by secret ballot.~~

i.

All hearings of the board will be recorded up to the point of the board's deliberations necessary to render a decision. A copy of the recording shall be retained in the Office of the Provost and Vice President of Academic Affairs for a period not less than three (3) years. The board will allow controlled access to the ~~tape record~~ for review or transcription by either the student or the instructor.

j.

~~The Board shall allow an initial presentation by the student and then by the instructor involved, after which it may call on such other witnesses as it deems necessary. In order to be able to accomplish this, the Board shall have the authority to compel the appearance or testimony of essential witnesses from the NDSU academic community.~~

3. Hearing outline.

a.

The Board Chair will call the meeting to order and will introduce the members of the board and their function within the University community.

b.

The Board Chair will describe the general outline of the hearing and read the evidentiary rules to the board. The Board Chair will read the following honesty statement.

"The University expects that all information presented in this hearing will be true and correct to the best of each person's knowledge. If a student willfully provides false information, he/she will be in violation of NDSU's Code of Student Behavior. As a result, he/she may be subject to disciplinary action. Dishonest behavior by any faculty or staff member will be reported to that person's supervisor for any necessary disciplinary action."

All potential witnesses will be advised of this honesty statement in advance.

c.

The Board Chair will excuse witnesses from the room at this point.

d.

The Board Chair will introduce the student who will present the appeal and any evidence.

e.

The Board Chair will introduce the instructor who will respond to the student's appeal and present any additional evidence.

f.

The student will be allowed to present witnesses, who will be allowed to make statements and may be asked questions by the student, instructor, and/or members of the Board.

Questions by both parties ~~may~~must be directed to the ~~Board Chair~~Board Chair, who will then determine if the question is relevant to the proceeding, ask if the respondent understands the question, and request a response. At the ~~chair~~Board Chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.

g.

The instructor will be allowed to present witnesses, who will be allowed to make a statement and may be asked questions by the student, instructor and/or members of the ~~B~~board. Questions by both parties ~~may~~must be directed to the ~~chair~~Board Chair, who will then determine if the question is relevant to the proceeding, ask if the respondent understands the question, and request a response. At the ~~chair~~Board Chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the ~~Board Chair~~Board Chair at any time.

h.

The board may compel the attendance of any essential witnesses from the NDSU academic community to present testimony. Such witnesses will be allowed to make a statement and may be asked questions by the student, instructor, and/or members of the ~~B~~board. Questions by both parties may be directed to the Board Chair, who will then determine whether the question is relevant to the proceeding, ask whether the respondent understands the question, and request a response. At the ~~C~~chairBoard Chair's discretion, questions may be placed directly between parties. Permission to address parties may be withdrawn by the Board Chair at any time.

i.

~~The student and the instructor will be permitted to ask questions of each other.~~

j.

Final questions will be permitted by the members of the board, who may question either party and/or their witnesses.

jk.

The student shall have an opportunity to make a closing statement.

kl.

The instructor shall have an opportunity to make a closing statement.

lm.

Both parties and their witnesses will be dismissed for deliberations by the ~~B~~board and recording will stop at this point. Only board members, the ~~Board Chair~~Board Chair, and the ~~B~~board's counsel/advisor (if designated) may be present during deliberation.

mn.

The voting members of the Board will determine, by two-thirds majority vote, if the student's appeal should be granted. If the student's appeal is granted, the Board Chair shall propose a revised grade. A second vote shall then be held to determine by simple majority vote whether the proposed grade be accepted by the Board. The grade determination process shall be repeated until the board approves a grade by a simple majority. All votes shall be conducted by secret ballot.

n.

The Board Chair will send a written notice of the board's findings to the student, instructor, department head, and dean within ten (10) instructional days of the hearing. If the board votes to change the student's grade, notice shall also be sent to the University

Registrar regarding the grade change. The written notice shall include an explanation of the board's rationale in making its decision and a signed copy of the [Grade Appeal Form](#) attesting to the board's decision.

4. The ~~b~~Board may not release any information about its investigation to anyone but the parties directly involved. All Grade Appeals information is confidential and may not be disclosed in whole or in part except as provided under the Family Education Rights and Privacy Act (FERPA) or other applicable law or policy.

APPEAL

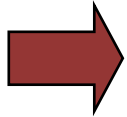
Either the student or the instructor may request within fifteen (15) instructional days of a hearing panel decision, that the full Board hear an appeal from the decision, citing ~~the the-material~~ error(s) of process or procedure that affected the outcome by the hearing panel that would justify a new hearing. Appeals of outcome are not permitted. The Board shall meet to consider such a request, but no voting member of the hearing panel shall be eligible to vote on granting a new hearing. Instead, alternate members shall replace those Board members who served on the hearing panel. If a majority of the full Board votes to accept the appeal, it shall proceed to hold a hearing in accordance with the hearing procedures above, again using alternate members in place of those who served on the hearing panel. The Board Chair shall serve as a non-voting moderator at the appeal hearing, and a two-thirds vote by secret ballot of the full Board shall be required to uphold the student's appeal and approve a change in grade. A separate simple majority vote shall determine what the student's new grade shall be.

The decision of the Board is final.

HISTORY: May 15, 1972; Amended May 1986; April 1992; April 2000; April 2001; March 2002; December 2006; October 2007, February 2008; June 2009, August 2009hk, February 14, 2011hk

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: **353: GRIEVANCES - 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).

Changes the selection process and membership of the Special Review Committee.

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

Provost

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: Presented to PCC on 03/31/2011; made change in 5.1.1 from "one" to "two" from each college

University 03/31/11 – routed for input; 04/18/2011 version 6 routed for input

Senate:

Staff Senate: 03/31/11 – routed for input; 04/18/2011 version 6 routed for input

President's Council: 03/31/11 – routed for input; 04/18/2011 version 6 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

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!



NORTH DAKOTA STATE UNIVERSITY
FARGO, N.D.

POLICY MANUAL

For any questions please send e-mail to: [NDSU Policy Manual](#)

SECTION 353: GRIEVANCES - FACULTY

SOURCE: SBHE Policy Manual, Section 612; NDSU President

1. Each institution shall establish procedures to attempt mediation or resolution of faculty grievances.
2. "Grievance" means an allegation of a violation of a specific Board or institutional policy, procedure or practice pertaining to the employment relationship. This includes the terms of the grievant's employment contract and this policy. Discretionary actions, such as salary adjustments and performance evaluations, may not be grieved, except to determine: (a) whether the discretionary action was made in accordance with relevant Board or institutional policies, practices, procedures or criteria; and (b) whether the action constitutes a clear abuse of discretion. Complaints involving any matters covered under SBHE Policy, Section 605.3 or 605.4 are not grievances under this policy. Grievances cannot be filed against written Board and institutional policies, per se. *Decisions on matters related to tenure and promotion may be appealed under NDSU policy 350.1-350.5 and 352. Equal opportunity grievances are governed by NDSU Policy 156.*
3. This policy applies only to faculty as defined in SBHE Policy, Section 605.1 of these policies. It does not apply to classified staff or to administrators or coaches.
4. The faculty governance structure at each institution shall by policy define the procedures for filing a grievance in accordance with SBHE Policy, Section 305.1 of these policies.
 - 4.1 *Actions or conditions subject to grievances are those which apply personally to the grievant and are administrative decisions affecting terms and conditions of employment, such as salary adjustments, development leave, assignments/duties, periodic reviews and working environment. Grievance does not include matters related to tenure or promotion.*

- 4.2 *A grievant may initiate the grievance process by 1)communicating with the person whose decision is the subject of the grievance and 2)then discussing the grievance with that person's immediate supervisor. The grievant shall put the basis for the grievance in writing if requested by any supervisor. If the outcome of these steps is unsatisfactory to the grievant, a grievant may then appeal to a Special Review Committee by filing a written grievance with the presiding officer of the University Faculty Senate no later than 120 calendar days from the date when the grievant is officially notified of the action or when the grievant becomes aware of a grievable condition that she/he was not made aware of by written means. The grievant may need to file an appeal to the Special Review Committee prior to the outcome of the previous steps in order to retain the right of appeal. The parties must participate in mediation (though both parties may agree to waive this requirement). See Policy 350.5 (2).*
5. *The Special Review Committee (SRC) shall attempt to resolve the grievance on an informal basis, including interviews with both parties. Should the grievance remain unresolved, the Committee shall make its recommendations in writing to the complainant, head of the academic unit or program area, dean, or academic vice president, and president.*
- 5.1 *The Special Review Committee (SRC) shall consist of the following members:*
- ~~5.1.1—A member of the University faculty chosen by the faculty member requesting the review;~~
- ~~5.1.2—A member of the University faculty chosen by the person(s) whose action is alleged to constitute violation of the regulations on academic freedom, tenure, and due process;~~
- ~~5.1.3—A member of the University faculty (who shall be chair) appointed by the Presiding Officer of the University Senate from among a pool of faculty members (one from each of the colleges in the University [excluding University Studies]), appointed by the Senate, upon recommendation of its Executive Committee, for one year terms coinciding with the term of the Presiding Officer of the University Senate. Any faculty member may serve up to four successive terms in such a position.~~
- 5.1.1 Three members, none of ~~which~~whom can be from the same Department as the grievant, shall be chosen from a pool selected by the Faculty Senate Executive Committee on an annual basis. This pool shall be comprised of tenured faculty members (twoone from each of the colleges in the University – excluding University Studies), for one-year terms coinciding with the term of the President of the Faculty Senate. Any faculty member may serve up to four successive terms in such a position.

5.1.2 The Special Review Committee Chair shall be selected by the President of the Faculty Senate. The grievant shall select one member from the pool and the person against whom the grievance is brought shall select the other member from the pool. The Committee shall judge any allegation of bias or conflict of interest. In the event that an individual member is judged by the Committee to be biased or to have a conflict of interest in a specific case, the Committee shall replace the member with a substitute member for that case.

5.1.4 Emeritus professors are eligible for memberships on the SRC.

5.1.5 ~~4~~ Faculty holding administrative appointments are not eligible for membership on the SRC. "Administrative appointment" includes appointments as President, Vice President, Dean, Associate or Assistant Dean, ~~or~~ Department Chair or Head, or Associate or Assistant Department Chair or Head of an Academic Unit.

5.2 In the event of a dispute as to whether an action is a matter related to tenure or promotion or is subject to grievance, the university or faculty member subject to the action may request an interpretation from the Standing Committee on Faculty Rights by filing a written request for an opinion. The Committee, after reviewing the matter and considering any written argument from either party, shall issue its opinion within thirty calendar days of the time of the filing of the request for an opinion.

6. The President shall, within thirty days of receipt of the recommendation, provide written notice to the grievant of his/her decision concerning the grievance after consideration of the Special Review Committee's recommendation. The President's decision shall be final.

HISTORY: June 26, 1986; Amended November 18, 1990; June 1995; June 1998; November 2000; March 2002; August 2003; March 2005, June 2009 (hk)

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; 09/22/10 presented to PCC as carryover; 10/13/10 presented as carryover to PCC; 10/13/10 tabled until further information is received from the committee.; 12/08/10 V4 presented to the PCC; some housekeeping changes will be done and then V5 will be routed for input;

04/13/11: Vv6 presented to PCC with changes recommended by Faculty Senate – some minor updates to section 4 and the deletion of section 5 (bikes). This section will be developed into a separate policy.

04/13/2011 Version 6 brought to the PCC;

04/26/2011: Version 7 rerouted to Faculty and Staff Senate and PCC; highlighted phrase “and other educational and/or owned/leased animals by the University” in section 4 was inadvertently omitted when revising version 6. This was one of the recommendations made by Faculty Senate at their March 21, 2011 meeting for incorporation into the policy.

University Senate: routed for input 04/19/2010; routed v5 for input; 04/18/2011 for input

Staff Senate: routed for input 04/19/2010; routed v5 for input; 01/26/2011 brought back to pcc; 04/18/2011 for input

President’s Council: routed for input 04/19/2010; routed v5 for input; 04/18/2011 for input

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~~ animals 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 and other educational and/or owned/leased animals by the University 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 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:~~

- ~~— 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.~~
 - ~~— 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.~~
 - ~~— 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.~~
 - ~~— Bicycles not secured in accordance with this policy and/or that appear abandoned are subject to being tagged, removed and impounded.~~
 - ~~— The owner of an impounded bicycle shall be subject to paying a fee associated with reclaiming at their bicycle from impoundment.~~
 - ~~— 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 and City of Fargo bicycle related ordinances.

4.5. 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.

5.6. 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 University Relations ~~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

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Education

IOWA STATE UNIVERSITY- Ph.D. Human Development & Family Studies, 2000

PURDUE UNIVERSITY - M.S. Marriage & Family Therapy, 1996

WEBER STATE UNIVERSITY - B.A. Family Studies, 1993

Academic and Professional Appointments

NORTH DAKOTA STATE UNIVERSITY

ASSOCIATE PROFESSOR- DEPARTMENT OF HUMAN DEVELOPMENT AND FAMILY SCIENCE, 2006- PRESENT

NORTH DAKOTA STATE UNIVERSITY

ASSISTANT PROFESSOR- DEPARTMENT OF HUMAN DEVELOPMENT AND FAMILY SCIENCE, 2000- 2006

Memberships, Licensure, Boards

Clinical Member -American Association for Marriage and Family Therapy

Approved Supervisor- AAMFT

Licensed Marriage and Family Therapist in the state of Minnesota

Editorial Board- Journal of Family Psychotherapy

Editorial Board- Journal of Couple and Relationship Therapy

Editorial Board- Journal of Feminist Family Therapy

Reviewer- Journal of Marital and Family Therapy

Research and Clinical Interests

Narrative Therapy

Qualitative & Feminist Methodologies

Spirituality as a resource for therapy and supervision

Social Justice and Anti-Racism training

LGBT affirmative therapy

Currently Teaching

CDFS 462/662: Methods of Family Life Education

CDFS 773: Foundations of Couple Family Therapy I

CDFS 775: Clinical Applications in Couple and Family Therapy I

CDFS 790: Special Topics in Couple and Family Therapy

CDFS 794: Practicum

Editorships

Senior Editor, Spirituality and Psychotherapy Book Series, Haworth Press, 2002-2009.

Guest Editor, The Journal of Family Psychotherapy. Special Double Issue: Spirituality and Family Therapy

Selected Publications

- Carlson, T. S., McGeorge, C. R., & Anderson, A. (2011). The importance of spirituality in couple and family therapy: A comparative study of therapists' and educators' beliefs. *Contemporary Family Therapy: An International Journal*, 33(1), 3-16.
- McGeorge, C. R., & Carlson, T. S. (2011). Deconstructing heterosexism: Becoming an LGB affirmative heterosexual couple and family therapist. *Journal of Marital & Family Therapy*, 37(1), 14-26.
- McGeorge, C. R., & Carlson, T. S., (2010). Social justice mentoring: Preparing family therapists for social justice advocacy work. *Michigan Family Review*, 14(1), 42-59.
- Rock, M., Carlson, T. S., & McGeorge, C. R. (2010). Does Affirmative Training Matter? Assessing CFT Students' Beliefs about Sexual Orientation and Their Level of Affirmative Training. *Journal of Marital & Family Therapy*, 36(2), 171-184.
- Henke, T., Carlson, T. S., & McGeorge, C. R. (2009). Homophobia and clinical competency: An exploration of couple and family therapists' beliefs. *Journal of Couple and Relationship Therapy*, 8(4), 325-342.
- McGeorge, C. R., Carlson, T. S., & Guttormson, H. (2009). The Feminist Couple Therapy Scale: A measure of therapists' ability to promote equality in couple relationships. *Journal of Feminist Family Therapy*, 21(3), 198-215.
- Grams, W. A., Carlson, T. S., & McGeorge, C. R. (2007). Integrating spirituality into family therapy training: An exploration of faculty members' beliefs. *Contemporary Family Therapy: An International Journal*, 29(3), 147-161.
- McGeorge, C., Carlson, T., Erickson, M., Guttormson, H. (2006). Creating and evaluating a feminist informed social justice couple & family therapy training model. *Journal of Feminist Family Therapy*, 18(3), 1-38.
- Carlson, T. S., McGeorge, C. R., DeJean, S. L., Grams, W. A., Linde, S., & Michael, R. V. (2006). A feminist conceptual analysis of the predominant introductory textbook in couple and family therapy training. *Journal of Feminist Family Therapy*, 17, 17-39.
- Carlson, T. and Erickson, M. (Eds) (2003). *Spirituality and Family Therapy*. Binghampton, NY: Haworth Press Inc.
- Carlson, T., Kirkpatrick, D., Hecker, L., & Killmer, M. (2002). Religion, spirituality, and family therapy: A study of family therapists beliefs about the appropriateness of addressing religion and spirituality in therapy. *American Journal of Family Therapy*, 30(2), 157-171.
- Carlson, T. & Erickson, M. (2001). Honoring and privileging personal experience and knowledge: Ideas for a narrative therapy approach to the training and supervision of new therapists. *Contemporary Family Therapy*, 23 (2), 199-220.
- Carlson, T. & Erickson, M. (2000). Re-authoring spiritual narratives: God in the relational identity stories of persons. *Journal of Systemic Therapies*, 19(2), 65-83.
- Carlson, T. & Erickson, M. (1999). Recapturing the person in the therapist: An exploration of personal values, commitments, and beliefs. *Contemporary Family Therapy*, 21(3).

Carlson, T. & Erickson, M. (1999). Recapturing the personal values, commitments and beliefs of therapists. *International Family Therapy Newsletter*.

Dankoski, M., Penn, C., Carlson, T., & Hecker, L. (1998). What's in a Name: A study examining family therapist's utilization and acceptance of the feminist perspective. *The American Journal of Family Therapy*, 26, 95-104.